

NUMBER: 1530

TITLE: Student Disciplinary Policies and Procedures

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I. Preamble

Students are expected and required to assume the responsibility for their own behavior and to abide by the laws of the Commonwealth of Virginia and the rules and regulations of Old Dominion University. A student who violates the following general standards of conduct may be subject to administrative actions (as defined in Section III-F), or to one or more disciplinary sanctions (as defined in section VII), whether or not civil authorities choose to prosecute.

II. Authority

Old Dominion University is governed by its Board of Visitors and supported by the Commonwealth of Virginia. The Board is specifically authorized to regulate student conduct by state statute.

III. Definitions

As used in this document, the following terms shall have the meanings ascribed to them as follows:

- A. Vice President for Student Affairs (hereafter referred to as "Vice President"): The University official who has primary responsibility for the administration of all student discipline. He/she exercises final decision-making authority for cases which have been heard by the Student Conduct Committee. This official may delegate all or part of this responsibility to such other persons as he/she deems appropriate. In the event there is no Vice President, the President shall designate the official to oversee this responsibility.
- B. Code of Student Conduct: The statement of rules and regulations governing student conduct as established by the Board of Visitors and contained in Section V herein;
- C. Chair: The head of the Student Conduct Committee and presiding officer at Student Conduct Committee hearings; a vice chair shall assume the duties of chair, when the chair is unavailable.

- D. Student: A person who (1) has been admitted to or has enrolled or intends to enroll at the University, and (2) has not completed a program of study for which she/he was enrolled. Student status continues whether or not the University's academic programs are in session. For the purposes of pursuing alleged violations of the Code of Student Conduct, each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end (even if the student's conduct is not discovered until after a degree is awarded).
- E. The Student Conduct Committee: A faculty/student judicial body authorized to hear and adjudicate alleged violations of the Code of Student Conduct.
- F. Administrative Action: The issuance of an oral or written warning, admonition, reprimand, and/or use of counseling procedures.
- G. Hearing Officer: The University official or officials assigned by the Vice President to conduct disciplinary proceedings and administrative action.
- H. Disciplinary Proceedings: Those proceedings initiated by a notice of charges and governed by the provisions of Section VIII. The term Disciplinary Proceedings does not include Administrative Action.
- I. Honor Council: A student organization which educates members of the academic community about the University's standards of academic integrity. The Council also monitors student adherence to these standards, and provides panel members to serve on the Student Conduct Committee.

IV. Honor Code

"We, the students of Old Dominion University, aspire to be honest and forthright in our academic endeavors. Therefore, we will practice honesty and integrity and be guided by the tenets of the Monarch Creed. We will meet the challenge to be beyond reproach in our actions and our words. We will conduct ourselves in a manner that commands the dignity and respect that we also give to others."

V. Code of Student Conduct

University students shall conduct themselves in a manner compatible with the University's educational mission and shall be disciplined only for misconduct adversely affecting that mission, regardless of whether the alleged misconduct occurs on or off campus. The University will pursue off-campus misconduct only when the student's behavior compromises the health, safety or well being of the University community or when the misconduct reflects upon a student's fitness to remain enrolled at the institution. Specifically, students are subject to disciplinary action for the following:

- A. Academic dishonesty, including but not limited to a violation of one or more of the following standards of academic honesty in any academic activity:
1. Cheating: Intentionally or knowingly using unauthorized materials, study aids or other information. Examples of cheating include, but are not limited to, the following: using unapproved resources, information or assistance to complete an assignment, paper, project, quiz or exam; intentionally or knowingly collaborating on any academic work in violation of oral and/or written instructions provided by a faculty member; or submitting a paper for which the content and organization is substantially the same as a paper previously submitted for another course, without first obtaining permission from the instructor of each course.
 2. Plagiarism: Intentionally or knowingly representing the words or ideas of another as one's own without properly acknowledging their source. Examples of plagiarism include, but are not limited to, the following: submitting a research paper obtained from a commercial research service, the Internet, or from another student as if it were original work; making simple changes to borrowed materials while leaving the organization, content, or phraseology intact; or copying material from a source, supplying proper documentation, but leaving out quotation marks. Plagiarism also occurs in a group project if one or more of the members of the group does none of the group's work and participates in none of the group's activities, but attempts to take credit for the work of the group.
 3. Fabrication: Intentionally or knowingly inventing, altering or falsifying any data, citation or information. Examples of fabrication include, but are not limited to, the following: citation of a primary source which the student actually obtained from a secondary source; or invention or alteration of experimental data without appropriate documentation (such as statistical outliers).
 4. Facilitation: Intentionally or knowingly helping another student violate, or attempt to violate, any standard of academic honesty, or failure to report known violations of academic dishonesty.
- B. Forgery, alteration, or misuse of University or other official documents, records, or identification;
- C. Knowingly furnishing false information to the University;
- D. Obstruction or disruption of University operations;
- E. Obstruction or disruption of University-authorized activities;
- F. Physical or violent verbal abuse of any person;

