NUMBER: 1530

TITLE: Code of Student Conduct

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; Revised June 13, 2008; Revised June 17, 2010; Revised September 15, 2011; Revised June 14, 2012

I. BASIS AND RATIONALE FOR A CODE OF STUDENT CONDUCT

Old Dominion University ("the University") is committed to fostering an environment that is: safe and secure; inclusive; and conducive to academic inquiry, student engagement and student success. A community exists on the basis of shared values and principles. At Old Dominion University, student members of the community are expected to uphold and abide by standards of conduct that form the basis of the Code of Student Conduct ("the Code"). These standards are embodied within a set of core values that include *integrity, fairness, respect, community,* and *responsibility*. When student members of the community fail to exemplify these values, student conduct proceedings are used to assert and uphold the Code. All students are expected to assume responsibility for their conduct, and to assume reasonable responsibility for the behavior of others. The student conduct process exists to protect the interests of the community, and to educate and respond to those students whose behavior is not in accordance with our standards.

II. OBJECTIVES OF THE STUDENT CONDUCT SYSTEM

1. Create an environment that provides the best opportunity for academic inquiry and learning;

2. Assure students a fundamentally fair opportunity to resolve allegations when they have been accused of violating the Code;

3. To protect members of the University community from harm resulting from the misconduct of the few students who fail to respect the rights of others; and

4. To help ensure order in the University community.

III. AUTHORITY

Old Dominion University is governed by its Board of Visitors and supported by the Commonwealth of Virginia. The Board is specifically authorized to establish rules and regulations for the conduct of students in accordance with Code of Virginia Section 23-9.2:3, as amended.

IV. DEFINITIONS

When used in this Code:

A. *Director of Student Conduct & Academic Integrity* (hereafter "Director") means the University Official with primary responsibility for the administration of the student conduct system as outlined in this document. This official may delegate all or part of this responsibility to such other persons as she/he deems appropriate, and may take any action deemed necessary to ensure fundamental fairness consistent with this Code. In the event there is no Director, the

Vice President for Student Engagement & Enrollment Services will designate a University Official to oversee this responsibility.

B. *University Official* means any person given authority by the University to perform administrative or professional responsibilities, including, but not limited to: University police officers, resident/community assistants, graduate/teaching assistants, administrative support staff, and custodial and groundskeeping staff. For the purposes of this Code, the term "University Official" is inclusive of "Faculty Member" as defined in IV.D.

C. *Student* means a person who (1) has been admitted to 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 pursing alleged violations of this Code, each student will 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).

D. *Faculty Member* means any person employed by the University to conduct classroom, lab, or teaching activities, including practica/internships.

E. *Academic Exercise* means all forms of work (oral, written, electronic, or otherwise) submitted for credit, grading, continuance, graduation, honors, awards, scholarships, or recognition at the University as well as materials submitted to other institutions, associations, or organizations for evaluation (including evaluation for awards or scholarships) or for publication. The term "Academic Exercise" does not include "Misconduct in Scientific Research and Other Scholarly Activity" as defined in BOV 1426: Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity. Students found to be responsible for violating BOV 1426 may be referred to the Office of Student Conduct & Academic Integrity for application of sanctions under this Code.

F. *Respondent* means any student or student organization accused of violating the Code.

G. *Complainant* means any person alleging a violation of the Code (or a proxy for that person).

H. *Student Organization* means an identifiable group of students who have complied with requirements for registration as set forth by the Office of Student Activities & Leadership. Included are groups that seek, but have not yet been granted, recognized status.

I. *Conduct Officer* means the University Official or Officials assigned by the Director to facilitate conduct conferences or hearings as described in this Code.

J. *Academic Integrity Council* means a panel authorized to hear alleged academic integrity violations contained in this Code.

K. *University premises* means all land, buildings, facilities, and other property in the possession of or owned, used, rented or controlled by the University.

L. *University activity* means any activity on or off University premises that is initiated, aided, authorized, sponsored or supervised by the University.

M. *University community* includes any person who is a student, faculty member, staff member, University Official, or any other person employed by the University.

N. *Possession* is determined by control over an object with or without regard to ownership. For the purposes of this Code, an object is determined to be possessed by a student when it is located in a place where the student has a reasonable degree of control, such as an assigned space or common area of a suite-style apartment in which the student resides.

O. *Amnesty* means granting an exemption from resolution via a conduct conference or hearing as described in XII.C, or any sanctions that may result, in cases involving underage drinking or drug use reported in accordance with Sections VIII. F and/or G. Amnesty will only be available for violations related to the use of alcohol or drugs in violation of the Code and will not normally be applied for other Code violations. Students granted amnesty may be required to participate in educational activities or meet other conditions in order to bypass application of sanctions and creation of a student conduct record. Amnesty granted in accordance with this Code does not prevent any independent action that may be taken by any law enforcement agency, including University police.

P. *Business day* means any weekday the University is open, regardless of whether classes are in session.

V. STANDARDS OF CLASSROOM BEHAVIOR

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer separations from a class must be preceded by a conduct conference or hearing as outlined in Section XII.C. Faculty who encounter disruptive classroom behavior are encouraged to follow the procedures outlined in the Guidelines and Policy on Dealing with Disruptive Students published in the Faculty Handbook. A student dismissed from class may be required to meet with a Department Chair, Program Director, the faculty member or the Director of Student Conduct & Academic Integrity, or designee, before the student is permitted to return to the class from which the student was directed to leave.

VI. APPLICABILITY OF THE CODE OF STUDENT CONDUCT

The Code may be applied to conduct that takes place whenever a person has a continuing relationship with the University as a student. Students who withdraw from the University after allegedly violating the Code will still be considered "students" for the purposes of pursuing alleged violations. A student-initiated withdrawal from the University may delay resolution of a referral only when felony criminal charges are pending as described in Section VII.A.

