



TO: Student Enhancement & Engagement and Digital Learning Committee Members  
Kay A. Kemper, Chair  
Robert S. Corn, Vice Chair  
R. Bruce Bradley (*ex-officio*)  
P. Murry Pitts (*ex-officio*)  
Susan Allen  
Jerri F. Dickeski  
Dennis Gregory (*Faculty Representative*)  
Keshav Vermani (*Student Representative*)

FROM: Brandi Hephner LaBanc, Ed.D.  
Vice President, Student Engagement & Enrollment Services  
  
Nina Rodriguez Gonser  
Vice President, Digital Learning

DATE: April 10, 2024

SUBJECT: April 18 - Meeting Agenda

The Student Enhancement & Engagement and Digital Learning Committee meeting will take place from 1:30 p.m. to 3:00 p.m. on Thursday, April 18, 2024. The meeting will be held in the Board Room of the Broderick Dining Commons on the main campus at Old Dominion University.

The following items will be discussed:

**I. Call to Order**

**II. Approval of Minutes**

The Committee will consider a motion to approve the minutes of the Student Enhancement & Engagement and Digital Learning Committee meeting held on November 30, 2023.

**III. Student Engagement & Enrollment Services Report –Vice President, Dr. Brandi Hephner LaBanc**

**A. Campus-based Recruitment Efforts**

**B. ODU Board of Visitors Policy 1530: Code of Student Conduct**

**IV. Digital Learning Report - Vice President, Nina Rodriguez Gonser**

- A. Marketing Innovations
- B. Enrollment Updates
- C. Artificial Intelligence updates

**V. Adjournment**

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. INTRODUCTION AND PURPOSE**

Old Dominion University ("the University") is committed to the holistic development of its students, fostering an environment that is safe, secure, and inclusive. This commitment encourages student accountability, academic integrity, student engagement, and success. The University expects students and student organizations/groups to uphold and follow the behavioral standards of the Code of Student Conduct ("the Code"). These behavioral expectations are embodied within core values, including personal and academic integrity, fairness, respect, community, and responsibility. The student accountability process exists to protect University interests and educate and respond to students and student organizations/groups whose behavior does not align with those expectations. Additionally, students and/or student organizations/groups may be held accountable for the behavior of their guests/visitors.

## **II. OBJECTIVES**

- A. Define clear behavioral expectations for all Old Dominion University (ODU) students in Norfolk, surrounding cities, and globally inside and outside the classroom.
- B. Promote an environment that provides the best academic integrity and learning opportunities.
- C. Facilitate a fair and equitable process to hold students accountable for violations of the Code.
- D. Protect the educational pursuits, health, and safety of all students.

- E. Educate the campus community about the behavioral expectations for students and student organizations/groups.

### III. AUTHORITY

Old Dominion University is governed by its Board of Visitors and supported by the Commonwealth of Virginia. The Board is expressly authorized to establish rules and regulations for the behavior of students in accordance with [Virginia Code Section 23-1301](#), as amended.

The Assistant Dean of Students and Director of Student Accountability & Academic Integrity ("Assistant Dean") is the University official with primary responsibility for administering the student accountability process. The Assistant Dean may delegate all or part of this responsibility to other persons and take any necessary action to ensure fairness. If there is no Assistant Dean, the Vice President for Student Engagement & Enrollment Services or Dean of Students/Associate Vice President of Engagement 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 student accountability 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 Assistant Dean or designee before the student may return to class.

Unless specifically noted in the Code, the Office of Student Accountability & Academic Integrity has no authority over decisions made by faculty or staff in academic programs, departments, or professional schools. The Code does not include decisions made by faculty about a student's character or professionalism needed for getting a degree or certificate, staying in a program, keeping an assistantship, or other things usually decided by faculty.

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

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

### IV. APPLICABILITY

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

- A. Jurisdiction:** The University reserves the right to investigate and resolve reports of alleged misbehavior that fall within its jurisdiction. The Code applies to the following situations:
- a. Incidents involving undergraduate, graduate, professional, and online students, a group of students, or a student organization/student group (academic or social) associated with any college, school, department, or the University as a whole. The University reserves the right to investigate and adjudicate through the student accountability process any enrolled and/or registered students who allegedly violate the Code before attending their first day of classes.
  - b. The Code applies to online learning, and the prohibited behavior in this document will be applied to the in-person classroom environment, online classroom environment, study abroad, internships, and the clinical learning environment.
  - c. Incidents occurring from the time a student is enrolled or registered for study at the University for any academic period until their withdrawal from the University or conferral of a degree. Covered incidents include but are not limited to those occurring:
    - i. During the academic year, before classes begin or after classes end, while pursuing credits earned off-campus (study abroad, internships, co-ops, etc), or while suspended, or off-campus when the violation adversely affects legitimate University interests.
    - ii. If a student's enrollment lapses for more than one calendar year, based on a student's voluntary decision not to enroll, that student will no longer be subject to disciplinary action. If a student withdraws from the university with a pending case, they will have the opportunity to participate in their student accountability meeting, or it may be held in their absence. However, students separated from the university for academic or disciplinary reasons are still considered students for disciplinary purposes, regardless of the separation's duration.
- B. Reporting of Violations:** Those aware of an alleged code violation are encouraged to report it promptly to the Office of Student Accountability & Academic Integrity and/or University Police.

- C. **Third-Party Misbehavior:** University guests, including those within its residence halls, are expected to follow all University policies. This includes virtual guests. Students are responsible and accountable for their guests' and animals' misbehavior. Student organizations are likewise responsible for ensuring compliance with the Code by their members and guests. The Code also protects visitors and guests and may initiate complaints for alleged violations of the Code allegedly committed against them by students.
- D. **Student Organizations and Groups:** The Code applies to the behavior of individual students, student organizations, and student groups. Specifically, the behavior (which may be intentional or unintentional action) must involve five or more members of a student group or organization. Members may be general members, officers, new/associate members, or alums.