- G. Conduct that threatens or endangers the health or safety of any person;
- H. Theft of or damage to University property;
- I. Theft of private property, or causing intentional or reckless damage to private property;
- J. Unauthorized entry of University facilities or property;
- K. Unauthorized access, use or misuse of University property including, but not limited to: attempting to leave the library with library materials which have not been properly borrowed; unauthorized use or misuse of computer equipment, computer accounts, computer software and hardware; or misuse of University telephones;
- L. Violation of University regulations or campus policies approved by either the Board of Visitors or the President and described in official University publications (e.g. Old Dominion University Catalog, Student Handbook, TELETECHNET Student Handbook);
- M. Use or possession of alcohol, marijuana, narcotics, controlled substances, or drug paraphernalia (except as expressly permitted by law or University regulations);
- N. The sale or distribution of marijuana, narcotics, or dangerous drugs;
- O. Violation of University Residence Hall policies (consult the Residence Hall Handbook);
- P. Lewd, indecent, or obscene displays of conduct;
- Q. Drunken or disorderly behavior;
- R. Intimidating behavior directed toward any student, faculty member, staff member, or administrator;
- S. Failure to comply with the directions of University officials, their authorized agents, and local police agencies acting in the performance of their duties;
- T. Violation of the University's firearms policy;
- U. Circulating a report or warning that property under University control or supervision may be subject to a bombing, fire, crime, emergency, or other catastrophe, knowing that the report or warning is false;
- V. Tampering with safety equipment or the inappropriate use or possession of safety equipment on property owned or controlled by the University;

- W. Giving false testimony or evidence at any official University hearing or to any university official;
- X. Conduct deemed unlawful by any local, state or federal civil or criminal law. Violations of law may be regarded as a violation of this Code regardless of whether the offense is prosecuted in a court of law.
- Y. Violations of the conditions of a sanction imposed through University disciplinary procedures;
- Z. Violation of the University's sexual assault policy;
- AA. The unreasonable use of complimentary materials and/or supplies provided for the benefit or consumption of the University community;
- AB. Retaliation;
- AC. Providing assistance to any person who violates, or attempts to violate, any portion of the Code of Student Conduct;
- AD. Impersonation of a University official.

VI. Violations of Residence Hall Rules and Regulations

It is recognized that living in groups requires a certain amount of tolerance and conformity by all concerned. Rules controlling conduct within housing owned or controlled by the University are promulgated by the Office of Housing and Residence Life to enhance the freedom and comfort of everyone living in the residence halls. These rules, along with procedures for their enforcement and applicable sanctions, are published in the Residence Hall Handbook available from the Office of Housing and Residence Life.

The Old Dominion University Code of Student Conduct and disciplinary procedures apply to all students, including those who live in the residence halls. Alleged violations of the Code by residence hall students will be forwarded to the Vice President or his/her designee.

VII. Sanctions

A student who violates the Code of Student Conduct may be subject to the following sanctions. Sanctions of suspension, dismissal and any grade sanction resulting from an act of academic dishonesty will be recorded on the student's official University transcript. Additionally, an "academic dishonesty" notation may be applied to the student's transcript as described in Section VIII.B. All sanctions will be recorded in the student's discipline file, which will be maintained by the Office of Student Judicial Affairs.

A. Restitution

Restitution may include payment for damage to University property or facilities, payment for damage to the property or person of a member of the University community, and repayment of misappropriated or misused University funds.

B. Disciplinary Probation

Disciplinary probation is a period of fixed duration in which the fitness of a student to continue at the University is evaluated. Disciplinary probation serves as a warning to the student that future violations of the Code of Student Conduct may result in more serious sanctions including suspension or dismissal. Subsequent violations which occur during the student's probationary period will normally result in a review for suspension from the University. Disciplinary probation may include mandatory conditions such as the following by way of illustration and not limitation:

- Exclusion from privileged or extracurricular activities at the University;
- Suspension of residence privileges in property owned or controlled by the University;
- Educational sanctions, such as papers, projects, meetings or other appropriate educational activities;
- Mandatory participation in classes, and/or other lawful activities deemed appropriate, as a means of rehabilitating the student found in violation of the Code of Student Conduct.
- A fine of an amount specified by the hearing officer or Student Conduct Committee and approved by the Vice President.