A. Visitors and Guests: the Code applies to all guests and visitors of students, meaning a student may be held accountable for the misconduct of their guest(s)/visitor(s). Visitors to and guests of the University are also protected by the Code and may initiate referrals for violations of the Code allegedly committed by students against them.

B. Time Limitations: the University reserves the right to extend its jurisdiction to misconduct that occurs prior to, but is not reported until after, the graduation of a student as long as the misconduct is reported within 6 months of its discovery. Otherwise, there is no time limit on

reporting of violations, as long as the student has a continuing relationship with the University. However, the longer someone waits to report a suspected violation, the harder it becomes for the University to obtain information and witness statements, and to make a determination regarding alleged violations. Those who are aware of misconduct are encouraged to report it promptly to the Office of Student Conduct & Academic Integrity and/or University Police.

C. Location of Violation: Because the Code is based on shared values, it sets a range of expectations for University students and student organizations no matter where or when their conduct may take place. Therefore, the Code will apply to behaviors that take place on University premises and at University-activities. The Code may also apply to conduct occurring off University premises when the Director, or designee, determines that the conduct affects a substantial University interest.

A substantial University interest is any factor that adversely affects the University's mission and may include, but is not limited to, the following:

1. Any action that could constitute a criminal offense. This includes violations of any local, state or federal law, or ordinance committed in the City of Norfolk. Most felony offenses, especially those relating to any form of violence; burglary; robbery; or drug possession, use, or distribution will be considered to affect a substantial University interest.

2. Any situation where it appears that the student or student organization may present a danger or threat to the health or safety of the University community.

3. Any situation that significantly infringes upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder.

D. Student Organizations: The Code applies both to the conduct of individual students as well as recognized student organizations. The following criteria will be utilized when determining whether conduct might reasonably be associated with a student organization. Specifically, the conduct (which may be an act of commission or an act of omission) must involve one or more members of a student organization. Members may be general members, officers, or new/associate members. Additionally, the conduct must meet one or more of the following criteria:

1. The conduct is sanctioned by the student organization and/or any of its officers ("sanctioned by" may include, but is not limited to, the following: active or passive consent or encouragement; having prior knowledge that the conduct was likely to occur; or helping to plan, advertise, or promote the conduct); or

2. The conduct is committed during the course of an activity financed by the organization, or financed as a result of one or more members of the student organization contributing personal funds in support of the activity or conduct in question; or

3. The conduct occurred on property owned, controlled, rented, leased, or used by the organization or any of its members; or

4. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization; or

5. Non-members of the student organization learned of the activity through members, advertisements, or communications associated with the student organization, or otherwise formed a reasonable belief that the conduct or activity was affiliated with or sanctioned by the student organization; or

6. Members of the student organization attempted to conceal the activity or protect other members who were involved; or

7. One or more officer(s) of the organization had prior knowledge or reasonably should have known that the incident would take place.

At the discretion of the Director, student organization violations may be processed by the appropriate self-governing bodies provided they have received adequate training from the Office of Student Conduct & Academic Integrity. Any such bodies will follow the same procedures and guidelines outlined in this Code and will convene with a Chairperson appointed by the Director.

E. Decisions of the Faculty*:* The Code does not cover decisions made by the faculty in any academic program, department, or professional school as to the character or professional disposition required of a student for the purposes of awarding a degree or certificate, for continuation as a candidate for such degree or certificate, for eligibility to maintain an assistantship, or any other activity typically within the purview of the faculty. Therefore, such decisions are not subject to review within the procedures established in the Code unless specifically stated within the Code.

VII. VIOLATIONS OF LAW

The student conduct process is different from criminal proceedings. Therefore, when a student is arrested, charged, indicted for, or found guilty of a crime, the University may take action against that student when the conduct occurs on University premises, at University-activities, or off University premises when the conduct affects a substantial University interest. Proceedings under this Code may be carried out prior to, concurrently with, or following criminal proceedings. Determinations made or sanctions imposed under this Code will not be subject to change because criminal charges arising out of the same set of facts were dismissed, reduced, or resolved in favor of or against the criminal law defendant. When criminal charges are pending, the University may not be able to conduct its own investigation, and/or hold a student conduct hearing. In such cases, the University may delay its hearing until it can obtain sufficient information upon which to proceed. Nothing in this paragraph should be regarded as limiting the authority of the University to impose an interim suspension, or determine what level of information is sufficient to proceed with a complaint.

A. Withdrawal Due to Pending Felony. It may be in the best interests of students accused of a felony to withdraw from the University until the criminal charges are resolved. The University has an existing procedure for voluntary administrative withdrawals that may be applied, with the following conditions:

1. During the withdrawal, the student may not be present on University premises or attend

University-activities.

2. The student may not register for or attend any classes, including course offerings through Distance Learning.

3. A hold will be placed on the student's registration, graduation, and/or transcripts.

The student must agree that in order to be eligible to reenroll at the University, they must first be subject to and fully cooperative with a campus investigation (if conducted) and hearing, and must comply first with sanctions, if assigned, that are administered arising from a hearing. Readmission to a specific college or academic degree program is subject to that college or program's approval.

Students prepared to meet these conditions may submit a written request to the Director seeking a voluntary withdrawal due to a pending felony. If the request is approved, the Director will forward the request for a withdrawal to the Director of Student Ombudsperson Services who will notify faculty of the withdrawal. A student who is granted a voluntary administrative withdrawal while felony criminal charges are pending will follow the same procedures and will be subject to the same conditions as outlined in the Administrative Withdrawal from the University policy as published in the Undergraduate and Graduate Catalogs, except as outlined in this section.

VIII. GENERAL PROVISIONS

A. Attempted Violations: The University will treat attempts to commit any of the violations listed in this Code as if those attempts had been completed.

B. University as Complainant: As necessary, the University reserves the right to initiate a complaint, to serve as complainant, appoint a proxy complainant, and/or to initiate conduct proceedings without a formal complaint by the alleged victim of misconduct.

