

NUMBER: 1530

TITLE: Student Disciplinary Policies and Procedures

APPROVED: August 27, 1970; Revised April 5, 1979; Revised April 6, 1984; Revised February 14, 1985; Revised February 12, 1987; Revised December 8, 1994; Revised June 20, 1996, Revised June 18, 1998; Revised June 17, 1999; Revised September 14, 2000; Revised June 16, 2001; Revised December 10, 2004; Revised April 7, 2006

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-G), 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: 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. The vice president may delegate all or part of this responsibility to such other persons as he/she deems appropriate;
- 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.

- E. The Student Conduct Committee: A faculty/student judicial body authorized to hear and adjudicate alleged violations of the Code of Student Conduct.
- F. Plagiarism: A student will have committed plagiarism if he or she reproduces someone else's work without acknowledging its source; or if a source is cited which the student has not cited or used. Examples of plagiarism include: 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.
- G. Administrative Action: The issuance of an oral or written warning, admonition, reprimand, and/or use of counseling procedures.
- H. University Hearing Officer: The University official or officials assigned by the vice president for student affairs to conduct disciplinary proceedings and administrative action.
- I. 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.
- J. 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. Any student who conspires to commit, or who participates in an action that results in a violation of the Code of Student Conduct, shall be bound by the acts of every person participating in such an action and shall be disciplined accordingly. Specifically, students are subject to disciplinary action for the following:

- A. Academic dishonesty, including but not limited to plagiarism and all forms of academic cheating, and failure to report known violations of the honor pledge;
- 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 on property owned or controlled by the University, or at functions sponsored or supervised by the University;
- G. Conduct that threatens or endangers the health or safety of any person, including oneself, on property owned or controlled by the University or at functions sponsored or supervised by the University;
- H. Theft of or damage to University property;
- I. Theft of or intentional damage to private property on premises owned or controlled by the University;
- 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, illicit drugs, or drug paraphernalia (except as expressly permitted by law or University regulations) on property owned or controlled by the University;
- N. The sale or distribution of marijuana, narcotics, or dangerous drugs (except as expressly permitted by law) on property owned or controlled by the University or at functions sponsored or supervised by the University;
- O. Violation of University Residence Hall policies (consult the Residence Hall Handbook);

- P. Lewd, indecent, or obscene displays of conduct on property owned or controlled by the University or at functions sponsored or supervised by the University or University-related organizations;
- Q. Drunken or disorderly behavior on property owned or controlled by the University or at functions sponsored or supervised by the University or University-related organizations;
- R. Intimidating behavior directed toward any student, faculty member, staff member, or administrator;
- S. Failure to comply with the directions of a University official acting in the performance of his or her 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 the criminal statutes of the Commonwealth of Virginia or the United States of America and conduct that endangers or threatens the security of the University community;
- 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.

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 Student Housing 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 Student Housing.

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 for student affairs 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 sanction resulting from an act of academic dishonesty will be recorded on the student's official University transcript. 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 during 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. Disciplinary probation may include mandatory conditions such as the following by way of illustration:

- Exclusion from privileged or extracurricular activities at the University;
- Suspension of residence privileges in property owned or controlled by the University;
- 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 for student affairs.

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. 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.

F. 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.

G. Minimum Sanctions for Illegal Drug Violations

First Offense: Dismissal from University Housing and disciplinary probation for one year; \$50.00 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 University 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 for student affairs. At any time faculty members may choose to consult with the vice president for student affairs 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.

- f. All official disciplinary sanctions, including grade sanctions, which are assigned to a student as a result of an act of academic dishonesty, will be recorded on the student's official University transcript.
1. In the case of disciplinary sanction of probation assigned for Academic Dishonesty, a student will be given the opportunity to petition the vice president for student affairs to have the "Academic Dishonesty" notation removed from his/her transcript if:
 - a. A minimum of one year has elapsed since the sanction was imposed; and
 - b. the student has successfully completed the University's "Academic Integrity Matters" Seminar; and
 - c. the student has not been found in violation of other Honor Code infractions during the student's tenure at the University; and
 - d. there is evidence that the academic dishonesty was not a premeditated act.
 2. Students may **not** utilize the grade forgiveness policy to retake the class in which the academic dishonesty occurred.
 3. The vice president for student affairs will notify the petitioner of his/her decision within three weeks of the receipt of the petition.
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 disciplinary probation:
- a. The faculty member will forward a written summary of the incident to the University 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 University hearing officer will institute formal Disciplinary Proceedings.
 - c. No grade penalty should be assigned by the instructor until the case is finally resolved, including the processes 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.

- d. The faculty member will be notified of the final outcome in order that the appropriate grade may be assigned.
5. 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 for student affairs or University 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 University 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. 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.
2. The notice of charges and all other written notices shall be delivered by the method deemed most effective by the hearing officer to the student's or organization's address or e-mail address as it then appears on the official records of the University. If the address is not current, other reasonable attempts will be made to deliver the notice. The notice shall include the portion of the Code of Student Conduct allegedly violated; the reported circumstances of the alleged violation; 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 have a current address on record with the University or failure to read email sent to the student's University email shall address not invalidate the notice. If the notice is for a formal hearing, a copy of all evidence available at the time of the notice will accompany the notice as well as names of potential witnesses. The accused student will have the opportunity to review all evidence as well as ask questions about the procedures. A copy of these regulations shall accompany each notice of charges. A copy of the notice of charges may be sent to the parent or guardian of a student if the student is dependent as defined in Section 152 of the Internal Revenue Code of 1954.
3. 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 University hearing officer may, after such investigation that is deemed sufficient: dismiss the charges; take administrative action; or impose a disciplinary penalty.
4. 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.

