

**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; Revised December 3, 2015; Revised June 3, 2022

**SCHEDULED REVIEW DATE:** June 2027

### **I. BASIS AND RATIONALE**

Old Dominion University (“the University”) is committed to fostering an environment that is: safe and secure, inclusive, and conducive to academic integrity, student engagement, and student success. The University expects students and student organizations/groups to uphold and abide by standards included in the Code of Student Conduct (“the Code”). These standards are embodied within a set of core values that include personal and academic integrity, fairness, respect, community, and responsibility. The student conduct process exists to protect the interests of the community, and to educate and respond to those students and student organizations/groups whose behavior is not in accordance with our standards. Additionally, students and/or student organizations/group may be held responsible for the behavior of their guests/visitors.

### **II. OBJECTIVES**

- A.** Promote an environment that provides the best opportunity for academic integrity and learning.
- B.** Facilitate a fair process to resolve allegations of violations of the Code.
- C.** Address harmful student and student organization/group behavior affecting any member of the University community.
- D.** Educate the campus community about the expectations for student and student organization/group behavior.

### **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 [Virginia Code Section 23-1301](#), as amended.

The Director of Student Conduct & Academic Integrity (hereafter “Director”) is the University official with primary responsibility for the administration of the student conduct process. The Director may delegate all or part of this responsibility to other persons as appropriate and may take any action

necessary to ensure fairness. If there is no Director, the Vice President for Student Engagement & Enrollment Services will designate a university official to oversee this responsibility.

Faculty are responsible for managing the classroom environment and may direct a student to leave the class if the student engages in disruptive behavior. Longer separations from a class must be preceded by a conduct meeting. 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, faculty member, or the Director of Student Conduct & Academic Integrity before the student may return to class.

Unless specifically noted in the Code, the Office of Student Conduct & Academic Integrity has no jurisdiction over decisions made by faculty in academic programs, departments, or professional schools. 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.

#### **Policies on Discrimination and Sexual Misconduct**

Procedures regarding discrimination may be found in [University Policy 1005: Discrimination Policy](#) and procedures regarding sexual misconduct violations may be found in [University Policy 1008: Policy on Title IX and Sexual Misconduct](#).

#### **IV. APPLICABILITY**

Because the Code is based on shared values, they set a range of expectations for university students, their guests and visitors and student organizations no matter where or when their conduct may take place. The following are general categories of the applicability of the Code:

- A. Location:** The Code will apply to behaviors that take place on university premises and at University activities. The Code also applies to conduct occurring off University premises.
- B. Time Frame:** Those who are aware of a suspected code violation are encouraged to report it promptly to the Office of Student Conduct & Academic Integrity and/or University Police.
- C. Persons:**
  - 1. Students:** The Code may be applied to conduct that takes place whenever a person has a continuing relationship with the University as a student. Each student will be responsible for their conduct from the time of admission through the awarding of a degree, including lapses in enrollment. Students who withdraw from the University after allegedly violating the Code will be considered “students” for the purposes of resolving alleged violations.
  - 2. 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 and guests are also protected by the Code and may initiate complaints for violations of the Code allegedly committed against them by students.

- D. Student Groups and Organizations:** The Code applies to the conduct of individual students as well as student organizations. Specifically, the conduct (which may be intentional or unintentional action) must involve one or more members of a student group or organization. Members may be general members, officers, new/associate members or alumni.

## V. DEFINITIONS

- A. Academic Exercise:** all forms of work (oral, written, electronic, or otherwise) submitted as a draft, extra credit, or 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 (e.g., awards, scholarships, or publication). The term “Academic Exercise” does not include “Misconduct in Scientific Research and Other Scholarly Activity” as defined in [Board of Visitors Policy 1426: Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity](#). Students found to be responsible for violating Policy 1426 may be referred to the Office of Student Conduct & Academic Integrity for application of sanctions under this Code. For the purpose of the Code, any sanction issued by the Office of Student Conduct & Academic Integrity will also be considered an academic exercise.
- B. Academic Integrity Council:** a panel authorized to hear alleged academic integrity violations.
- C. Amnesty:** exemption from a student conduct violation for behavior related to use and/or possession of alcohol or drugs if help is sought during the incident. Students granted amnesty may be required to complete educational activities or meet other conditions. Amnesty granted in accordance with this Code does not prevent action that may be taken by a law enforcement agency.
- D. Appellate Administrator:** University official(s) designated to review appeals of findings associated with the resolution process and/or outcomes. The appellate administrator may not investigate or be involved in the adjudication of the case.
- E. Business Day:** any weekday the University is open, regardless of whether classes are in session.
- F. Crime of Violence:** any incident involving arson, assault, burglary, robbery, homicide, sex offenses, destruction/damage/vandalism of property, and kidnapping/abduction.
- G. Complainant:** A University community member or visitor who files a formal complaint under the [University Policy 1500: Discrimination Policy](#) and/or [University Policy 1008: Policy on Title IX and Sexual Misconduct](#).
- H. University as Complainant:** As necessary, the University may initiate a complaint, serve as a complainant, appoint a proxy complainant, and/or initiate the conduct process without a formal complaint.
- I. Conduct Administrator:** University official(s) assigned to facilitate informal resolutions, conduct conferences, or hearings.
- J. Conduct Chairperson:** the leader of any panel authorized to conduct a hearing in accordance with this Code.