C. Placement of Holds: A hold may be applied to prevent course registration and/or graduation when: the student has failed to complete sanctions by assigned deadlines; the student is suspended or expelled from the University; the student is not presently enrolled and a conduct conference or hearing is pending; or the student has a pending conduct case that must be resolved prior to graduation.

D. False Reports: The University will not tolerate intentional false reporting of incidents. It is a violation of the Code to make an intentionally false report of any policy violation.

E. Being In the Presence of Code Violations: A student in the presence of others where a violation of this Code occurs may risk being referred through the student conduct process. However, being in the presence of others violating the Code is not in and of itself a violation, absent other factors that may support a violation.

F. Amnesty for Victims/Complainants: The University encourages the reporting of Code violations and crimes by victims. Sometimes, victims are hesitant to report to University Officials because they fear that they may personally face sanctions due to policy violations involving underage

drinking or drug use at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University Officials. To encourage reporting, the University has a policy of giving such victims amnesty from policy violations involving underage drinking or drug use at the time of the incident.

G. **Amnesty for Help-Seeking:** The University encourages students to seek medical assistance for those in need, including oneself. Sometimes, students are hesitant to seek medical assistance for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to seek help for another student who is incapacitated due to alcohol or drug use, or who has been the victim of sexual misconduct). The University has a policy of giving amnesty from policy violations involving underage drinking or drug use at the time of help-seeking for students who actively seek medical help for themselves or others, or for students who provide help-seeking assistance to victims.

H. **Notification of Outcomes:** The outcome of a student conduct proceeding is considered part of a respondent's education record and is protected from unauthorized disclosure under the Family Educational Rights and Privacy Act (FERPA). However, the University may release the final results[1] of any conduct conference or hearing, without a respondent's prior consent, in the following circumstances where permitted, or required, by law:

1. Complainants in sexual misconduct, sexual harassment, stalking, intimate partner violence, and other incidents that are gender-based (and therefore governed by Title IX) <u>will</u> be informed of the final results of any complaint, in writing, without condition or limitation, regardless of the outcome of the complaint.

2. The University <u>will</u> release the final results of any student conduct proceeding to an alleged victim of any crime of violence[2] or non-forcible sex offense[3]. All disclosures will occur regardless of the outcome of the complaint and will be made only when requested, in writing, by the alleged victim (or the alleged victim's next of kin if the alleged victim is deceased). Disclosures authorized under this paragraph will occur on the condition that the party to whom information is disclosed will not disclose the information to any other party without the prior consent of the respondent.

3. University Officials will be notified of any final resolution that requires their action. In all academic integrity cases, the faculty member will be notified of the final outcome so that an appropriate grade may be assigned.

I. **Parental Notification:** Old Dominion University reserves the right to notify parents or guardians when a student is found responsible for serious or repeated violations of University policy related to the use or possession of alcohol or a controlled substance as permitted by FERPA. Notification may occur when the student is under the age of 21 at the time of the disclosure to the parents or guardians.

J. **Defenses:** Students accused of policy violations may try to defend their actions with mitigating

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[1] Limited to the name of the student, the violation(s) committed, and any sanction(s) imposed.

[2] A "crime of violence" includes: arson, assault offenses, burglary, robbery, criminal homicide, sex offenses, destruction/damage/vandalism of property and kidnapping/abduction.

[3] A "non-forcible sex offense" includes incest and statutory rape.

explanations, such as prescription drug interactions, self-defense, disabilities, etc. The University's policy on defenses is clear. Defending actions is admitting to a policy violation. "Yes, we fought, but s/he started it." This still means there was a fight, and that violates University standards of behavior. While a defense will not excuse violations of the Code, the legitimacy of a defense will be taken into consideration in assigning sanctions.

K. Online Misconduct: Students are cautioned that they can be subject to the student conduct system for behavior occurring online, such as harassment delivered by email, or acts of bullying or discrimination posted in video form or on gossip sites accessed through University computing resources. Students must also be aware that information posted to blogs, webpages, social networking sites such as Twitter and Facebook, or other online postings are in the public sphere, and are not private. These postings can subject a student to allegations of Code violations, if information supporting the existence of a Code violation is posted online. The University does not regularly monitor online activities, but may take action if and when such information is discovered.

IX. PROHIBITED CONDUCT

A. Academic Integrity violations, including:

1. *Cheating*: Using unauthorized assistance, materials, study aids, or other information in any academic exercise (Examples of cheating include, but are not limited to, the following: using unapproved resources or assistance to complete an assignment, paper, project, quiz or exam; collaborating in violation of a faculty member's instructions; and submitting the same, or substantially the same, paper to more than one course for academic credit without first obtaining the approval of faculty).
2. *Plagiarism*: Using someone else's language, ideas, or other original material without acknowledging its source in any academic exercise. [4] 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; or making simple changes to borrowed materials while leaving the organization, content, or phraseology intact. 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*: Inventing, altering or falsifying any data, citation or information in any academic exercise. 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*: Helping another student commit, or attempt to commit, any Academic Integrity violation, or failure to report suspected Academic Integrity violations to a faculty member. An example of facilitation may include circulating course materials

[4] In formulating this definition of plagiarism, Old Dominion University has adopted the position of the Council of Writing Program Administrators (WPA) as expressed in *Defining and Avoiding Plagiarism: The WPA Statement on Best Practices*. This statement provides "Ethical writers make every effort to acknowledge sources fully and appropriately in accordance with the contexts and genres of their writing. A student who attempts (even if clumsily) to identify and credit his or her source, but who misuses a specific citation format or incorrectly uses quotation marks or other forms of identifying material taken from other sources, has not plagiarized. Instead, such a student should be considered to have failed to cite and document sources appropriately." Faculty members may consider this misuse of sources when evaluating the student's academic performance.

when the faculty member has not explicitly authorized their use.