In cases where misconduct is the result of abuse of alcohol or other drugs, mandatory alcohol or drug education may be a required condition of the probation.

C. Disciplinary Suspension

Disciplinary suspension is the temporary separation of a student from the University. In cases of disciplinary suspension, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.

D. Disciplinary Dismissal

Disciplinary dismissal is the permanent separation of a student from the University. In cases of disciplinary dismissal, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.

E. Revocation of Admission and/or Degree

Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of institutional standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

F. Summary Disciplinary Dismissal

Summary disciplinary dismissal is the immediate separation of a student from the University and is authorized by the Vice President or a designated representative when the continued presence of the student at the University constitutes a danger to the health, safety, or welfare of the University community. At the time a student is summarily dismissed, the student shall be informed of his or her right to a hearing in accordance with the procedures contained in the Student Disciplinary Policies and Procedures. Such hearing shall be held without undue delay and the student shall remain dismissed until the hearing determines the student's status.

G. Minimum Sanctions for Alcohol Violations

First Offense: Probation for one year, \$50.00 fine, mandatory workshop, parental notification for underage offenses.

Second Offense: Probation for an additional year, \$100.00 fine, additional workshop and or counseling, parental notification.

Third Offense: Suspension for one semester, parental notification.

H. Minimum Sanctions for Illegal Drug Violations

First Offense: Dismissal from University housing and disciplinary probation for one year; \$100.00 fine, mandatory workshop and parental notification.

Second Offense: Disciplinary suspension

Persons found to be involved in the sale of illegal drugs will be subject to permanent dismissal from the University.

VIII. Disciplinary Procedures

A. Administrative Action Proceedings

Administrative action proceedings are informal investigations conducted by a hearing officer for alleged violations of University regulations by a student or a student organization. The hearing officer may take administrative action without instituting disciplinary proceedings, and such action shall be final and not subject to further hearing or appeal. A disciplinary penalty may not be imposed without first

instituting disciplinary proceedings pursuant to the Institution of Disciplinary Proceedings.

B. Academic Dishonesty Procedures

1. Faculty members should clearly identify course specific standards which interpret University, college, and departmental policies related to academic integrity. These explanations should appear in the course syllabus and in all other explanations of course requirements. Faculty should require the inclusion of the honor pledge on all academic work submitted for grading.
2. Faculty members who discover evidence of academic dishonesty **may** arrange to meet with the student(s) suspected of the alleged infraction **or** forward the case to the Vice President. Violations that are purely technical in nature, without any perceived intent to achieve academic advantage, may be reported at the discretion of the faculty member. However, if the instructor wishes to impose a grade sanction for the violation, the Academic Dishonesty Procedures outlined in sections VIII.B.3 - B.7 must be followed. At any time faculty members may choose to consult with the Vice President or the Office of Student Judicial Affairs.
3. If the student(s) acknowledge(s) the act of academic dishonesty, and the faculty member is satisfied that the incident can be effectively resolved with a grade sanction:
 - a. The faculty member will assign either an F in the course, or an F for the assignment or exam during which the cheating occurred;
 - b. The faculty member will forward a written summary of the incident to the Office of Student Judicial Affairs.
 - c. The hearing officer will contact the student to arrange a conference to review the standards of conduct related to academic dishonesty.
 - d. If the student is currently not on disciplinary probation, the student will be placed on disciplinary probation for one calendar year.
 - e. If the student is currently on disciplinary probation, or if the student has previously acknowledged an act of academic dishonesty and received a grade sanction as a result, disciplinary proceedings will be instituted to determine the appropriate disciplinary sanction. Such sanction may include suspension or dismissal from the University.
4. If the student denies the allegation of academic dishonesty, or if the faculty member believes the severity of the incident may warrant a sanction more severe than a grade sanction:

- a. The faculty member will forward a written summary of the incident to the hearing officer. The summary must contain copies of all evidence including the names of any known witnesses to the alleged act of academic dishonesty.
- b. The hearing officer will institute formal Disciplinary Proceedings.
- c. If the hearing officer determines the student engaged in conduct prohibited by a standard of academic dishonesty described in this Code, but there is insufficient information to support the student violated the standard *knowingly* or *intentionally*, then the hearing officer may find the student responsible for the lesser violation of “academic negligence” in lieu of the previously alleged standard of academic dishonesty.
 1. Students may be found in violation of academic negligence only when the student has previously received prior notice regarding charges of plagiarism, cheating, collusion, or fabrication. Accordingly, a determination that a student has engaged in academic negligence may only occur after the hearing officer has instituted formal Disciplinary Proceedings.
 2. A determination that a student engaged in academic negligence will normally result in the imposition of a grade sanction and completion of one or more educational sanctions to improve the student’s knowledge about appropriate academic conduct.
 3. A hearing officer may consider a student’s prior violation of academic negligence when determining whether a student knowingly or intentionally violated a subsequent standard of academic dishonesty. In such cases, the hearing officer shall consider past misconduct when making a factual determination regarding whether a student knowingly or intentionally committed the violation, as past academic negligence leads to the rebuttable presumption that the student knew or reasonably should have known that the conduct in question was a violation of this Code.
- d. No grade penalty should be assigned by the instructor until the case is finally resolved, including the process of hearing the student’s appeal, if any. If the charges cannot be resolved prior to the end of semester, a grade of “I” should be assigned by the instructor. If a student withdraws from a course in which the alleged dishonesty occurs prior to the final resolution of the allegations, and the student is found responsible for the violation and a grade sanction is

assigned, the grade sanction will appear on the student's transcript even when the student has previously withdrawn without a record of the student's registration appearing on the transcript.

- e. The faculty member will be notified of the final outcome in order that the appropriate grade may be assigned.
 - f. If a student accused of academic dishonesty is found to be not in violation, the student will have the option to withdraw from the course without notation on the student's academic transcript, even if the deadline to withdraw without a grade of "W" has passed.
5. Students found responsible for knowing or intentional violations of academic dishonesty will normally receive an "academic dishonesty" notation on the student's official University transcript.
- a. A student may petition the Vice President to have the "academic dishonesty" notation removed from his/her transcript if:
 - 1. A minimum of one year has elapsed since the sanction was imposed; and
 - 2. The student has successfully completed the University's "Academic Integrity Matters" seminar or alternate educational activity approved by the Vice President; and
 - 3. The student has not been found in violation of other Academic Dishonesty violations during the student's tenure at the University.
 - b. The Vice President will notify the petitioner of his/her decision within three weeks of the receipt of the petition.
 - c. The Academic Dishonesty notation will not normally be removed from the student's transcript when the act of dishonesty involved significant deception or premeditation. A student may only petition to have one "academic dishonesty" notation removed from his/her transcript. Any subsequent violations that result in a transcript notation will not be eligible for removal and shall be permanently affixed on the student's transcript.
6. Students may not utilize the grade forgiveness policy to retake the class in which the academic dishonesty occurred. Nothing about this provision is intended to prevent a student from retaking a course required for advancement within the student's intended course of study.

7. Students may file a grade appeal if a grade penalty for alleged academic dishonesty violation occurs without proper adherence to the above procedures.

C. Institution of Disciplinary Proceedings

Disciplinary charges brought against a student or a recognized student organization shall be adjudicated in the following manner:

1. Upon written notice of an alleged violation of the Code of Student Conduct disciplinary proceedings shall be instituted by the Vice President or hearing officer by the issuance of notice of charges. The written notice of complaint may be initiated by faculty, staff, students, or through a campus police summons.
2. The accused student will be informed of the alleged violation(s) in writing. The Vice President will normally forward relevant evidence to a pre-hearing officer who will promptly schedule a pre-hearing conference with the accused student. Appropriate arrangements will be made by the hearing officer for students at distance sites. The Vice President may choose to bypass the pre-hearing and forward a case directly to a hearing officer for the initial hearing. During the pre-hearing conference, the accused student will have the opportunity to discuss and review all evidence as well as ask questions about the charges and the options available for resolution. During this conference the student will be presented with the following options:
 - a. To plead in violation to the charges, waive all rights to a formal hearing and appeal and accept a sanction imposed by the hearing officer; or
 - b. To request a formal hearing with the right to appeal.
3. Students who fail to attend the pre-hearing conference will be considered in violation of the charges and an appropriate sanction will be imposed. Students who fail to attend a formal hearing will forfeit their right to appeal.