- K. Conduct Conference:** resolution offered when an alleged violation will not result in a review for suspension or expulsion from the University.
- L. Conduct Hearing:** resolution offered when an alleged violation may result in a review for suspension or expulsion from the University.
- M. Consent:** as defined in [University Policy 1008: Policy on Title IX and Sexual Misconduct](#), is knowing, voluntary and clear permission, by word or action, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts.
- N. Faculty Member:** Full-time or part-time university official who facilitate classroom, lab, or teaching activities, including practica/internships.
- O. Final Resolution:** The outcome of a non-appealed conduct meeting or an appeal response.
- P. Guest/Visitor:** As described above, complainants may also include visitors to and guests of the University. Guest and visitors are those present in space rented, owned, or controlled by the University, or off-campus with a student, including parents or guardians, friends and uninvited persons. As complainants, they may also submit reports for violations of the Code.
- Q. Incapacitation:** As defined in [University Policy 1008: Policy on Title IX and Sexual Misconduct](#), when a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity. They are unable, temporarily or permanently, to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition
- R. No Contact Directive:** A written communication emailed to the student that prohibits direct, indirect, or third-party contact (e.g., physical, written, verbal, telephone, or electronic communication, or any other contact) between students.
- S. Notice:** Written communication sent to a respondent, complainant, or other participant in a conduct case. Notice will be sent to a student's official email University address.
- T. Online Misconduct:** harassment delivered by email, social media, posted to blogs, webpages, or other online postings. While the University does not monitor online activities, it may act on reported information.
- U. Possession:** control over an object with or without regard to ownership. A student may be in possession of an object when it is located in a place that the student controls, such as an assigned space or common area of a suite-style apartment.
- V. Reasonable person:** a person under similar circumstances with an ordinary degree of reason, prudence, care, foresight, or intelligence A person under similar circumstances with an ordinary degree of reason.
- W. Respondent:** any student, student organization/group reported for violating the Code.

- X. **Student:** a person who has been admitted to the University and has not completed a program of study. Student status continues whether the University's academic programs are in session. Each student will be responsible for their conduct from the time of admission through the awarding of a degree, including lapses in enrollment. Students who withdraw from the University after allegedly violating the Code will be considered "students" for the purposes of resolving alleged violations.
- Y. **Student Group:** two or more students with common interest organized to work or act together but are not registered, or are not required to register, as a student organization (e.g., athletic teams, musical or theatrical ensembles, other clubs, etc.).
- Z. **Student Organization:** two or more students with common interest organized to work or act together and have registered with the University as a student organization (e.g., club sports, fraternities, sororities, etc.).
- AA. **Substantial Emotional Distress:** significant mental suffering or anguish that may require medical or other professional treatment or counseling.
- BB. **University Activity:** any activity authorized, sponsored, or supervised by the University occurring on or off university premises.
- CC. **University Community:** any student, faculty or staff member, University official, or other person employed by the University.
- DD. **University Official:** any person given authority by the University to perform administrative or professional responsibilities (e.g., faculty, staff, University police, resident/community assistants, and graduate/teaching assistants).
- EE. **University Premises:** all land, buildings, facilities, and other property in the possession of, or owned, rented, controlled, or used for the institution's educational purposes.
- FF. **Witness/Reporting Party:** someone who has direct, personal knowledge of the incident or any person reporting a violation of the Code. Witnesses do not have other roles in the meeting (e.g., advisor) and may only be present during the witness portion of the meeting. Witnesses may be questioned by respondents directly or the conduct administrator/chairperson may require questions be submitted for approval. Character witnesses are not permitted. A respondent may request to invite witnesses not identified in the Notice by emailing the Office of Student Conduct & Academic Integrity at [oscai@odu.edu](mailto:oscai@odu.edu) the name of each witness and a summary of their expected statement no later than 3 business days prior to the meeting.

## VI. GENERAL PROVISIONS

- A. **Incident Reporting:** Those who are aware of misconduct are encouraged to report it promptly to the [Office of Student Conduct & Academic Integrity](#) and/or [Old Dominion University Police Department](#). There is no time limit on reporting violations; however, it may be difficult for the University to obtain information and witness statements and make a determination regarding alleged violations as time progresses after an incident. While anonymous reports may be difficult to investigate, the University takes all concerns and reports seriously. Incidents involving sexual harassment, including but not limited to sexual assault, stalking, dating and/or

domestic violence and sexual exploitation should be reported directly to the [Office of Institutional Equity & Diversity](#) -Title IX Coordinator. [University Policy 1008: Policy on Title IX and Sexual Misconduct](#)- addresses the Title IX Coordinator's review of incidents of this nature.

- B. Location of Violation:** The Code also applies to conduct occurring off University premises when the Office of Student Conduct & Academic Integrity 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. Crimes:** Violations of any local, state, or federal law, or city ordinance. The conduct process 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 criminal court. If information is unavailable due to criminal proceedings, the University may delay its investigation and/or hearing. The University may impose an interim suspension and determine what information is sufficient to proceed.
  - 2. Health & Safety Concerns:** Any behavior of a student or student organization/group posing a substantial and immediate threat to the University community, or to the stability and continuance of normal University functions.
  - 3. Infringements:** Significantly infringing upon the rights, property, or achievements of self or others or significantly disrupts the University community.