B. Making, possessing, or using any forged, altered, or falsified document, record, or identification.
C. Knowingly furnishing, or causing to be furnished, false information to the University or to a University Official.
D. Impersonating any University Official.
E. Engaging in conduct that interferes with the legitimate activities of any person or University activity.
F. Classroom disruption, defined as any behavior that substantially interferes with the conduct of a class. Examples may include, but are not limited to, the following: persistent late arrivals or leaving early in a manner that disrupts the regular flow of the class; talking while the instructor is talking; speaking in class without first obtaining recognition and permission to speak; use of electronic equipment such as cell phones, computers, MP3 players, etc. in a manner that disrupts the class; or becoming belligerent or verbally abusive when confronted as a result of his/her inappropriate behavior.
G. Intentionally or recklessly causing physical harm to any person.
H. Intimidation, defined as implied or articulated threats or acts that cause a reasonable person to fear harm.
I. Holding or transporting another person against their will, or otherwise unreasonably impeding a person's ability to exit any property.
J. Conduct that threatens or endangers the health or safety of any person.
K. Unauthorized creation, use, maintenance, display or transfer of any recording (audio, video, digital, pictorial, etc.) taken without another person's knowledge and effective consent and used, maintained, displayed or transferred without the person's express permission.
L. Indecent exposure, defined as the exposure of the private or intimate parts of the body, in a lewd manner when the student may be readily observed.
M. Improper use or possession of alcohol or other controlled substances, including:
    1. The unlawful use or possession of alcohol;
    2. The unlawful furnishing, distribution, or manufacturing of alcohol;
    3. The use or possession of marijuana;
    4. The possession of drug paraphernalia;
    5. The unlawful use or possession of narcotics, controlled substances, or other illegal drugs; and
    6. Cultivating, growing, manufacturing, distributing, selling, or possessing with the intent to distribute any illegal or controlled substance.
N. Destroying, damaging, possessing, or taking the property of the University or the personal property of another without permission (including the knowing possession of stolen property).
O. Unauthorized access, use, or misuse of University facility, property, or service.
P. Violation of any University policy approved by the Board of Visitors or the President.
Q. Violation of any conduct policy published in the *Housing & Residence Life Policies and Procedures Manual*.
R. Unauthorized download, creation, sale, transfer, access, reproduction or distribution of: copyrighted material or patented inventions, including but not limited to audio materials, video materials, or research materials; or of any course materials, whether copyrighted or not, distributed by the faculty member (such as the faculty member's notes or PowerPoint presentations, handouts, tests, outlines, and similar materials).
S. Unauthorized or inappropriate usage of information technology resources as prohibited by *University Policy 3500: Policy on the Use of Computing Resources*.

T. Failure to comply with directions of University officials or other law enforcement officers during the performance of their duties and/or failure to accurately identify oneself to these persons when requested to do so.
U. Carrying or maintaining firearms, weapons, or related devices in violation of *BOV 1013: Firearms, Weapons, and Certain Related Devices*.
V. Initiating, or causing to be initiated, any report or warning of fire, explosion, or other emergency known to be false.
W. Violation of state, local, or campus fire policies, including:
    1. Failure to evacuate a University-owned building during a fire alarm;
    2. Improper use or possession of University fire safety equipment;
    3. Tampering with or improperly engaging a fire alarm, smoke detector or sprinkler head in a University building;
    4. Intentionally or recklessly causing a fire which damages University or personal property, or which causes injury to any member of the University community.
X. Violations of federal, state or local laws or ordinances which affect a substantial University interest.
Y. Smoking inside any University facility, or within 20 feet of the entrance to any University facility, as prohibited in *University Policy 3220: Smoking Policy*.
Z. Sexual misconduct, including non-consensual sexual activity and/or sexual exploitation as defined in *University Policy 4600: Sexual Misconduct Policy*.
AA. Stalking, as defined in *University Policy 4601: Stalking Policy*.
BB. Abuse of the student conduct system, including:
    1. Falsifying, distorting, or misrepresenting information presented to any Conduct Officer or panel;
    2. Failure to provide, destroying or hiding information during any investigation of an alleged policy violation, or otherwise impeding or obstructing an investigation of suspected Code violations;
    3. Attempting to discourage or impede an individual's proper participation in, or use of, the student conduct system;
    4. Harassment (verbal or physical) and/or intimidation of a Conduct Officer or panel member prior to, during, and/or after any conduct conference or hearing;
    5. Disrupting or otherwise interfering with any conduct conference or hearing;
    6. Failure to comply with instructions provided during any conduct meeting or hearing;
    7. Failure to comply with the terms of any facilitated conflict resolution process, including a mediated agreement;
    8. Failure to complete any sanction by an assigned deadline;
    9. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

CC. Helping any student violate, or attempt to violate, the Code.
DD. Retaliation.
EE. The unreasonable use or taking of complimentary materials and/or supplies provided for the benefit or consumption of the University community.

X. VIOLATIONS OF HOUSING & RESIDENCE LIFE CONDUCT POLICIES

This Code applies to all students, including those students who live in or visit residence halls and apartment communities that are owned or controlled by the University. Misconduct occurring in University owned or controlled residence halls or apartment communities will typically be addressed

by Conduct Officers in Housing and Residential Life regardless of where individual respondents live unless the nature of the offense or the cumulative conduct record of the respondent will result in a review for suspension or dismissal. In suspension and expulsion-level cases, the Director, or designee, will assign a Conduct Officer.

XI. SANCTIONS

The following sanctions may be applied to any student or, where applicable, student organization:

A. Reprimand

A reprimand is an official written notice that the respondent is in violation of the Code. Subsequent violations of the Code will normally be met with more severe sanctions, including conduct probation.

B. Conduct Probation

Conduct probation is a period of fixed duration during which the fitness of a respondent to continue at the University is evaluated. A student or student organization placed on probation is not considered to be in good conduct standing with the University. Subsequent violations which occur during the probationary period will normally result in a review for suspension or expulsion from the University.

C. Educational or Restorative Measures

Educational or restorative measures may include, but are not limited to, the following:

- Active or passive sanctions, such as research or reflection papers, projects, meetings, or attending or organizing appropriate educational activities;
- A specified number of community restitution hours in which a student or student organization must perform service to a designated community;
- Participation in classes, assessments, counseling, programs, modules, or workshops.