5. 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.
6. 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 the evidence, the charges shall be dismissed and the accused student so notified. 2) If the hearing officer is satisfied that the violation occurred as alleged, 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 the violation occurred as alleged and that a disciplinary penalty should be imposed, the hearing officer shall so notify the accused student or organizational representative, describing the sanction which the hearing officer will impose.
7. The accused may accept the decision and sanction(s) proposed by the hearing officer and waive her/his right to any further hearing or appeal. Or, the accused may reject the decision of the hearing officer and request an appeal hearing before the Student Conduct Committee.

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.

8. 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. 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 represented by a third party adviser, the accused must provide a signed letter designating that person as their official representative 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.
- g. A taped or stenographic record of a hearing shall be maintained. The notice, exhibits, taped or stenographic record shall become the record of the case and shall be filed in the Office of the Vice President for Student Affairs. This hearing record shall be retained for a period of no more than five years.
- h. All hearings shall be closed.

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 office is upheld, then sanction will be imposed as of the original date unless the panel 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 the Vice President for Student Affairs. Such an appeal must be physically received in the vice president's office within seven business days from the date of the letter containing the findings in the case. The appeal must include the specific grounds for the appeal, and the names of witnesses that the accused student intends to call for the hearing; and it must be

personally signed by the student or an organizational officer. The notice of appeal shall 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 the decision was not made in accordance with prescribed procedures and identifying the procedures which were not followed;
- 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 decision was clearly erroneous;
- d. New evidence, not available in a previous hearing, which could exonerate the accused student.

F. The Student Conduct Committee

The Student Conduct Committee is the appellate body within the University disciplinary system. It shall hear all appeals of disciplinary sanctions imposed by a hearing officer. It 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. The vice president shall initiate a Student Conduct Committee appeal hearing by notifying the chair of the need for a hearing and advising him or her of a proposed hearing date. Upon receiving such notice, the chair shall designate two faculty members plus one alternate and two student members plus one alternate of the Student Conduct Committee to serve with the chair on a hearing panel. 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, the names of witnesses the hearing officer will call to the hearing, and a statement of procedural protection afforded the student as

described in section VIII.D.8. This notice shall be delivered, by the most effective means available as determined by the vice president, 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 shall not invalidate the notice. The notice shall be given (e.g. mailed or delivered) at least seven consecutive days before the hearing date, unless the hearing officer, 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 evidence and make its findings in the student's absence.

3. A continuance of the hearing date may be requested by either the accused student or the hearing officer. Such requests must be timely and made in writing to the chair, 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 to each of the parties. If a continuance is granted, the chair shall notify both the student and the Student Conduct Committee 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, verify the notice of charges given to the student, report any continuances granted, 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. The Student Conduct Committee shall then determine whether an appeal is substantiated. Only evidence or witnesses that the Chair deems relevant to the stated grounds for appeal will be heard. In certain cases the hearing officer 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. The hearing officer will brief the panel on the charges and nature of the case, introducing any evidence and witnesses relevant to the appeal. After the hearing officer has introduced and questioned a witness, the witness may then be questioned by the panel members and the accused student, respectively. The accused student shall then have the opportunity to introduce any evidence and witnesses relevant to the grounds for appeal. After the accused student has questioned such a witness, the witness may then be questioned by the panel members and the hearing officer. At the conclusion of the presentation of evidence, the hearing officer and the accused student shall have the opportunity to make summary statements pertaining to the appeal. The chair shall rule on the relevance of evidence and testimony, if necessary.

5. At the conclusion of the summary statements, 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 overturned. If the panel recommends that the hearing officer's decision be overturned, the panel shall recommend either a different finding and/or sanction to the vice president. There shall be no findings to uphold unless a majority of the hearing panel agree that a preponderance of the evidence presented supports the decision of the hearing officer. All hearing panel members are expected to cast a vote. The chair shall not be entitled to vote, except in the case of a tie vote.
6. Upon making its decision, the Student Conduct Committee shall so advise the vice president for student affairs in writing within five business 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 Student Conduct Committee and may accept or reverse the finding by reducing or increasing the sanctions imposed by the hearing officer.

Within seven working days after receiving the recommendation of the Student Conduct Committee, the vice president will advise the accused student of his/her decision concerning the final disposition of the case. The decision of the vice president is final.

7. Rules of Procedure in Appeal Hearings:
 - a. In cases involving more than one student, the vice president for student affairs 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. 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 represented by a third party adviser, the accused must provide a signed letter designating that person as their official representative 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.
 - g. A taped or stenographic record of a hearing shall be maintained. The notice, exhibits, taped or stenographic record, and vote of the panel shall become the record of the case and shall be filed in the Office of the Vice President for Student Affairs. This hearing record shall be retained for a period of ten years.
 - h. All hearings shall be closed.
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 for student affairs 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 University 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 University 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.