## VII. SPECIAL PROVISIONS

### A. Student Organizations/Groups:

- 1.** Members of student organizations/groups are expected to promptly report violations by other members of the student organization/group of the Code or other University policies to the [Office of Student Conduct & Academic Integrity](#) including the following information:
  - a.** detailed description of the concerning conduct including date, time, and location;
  - b.** name(s) of any individual(s) involved; and
  - c.** description of any internal actions taken by the student organization/group (e.g., chapter and/or inter/national organizational governing body), if applicable.
- 2.** When concerning behavior is reported, the Office of Student Conduct & Academic Integrity may facilitate an investigation with the individual(s) included in the report. If information indicates the conduct was affiliated with or sanctioned by the student organization/group, the investigation may continue into the student organization/ group. The Office of Student Conduct & Academic Integrity may assign violations to be heard by a trained self-governing body, if appropriate.
- 3.** To determine whether conduct might reasonably be associated with a student organization/group, the conduct (commission or omission) must involve one or more members (e.g., general, officer, or new/associate) of the student organization/group, and meet one or more of the following criteria:

- a. The conduct is sanctioned by the student organization/group and/or any of its officers. “Sanctioned by” may include but is not limited to active or passive consent or encouragement; prior knowledge that the conduct would likely occur; or helping to plan, advertise, or promote the conduct.
  - b. The conduct is committed during the course of an activity financed by the organization/group or financed as a result of one or more members of the student organization/group contributing personal funds in support of the conduct/activity.
  - c. The conduct occurred on property owned, controlled, rented, leased, or used by the organization/group or any of its members.
  - d. The purpose of the conduct was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization/group.
  - e. Non-members of the student organization/group learned of the activity through members, advertisements, or communications associated with the student organization/group, or a reasonable person would conclude that the conduct was affiliated with or sanctioned by the student organization/group.
  - f. Members of the student organization/group had an opportunity and failed to intervene, did not report the violation, attempted to conceal the conduct, or attempted to protect other members who were involved; or
  - g. One or more officer(s) of the organization/group had prior knowledge or reasonably should have known the conduct would occur.
- B. Student Athletes:** As an NCAA member institution, student athletes must comply with the Code of Student Conduct, all applicable rules, and regulations of the NCAA and Conference partners as published in the University Student Athlete Handbook. Sanctions may be imposed by both the Athletic Director and Office of Student Conduct & Academic Integrity for any NCAA violation that also violates the Code. Incidents under this provision will be reported annually to the Board of Visitors, in accordance with the [Code of Virginia § 23.1-1303](#).
- C. Residence Halls:** 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 typically will be addressed by Conduct Officers in Housing and Residential Life regardless of where individual respondents live unless the nature of the offense alleged violation 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 Administrator.

## VIII. PROHIBITED CONDUCT

The following prohibited conduct applies to students, student organizations/groups, and/or guests/visitors. The University will treat attempts to commit any of the violations listed in the Code as if those attempts had been completed. Being in the presence of others violating the Code is not in and of itself a violation, absent acts of assistance or encouragement.

Violations of [University Policy 1008: Policy on Title IX and Sexual Misconduct](#), which covers sexual harassment and sexual misconduct, to include dating violence, domestic violence, sexual assault and stalking will be referred to the Title IX Coordinator in the Office of Institutional Equity & Diversity.

**A. Academic integrity violations include:**

1. Cheating is defined as unauthorized access to or use of assistance, or collaboration in an academic exercise (including, but not limited to unapproved resources or assistance on an assignment, quiz, or exam; submission of the same or similar paper more than once without permission, etc.).
2. Plagiarism is defined as using someone else’s language, ideas, or other material without a proper citation in an academic exercise<sup>1</sup> (including but not limited to submitting work of another person, making minor changes to borrowed materials, taking credit for group work without participating, etc.). For more information about plagiarism, please visit the [Academic Integrity Tutorial](#).
3. Fabrication is defined as. Inventing, altering, or falsifying data, citation, or information in an academic exercise (including but not limited to citing a secondary source as primary; or inventing or altering data).
4. Facilitation is defined as helping a student commit an academic integrity violation (including, but not limited to sharing course materials without permission).

**B. Improper use or possession of alcohol or other controlled substances, including:**

1. Alcohol. Underage use or possession of alcohol or possession in a prohibited area.
2. The unlawful furnishing, distribution or manufacturing of alcohol.
3. Cannabis<sup>2</sup>. Use or possession of cannabis.
4. Cultivating, growing, manufacturing, distributing, selling, or possessing any illegal/controlled substance with the intent to distribute.
5. Other Drugs. Possession or use of narcotics, controlled substances, or other illegal drugs.
6. The Possession of drug paraphernalia.

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<sup>1</sup> “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 their 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” (Council of Writing Program Administrators, 2003). Faculty members may consider this misuse of sources when evaluating the student’s academic performance.

<sup>2</sup> Federal law, including the [Drug Free Schools and Communities Act](#), continues to prohibit cannabis; therefore, the use and/or possession of cannabis, (e.g., medical or recreational) is prohibited on University premises and at University activities even if in compliance with state law.