D. Loss of Privileges

Loss of privileges includes denial or restriction of privileges for a designated period of time. Loss of privileges may include, but are not limited to, the following:

- Restriction or exclusion from University premises or University activities, or from hosting visitors or guests on University premises.
- Withdrawal or transfer from a course in which the student is currently enrolled (tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog).

E. Restitution to the University

Restitution may include reasonable compensation for loss or damage to University property, funds or premises.

F. Termination of the Housing Agreement

Termination of the Housing Agreement occurs when the student's current (and/or future) Housing Agreement is cancelled or revoked for violating this Code. When a Housing Agreement is terminated, the student will remain financially responsible for the entire cost of the agreement period for the assigned building.

G. Suspension of Student Organization Status

Student organizations may have their status as a student organization suspended on a temporary or permanent basis. An organization whose status is suspended is no longer eligible to receive benefits normally afforded to student organizations including, but not limited to, the ability to utilize University facilities or funds to support any student organization related activity. A deferment of suspension may be granted if the organization complies with certain conditions. A suspended organization must comply with any conditions imposed as well as any reactivation or recognition privileges in effect at the time the suspension is set to expire.

H. Conduct Suspension

Conduct suspension is the separation of a student from the University for a pre-determined period of time, normally no less than 1 semester and not more than 2 years. Suspension may include satisfaction of conditions for re-enrollment in the University as established by a Conduct Officer or panel. Reenrollment in a specific College or academic degree program is subject to that College or program's approval. During a suspension, the suspended student is not permitted on University premises or at University activities without express permission from the Director. A registration hold is placed on the student during the suspension. In cases of suspension, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog. A deferment of suspension may be appropriate if the student complies with certain conditions set forth by the Conduct Officer.

I. Conduct Expulsion

Conduct expulsion is the permanent separation of a student from the University with no opportunity for re-enrollment. The expelled student is not permitted on University premises or at University activities, and may also be subject to trespass orders. In cases of expulsion, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.

J. 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.

XII. PROCEDURES

A. Reporting Suspected Violations

1. The Office of Student Conduct & Academic Integrity will accept a referral of a suspected Code violation from any person. All referrals must be submitted in writing. Anonymous referrals may not be accepted.

    a) Any referral alleging an Academic Integrity violation that originates from a person other than the faculty member overseeing the academic exercise in

question will be forwarded to the faculty member for action consistent with the procedures outlined in Section XII.D.

2. After reviewing the referral, the Director, or designee, will determine whether sufficient information exists to allege that a respondent engaged in any prohibited conduct listed in this Code and, if so, will determine which violations apply.

B. Preliminary Measures

1. A respondent will be advised of the allegations via a written Notice of Alleged Violation (hereafter "the Notice"). The Notice will cite relevant portions of the Code allegedly violated and will invite the respondent to meet with a Conduct Officer at a specified date, time and place for either a conduct conference or hearing as outlined in XII.C.

   The Notice will be sent to the respondent's official University-supplied email address.[5] Notices for student organizations will be emailed to the organization's representative (normally the president on file with the Office of Student Activities & Leadership). Students who fail to appear as requested by a Notice will forfeit their opportunity to appeal any outcome reached in their absence. Failure to read and comply with any instructions contained in the Notice will not be suitable grounds for appeal.

2. Prior to issuing a Notice, the Director, or designee, may request the appearance of any student at a mandatory administrative meeting to discuss the referral and/or gather additional information. If the Director, or designee, subsequently determines the referral lacks merit, it will be dismissed and there will be no further proceedings.

C. Resolution Options

Any of the following resolution options may be offered to a respondent at the discretion of the Director, or designee. When more than one respondent is involved in the same incident, conduct conferences and/or hearings may be combined, though separate findings will be made for each respondent.

1. ***Conduct Conference***. Respondents whose referral will not result in a review for suspension or expulsion from the University may be provided with a conduct conference (hereafter "conference"). Referrals involving Academic Integrity violations or other complex referrals (especially those depending upon the participation of witnesses) will proceed directly to a hearing.

   Conferences are closed meetings that permit respondents to discuss the referral informally with a Conduct Officer. After considering all relevant information, the Conduct Officer will determine whether it is more likely than not that the respondent violated any policies contained in the Notice and will provide a written outcome via the respondent's official University-supplied email address. A Conduct Officer has the discretion to convert a conference into a hearing at a later date once proper notice is given. Respondents scheduled to participate in a conference will be provided:

[5] Email is the official communication method used for all Code proceedings, including when classes are not in session and during academic break periods.

a) Written notice of an alleged violation no less than 3 business days prior to the occurrence of the conference;
b) Reasonable access to any referrals, reports other supporting documentation or media that is relevant to the pending allegations;
c) An opportunity to request a new Conduct Officer in advance of the conference as outlined in Section XII.E.1;
d) An opportunity to present relevant information on one's own behalf during the conference;
e) An opportunity to be accompanied by an advisor as described in Section XIII.E.11;

2. ***Hearing***. If no conduct conference is offered to a respondent, or the conference does not result in a final resolution, the respondent will be afforded an opportunity for a hearing with either a Conduct Officer or appropriate panel (such as an Academic Integrity Council). All hearings will observe the criteria and procedures outlined in section XII.E. in addition to any special procedures noted elsewhere in this Code. Respondents will normally be sent a Notice for a hearing no less than 5 business days prior to the occurrence of any hearing. The Director may develop subsidiary conduct boards to hear select cases of non-academic misconduct. Any such boards must receive adequate training from the Office of Student Conduct & Academic Integrity. Subsidiary conduct boards will follow the same procedures and guidelines outlined in this Code and will convene with a Chairperson appointed by the Director.