D. Formal Hearing Procedures

1. A student may request a new hearing officer if the accused student believes the assigned hearing officer cannot be unbiased. A hearing officer shall also remove him/herself from hearing a case if he/she believes him/herself to be biased. If an accused student requests the removal of a hearing officer, such a request must be received in writing within two business days following the date on which the notice of charge is sent. Requests should be submitted in writing to the Director of Student Judicial Affairs stating the precise reason(s) why the student believes the hearing officer assigned cannot be unbiased. The Director of Student Judicial Affairs will decide, in his/her sole

discretion, if the hearing officer should be reassigned. If the accused student seeks to remove the Director of Student Judicial Affairs as the hearing officer, the request will be reviewed by the Vice President. The accused student will be notified of the final decision and provided with the name of the new hearing officer, if reassigned. Whenever possible, the original date of the hearing will not change when a new hearing officer is assigned.

2. Rights of the Accused Student:

- a. To be present at the hearing and hear all testimony presented. If a student, who has been properly notified, fails to appear at the scheduled date, time and place for the hearing, the panel may hear the case and make its findings in the student's absence;
- b. To examine, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
- c. To be provided, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
- d. To question witnesses in accordance with the rules;
- e. To present evidence in accordance with the rules;
- f. To remain silent at the hearing.

3. The notice of charges and all other written notices shall be delivered to the accused student's official University e-mail address. Notices of charge for student organizations will be sent via email to the organization's representative (the representative will normally be the organization's president as listed with the Office of Student Activities and Leadership). The notice shall include the portion(s) of the Code of Student Conduct allegedly violated and request the student or organizational representative to appear/participate at a specified time, date and place for a hearing. Other appropriate arrangements will be made by the hearing officer for students at distance sites. Failure to read email sent to the student's University email address shall not invalidate the notice. If the notice is for a formal hearing, the student will be informed of the name(s) of any witness(es) the hearing officer will call to the accused student's hearing. The accused student shall also be informed of his/her rights to examine and be provided with a copy of all evidence available at the time of the notice.

4. If the notice of charges requests the appearance/participation of the accused at a hearing, and if the accused fails or refuses to appear/participate, the hearing officer may, after such investigation that is deemed sufficient: dismiss the charges; take administrative action; or impose a disciplinary penalty.

5. Requests for continuance must be timely and made by the student in writing to the hearing officer, who may reschedule the hearing if the request is timely and for good cause. If the hearing officer takes administrative action, the accused student or organization shall be notified in writing of such action and such action shall not be subject to further hearing or appeal. If the hearing officer imposes a disciplinary sanction, the student or organization representative shall be notified in writing of such action. Appeals of disciplinary sanctions imposed at a hearing held in the absence of the accused student or organizational representative shall follow the procedures outlined in the disciplinary procedures.
6. When an accused student or organizational representative appears in response to the notice of charges, the hearing officer shall review the facts of the alleged violations, and the names of witnesses then known to the hearing officer. The student or organizational representative shall be advised that no response is required and that any statement made shall become a part of the official evidence of the case. The accused may advise the hearing officer of any witnesses or evidence supporting the accused's position. The hearing officer shall also advise the accused that if any new evidence is discovered during an investigation subsequent to the hearing, it will be shared with the accused. The accused will have an opportunity to respond to the evidence. In certain cases an advisor may assist the hearing officer.
7. After the hearing with the student or organizational representative and such further investigation as the hearing officer deems necessary, the hearing officer shall proceed as follows: 1) If the hearing officer determines that the alleged violation is not supported by a preponderance of the evidence, the charges shall be dismissed and the accused student so notified. 2) If the hearing officer is satisfied that a preponderance of evidence supports the allegations, but that no disciplinary sanction should be imposed, the hearing officer may levy administrative action and notify the student accordingly. 3) If the hearing officer is satisfied that a preponderance of evidence supports a finding of responsibility and that (a) disciplinary sanction(s) should be imposed, the hearing officer shall so notify the accused student or organizational representative, describing the sanction(s) which the hearing officer will impose.
8. The accused may accept the decision and sanction(s) proposed by the hearing officer or the accused student may request an appeal hearing before the Student Conduct Committee utilizing the procedures outlined in Section E.

Faculty and other staff who have been involved in the hearing will be notified that the hearing has concluded and provided with any recommendation resulting from the hearing that requires their action.