- C. Public Intoxication. Appearing in a public place significantly under the influence of a controlled or other intoxicating substance.
- D. Smoking. Smoking or vaping inside or within 25 feet of the entrance to a university facility.
- E. Tobacco. Underage use or possession of tobacco or possession in a prohibited area.
- F. Fire safety. Failure to evacuate a university building during a fire alarm; unauthorized use, possession, or tampering with University fire safety equipment; intentionally or recklessly causing a fire.
- G. Harassment. Unwelcome conduct that a reasonable person would consider to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
- H. Hazing is defined as intentionally or recklessly endangering the health or safety of another person or causing injury with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in student organization/group ([Student Organization Handbook](#)).
- I. Intentionally or recklessly causing physical harm to any person.
- J. Intimidation, defined as implied or articulated threats or acts that cause a reasonable person to fear harm.
- K. Holding or transporting another person against their will, or otherwise unreasonably impeding a person's ability to exit any property.
- L. Conduct that threatens or endangers the health or safety of any person.
- M. Threatening or endangering. Threatening harm to a person and/or behavior endangering the health or safety of a person (including, but not limited to inviting violence, hosting 16 or more in a residence hall room)
- N. Unauthorized recording. creation, use, maintenance, display, or transfer of any recording (including audio, video, etc.) without permission.
- O. Weapon. Use or possession of a weapon (such as firearm, knife, etc.) as described in the [University Gun & Weapon Regulation, 8 VAC 65-10, et. seq.](#)
- P. Failure to report. Destroying, hiding, or failing to report or provide information about a violation or obstructing an investigation (including., refusal to report violation, previous or new conviction, and/or disciplinary action).
- Q. Falsification. Making, possessing, or providing forged, altered, or falsified information, documentation, record, or identification to the University or University official; initiating a false report of fire, explosion, or emergency.
- R. Impersonation. Acting as a University official without authorization.

- S.** Distribution of material. Unauthorized download, creation, sale, posting, transfer, access, reproduction, or distribution of copyrighted or class material.
- T.** Failure to comply. Failure to follow directions of a university official or law enforcement officer, accurately identify oneself, comply with informal resolution outcomes, or complete a sanction by an assigned deadline.
- U.** Assistance. Helping a student violate the Code.
- V.** Crime. Violation of federal, state, or local laws or ordinances (such as a disorderly house or noise ordinance).
- W.** Disruption. Interfering with University activities, regular class flow, conduct meetings, or legitimate activities of a person.
- X.** Guests/Visitation. Violation of guest/visitation expectations as described in the [Guide to Living on Campus](#).
- Y.** Indecent exposure. Exposure of genitalia, breasts, buttocks, etc. in a lewd, readily observable manner.
- Z.** Noise. Excessive or disruptive noise.
- AA.** Pets. Possession of unapproved pet/animal in a university building.
- BB.** Policy violation. Violation of a University policy approved by the Board of Visitors, President, or University office/department (e.g., Student Organization Handbook, Guide to Living on Campus).
- CC.** Prohibited Item(s). Possession of a prohibited item in a residence hall as described in the [Guide to Living on Campus](#).
- DD.** Retaliation. Action taken against a person participating in a conduct investigation or process (such as threats, physical or psychological abuse, educational or employment consequences, unauthorized disclosure of a party's identifiable information, or discouraging participation).
- EE.** Theft or damage. Destroying, damaging, possessing, or taking University property or property of another person without permission; knowing possession of stolen property; or unreasonable use or taking of complimentary materials.
- FF.** Unauthorized access. Use or misuse of university facilities, property, or service (such as riding the lion) without permission.
- GG.** Unauthorized or inappropriate usage of information technology resources as prohibited by [University Policy 3500: Policy on the Use of Computing Resources](#)
- HH.** Helping any student violate or attempt to violate the Code.

## IX. PROCEDURES

### A. Reports of Violations

1. Those who are aware of misconduct are encouraged to report it promptly to the [Office of Student Conduct & Academic Integrity](#) and/or [Old Dominion University Police Department](#). There is no time limit on reporting violations; however, it may be difficult for the University to obtain information and witness statements and make a determination regarding alleged violations as time progresses after an incident. While anonymous reports may be difficult to investigate, the University takes all concerns and reports seriously. Incidents involving sexual harassment, including but not limited to sexual assault, stalking, dating and/or domestic violence and sexual exploitation should be reported directly to the [Office of Institutional Equity & Diversity - Title IX Coordinator](#). [University Policy 1008: Policy on Title IX and Sexual Misconduct](#) addresses the Title IX Coordinator's review of incidents of this nature.
2. Members of student organizations/groups are expected to promptly report violations by other members of the student organization/group of the Code or other University policies to the [Office of Student Conduct & Academic Integrity](#) including the following information:
  - a. detailed description of the concerning conduct including date, time, and location.
  - b. name(s) of any individual(s) involved; and
  - c. description of any internal actions taken by the student organization/group (e.g., chapter and/or inter/national organizational governing body), if applicable.
3. When concerning behavior is reported, the Office of Student Conduct & Academic Integrity may facilitate an investigation with the individual(s) included in the report. If information indicates the conduct was affiliated with or sanctioned by the student organization/group, the investigation may continue into the student organization/ group. The Office of Student Conduct & Academic Integrity may assign violations to be heard by a trained self-governing body, if appropriate.
4. After reviewing a report, the Office of Student Conduct & Academic Integrity, will determine whether sufficient information exists to indicate that a student and/or student organization/group engaged in any prohibited conduct and, if so, identify applicable violations and appropriate resolutions.
5. If necessary, the Office of Student Conduct & Academic Integrity, may request a mandatory meeting with a student to discuss a report and/or gather additional information. If the Office of Student Conduct & Academic Integrity subsequently determines the report lacks merit, it will be dismissed. Additionally, the Office of Student Conduct & Academic Integrity may also require a student to attend a mandatory meeting prior to returning to class for reports of classroom disruption. Investigation information and timelines may be found on the Office of Student Conduct & Academic Integrity [website](#).
6. As necessary, the University may initiate a complaint, serve as a complainant, appoint a proxy complainant, and/or initiate the conduct process without a formal complaint.