3. ***Facilitated Conflict Resolution***. Referrals may be resolved via mediation or other facilitated conflict resolution (FCR) processes within or outside of the University when relevant parties agree to such a diversion and the Director, or designee, agrees that the proposed FCR is an acceptable way to resolve the referral. The Office of Student Conduct & Academic Integrity will maintain written descriptions of FCR processes offered by the University (such as mediation, shuttle diplomacy, facilitated dialogue, restorative conferences, etc.). Any voluntary resolutions resulting from FCR processes will be binding on all students involved.

D. Academic Integrity Procedures

1. Faculty members who believe that a student may have engaged in an academic integrity violation are encouraged to consult with the Office of Student Conduct & Academic Integrity regarding the applicability of this Code, potential courses of action, and guidance on imposing appropriate sanctions.

    a) Faculty who suspect a graduate student may have violated one or more standards of Academic Integrity should consult with the Office of Student Conduct & Academic Integrity, as graduate students are normally reviewed for suspension or expulsion, even for a first Academic integrity violation.

2. Faculty should submit a written referral to the Office of Student Conduct & Academic Integrity within 10 business days of the alleged violation's discovery. The referral should

include, when available: a description of the information giving rise to the allegation; the names of any witnesses; a copy of the course syllabus; the student's accumulated grade for the course (notwithstanding the academic exercise in question); and any other relevant information, documents or correspondences concerning the allegation. The referral should indicate whether the student and faculty have reached a voluntary resolution in accordance with XII.D.a), or if the matter is being referred for a hearing. Faculty are encouraged to meet with the student prior to submitting a referral in order to discuss the allegation and/or seek a voluntary resolution.

a) ***Voluntary Resolution.*** If the faculty member meets with the student, the student acknowledges the violation, and the faculty member is satisfied that the incident can be effectively resolved with a grade sanction:

   i. The faculty member will assign an appropriate grade sanction, usually an F in the course or an F for the assignment or exam during which the Academic integrity violation occurred. Faculty may also assign a transcript notation in accordance with Section XIII.D.4.

   ii. The faculty member will submit a written referral to the Office of Student Conduct & Academic Integrity after meeting with the student. The referral should include the information described in Section XIII.D.3 in addition to student's written acknowledgement of the Academic integrity violation and acceptance of the proposed resolution. Submitting written referrals is essential to the University's ability to address patterns of academic integrity violations, and to developmentally determine appropriate sanctions based on the totality of the student's record.

   iii. Upon receipt of the referral, the Office of Student Conduct & Academic Integrity will contact the student to review the resolution and the standards of behavior related to academic integrity.

   iv. The Office of Student Conduct & Academic Integrity will place the student on conduct probation for one calendar year from the date of the resolution. If the student is currently on conduct probation, or if the student has previously acknowledged an academic integrity violation, a hearing will be instituted to determine if additional sanctions are appropriate. Such sanctions may include suspension or expulsion from the University.

b) ***Hearing Resolution***. If the faculty member meets with the student, and the student does not accept the proposed resolution, or if the faculty member chooses not to meet with the student:

   i. The faculty member will forward a written referral to the Office of Student Conduct & Academic Integrity. The referral should include the information described in Section XII.D.2 as well as what grade sanction, if any, the faculty member intends to impose if the student is found responsible.

ii. The Director, or designee, will refer the case to an Academic Integrity Council (hereafter "Council") unless a referral to a Conduct Officer is necessary to provide a more timely resolution.

a. ***Academic Integrity Council***. The Council will be drawn primarily from a pool of students and faculty nominated by the Student Government Association and the Faculty Senate. The Office of Student Conduct & Academic Integrity may also nominate students or University Officials to serve on the Council. Nominees who complete initial and ongoing training provided by the Office of Student Conduct & Academic Integrity will be recognized as Council members and eligible to serve as a panelist for any given Council hearing. Appointments to the Council will be valid for one year and are renewable. Council members will not be eligible to serve more than 3 consecutive years.

1. Two University Officials and two students will normally serve as panelists for a Council hearing. A Council hearing may proceed with as few as three members, including a Council Chairperson appointed by the Director to oversee Council hearings, one faculty member, and one student.

2. The Council Chairperson will not normally vote, except in cases of a tie.

iii. The reporting faculty member and any relevant witnesses will be given the opportunity to provide information at any hearing that occurs on the basis of the faculty member's report. The faculty member is strongly encouraged to participate in the hearing.

iv. No grade sanction should be assigned by the faculty member until the referral is finally resolved, including the process of considering the student's appeal, if any. Should the referral not be resolved prior to the end of the semester, a grade of "I" should be assigned by the faculty member.

v. If a student withdraws from a course in which the alleged violation 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 with a grade of "W."

vi. Students may not utilize the grade forgiveness policy to retake the class in which the academic integrity violation 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.

vii. In all academic integrity cases, the faculty member will be notified of the final outcome so that an appropriate grade may be assigned.

viii. If a student accused of an academic integrity violation is not found responsible for the allegation(s), 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. Furthermore, a faculty member may not issue a grade sanction in cases where a student has not been found responsible for an academic integrity violation.

3. Students found responsible for an academic integrity violation will normally have a notation placed on the student's academic transcript.

   a) A student may petition the Director to have the notation removed from the student's academic transcript if:

      i. The student's period of conduct probation has expired; and

      ii. The student has successfully completed the University's "Academic Integrity Matters" seminar, or alternate educational activity approved by the Director, and any other outstanding sanctions; and

      iii. The student has not been found to have engaged in other Academic Integrity violations during the student's tenure at the University.

   b) The Director will normally notify the student of the decision whether to remove the notation within 15 business days of receiving the petition.

   c) The notation will not be removed from the student's transcript when the violation involved substantial premeditation of deliberate conduct.

   d) A student may only petition to have one notation removed from the student's transcript. Any subsequent violations that result in a transcript notation will not be eligible for removal.