## 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 the Teaching and Research Faculty Handbook policy: [Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity](#). However, students found to violate the policy may be referred to the Office of Student Accountability & Academic Integrity for application of pathway projects under this Code. For the purpose of the Code, any pathway project issued by the Office of Student Accountability & Academic Integrity will also be considered an academic exercise.
- B. **Amnesty:** Exemption from Code of Student Conduct charges for behavior related to use and/or possession of alcohol or drugs if help is sought by another ODU student or the student themselves during the incident. Students granted amnesty may be required to complete educational activities or meet other conditions. Amnesty granted under the Code does not prevent action that a law enforcement agency may take.
  - a. **Title IX Incidents:** Students involved in Title IX-related incidents will generally be granted amnesty when the incident includes the use or possession of alcohol or drugs and/or other minor behaviors.
  - b. **Hazing Reporting Immunity:** To remove any behavior(s) or action(s) that degrades, intimidates, or endangers the health, safety, and well-being of any

individual in our community, individual(s) who report an ongoing or pending act of hazing shall be provided immunity from disciplinary action for hazing or for their personal consumption of alcohol or other drugs occurring at the time of the reported incident providing:

a) The disclosure is made by a survivor of or bystander who is not an active participant in such acts and

b) The disclosure is a good faith report of hazing made before or during an incident.

- C. **Appeals Reviewer:** University official(s) designated to review appeals of findings associated with the resolution process and/or outcomes. The Appeals Reviewer may not investigate or be involved in the case adjudication.
- D. **Behavioral Status:** A designation assigned to a student or student organization/group that violates the Code and informs them of their behavioral standing with the University.
- E. **Board Chairperson:** Facilitator of a University Accountability Board meeting.
- F. **Business Day:** Any weekday the University is open, regardless of whether classes are in session.
- G. **Crime of Violence:** Any incident involving arson, assault, burglary, robbery, homicide, sex offenses, destruction/damage/vandalism of property, and kidnapping/abduction.
- H. **Complainant:** The individual or group affected by the alleged incident or who reported the incident.
- I. **Conduct Educator:** A staff member trained in the student accountability process to resolve cases and has the authority and responsibility to assign pathway projects in an efficient, consistent, fair, and educationally meaningful manner. The Conduct Educator reserves the right to assign the most appropriate pathway project.
- J. **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.
- K. **Faculty Member:** Full-time or part-time university official who facilitates classroom, lab, or teaching activities, including practica/internships.
- L. **Final Resolution:** The outcome of a non-appealed accountability meeting or an appeal response.
- M. **Guest/Visitor:** Any person who is not a student, staff, or faculty member or any member of the University community, whether invited or uninvited, including but not limited to parents, guardians, or friends.

- N. **No Contact Directive (NCD):** A written communication sent or delivered to the student that prohibits direct, indirect, or third-party contact (e.g., physical, written, verbal, telephone, electronic communication, or any other contact) between parties.
- O. **Notice:** Written communication sent to a respondent, complainant, or other participant in an accountability case. Notice will be sent to a student's official University email address. The Student Accountability Meeting (SAM) or University Accountability Board (UAB) Meeting notice will include the alleged prohibited behavior, the date and location of the alleged incident, and information about the accountability meeting sent to the respondent's ODU email.
- P. **Pathway Navigators:** Students who serve as a confidential resource to students participating in the student accountability process; these students also serve as accountability partners to ensure pathway plans are completed. A Pathway Navigator is optional for students participating in the student accountability process.
- Q. **Pathway Plan:** The letter the student receives when they have concluded their Student Accountability Meeting or University Accountability Board Meeting.
- R. **Pathway Project:** An educational activity assigned by the Conduct Educator or selected by the student if they accept responsibility for a policy violation. Students who meet with the University Accountability Board will not choose their pathway projects.
- S. **Possession:** Control over an object (physical or electronically) with or without regard to ownership. A student may be in possession of an object when their personal information is on it or when it is in a place that the student controls, such as an assigned space or common area of a suite-style apartment.
- T. **Preponderance of the Evidence:** The standard of evidence used in determining violations of the Code. This means that, based on the evidence provided, it is more likely than not that a violation occurred.
- U. **Resolution Letter:** The letter a student receives when they are found not to be in violation of the Code.
- V. **Respondent:** Any individual or student organization/group reported for allegedly violating the Code.
- W. **School Day:** Any weekday the University is open and classes are in session.
- X. **Student:** An individual enrolled or registered for study at the University for any academic period, including periods between academic sessions. A person shall also be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity before attending classes, including, but not limited to, fraternity or sorority recruitment, orientation, placement testing, and residence hall check-in. Students



who withdraw from the University after allegedly violating the Code will be considered "students" for the purposes of resolving alleged violations.