## **B. Notice**

Respondents will receive a written Notice of Alleged Violation (“Notice”) including alleged prohibited conduct, documentation to be considered, and information about a resolution meeting sent to the respondent’s ODU email. Notice for student organizations/groups will be emailed to the organization/group’s representative (e.g., president/representative/captain on file with the Office of Student Engagement & Traditions, Recreation & Wellness and University Intercollegiate Athletics). Witnesses invited by the Office of Student & Academic Integrity will receive a written Notice with information about the resolution meeting.

## **C. Interim Measures**

1. To ensure continuity of university operations, the well-being of the University or of a student, the Vice President of Student Engagement & Enrollment Services, Office of Student Conduct & Academic Integrity or designee may impose certain interim measures upon a student or student organization/group. These actions may include suspension (separation from the University), no contact directives, temporary termination or modification of the housing assignment, or alteration of academic or work schedules.
2. The Office of Student Conduct & Academic Integrity will notify the student or student organization in writing about the reported incident and that an interim suspension is being imposed. The student or student organization will be given a prompt opportunity to discuss with the Director of Student Conduct & Conduct or a designee in order to the following issues only:
  - a. the reliability of the information concerning the student/student organization/ groups conduct, including the matter of their student’s identity:
  - b. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student/student organization on university premises poses a substantial and immediate threat to safety or the stability and continuance of normal University functions.
3. A student or student organization may appeal an interim measure to the Vice President of Student Engagement & Enrollment Services, Office of Student Conduct & Academic Integrity or designee by submitting an appeal to the Office of Student Conduct & Academic Integrity. Based on this review of the appeal, the interim measures may be upheld, modified or removed. The Vice President or designee’s decision is final.

## **D. Withdrawal Due to Pending Felony**

1. It may be in the best interest of a student accused of a felony to withdraw from the University until the criminal charges are resolved. During a withdrawal, the following conditions apply:
  - a. The student may not be present on university premises or attend University activities.
  - b. The student may not register for or attend any classes, including courses offered online or through Distance Learning; and
  - c. Disciplinary holds will be placed on the student’s registration, graduation, and transcripts.

2. To request a withdrawal due to pending felony, the student should email the Office of Student Conduct & Academic Integrity at [oscai@odu.edu](mailto:oscai@odu.edu). Prior to submitting the request, the Office of Student Conduct & Academic Integrity recommends that students interested in a withdrawal during pending felony speak with the Office of Finance to discuss any implications for financial aid. The request for a withdrawal during pending felony does not have a deadline. The request should include the following:
  - a. A request to be withdrawn from classes due to the pending felonies, including information about each felony;
  - b. an understanding that a conduct hearing must occur and any applicable sanctions must be completed prior to enrollment; and
  - c. any supporting documentation about the pending court case. If the request is approved, the Office of Student Conduct & Academic Integrity will facilitate the administrative process with the Office of Student Outreach & Support. Readmission to a specific college or academic degree program is subject to that college or program's approval.

## E. Conduct Hearings

### 1. General Provisions

- a. All conduct meetings are closed. Only individuals with relevant information will be permitted to attend and participate in the meeting. Conduct administrators or chairpersons will determine the relevance of information and credibility of participants.
- b. A respondent, complainant, or witness may participate in a meeting remotely if their identity is confirmed.
- c. Students may submit a request to use aids, services, or other reasonable accommodations to participate in the conduct process by emailing the Office of Student Conduct & Academic Integrity at [oscai@odu.edu](mailto:oscai@odu.edu) no later than 3 business days prior to the meeting. Modifications or accommodations are determined by the Office of Student Conduct & Academic Integrity on a case-by-case basis after consulting with the Office of Educational Accessibility.
- d. The Office of Student Conduct & Academic Integrity may develop boards to hear cases. Composition, size, and responsibilities may be determined as appropriate. Boards will receive training from the Office of Student Conduct & Academic Integrity.
- e. Respondents and witnesses have the responsibility to avoid the following:
  - i. Falsifying, distorting, or misrepresenting information presented to any conduct administrator or panel;
  - ii. 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;
  - iii. Attempting to discourage or impede an individual's participation in, or use of, the conduct process;
  - iv. Harassment (verbal or physical) and/or intimidation of a conduct administrator or panel member prior to, during, and/or after a conduct meeting;
  - v. Disrupting or otherwise interfering with a conduct meeting;
  - vi. Failure to comply with instructions provided during a conduct meeting;
  - vii. Failure to comply with the outcomes of an informal resolution;

- viii. Failure to complete any sanction by an assigned deadline;
- ix. Influencing or attempting to influence another person to abuse of the conduct process;
- x. Helping a student violate, or attempt to violate, the Code; and Retaliation.