4. Students may file a grade appeal utilizing the Grade Appeal procedures outlined in the appropriate University Catalog if a grade sanction for an alleged academic integrity violation occurs without substantial adherence to the above procedures. Grade recommendations made by Conduct Officers or the Council are not subject to appeal using the Appeal Procedures outlined in Section XIII.F.

E. Hearing Procedures

Hearing participants are advised that hearings are not comparable to civil or criminal trials. Formal rules of evidence and procedure used in courts of law do not apply in student conduct hearings. Hearings should, whenever feasible, promote an informal give-and-take between participants rather than a confrontational exchange. It is expected that any participant in a

hearing will contribute to an atmosphere of dignity, civility, respect, and candor among all involved.

These guidelines will apply to all hearings conducted by individual Conduct Officers or panels. The Director, or designee, may develop additional policies or procedures for hearings that are consistent with this Code. Unless otherwise stated, the term "Chairperson" will be used in this section to refer to the leader of any panel authorized to conduct a hearing in accordance with this Code.

1. ***Removal of Conduct Officer or Panel Member***. Conduct Officers and panel members should remove themselves from a hearing if they believe they cannot be impartial. A respondent may also request the removal of a Conduct Officer or panel member due to perceived partiality. A Conduct Officer or panel member's prior contact with the respondent or mere familiarity with relevant facts of a case is not normally a valid reason for granting a request for removal. Requests for a new Conduct Officer or Chairperson should be submitted via email to the Director at least 2 business days prior to the scheduled hearing. Requests should state the precise reasons why the respondent believes an adjudicator cannot be impartial. The Director will decide if the Conduct Officer or Chairperson should be reassigned and notify the respondent accordingly. Removal of panel members other than the Chairperson should be directed to the Chairperson immediately prior to the start of the scheduled hearing. The Chairperson will determine whether the challenged Council member may participate in the hearing.

2. ***Closed Hearings***. All hearings will be closed. Only individuals with a legitimate role in the hearing will be permitted to attend or participate for the duration appropriate to their role.

3. ***Availability of Information***. Respondents may contact the assigned Conduct Officer in advance of the hearing to make arrangements to review and/or receive a copy of any referrals, reports, other supporting documentation or media that is relevant to the pending allegations. Respondents scheduled to appear before a panel should contact the Office of Student Conduct & Academic Integrity to obtain access to this information in advance of the hearing.

4. ***Rights of the Respondent***. Respondents called to a hearing will have the right:

    a) To be present at the hearing and hear all statements made;
    b) To present relevant information on one's own behalf;
    c) To be accompanied by an advisor as described in Section XII.E.11;
    d) To question available witnesses as described in Section XII.E.12; and
    e) To choose not to attend the hearing, or refuse to answer any questions at the hearing. Students exercising this right are cautioned that a decision will be made based on the information available at the time of the hearing and previously withheld information will not be considered in subsequent appeal requests.

5. ***Standard for Decision-Making***. If the Conduct Officer (or a majority of panelists) determines it is more likely than not that the respondent violated the policies as alleged, the student will be found responsible.

6. ***Maintaining Order***. The Conduct Officer or Chairperson has the responsibility and authority to maintain order and determine the proper sequence of events during a hearing. Any person who fails to comply with instructions provided by the Conduct Officer or Chairperson, or who otherwise disrupts or obstructs a hearing, may be directed to leave the hearing, which will proceed in the dismissed participant's absence.

7. ***Credibility and Relevance***. Conduct Officers (or Chairpersons) will determine the relevance and admissibility of any information presented. Conduct Officers and panelists will determine the credibility of participants. Reasonable deference will be made to these discretionary determinations on any appeal.

8. ***Postponement of a Hearing***. A respondent's request to postpone a hearing must be emailed to the Conduct Officer or, in cases of a panel hearing, the Director, no later than 2 business days prior to the respondent's scheduled hearing. Requests to postpone a panel hearing should be emailed to the Director. A hearing may be rescheduled if the request is for reasonable cause. Hearings are not normally postponed because a respondent's work schedule conflicts with the scheduled hearing, a preferred advisor is unavailable, or because related criminal charges are filed and pending in court. Any postponement granted should not adversely impact a faculty member's ability to participate in the hearing as a witness. Nothing about this paragraph should limit the Director's ability to postpone a hearing without a student's request.

9. ***Request for Accommodations***. Students with a documented disability may request the provision of auxiliary aids or services, or other reasonable accommodations, to ensure an equitable opportunity to participate fully in any hearing. Specific modifications or accommodations are determined by the Director, or designee, on a case-by-case basis after consulting with the Office of Educational Accessibility. Any student with a disability who wishes to request an accommodation should adhere to the procedures and documentation guidelines established by the Office of Educational Accessibility. Students should advise the Director, in writing, of the student's intention to request accommodations no later than 2 business days prior to the respondent's scheduled hearing in order to permit sufficient time to consider the student's request and make any necessary arrangements.

10. ***Obtaining Additional Information***. The Conduct Officer or Chairperson will have the ability to reconvene the hearing at a later time or date; to call additional witnesses; request additional information or documents; or conduct additional investigation before making a final determination regarding the outcome of any hearing.

11. ***Advisors***. The respondent may choose an advisor from the University community and have that advisor present during the hearing. An advisor may have no other role in the hearing (such as a witness), and may not be a lawyer unless related criminal charges are filed and pending. In cases where a lawyer serves as a respondent's advisor, the student is responsible for any lawyer's fees incurred. An advisor's role is limited to providing unobtrusive assistance and support to the respondent before, during, and/or after the

hearing. In concert with this role, advisors will not be permitted to speak or otherwise participate directly in any hearing, or make requests on behalf of the student. Respondents are strongly encouraged to meet with an advisor prior to participating in their hearing. Respondents must provide the Conduct Officer, or in the case of a panel hearing, the Director, with notice of their intent to be accompanied by an advisor no later than 2 business days prior to the respondent's scheduled hearing. The respondent will be expected to provide a signed consent designating that person as the advisor and permitting the University to communicate otherwise private information. A Conduct Officer or Chairperson may also be assisted by an advisor.