9. Rules of Procedure:

- a. In cases involving more than one student, the hearing officer may consolidate the cases for hearing, but shall make separate findings for each accused student.
- b. The accused student may have an adviser of the student's choice present during the hearing. All advisers must be University community members, must have no other role in the hearing (such as a witness) and may not be lawyers. A lawyer will only be permitted to serve as an adviser when related criminal charges are filed and pending. In cases where a lawyer serves as an accused student's adviser, the student is responsible for any lawyer's fees incurred.

Generally, the adviser shall be present for consultation purposes only and shall not be permitted to speak on the student's behalf. However, an adviser may be permitted to address the committee at the discretion of the hearing officer. If an accused student elects to be accompanied by a third party adviser, the accused student must provide a signed letter designating that person as their adviser before the university can communicate otherwise privileged information to the adviser.

- c. Rules of common courtesy and decency shall be observed.
- d. The questioning of any person appearing before the hearing officer by any individual participating in a hearing shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of the hearing officer to curtail a participant's further opportunity for questioning if such behavior occurs.
- e. Any person may be dismissed from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the hearing officer.
- f. The hearing officer shall have the right to call additional witnesses, require the presentation of additional evidence, and require additional investigation. A witness is regarded as someone who has personal knowledge of the incident at issue. Witnesses may have no other role in the hearing, such as an adviser, and shall be present only during their testimony and subsequent questioning. Neither an accused student nor the complainant may question witnesses directly. Rather, questions will be submitted to the hearing officer, who will decide which, if any, of the questions to ask witnesses in order to preserve a non-adversarial tone during hearings. Hearsay witnesses may be considered at the discretion of the hearing officer for good cause. Character witnesses generally will not be permitted to provide

statements. It will be the accused student's responsibility to forward a list of witnesses and a summary of each witness's expected testimony to the hearing officer no later than two business days prior to the student's scheduled hearing.

- g. A taped or stenographic record of a hearing may be maintained at the discretion of the Vice President, or designee. Any taped or stenographic records made will become property of Old Dominion University. Generally, the record of the hearing will be established by the hearing officer's written hearing decision, to be delivered to the accused student after the conclusion of the hearing. The notice, exhibits, decision, and taped or stenographic record (if applicable) shall become the record of the case and shall be filed in the Office of Student Judicial Affairs.
- h. All hearings shall be closed.
- i. Formal rules of evidence used in courts of law do not apply in student judicial hearings.

E. Appeal Procedures

1. Only students who have attended and participated in their disciplinary hearing have the right to appeal the decision of the hearing officer. The appealing student may remain in class pending the outcome of an appeal. However, if the decision of the hearing officer is upheld, then sanction(s) will be imposed as of the original date unless the Student Conduct Committee affixes a different sanction date.
2. An accused student or organization appealing the decision of the hearing officer should file a notice of appeal to the Student Conduct Committee via the Office of Student Judicial Affairs. Such an appeal must be physically received in the Student Judicial Affairs office within five business days from the date of the letter containing the findings in the case. The appeal request must contain, at a minimum, a statement of grounds for appeal and a summary statement of the facts supporting such grounds. Grounds for appeal include:
 - a. A claim that a substantial deviation from published procedures unfairly and materially affected the outcome of the case;
 - b. A claim that the sanction(s) imposed was (were) inappropriate or overly harsh; (sanctions of reprimand and disciplinary probation, except in cases involving restitution, fines or academic dishonesty, are not subject to appeal);
 - c. A claim that the hearing officer abused his/her discretion;

- d. New evidence, not known to the accused student in a previous hearing, which could exonerate the student.

F. The Student Conduct Committee

The Student Conduct Committee (hereafter “the Committee”) is the appellate body within the University disciplinary system. It shall hear all appeals of decisions made by a hearing officer. The Committee shall consist of: faculty members appointed by the Vice President from a list of nominees submitted by the Faculty Senate or from a list of faculty who have previously served; students appointed by the Vice President from a list of nominees submitted by the Student Government Association or from a list of students who have previously served; and a chair from the faculty appointed by the Vice President. Student nominees should consist primarily of members of the Honor Council. The term of office for these positions shall be one year and shall be renewable.