## **2. Conduct Administrator/Chairperson**

- a. The conduct administrator or chairperson maintains order and determines the proper sequence of events during a conduct meeting. Any person who fails to comply with instructions, disrupts, or obstructs a conduct meeting may be dismissed and the meeting will proceed in their absence.
- b. If a conduct administrator or panel member cannot be impartial, they should remove themselves from adjudicating the case. A respondent may request the removal of a conduct administrator or panel member due to perceived bias. A conduct administrator or panel member's prior interactions with the respondent or knowledge of the case may not be an adequate reason to grant the request. Requests for a new conduct administrator or chairperson should be emailed to the Office of Student Conduct & Academic Integrity at [oscai@odu.edu](mailto:oscai@odu.edu) no later than 3 business days prior to the scheduled hearing. Requests should include reasons the respondent believes an adjudicator cannot be impartial. The Office of Student Conduct & Academic Integrity will notify the respondent.
- c. The conduct administrator or chairperson may record the meeting, not including any discussions regarding decisions. Recordings are the property of the University. Respondents may be given access to the recording for the purposes of preparing an appeal. Any request to review a recording should be made by emailing the Office of Student Conduct & Academic Integrity at [oscai@odu.edu](mailto:oscai@odu.edu).
- d. Additional Information: The conduct administrator or chairperson may reconvene a conduct meeting to call additional witnesses, modify or add violations for a respondent, request information or documentation, or facilitate further investigation before issuing an outcome letter.
- e. Credibility and Relevance: Conduct administrators or chairpersons will determine the relevance of information and credibility of participants.
- f. Decisions are made based on a preponderance of evidence. If it is more likely than not that the respondent violated the policies as alleged, the respondent will be found responsible.

## **3. Respondents**

- a. Respondents will have access to all reports and other relevant information.
- b. A respondent may have an advisor for assistance and support before, during, and/or after the conduct meeting. The advisor must be a person from within the University community; however, the respondent may be advised by an attorney when criminal court charges are filed and pending or when the respondent is charged with stalking, domestic violence, dating violence, or sexual assault under this Code. The respondent is responsible for any attorney's fees. A student organization/group may choose an advisor from their organization's local, national, or international governing body. An advisor may have no other role in the conduct meeting (e.g., witness). Advisors are not permitted to speak, represent, participate directly in any hearing, or make requests on behalf of the respondent. Respondents must email the Office of Student Conduct

Academic Integrity at [oscai@odu.edu](mailto:oscai@odu.edu) a completed Release of Information form no later than 3 business days prior to the conduct meeting for approval. A conduct administrator or chairperson may also be assisted by an advisor.

- c. A respondent may request to postpone a conduct meeting by emailing the Office of Student Conduct & Academic Integrity at [oscai@odu.edu](mailto:oscai@odu.edu) no later than 3 business days prior to the meeting. A meeting may be rescheduled if the request is reasonable. Meetings may not be postponed due to a respondent's work schedule, availability of a preferred advisor or witness, or because related criminal charges are filed and pending in court. The Office of Student Conduct & Academic Integrity may also postpone the conduct meeting if necessary.
- d. Respondents have the following right to:
  - i. Be present at the resolution meeting and hear all statements made;
  - ii. Present relevant information on one's own behalf/on behalf of a student organization/group.
  - iii. Be accompanied by an advisor.
  - iv. Question available witnesses (if applicable);
  - v. Refuse to attend the meeting. If a respondent does not attend, the conduct administrator or panel will determine findings based on the information available at the time of the meeting, and the respondent forfeits their right to appeal the outcome;
  - vi. Refuse to participate or answer questions. If a respondent refuses to participate or answer questions during the meeting, the conduct administrator or panel will determine findings based on the information available at using their statement as new information; and
  - vii. Opportunity to request a new conduct administrator in advance of the resolution meeting.
- e. **Waiver:** The Office of Student Conduct & Academic Integrity may offer a hearing waiver including proposed sanctions to a respondent. If accepted, the respondent will waive their right to a hearing, take responsibility for the allegations, and accept sanctions without a conduct meeting. To waive a hearing, the respondent must submit a written statement to [oscai@odu.edu](mailto:oscai@odu.edu) describing the respondent's involvement in the incident, indicating the respondent accepts responsibility for the charges, waives their right to a hearing, accepts the proposed sanctions, and waives their right to appeal the outcome.

## F. Resolution Options

Informal and formal resolution options are available and may be assigned at the discretion of the Office of Student Conduct & Academic Integrity. When more than one respondent is involved in the same incident, conduct meetings may be combined, though separate findings will be made for each respondent.

### 1. Conduct Conference

- a. Respondents whose referral will not result in a review for suspension or expulsion from the University may be provided with a conduct 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 Administrator. After considering all relevant information, the Conduct Administrator 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 Administrator 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:

- i. Upon three (3) days written notice, a conduct conference permits the respondent to discuss the alleged violation with a conduct administrator. After considering all relevant information, the conduct administrator determines 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 ODU email. The outcome of a conduct conference may not be appealed. A conduct administrator has the discretion to convert a conference into a hearing if necessary and after proper notice is provided.
- ii. Upon five (5) days written notice, the respondent will be scheduled for a conduct hearing with either a conduct administrator or appropriate hearing panel. A hearing permits the respondent to discuss the alleged violation. After considering all relevant information, the conduct administrator or panel determines 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 ODU email.