- Y. **Student Accountability Meeting (SAM):** A meeting with a Conduct Educator to resolve any alleged violations of the Code.
- Z. **Student Group:** Any assembly of five students with a common interest organized to work or act together but are not recognized, associated, or registered, or are not required to register, as a student organization (e.g., athletic teams, musical or theatrical ensembles, other clubs, etc.).
- AA. **Student Organization:** Any assembly of five students from a recognized, associated, or registered organization according to the Student Organization handbook with a common interest organized to work or act together (e.g., club sports, fraternities, sororities, etc.).
- BB. **Support Person:** A person chosen by the complainant or respondent to join them during a SAM or University Accountability Board meeting but who may not actively participate in the meeting.
- CC. **Trespass Order:** A formal notification from the ODU Police Department that prohibits an individual from entering or remaining on campus property, outlining any conditions and restrictions with the order.
- DD. **University Accountability Board (UAB):** A collection of trained faculty, staff, and students with authority to investigate and resolve alleged violations of the Code, including academic integrity cases, and to impose pathway projects for violations. The UAB can hear academic and non-academic cases.
- EE. **University Activity:** Any activity authorized, sponsored, or supervised by the University occurring on or off university premises.
- FF. **University Community:** Any student, faculty or staff member, University official, or other person employed by the University.
- GG. **University Official:** Any person given authority by the University to perform administrative or professional responsibilities (e.g., faculty, staff, University police, resident/community assistants, hall directors, and graduate/teaching assistants).
- HH. **University Premises:** All land, buildings, facilities, digital environments, and other property in possession of, owned, rented, controlled, or used for the 'institution's educational purposes.
- II. **Witness:** Someone with direct, personal knowledge of the incident. Witnesses do not have other roles in the meeting (e.g., support person, advisor). They may only be present during the witness portion of the meeting. The respondent may submit questions to be asked of a witness to the Conduct Educator/Board Chairperson to ask on their behalf. Character witnesses are not permitted.

## VI. General Rules

- A. Incident Reporting:** There is no time limit on reporting incidents; 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 challenging to investigate, the University takes all concerns and reports seriously. Reports can be made using the [Incident Report Form](#). 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. Student Organizations/Groups:** The student organization accountability process may look different from the process that individual students experience due to the nuance and possible complexity of student organization cases. 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).
- C. Academic Integrity Incidents:** Incidents related to academic misbehavior will follow the procedures outlined in the Academic Integrity Procedures.
- D. Location of Violation:** The Code also applies to behavior occurring off University premises when the Office of Student Accountability & Academic Integrity determines that the behavior 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, including allegations, of any local, state, federal law, or city ordinance. The student accountability process may be carried out prior to, concurrently with, or following criminal proceedings. Determinations made or measures of accountability 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. The University may delay its investigation and/or meeting if information is unavailable due to criminal proceedings. 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 the stability and continuance of normal University functions.

3. **Infringements:** Significantly infringing upon the rights, property, or achievements of self or others or significantly disrupting the university community.

## VII. Special Rules

- A. **Student-Athletes:** As an NCAA member institution, student-athletes must comply with the Code of Student Conduct and all applicable rules and regulations of the NCAA and Conference partners, as published in the University Student-Athlete Handbook. The Director of Athletics and the Office of Student Accountability & Academic Integrity may impose accountability measures 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](#).
- B. **Residence Halls:** This Code applies to all students, including those who live in or visit residence halls and apartment communities owned or controlled by the University. Misbehavior occurring in university-owned or controlled residence halls or apartment communities will typically be addressed by Conduct Educators in Housing and Residence Life, regardless of where individual students live. The Assistant Dean, or designee, has authority over all case assignments.
- C. **Students in Professional Clinical Programs:** For students enrolled in a professional clinical program, including but not limited to the School of Medicine, Physician Assistant, Surgical Assisting, Pathologist Assistant, Art Therapy, and Occupational Therapy, who accept responsibility or are found in violation for one or more policy violations, notification of the student's status and assigned accountability measures will be reported to their academic program for further review.

## VIII. Prohibited Behavior

The following prohibited behavior applies to students, student organizations/groups, and/or guests/visitors. The University will treat attempts to commit any of the prohibited behaviors 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, including dating violence, domestic violence, sexual assault, and stalking will be referred to the Title IX Coordinator in the Office of Institutional Equity & Diversity.

### Academic Misbehavior

- A. **Academic Sabotage:** An intentional effort to corrupt or negatively impact another student's academic work.

- B. **Cheating:** Copying, collaborating, or completing an academic exercise with or for other students or parties without permission from the class-assigned faculty member; paying someone to complete assignments; using any unauthorized materials to assist on assignments; misusing study aids such as Chegg, Quizlet, Course Hero, etc., to complete or pass class assignments; using test banks or copying answers from another source or student. **This also includes unauthorized use of artificial intelligence sites including, but not limited to, ChatGPT, Dall-E, Alpha Code, Tensor Flow, Scribe, etc., and any act or behavior that gives the student an unfair advantage.**
- C. **Fabrication:** Inventing, altering, falsifying, creating data, citation, or information in an academic exercise or for any improper purpose. Knowingly presenting false or falsified official documentation such as transcripts, doctor's notes, supervisor evaluations, application materials, etc.
- D. **Facilitation:** Helping another person participate in any act of academic misbehavior (including, but not limited to, sharing course materials without permission.
- E. **Misrepresentation:** Misleading an instructor as to the condition under which the work was prepared, including, but not limited to, undisclosed Artificial Intelligence (AI) use, substituting for another student, or permitting another person to substitute for oneself on any academic work.
- F. **Plagiarism:** Intentional or unintentional use of someone else's scholarly or academic work, language, ideas, or other material as your own without proper citation in an academic exercise (whether reproduced or presented verbatim or in paraphrased or summary form); recycling a previous assignment as a new assignment without appropriate citation or notification and approval from faculty members.

### **Non-Academic Misbehavior**

- G. **Alcohol.** The unlawful production, consumption, distribution, possession, provision, or use of alcohol or alcohol paraphernalia, including public drunkenness; attendance or class participation in an academic setting while under the influence of alcohol; or any violation of [University Policy 6603](#).
- H. **Abuse of Animals.** Any intentional or reckless act that causes harm, suffering, distress, or death to an animal.
- I. **Assault.** Any physical attack on another person, including but not limited to choking, fighting, punching, slapping, striking, causing injury by animals, or any other form of contact resulting in physical harm.
- J. **Classroom Disruption.** Any disruptive or disorderly behavior that disturbs the classroom instructional environment (in-person or virtual classes or interrupts the facilitation of intended learning outcomes.)