In order to provide for the prompt consideration and disposition of all cases, appeal hearings shall be conducted according to the following procedures:

1. All requests for appeal will be reviewed by the Director of Student Judicial Affairs to determine if the accused student has clearly outlined one or more acceptable grounds for appeal. The Director will also review requests to ensure that a statement of facts supporting these grounds accompanies the request for an appeal. Students who fail to outline acceptable grounds and a statement of supporting facts will be notified their appeal will not be processed due to failure to provide the required information. Students who identify acceptable grounds and a statement of supporting facts will have their appeal requests forwarded to the Vice President. Students who wish to have witnesses provide statements at their appeal should include in their request a list of witnesses and a summary of each witness’s expected testimony. Upon receipt of an appeal from the Director of Student Judicial Affairs, the Vice President shall initiate a Student Conduct Committee appeal hearing by designating two faculty members and two student members to serve with the chair on a hearing panel. Faculty and student alternates will also be identified to serve in the event of an unanticipated absence of a hearing panel member. A hearing panelist shall remove him/herself from an appeal if the panelist believes he/she cannot be unbiased. The chair will preside, but will not vote, except in the event of a tie.
2. The Vice President shall provide written notice to the student who filed the appeal including the date, time, and place of the hearing. This written notice will also contain a statement of the grounds for appeal to be considered by the Committee. This notice shall be delivered by email or to the student’s address currently on record with the University. If the student’s address is not current, other reasonable attempts will be made to deliver the notice. Failure of the student to have a current address on record with the University or failure to read email sent to the student’s official University email address

shall not invalidate the notice. The notice shall be given at least five working days before the hearing date, unless the Vice President, for good cause, shall fix a shorter time. If a student who has been properly notified fails to appear for the hearing at the scheduled date, time, and place, the hearing panel may hear the appeal and make its findings in the student's absence.

3. A continuance of the hearing date may be requested by the accused student. Such requests must be timely and made in writing to the Vice President, who shall have the authority to reschedule the hearing if the request is timely and for good cause. Usually, only one such continuance is granted. If a continuance is granted, the Vice President shall notify both the student and the hearing panel of the new date for the hearing.
4. The format for the hearing shall be as follows: The chair shall call the hearing to order, call the roll of the panel in attendance, note the presence or absence of the student appealing the decision, read the notice of hearing, establish the presence of any adviser for the student, call to the attention of the student any special or unusual procedures to be used during the hearing, and permit the student to state the grounds for the appeal. Only evidence or witnesses that the chair deems relevant to the stated grounds for appeal will be heard. In certain cases the chairperson may be assisted by an advisor.

The appeal hearing shall be limited to testimony and evidence related to the grounds for appeal as stated by the accused student.

5. At the conclusion of the appeal hearing, the hearing panel shall recess the hearing and meet in executive session (out of the presence of all parties to the hearing) to determine its findings. The panel shall either recommend upholding the findings of the hearing officer or recommend that the decision of the hearing officer be modified. If the panel recommends that the hearing officer's decision be modified, the panel shall recommend either a different finding and/or sanction to the Vice President. There shall be no findings to modify unless a majority of the hearing panelists agree that a preponderance of the evidence supports modifying the decision of the hearing officer. All hearing panel members are expected to cast a vote; however, all votes made by individual panel members shall remain confidential. The chair shall not be entitled to vote, except in the case of a tie.
6. Upon making its decision, the hearing panel shall so advise the Vice President in writing within two working days after the date of the appeal hearing. The Vice President will review the student's appeal and the recommendations of the Student Conduct Committee.

The Vice President shall examine the record of the case and any additional evidence provided. The Vice President may interview witnesses to the case, or engage in whatever investigation he/she deems appropriate to fully hear the student's appeal. The Vice President shall consider the recommendations

of the hearing panel and may accept or reject the recommendations of the panel. Nothing herein prohibits the Vice President from consulting with other university officials concerning any appeal.

Within five working days after receiving the recommendation of the hearing panel, the Vice President will advise the accused student of his/her decision concerning the final disposition of the case. However, the Vice President may extend this deadline for good cause. The decision of the Vice President is final and not subject to further appeal or consideration.