## **2. Informal Resolutions**

- a. Informal resolutions consist of opportunities for a respondent(s) to resolve a report without a formal resolution meeting. These resolutions are designed to address behavior inconsistent with the Code; however, the violation is not severe enough to be considered for suspension or expulsion. The outcomes of informal resolutions may not be appealed.
- b. An amnesty meeting may be offered for behavior related to use and/or possession of alcohol or drugs if help is sought during the incident. After the amnesty meeting with a conduct administrator, students granted amnesty may be required to complete educational activities or satisfy other conditions.
- c. Reports may be resolved through a Facilitated Conflict Resolution (FCR) process (e.g., mediation, facilitated dialogue, restorative conferences, etc.). The Office of Student Conduct & Academic Integrity maintains agreements and documentation associated with the resolution and outcomes may be assigned.
- d. A report may be resolved administratively without participating in a conduct meeting or facilitated dialogue. In such administrative resolutions, a respondent will be considered to have accepted responsibility unless the respondent specifically follows directions to protest the outcome. This resolution option will only be used in circumstances of a clear finding of responsibility such as the possession of a prohibited item in a residence hall room. For applicable cases, appropriate sanctions may not rise above reprimand, direction to remove items, and/or policy reviews.
- e. A faculty member may offer a respondent the opportunity to voluntarily resolve an academic integrity violation (Academic Integrity Voluntary Resolution (AIVR)). The faculty member meets with the respondent, outlines the information discovered and, if the respondent acknowledges the violation, the faculty member and respondent may come to an agreed resolution as described in the academic integrity procedures below (section G).

- 3. Formal Resolution:** If no conduct conference or meeting is offered to a respondent, or the conference or meeting does not result in a final resolution, the respondent will be afforded an opportunity for a hearing in accordance with the Code.

## **G. Academic Integrity Procedures**

- 1. Reporting:** 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.

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.

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 or if the matter is being referred for a hearing.

- 2. Resolution:** A faculty member may offer a respondent the opportunity to voluntarily resolve an academic integrity violation through Academic Integrity Voluntary Resolution (AIVR). The faculty member meets with the respondent, outlines the information discovered and, if the respondent acknowledges the violation, the faculty member and respondent may come to an agreed resolution. The faculty member may assign an appropriate grade sanction (e.g., F in the course or an F for the assignment or exam) and other sanctions as appropriate. Additionally, the Office of Student Conduct & Academic Integrity assigns 1 year conduct probation and a follow-up meeting about academic integrity. After the agreement, the faculty member submits a report to the Office of Student Conduct & Academic Integrity using the [Academic Integrity Voluntary Resolution Form](#). The report should include a description of the allegation, copies of any relevant communications between the faculty member and respondent regarding the incident, a copy of the assignment/exam/quiz with the violations highlighted, a copy of the course syllabus, and the Academic Integrity Voluntary Resolution Form signed by both the respondent and faculty member. If the respondent is currently on conduct probation or has a previous academic integrity violation, a hearing will be scheduled.

If a respondent does not agree to an AIVR or the faculty member chooses not to meet with the respondent, the faculty member will submit an Academic Integrity Incident Report to the Office of Student Conduct & Academic Integrity, and a hearing will be scheduled. The report should include a description of the allegation, copies of any relevant communications between the faculty member and respondent regarding the incident, a copy of the assignment/exam/quiz with the violations highlighted, a copy of the course syllabus, and the

faculty member's sanction recommendations. Faculty may recommend suspension or expulsion as a sanction of a graduate student, even for a first violation.

- a. The faculty member will be asked to attend the hearing as a witness to give insight regarding the allegation and to answer questions. The hearing may be facilitated by a conduct administrator or the academic integrity council.
- b. If facilitated by the academic integrity hearing council, the following conditions apply:
  - i. 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 three consecutive years. 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. The Council Chairperson will not normally vote, except in cases of a tie.
  - ii. The respondent, 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.
  - iii. The council chairperson will submit a recommendation of findings for review and approval to the Office of Student Conduct & Academic Integrity. Once approved, the Office of Student Conduct & Academic Integrity will provide a written outcome to the respondent via the respondent's ODU email, including appeal options.
  - iv. The Office of Student Conduct & Academic Integrity will notify the faculty member after the final resolution has been issued.
- c. 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.
- d. 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.
- e. In all academic integrity cases, the faculty member will be notified of the final outcome so that an appropriate grade may be assigned. 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.
- f. Students found responsible for an academic integrity violation will normally have a notation placed on the student's academic transcript.
- g. 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.
- h. The Director will normally notify the student of the decision whether to remove the notation within 15 business days of receiving the petition. The notation will not be removed from the student’s transcript when the violation involved substantial premeditation of deliberate conduct.
  - i. 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.
  - j. 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 Administrators or the Council are not subject to appeal using the Appeal Procedures outlined in the below **Section J Appeal Procedures**.

## H. Outcome

Once a resolution is reached, the conduct administrator or chairperson will send a written outcome letter to the respondent’s ODU email. The outcome letter will include a rationale for the decision, findings for each violation, and if the respondent is found responsible, any sanctions imposed.