- K. **Damaging Property.** Destroying, damaging, defacing, or vandalizing University property or the property of others.
- L. **Dishonesty:** Intentionally providing false, fraudulent, deceptive, or misleading information to University officials, faculty, or staff; forgery; falsification of documents; unauthorized duplication or distribution of university-issued keys or other University property.
- M. **Disorderly Conduct.** Behavior that creates a hostile, frightening, or intimidating environment or threatens the physical health, safety, or well-being of others. This behavior can include loud, unnecessary, unusual, disruptive, or continuous noise that disturbs the peace.
- N. **Drugs and Paraphernalia.** The unlawful creation, cultivation, growing, manufacturing, distribution, possession, or sale of any counterfeit, controlled, dangerous, illegal, or mind-altering drugs or prescription medication, including but not limited to Adderall, cannabis/marijuana, crack, cocaine, ecstasy, meth, etc.; the unlawful creation, manufacturing, distribution, possession, or sale of any drug paraphernalia (pipes, bongos, etc); any violation of [University Policy 6603](#).
- O. **Failure to Comply.** Refusal to cooperate with or appropriately respond to a reasonable request by a University Official or law enforcement officer; failure to accurately identify oneself; disregard of a University policy, directive, regulation, or procedure.
- P. **Fire and Safety.** Changing, damaging, disabling, or misusing fire safety equipment; failing to immediately exit any university building when a fire alarm or other emergency notification has sounded; unauthorized use, possession, or tampering with University fire safety equipment; unauthorized use or possession of fireworks or explosive materials; intentionally or recklessly causing a fire; causing a false fire alarm or report; and misuse of emergency call boxes.
- Q. **Harassment.** Ongoing, unwelcome, aggressive, or intimidating behavior through physical contact or verbal, written, or digital-based (cyberbullying) communication that causes psychological or physical harm to another person.
- R. **Hazing.** Recklessly or intentionally endangering the health or safety of a student or students; or to inflict bodily injury on a student or students in connection with or for initiation, admission into, or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. This includes endangering any person's mental or physical health and safety, whether or not the individual subjected to such behavior has "consented" to it, and any violation of the [University Hazing Policy](#).
- S. **Housing and Residence Life Community Standards.** Any violation of the community living standards as described in the Guide to Living on Campus, including, but not

- limited to, community living standards, prohibited items, unauthorized key usage, noise, visitation, etc.
- T. **Impersonation.** Acting or pretending to be someone else, including as a University Official, with the intention to deceive, manipulate, or mislead others.
  - U. **Interference with Freedom of Expression.** Any attempt to interfere with or suppress anyone's right to free expression or right of free assembly or any violation of University Policies [1011](#) and [1700](#).
  - V. **Misuse of Information Technology Resources.** Any unauthorized attempt to access or use University computers, networks, systems, programs, or data, including manipulations and fraudulent transmissions; any action that interferes with the proper functioning of systems or adversely impacts another user's rights, including but not limited to student or employee privacy; unauthorized download, creation, sale, posting, transfer, access, reproduction, or distribution of copyrighted or class material; any other violations of the [ODU Digital Millennium Copyright Act](#), or University Policies [3003](#) and [3500](#).
  - W. **Misuse of Official Identification:** Purchasing, possessing, selling, or using fake or altered identification or another person's state identification or license; sharing or using another student's University student ID card, number, or MIDAS ID; or allowing the use of your University-issued student ID card, number, or MIDAS ID.
  - X. **Pets.** Possession of unapproved pets or animals in a university building.
  - Y. **Retaliation.** Discriminating against, intimidating, threatening, coercing, or harassing any person because the person reported, complained, testified, assisted, participated, or refused to participate in an investigation, proceeding, or meeting authorized by law or University policy.
  - Z. **Sexual Harassment or Sexual Misconduct.** Any behavior prohibited by [University Policy 1008: Policy on Title IX and Sexual Misconduct](#). Sexual misconduct also includes any form of unwelcome, non-consensual sexual contact, including touching an unwilling person's private parts (defined as genitalia, groin, breast or buttocks or clothing covering them), forcing an unwilling person to touch another's private parts, sexual exploitation, voyeurism and indecent exposure of ones' private parts.
  - AA. **Smoking, Tobacco, and Vaping.** Smoking or vaping of any kind inside or within 25 feet of building entrances and exits to a University facility; underage use or possession of tobacco or possession in a prohibited area; any violation of [University Policy 3220](#); and any use of tobacco, smoke, or vaping where smoking is strictly prohibited on portions of campus.
  - BB. **Stealing.** Taking or borrowing a thing of value or property (including intellectual property) from its owner without permission.
  - CC. **Threat.** An act, statement, or expression intended to cause damage, fear, injury, pain, or other intimidating action during an incident or altercation.
  - DD. **Unauthorized Entry.** Entering into or using University buildings, equipment, or property of others without permission.

- EE. **Unauthorized Recording.** The creation, use, maintenance, display, or transfer of any recording (including audio, video, etc.) without permission where there is a reasonable expectation of privacy.
- FF. **Weapons.** Except as expressly authorized by law, possessing or using dangerous items on University property including, but not limited to, firearms, guns, knives (larger than the approved blade length), tasers, stun guns, BB guns, replicas, nun chucks, or other devices designed to eject shells at a high rate of speed; any violation of the [Gun and Weapon Regulation](#).
- GG. **Violating Law or University Policy.** Violating any local, state, or federal law or any [University policy](#).

## IX. Student Rights and Responsibilities

The University protects and provides certain rights for students, and as members of the University community, students accept specific responsibilities.