7. Rules of Procedure in Appeal Hearings:
 - a. In cases involving more than one student, the Vice President may consolidate the cases for hearing, but the committee shall make separate recommendations for each accused student.
 - b. The appealing student may have an adviser of the student's choice present during the hearing. All advisers must be University community members, must have no other role in the hearing (such as a witness) and may not be lawyers. A lawyer will only be permitted to serve as an adviser when related criminal charges are filed and pending. In cases where a lawyer serves as an accused student's adviser, the student is responsible for any lawyer's fees incurred. Generally, the adviser shall be present for consultation purposes only and shall not be permitted to speak on the student's behalf. However, an adviser may be permitted to address the committee at the discretion of the chair. If an accused student elects to be accompanied by a third party adviser, the accused must provide a signed letter designating that person as their adviser before the university can communicate to the adviser otherwise privileged information.
 - c. Rules of common courtesy and decency shall be observed.
 - d. The questioning of any person appearing before the hearing panel by any individual participating in a hearing shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of the chair to curtail a participant's further opportunity for questioning if such behavior occurs.
 - e. Any person may be dismissed from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the chair.
 - f. The chair shall have the right to call additional witnesses, require the presentation of additional evidence, and require additional investigation. A witness is regarded as someone who has personal knowledge of the incident at issue. Witnesses may have no other role in the hearing, such as an adviser, and shall be present only during

their testimony and subsequent questioning. Neither an accused student nor the complainant may question witnesses directly. Rather, questions will be submitted to the chair, who will decide which, if any, of the questions to ask witnesses in order to preserve a non-adversarial tone during appeal hearings. Hearsay witnesses may be considered at the discretion of the chair for good cause. Character witnesses generally will not be permitted to provide statements.

- g. A taped or stenographic record of a hearing shall be maintained (not including subsequent deliberations occurring in the panel's executive session). Any taped or stenographic records made will become property of Old Dominion University. The notice, exhibits, taped or stenographic record, recommendation of the panel and final disposition of the case by the Vice President shall become the record of the case and shall be filed in the Office of Student Judicial Affairs.
 - h. All hearings shall be closed.
 - i. Formal rules of evidence used in courts of law do not apply in appeal hearings.
8. The accused is entitled:
- a. To be present at the hearing and hear all testimony presented. If a student, who has been properly notified, fails to appear at the scheduled date, time, and place for the hearing, the panel may hear the case and make its findings in the student's absence;
 - b. To examine, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
 - c. To be provided, prior to the hearing, with the names of witnesses whom the university hearing officer has asked to appear at the hearing;
 - d. To question witnesses in accordance with the rules;
 - e. To present evidence in accordance with the rules;
 - f. To remain silent during the hearing;

G. Additional Procedures in Cases of Sexual Assault

- 1. The Vice President shall schedule special training for the Student Conduct Committee and the hearing officer(s) once each semester covering the University's policies governing sexual assault, and the special needs of the accuser and the accused in these cases.

2. Upon notification of an alleged violation, the accused shall not initiate any contact, directly or indirectly, with the accuser. Retaliation against the accuser or against any witness involved in the case by the accused or others acting on behalf of the accused shall be considered violation of the Code of Student Conduct.
3. During a hearing, no evidence may be presented which pertains to the past sexual history of the accuser or of any witness.
4. During a hearing, unrelated past sexual history of the accused may not be entered as evidence, nor discussed in the hearing.
5. The accused and accuser will be notified in writing of the outcome of Disciplinary Proceedings, any sanctions imposed and of the final action taken by the Vice President on any appeal.
6. In cases where a sanction of disciplinary suspension or dismissal is imposed, a notation of the sanction will be recorded on the student's official University transcript.
7. The accuser shall have the right to have an accompanying advisor throughout a hearing.
8. The accuser shall be informed of all witnesses to be called, to the extent known, during a hearing.
9. A hearing involving charges of sexual assault shall be closed.
10. All proceedings in cases involving sexual assault will be treated confidentially, to the extent provided by law, and the identities of any involved party will not be disclosed to anyone not directly involved with the University's disciplinary process.

H. Mediation Option

Students seeking to file charges against another student that have arisen out of personal or group conflict may choose the mediation option instead of formal disciplinary proceedings. All parties to the conflict must agree in writing to have their dispute mediated.

The hearing officer may assist the student in determining if the concern should be mediated or handled through the student judicial system.

Mediation is confidential and mediation agreements will be binding. Violation of such agreements may be referred to the student judicial process. The hearing officer, using trained mediators, will schedule mediation sessions.

IX. Record Maintenance

Disciplinary files will be maintained and destroyed in accordance with the Commonwealth of Virginia's *Records Retention and Disposition Schedule*. All disciplinary case resolutions will be recorded in the student's discipline file, which will be retained by the Office of Student Judicial Affairs for a period of five years with the following exceptions:

- A. In cases of disciplinary suspension and disciplinary dismissal the disciplinary file will be retained permanently by the Office of Student Judicial Affairs.
- B. Records of disciplinary probation (excluding academic dishonesty cases) will be retained for one year after the conclusion of the probationary period.