12. ***Witnesses***. 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 advisor, and should be present only during their opportunity to provide information and answer questions. The Conduct Officer or Chairperson will decide whether the respondent or complainant may question witnesses directly, or if questions must be submitted to the Conduct Officer or Chairperson, who will decide which of the questions to ask. Character witnesses are not relevant and therefore not permitted. Should a respondent seek to invite any witnesses not identified in the Notice, it will be the student's responsibility to email a list of witnesses and a summary of each witness's expected statements to the Conduct Officer no later than 2 business days prior to the respondent's scheduled hearing. Witness lists for panel hearings should be emailed to the Director no later than 2 business days prior to the respondent's scheduled hearing.

13. ***Remote Participation***. Any party, including the respondent, complainant or any witness, may participate in a hearing remotely by way of telephone, videoconferencing, or other appropriate means provided the identity of the person participating remotely is known to all parties and all other guidelines and procedures described in this Code are followed.

14. ***Recordings***. The Conduct Officer or Chairperson may create a single, verbatim audio recording of the hearing (not to include any deliberations in cases heard by a panel). Hearing recordings will become the property of Old Dominion University. Students may be given reasonable access to the recording for the purposes of preparing an appeal. Any request to review a recording should be made via email to the Director.

15. ***Hearing Outcome***. The Conduct Officer or Chairperson will provide a written outcome via the respondent's email account after the Conduct Officer or panel has determined whether the respondent is responsible or not responsible for the alleged policy violations. A rationale for the decision will be provided and, if the respondent is found responsible, the correspondence will describe any sanctions imposed.

F. Appeal Procedures

1. Only respondents who attend and participate in a hearing have the opportunity to appeal a decision of a Conduct Officer or panel. Complainants who attend and participate in a hearing involving allegations of sexual misconduct, sexual harassment, stalking, intimate partner violence, and other incidents that are gender-based (and therefore governed by Title IX) will also have the opportunity to appeal a decision of a Conduct Officer.

2. Not all sanctions may be appealed. Only outcomes that include sanctions involving separation (termination of the housing agreement, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct expulsion) are eligible to be appealed on the basis of XII.F.4.a.

3. Requests for appeal should be emailed to the Director, or designee, within 5 business days from the date on which the hearing decision letter was sent. Requests received after this date will only be accepted for good cause. Any request for an appeal should describe, as thoroughly and precisely as possible, the basis for the request, as an appeal will normally be limited to a review of applicable records. When the Director, or designee, requests to speak with any party regarding the appeal, the purpose will be to gather information related to the appeal request, not to rehear a case.

4. A student may request an appeal for the following reasons only:

    a) To determine whether sanctions involving separation (termination of the housing agreement, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct expulsion) were appropriate in light of all relevant factors (other sanctions are not eligible for appeal).

    b) To determine whether a significant departure from any provision of this Code unfairly and materially impacted the outcome of the hearing (deviations from procedures outlined in the Code will only be instructive when significant prejudice to the appealing student occurs);

    c) To determine whether a finding of responsibility was reasonable based on the information available to the Conduct Officer or panel; and

    d) To consider new information, not known or reasonably available to the appealing student at the time of the hearing, that could be sufficient to substantively modify the outcome of the hearing.

5. The original decision may be upheld, modified, overturned, or sent back to a Conduct Officer or panel to remedy any prior errors or to consider new information. The decision of the Director is final and not subject to further appeal.

G. Additional Considerations in Cases of Alleged Sexual Misconduct

1. Upon receipt of a referral, the Director, or designee, may order the respondent not to have any contact, directly or indirectly, with the complainant.

2. Both the complainant and respondent will have the same opportunities to:

    a) Meet with a professional staff member in the Office of Student Conduct & Academic Integrity to review the student conduct process and its application to sexual misconduct cases;

b) Review and/or receive a copy of any referrals, reports or other supporting documentation or media that is relevant to the pending allegations, in advance of the hearing as described in Section XII.E.5;
c) Seek removal of a Conduct Officer as described in Section XII.E.1;
d) Be present at the hearing, in person or remotely as described in Section XII.E.13, and hear all statements made;
e) Request a postponement of the hearing as described in Section XII.E.8, and be advised when the other party makes a request for postponement, and the outcome of that request;
f) Request the provision of auxiliary aids or services, or other reasonable accommodations as described in Section XII.E.9;
g) Be accompanied to the hearing, or any other related meeting, by an advisor as described in Section XII.E.11;
h) Invite and/or question relevant witnesses as described in Section XII.12;
i) Present relevant information at a hearing as described in this Code. The past sexual history of the complainant or respondent will not generally be discussed or considered;
j) Be informed of the final results of a hearing, in writing, without condition or limitation, at the same time;
k) Be provided with reasonable access to any hearing recording for the purpose of preparing an appeal request;
l) Appeal the final results of a hearing in accordance with the criteria and procedures set forth in Section XII.F.
m) Be notified of a receipt of an appeal request submitted by the other party, any changes to the party's status pending review of the appeal, and the final results of the appeal.

3. Retaliation against the complainant or against any witness involved by the respondent or others acting on the respondent's behalf will be considered a violation of the Code.

4. Mediation will not be used to resolve any sexual misconduct allegation.

XIII. RECORD MAINTENANCE

The Director is the official custodian of records maintained in accordance with this Code and has final decision-making authority on all requested disclosures. All records maintained in accordance with this Code will be retained by the Office of Student Conduct & Academic Integrity for a period of no less than 7 years to facilitate compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Records associated with cases resulting in suspension or expulsion will be retained permanently. In cases where an FCR process or amnesty resolves a referral in lieu of a conduct conference or hearing, related records will not be classified as student conduct records, though they will be similarly maintained for a period of no less than 7 years. Amnesty and FCR records are generally considered both private and confidential among the parties, and will therefore not generally be disclosed to third parties making inquiries about past misconduct of students, except as permitted by the student or as required by law.