### Student Rights

All Respondents are provided the following rights throughout the university student accountability process:

- a. Right to receive written notification of any alleged violation against them via their University email address including a general summary of the complaint (when facing potential suspension or expulsion), contact information of their Conduct Educator to receive additional information, and the date by which such contact must occur.
- b. Right to receive no less than three (3) business days' notice of student accountability meeting date.
- c. Right to request reasonable accommodations with the Office of Educational Accessibility.
- d. Right to a fair, confidential, and objective accountability meeting.
- e. Right to read and review the incident or police report prior to the meeting date.
- f. Right to share their perspective of the incident that led to the allegations.
- g. Right to select the advisor of their choice who can also serve as a support person.
- h. Right to have relevant witnesses.
- i. Right to not attend the meeting and have the Conduct Educator or University Accountability Board make a decision with the information available to them.
- j. Right to receive notice of the outcome of their meeting.
- k. Right to have five (5) business days to appeal the decision and be informed of the appeal procedures.

### Student Responsibilities

All Respondents are expected to uphold these duties and responsibilities throughout the university student accountability process:

- a. Understand and follow all university policies and procedures, including but not limited to the Code of Student Conduct.
- b. Consistently check their university-issued email address as this is the University's official means of communication with students; students are responsible for reading all official communications delivered to their university email address.
- c. Be truthful, cooperative, and forthcoming during the student accountability proceedings.
- d. Complete any pathway projects by the assigned due date.
- e. Not attempt to disrupt or otherwise interfere with any student accountability proceeding.
- f. Members of student organizations/groups are expected to promptly report alleged violations by other members of the student organization/group of the Code or other University policies to the Office of Student Accountability & Academic Integrity, including the following information: a detailed description of the concerning behavior, including date, time, and location, and the name(s) of any individual(s) involved.

## **X. Student Accountability Process**

The [Office of Student Accountability and Academic Integrity](#) follows the steps below to address behavior that possibly violates the Code. Please note that every incident is different, and each incident's context, severity, and complexity may vary. Unique circumstances, especially those related to health and safety, may lead the office to move forward in the best way possible with the information available at the time. The Office of Student Accountability and Academic Integrity has sole discretion in the steps taken in particular cases.

The student accountability process is educational and wholly different from the legal or criminal process. Students may find themselves participating in both processes.

### **A. Individual Student Accountability Process**

1. Whenever the Office of Student Accountability & Academic Integrity receives reports from the Old Dominion University Police Department, Housing and Residence Life, students, faculty members, staff members, administrators, community members, or a concerned party, the office reviews the report to determine if the behavior may be a possible violation of the Code of Student Conduct.
2. If the office determines a possible violation of the Code of Student Conduct, a Student Accountability Meeting (SAM) notification letter is sent to the student(s) involved in the incident. The letter will include the date(s) of the alleged incident (if known) and the date, time, and location of the SAM.
3. The student will meet with their Conduct Educator or the University Accountability Board (UAB) to share their perspective of the incident. If the student accepts responsibility for the alleged policy violations, the student will have the opportunity



to select their pathway projects. If the student does not accept responsibility for the alleged policy violations but is found in violation of the Code, the Conduct Educator will assign their pathway projects.

4. Following the SAM, the student will receive an email detailing the selected or assigned pathway projects and their due date for completion. Students who accept responsibility for policy violations and those who do not but are found in violation of policy will receive a letter titled Pathway Plan. The Pathway Plan will include the findings for each violation, the selected pathway projects, or any assigned pathway projects.
5. The Pathway Plan will detail how the student can appeal the decision. Students will have five (5) business days to appeal the decision of their Conduct Educator or the UAB.
6. The Office of Student Accountability and Academic Integrity uses the preponderance of the evidence as the standard of evidence when making decisions in student accountability cases. This means if the evidence shows that it is more likely than not that a violation of the Code occurred, the student or student organization/group will be found in violation.
7. The outcome of a SAM is considered part of the student's education record. The Family Educational Rights and Privacy Act (FERPA) protects it from unauthorized disclosure. However, the University may release the final resolution of any student accountability meeting without the student'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 incidents will be informed of the outcome, appeal options, and appeal outcome of any complaint in writing, without condition or limitation.
  - b. Complainants of a crime of violence or non-forcible sex offense may request updates using the [Complainant of Crime of Violence Form](#) (or the Complainant's next of kin if the Complainant is deceased). Only the student's name, the finding(s), and any assigned pathway project(s) will be shared. Steps to confirm identity will be taken.
  - c. University officials whose notice requires their action. The faculty member will be notified of the final resolution to assign an appropriate grade in all academic integrity cases.

## **B. Student Organization/Group Accountability Process**

1. Whenever the Office of Student Accountability & Academic Integrity receives reports from the Old Dominion University Police Department, Housing and Residence Life, students, faculty members, staff members, administrator, community member, or a

concerned party about a student group or student organization, the office reviews the report to determine if the behavior may be a violation of the Code of Student Conduct.

2. If the office determines that there is a potential violation and/or the health and safety of students are threatened, the office may issue a cease and desist directive, an interim suspension, or whatever other interim action is necessary to protect students. The directive will be sent to the student organization president, representative, or designee.
3. If it is determined that an investigation must occur, the student organization president, representative, or designee will receive written communication from the Office of Student Accountability & Academic Integrity via their ODU email address notifying them of an investigation. The notice of investigation shall include the date of the incident(s) or activity(ies) and the alleged policy violation(s).
4. The notification will inform the student organization president, representative, or designee that members will be selected randomly to interview with the Office of Student Accountability & Academic Integrity. All requested members of the organization shall appear at the designated location during the time requested. Only Class schedules will be taken into consideration and addressed accordingly. *Any individual refusing to cooperate with the Investigation Process may be charged with Failure to Comply.*
5. After the investigation, an investigation summary will be created. The Office of Student Accountability & Academic Integrity will schedule a meeting with the organization's president, designees, and the organization advisor (if available) to review and address the investigation findings.
6. The president will receive a Findings Letter to inform them of the investigation findings. This letter will also outline any concerns the Office of Student Accountability & Academic Integrity has and provide information on the next steps in the process. Student organizations found in violation of the Code of Student Conduct will have two options to resolve their case.
7. The first option is to work with the Office of Student Accountability & Academic Integrity to create an Organization Accountability Agreement (see definition in XII. Resolution Options). The second option is for the Office of Student Accountability & Academic Integrity to determine the accountability measures.
8. If a Student organization is found in violation of additional policies after an Organization Accountability Agreement (OAA) has been implemented or other measures of accountability have been assigned, the organization will be able to make an amendment(s) to the original OAA or the Office of Student Accountability & Academic Integrity will add additional measures of accountability.