1. The outcome of a student conduct meeting 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 resolution<sup>3</sup> of any conduct meeting, without a respondent’s prior consent, in the following circumstances:
  - a. Complainants in sexual misconduct, sexual harassment, stalking, dating violence, domestic violence (i.e., Title IX), and other gender-based incident will be informed of the outcome, appeal options, and appeal outcome of any complaint, in writing, without condition or limitation.
  - b. The University may release the final outcome of a student conduct meeting to a complainant/witness of a crime of violence or non-forcible sex offense<sup>4</sup> when requested in writing by the complainant/witness (or the complainant/witness’ next of kin if the complainant/witness is deceased).
  - c. University officials will be notified of any final resolution actions that require their action. In all academic integrity cases, the faculty member will be notified of the final resolution so that an appropriate grade may be assigned.
  - d. The University reserves the right to notify parents or guardians when a student is found responsible for the use or possession of alcohol or a controlled substance, as permitted by the Family Educational Rights & Privacy Act (FERPA).

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<sup>3</sup> Limited to the name of the student, finding(s), and any sanction(s) imposed.

<sup>4</sup> A “non-forcible sex offense” includes incest and statutory rape.

## I. Holds

When a student has failed to complete sanctions by assigned deadlines, is suspended or expelled from the University, is not presently enrolled and a conduct meeting is pending, or the student has a pending conduct case that must be resolved prior to graduation, a hold will be applied to prevent course registration and/or graduation.

## J. Appeals Procedures

1. Only respondents who attend and participate in a formal resolution can appeal an outcome. Appeal procedures for cases involving discrimination may be found in [University Discrimination Policy 1005](#) and cases involving sexual misconduct may be found in Policy 1008: Policy on Title IX and Sexual Misconduct.
2. Only outcomes involving separation (e.g., termination of Housing & Dining agreement, revocation of admission and/or degree, conduct suspension, dismissal or expulsion) may be appealed.
3. Appeal requests must be submitted within five (5) business days from the date of the outcome letter using the Appeal Request Form. An appeal is an administrative review of the written documentation and will not involve a re-adjudication of the case. The appellate administrator may uphold, modify, overturn, or return the case to a conduct administrator or panel to remedy errors or consider new information. The decision of the appellate administrator is final.
4. A respondent may request an appeal for the following reasons:
  - a. To determine whether sanctions involving separation were appropriate considering all relevant factors.
  - b. To determine whether a significant departure from procedure has occurred and impacted the outcome of the resolution.
  - c. To determine whether a finding of responsibility was reasonable based on the information available; and
  - d. To consider new information not known or available to the respondent at the time of the resolution impacting the outcome.

## X. SANCTIONS

The following sanctions may be applied to any student or student organization/group.

- A. **Reprimand:** a written notice indicating the respondent violated the Code.
- B. **Conduct Probation:** a period of time a respondent is not in good conduct standing with the University.
- C. **Educational or Restorative Measures:** sanctions designed to educate a respondent about the expectations of the University community.
- D. **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. **On-Campus Reassignment:** modification of a housing assignment.
- F. **Restitution:** compensation for loss or damage to university property, funds, or premises applied to a respondent's financial account.
- G. **Termination of On-Campus Housing & Dining Agreement:** cancellation of a respondent's Housing & Dining Agreement. The respondent remains financially responsible for the entire cost of the agreement period for the assigned building.
- H. **Separation of Student Organization/Group:** a period of time (up to or including permanent separation) that a student organization/group is not recognized by the University; therefore, may not access University resources or support.
- I. **Conduct Suspension:** Conduct suspension is the separation of a student or student organization/group from the University for a designated period of time. Suspension may include satisfaction of conditions for re-enrollment in the University as established by a Conduct Administrator or panel. Re-enrollment 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 Administrator.
  - 1. A student or student organization/group may be required to complete the reactivation/reenrollment process for the University and/or degree program. During the suspension, the respondent is not permitted on university premises or at university activities, in person or virtually, without permission from the Office of Student Conduct & Academic Integrity and will be subject to trespass orders. A registration hold will be placed on the respondent's account during the dismissal. Tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the [University Catalog](#).
- J. **Conduct Expulsion:** permanent separation from the University with no opportunity for reactivation/re-enrollment. The respondent is not permitted on university premises or at university activities, in person or virtually, without permission from the Office of Student Conduct & Academic Integrity and will be subject to trespass orders. A registration hold will be placed on the respondent's account. Tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the [University Catalog](#).
- K. **Revocation of Admission and/or Degree:** The University may revoke admission, or a degree awarded 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.

## XI. TRANSCRIPT NOTATIONS

- A. The Office of Student Conduct & Academic Integrity may issue a transcript notation for academic integrity violations. If the respondent has completed all sanctions and conditions and has not been found responsible for additional violations of similar nature, the respondent may submit a request to the Office of Student Conduct & Academic Integrity at [oscai@odu.edu](mailto:oscai@odu.edu) to have the notation removed. A respondent may only petition to have one notation removed.
- B. Sexual Misconduct. In accordance with [Va. Code § 23.1-900](#), the University is required to place a notation on a respondent's transcript if suspended, dismissed, or expelled from the University after being found responsible for a violation of sexual misconduct or withdraws during an investigation for sexual misconduct.

## XII. RECORD MAINTENANCE

The Director is the official custodian of conduct records and has decision-making authority on requested disclosures. The Office of Student Conduct & Academic Integrity retains records for no less than 7 years in compliance with the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act](#). Cases resulting in conduct suspension, dismissal, or expulsion will be retained permanently. FCR and Amnesty cases will not be retained unless the agreed upon conditions are not met and the case proceeds to a formal resolution.