- a. In certain situations, the Office of Student Accountability & Academic Integrity reserves the right to withdraw the student organization's option of working on an Organization Accountability Agreement.

## XI. Interim Actions

Based on the nature and circumstances of the referral, the Vice President of Student Engagement & Enrollment Services, Dean of Students/Associate Vice President of Engagement, the Office of Student Accountability & Academic Integrity, or designee may authorize interim measures or take administrative action to ensure continuity of University operations, maintain safety, order and the well-being of the University Community. These measures and actions include, but are not limited to:

1. **Interim Suspension:** A student's immediate and temporary separation from the University. Such separation prohibits attending any classes (in-person or virtual), events, other University functions, or visiting any University grounds or buildings (including Residence Halls) unless by advanced written permission from the Office of Student Accountability & Academic Integrity. The interim suspension also restricts any privileges for which a student might otherwise be eligible as a student of Old Dominion University. The interim suspension shall remain in effect until rescinded in writing or their case has reached a final resolution. The process includes the following:
  - a. A determination is made that a student's behavior is considered a concern for the health or safety of the campus community.
  - b. The Office of Student Accountability & Academic Integrity will send a letter notifying the student of their interim suspension.
  - c. The student will have the right to appeal their interim suspension to an Appeals Reviewer to determine whether their continued presence poses a substantial and immediate threat to the health or safety of the University community. The student must complete the [Interim Suspension Appeal Form](#). The decision of the Appeals Reviewer will be final.
  - d. A Student Accountability Meeting (SAM) will be scheduled as soon as possible to resolve any matters that significantly impact the student's ability to reasonably participate in the pursuit of their degree.
2. **No Contact Directives (NCD):** Written communication emailed to the student that prohibits direct, indirect, or third-party contact (e.g., physical, written, verbal, telephone, electronic communication, or any other contact) between parties.
  - a. Students may request no-contact directives, or the Office of Student Accountability & Academic Integrity can issue them without a request if the office deems it necessary to prevent an incident from escalating.

- b. The Office of Student Accountability & Academic Integrity has the authority to deny a request for an NCD if it determines that an NCD is unnecessary based on the information it has received.
  - c. Either party can request the directive be lifted, but each party must agree. If both parties do not agree, the directive will stay in place.
  - d. The Office of Student Accountability & Academic Integrity has the authority to lift an NCD at any time if it is determined the circumstances under which it was issued are no longer present.
3. **Holds on Student Account:** The Office of Student Accountability & Academic Integrity may apply a hold to a student's account that prevents class registration and graduation. Situations in which holds may be applied include but are not limited to the following:
- a. The student fails to complete pathway projects by assigned due dates.
  - b. The student has been issued an interim suspension.
  - c. The student is suspended and has a pending re-enrollment meeting.
  - d. The student is not presently enrolled and a SAM is pending.
  - e. The student has been expelled.
  - f. The student has a pending student accountability matter that must be resolved.
4. **Campus Restriction:** When a student is temporarily restricted to traveling and accessing only the necessary campus areas directly tied to pursuing their degree, their basic needs, and reasonable public spaces on campus.
- a. A determination is made that a student's behavior is considered a concern for the health or safety of the campus community but does not rise to the level where the individual needs to be placed on interim suspension.
  - b. The Office of Student Accountability & Academic Integrity will send a letter notifying the student of their campus restrictions.
  - c. A SAM will be scheduled to resolve the pending matter as soon as possible.
5. **Cease and Desist Directives/Order:** A formal notice to a student organization or group to stop all activities and events due to alleged violations of the Code.
- a. If the Office of Student Accountability & Academic Integrity is notified of alleged violations of the hazing policy or other forms of misbehavior, the president or leader of the organization, group, or team will receive the cease and desist letter on its behalf.
  - b. Depending on the initial information shared with the Office of Student Accountability & Academic Integrity, an investigation may be conducted to resolve the matter.
  - c. The cease-and-desist order will stay in effect until the investigation or another form of resolution has been completed.

6. **Modification of Housing Assignment:** A temporary relocation of individuals involved in an incident where the health, safety, and well-being of others is a concern.
  - a. Housing and Residence Life, the Office of Institutional Equity and Diversity, or the Office of Student Accountability & Academic Integrity may reassign students to temporary housing locations for the best interest of involved parties.
  - b. The student(s) will be informed about the modification of their housing assignment and provided with a sufficient time frame for moving.
  - c. Once the incident is resolved, the student may be returned to their original assignment, or, depending on the outcome, the relocation may be permanent.
7. **Alteration of class or work schedules:** Housing and Residence Life, the Office of Institutional Equity and Diversity, or the Office of Student Accountability & Academic Integrity may work with the necessary parties to alter a student's class or on-campus work schedule if it does not infringe upon that student's rights.

## XII. Resolution Options

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

1. **Student Accountability Meeting (SAM):** A Student Accountability Meeting is a formal resolution convened to address alleged violations of the Code. During this meeting, the alleged misbehavior is discussed, evidence may be presented, and the student has the opportunity to respond. The goal is to reach a resolution that aligns with the University's policies and fosters a positive campus environment. All student accountability meetings are closed. Conduct Educators will determine the relevance of information and credibility of participants. The Office of Student Accountability & Academic Integrity may offer a SAM waiver, including proposed pathway projects, to a student. If accepted, the student will waive their right to a SAM, take responsibility for the allegations, and accept pathway projects without a SAM.
2. **University Accountability Board Meeting:** The University Accountability Board Meeting is a formal resolution and gathering of Board members tasked with reviewing cases of alleged misbehavior that may require a higher level of assessment. This meeting involves a more structured process where the Board evaluates evidence, listens to the involved parties, and makes decisions regarding accountability and potential pathway projects. It is a more formalized approach to handling serious or multiple violations of the Code.
3. **Information Meeting:** An information meeting is an informal resolution designed to provide students with the opportunity to provide their perspective on an incident that did not formally lead the student to participate in the student accountability process.

However, the behavior still needs to be addressed because if it continues, alleged policy violations can be assigned in the future. The purpose of this meeting is to be educational, allow the Conduct Educator to learn the context of the incident, and intended to assist students in reflecting on their actions and connect them with other campus resources as needed.

4. **Conflict Resolution Meeting:** A conflict resolution meeting is an informal resolution option offered to students and student organizations to address disputes, conflicts, or misunderstandings between individuals within the campus community. This meeting provides a platform for parties involved in the conflict to express their concerns, listen to each other's perspectives, work collaboratively toward a resolution, and move forward from the incident. This meeting is voluntary and students are not required to participate. All parties must agree to participate in the meeting.
5. **Organization Accountability Agreement (OAA):** An OAA is an agreement created in collaboration with the Office of Student Accountability & Academic Integrity and the student organization (and their headquarters or advisor where applicable) to fulfill violation(s) of the Code. The student organization, their advisor, and national headquarters will decide which student leaders are present to participate in creating the OAA with the Office of Student Accountability & Academic Integrity. The OAA cannot be appealed due to the collaborative nature and agreement between the student organization and the Office of Student Accountability & Academic Integrity. The OAA typically needs to be finalized and signed within 60 days, or the Office of Student Accountability & Academic Integrity may move forward without the input of the student organization.

### XIII. Appeal Process

1. Only students who attend their Student Accountability Meeting or University Accountability Board Meeting can appeal an outcome. All students have the right to appeal the following behavioral statuses: deferred suspension, suspension, and expulsion. Students who are removed from their housing or dining agreement or have their admission or degree revoked will also have the right to appeal. Appeal procedures for discrimination cases may be found in [University Discrimination Policy 1005](#) and cases involving sexual misconduct in [University Policy 1008: Policy on Title IX and Sexual Misconduct](#).
2. Appeals must be submitted within five (5) business days from the date the Pathway Plan was sent using the [Appeal Submission Form](#). This form requires the student to identify the ground(s) of their appeal and explain their rationale. No appeal will be accepted if this form is not used. An Appeals Reviewer will be assigned to the case. The Appeals Reviewer can be anyone designated by the Assistant Dean. An appeal is the review of the case's facts, process, and evidence and not a re-adjudication of the case. The Appeals Reviewer may uphold, modify, overturn, or return (remand) the case to be reheard with instructions by a different Conduct Educator or composition of the UAB to

remedy errors or consider new information. The decision of the Appeals Reviewer is final.

3. During the appeal window or when a student submits an appeal, all measures of accountability (behavior status, pathway projects, etc.) originating from the original Pathway Plan or Resolution Letter will be on pause and not go into effect until the appeal decision has been made, except when such a delay may pose a health and safety risk to other members of the University community.
4. A student may appeal for the following reasons:
  - a. A behavioral status is either unreasonably harsh or inadequate based on precedent.
  - b. A procedural error that significantly impacted the outcome of the Student Accountability Meeting or University Accountability Board Meeting.
  - c. New and relevant information unavailable at the time of the accountability meeting could have significantly impacted the original decision and accountability measures.
  - d. The Conduct Educator or member(s) of the University Accountability Board had a conflict of interest or bias for or against the complainant(s) or respondent(s) generally or specifically that affected the outcome of the case.

#### **XIV. Behavioral Statuses, Pathway Projects, and Accountability Measures**

A behavioral status is the level of accountability that a student is assigned when found in violation of the Code. A behavioral status determines if a student is in good behavioral standing with the university. Behavioral statuses also inform the student of the severity of their incident(s) as it relates to the behavioral expectations of the university. All behavioral statuses will remain on file with OSAAI and as otherwise noted below.

The following statuses and pathway projects may be applied to any student or student organization/group, including, but not limited to.

- A. **Informal Warning:** This status indicates the lowest level violation of the Code has occurred but will not be reported as part of the student's behavioral record. If found in violation of the Code of Student Conduct again, a student can expect an elevated behavioral status, such as a formal warning, behavioral probation, deferred suspension, suspension, or expulsion.
- B. **Formal Warning:** This status indicates a minor violation of the Code has occurred but will not be reported as part of the student's behavioral record. Future violations can result in an elevated behavioral status, such as behavioral probation, deferred suspension, suspension, or expulsion.
- C. **Behavioral Probation:** This status indicates a serious violation or two or more incidents have resulted in Code violations. The student or student organization/group is informed that further violations may result in suspension. This status may prevent a student from participating in other student leadership opportunities that require a student to be in good standing with the University.

Behavioral probation may delay, but not deny participation in other student leadership opportunities.

- D. **Deferred Suspension:** This status indicates a severe violation or multiple incidents have resulted in Code violations. The student or student organization/group has committed a suspendable offense; however, the Conduct Educator or University Accountability Board does not feel the student or student organization/group should be separated from the University. The student or student organization/group is informed that further violations may result in suspension. The student can attend classes normally due to the suspension being deferred and inactive. This status may prevent a student from participating in other student leadership opportunities that require a student to be in good standing with the University. Deferred suspension may delay, but not deny participation in other student leadership opportunities.
- E. **Suspension:** A student or student organization/group is removed from the University for a specified period. When a student is suspended and required to leave the University community due to violations of the Code, he/she/they may not re-enter without a reentry meeting with the Assistant Dean or designee. If a student organization/group is suspended from campus, it does not include individual members unless they are suspended in an individual SAM or UAB proceeding. During a suspension, the student is not permitted to be on university premises or participate in university activities (in person or virtually) without express permission from the Assistant Dean or designee. A registration hold is placed on the student's account during the suspension. A postponement of the implementation of suspension may be appropriate in certain situations or circumstances.
- F. **Expulsion:** Permanent separation from the University with no opportunity for reactivation/re-enrollment. The student is not permitted on university premises or at university activities, in person or virtually, without permission from the Office of Student Accountability & Academic Integrity and will be subject to trespass orders. A registration hold will be placed on the student's account. If a student organization/group is expelled, they will lose their recognition status and all the rights and privileges that come with being a student organization/group, such as university resources or support.
- G. **Educational or Restorative Measures:** Any pathway projects designed to help students reflect or learn from their policy violation.
- H. **Housing Expulsion:** Permanently canceling a student's Housing & Dining Agreement. The student remains financially responsible for the entire cost of the agreement period for the assigned building. The student is not permitted in any residential communities.



- I. **Housing Points:** Points assigned to residential students who violate the Code of Student Conduct, Guide to Living on Campus, or Housing and Residence Life Community Standards for incidents in or near the residence halls.
- J. **Housing Probation:** A status for residential students indicating multiple or serious violations within the residence halls for a specified period. Further violations within or near the residence halls may result in the student being removed from campus housing.
- K. **Housing Reassignment:** A change in a housing assignment.
- L. **Housing Suspension:** A student is removed from their on-campus housing assignment for a specific period of time. The student remains financially responsible for the entire cost of the agreement period for the assigned building.
- M. **Loss of Privileges:** Denial or restriction of privileges for a designated period of time. Loss of privileges may include, but is not limited to, 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.
- N. **Restitution:** Compensation for loss or damage to other's property, university property, funds, or premises applied to a student's financial account.
- O. **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 before graduation.
- P. **Transcript Notation:** An official note placed on a student's academic transcript that indicates they have been found in violation of the University's Code of Student Conduct. A transcript notation may be visible to internal and external university community members who can see the student's transcript.

## XV. Transcript Notations

- A. **Academic Misbehavior.** The Office of Student Accountability & Academic Integrity may issue a transcript notation for academic integrity violations. If the student has completed all pathway projects and conditions and has not been found in violation for additional violations of a similar nature, the student may request to have the notation removed by completing the [Transcript Notation Removal Form](#). A student may only request to have one notation removed.
- B. **Suspension and Expulsion.** If a student is suspended or expelled from the University, a notation will be included on the student's academic transcript. Notations placed for suspensions will be removed from the transcript one year after the resolution of that incident. Notations for expulsions will not be removed.

- C. **Sexual Misconduct.** In accordance with [Va. Code § 23.1-900](#), the University is required to place a notation on a student's transcript if suspended, dismissed, or expelled from the University after being found in violation of sexual misconduct or where the student respondent withdraws from the University during an investigation for sexual misconduct.

## **XVI. Student Behavioral Record Retention and Reporting**

The Assistant Dean is the official keeper of student behavioral records and has decision-making authority on requested disclosures. The Office of Student Accountability & Academic Integrity retains records for no less than seven (7) years in compliance with the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act](#). Resolutions resulting in suspension or expulsion will be retained permanently. They may be reported with the student's consent to third-party entities such as graduate or professional schools, employers, military branches, etc., or as required by law. Resolutions resulting in behavioral probation or deferred suspension will be retained for seven years and may be reported with the student's consent upon request to third-party entities such as graduate or professional schools, employers, military branches, etc., or as required by law. Resolutions resulting in formal warnings or lower will not be reported to third-party entities. Records of pending incidents are kept indefinitely. Seven years from the resolution date, all eligible student behavioral records may be destroyed.

## **XVII: Parent and Guardian Notification**

The University believes parents and guardians can be influential and positive partners in encouraging healthy behaviors focused on student success. The [Family Educational Rights and Privacy Act \(FERPA\)](#) allows the University to notify parents or guardians about specific information from a student's behavioral record. The University may share information with parents or guardians when students are found in violation of our alcohol or drug policy and are under the age of 21. Other than FERPA exceptions, the student must consent before releasing the record to or sharing case-specific information with parents or guardians.

## **XVIII: Interpretation and Revision**

The Code of Student Conduct shall be construed and applied to incorporate and conform to governing law. Any conflict in the Code with such law shall be deemed superseded and of no effect. Any question of interpretation or application of the Code of Student Conduct shall be referred to the Office of Student Accountability & Academic Integrity or designee for final determination. The Code of Student Conduct should be reviewed every three (3) years and revised as needed under the discretion of the Office of Student Accountability and Academic Integrity.

## **XIX: Adoption and Amendments**

Additional policies or temporary guidance may be added during the academic year and will be updated on the website upon adoption.

## **XX. Student Behavioral Record Expungement**

A student may request the expungement of their student behavioral record no sooner than one year after resolving their most recent incident. Multiple factors will be considered by the Office of Student Accountability & Academic Integrity when deciding to expunge a student's behavioral record. Some of these factors include, but are not limited to, the severity of the violation, overall impact on the campus community, pathway project completion, timeliness of pathway project completion, and current standing with the University. Certain classifications of students may be ineligible for expungement according to program requirements. Expungement means the case will not be a reportable record to third parties. Due to the University's obligations under the Clery Act mentioned above, the record will not be destroyed until it is permitted by the Act.

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