

UNIVERSITY GRANTS COMMISSION

Commission Circular No. 946

No. 20, Ward Place, Colombo 07.

10th February 2011

Vice-Chancellors of Universities, Rectors of Campuses, Directors of Institutes,

COMMON GUIDELINES ON STUDENT DISCIPLINE

The University Grants Commission (UGC) having observed that Universities/HEIs have adopted different procedures with regard to student disciplinary matters decided to issue the following set of common guidelines on student disciplinary procedure and imposing punishments to be adopted by each University/HEI.

The Commission is also of the opinion that it is desirable to delegate the disciplinary powers on students to Higher Educational Institutes attached to each University, by the Council of such University, to enable the Institute to exercise the same independently. In such instances, the power shall be retained with the University to impose punishments by the Vice Chancellor based on the recommendations and to inquire into appeals forwarded by students of the Campuses & Institutes.

DISCIPLINARY PROCEDURE

- 1. Any charge of misconduct/indiscipline against a student shall in the first instance be reported to the Vice-Chancellor (VC) or to the Deputy Vice- Chancellor (DVC) if any /Rector.
- 2. Where the VC/DVC/Rector receives information relating to any misconduct /indiscipline and considers that further particulars should be obtained, may request a member of the staff to proceed to the place in question and to report on the same within 24 hours.
- 3. Where the VC/Rector is satisfied on the availability of evidence relating to misconduct/ indiscipline, shall appoint one or more members of staff of the University/Campus or any other suitable person to investigate the facts and submit their conclusions and recommendations in writing to the VC/Rector within 3 working days.
- 4. In cases where the VC/Rector deems it necessary in the context of the seriousness of the infringement of discipline or where the student pleads not guilty but has been revealed in the fact finding mission mentioned under 3 above, that the student/students have committed an act amounting to misconduct/indiscipline, the VC/Rector shall be empowered to impose an Out of Bounds Declaration on students with immediate effect upon giving reasons for same in writing to the relevant student pending a formal inquiry, and report the matter to the Council/Campus Board as the case may be for their endorsement subsequently.

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The Out of Bound Declaration shall mean a total prohibition on attendance/access to the University/Campus/Institute as the case may be and participation in any activity of the University/Campus/Institute, provided however that the VC/Rector may act on his/her discretion to permit such a student to enter the University for a specific purpose.

- 5. The VC/Rector shall on receipt of the investigation report on unlawful activities infringing student discipline, by the fact finding committee, cause charges to be framed in writing and sent under registered post within 5 working days from the receipt of the said report and where possible shall handover to the student or in the case of more than one student to individual students alleged to have committed the offences requesting them to reply within 5 working days from the date of the Charge Sheet.
- 6. The VC/Rector may also order the withholding of the examination results of a student pending the inquiry or investigation.
- 7. If the student respondent/s plead/s guilty to the charge sheet or does not reply within the time specified, the VC shall proceed to impose on the student any of the punishments as recommended by the Board of Discipline/Senate as appropriate based on Schedule II and report to the Council.
- 8. In the case of a Campus, the Rector may report the same to the VC to which the Campus is attached, to follow the procedures laid down in 7 above.
- 9. If the student respondent/s plead/s not guilty to the charges, the VC/Rector shall appoint a committee of up to 3 members to hold a formal inquiry and submit the report within 14 days.

The Procedure to be followed has been set out in Schedule I

10. A student/s against whom such disciplinary action has been taken may appeal to the Council of the University against such decision within fourteen (14) days from the date of issuing of such decision.

RECORD OF PUNISHMENTS

All punishments and any disciplinary action taken shall be recorded in the students' personal file and may be reflected in the testimonial and the student record book.

Provided however the council shall have the power to consider the removal of records of punishments, having considered the gravity of the offence and the good/exemplary behavior of the student/s concerned and requests made by respective student/s.

Please take action accordingly with immediate effect.

(Prof. Gamini Samaranayake) Chairman Copies : 1. Chairman's Office/UGC

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- 3. Members of the UGC
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SCHEDULE I

THE PROCEDURE TO BE FOLLOWED

- 1. The charge sheet shall contain specific charges. The VC/Rector shall serve the student respondent/s the charge sheet individually requesting to send the reply to the VC or Rector in writing within the time period granted.
- 2. If the respondent/s plead/s not guilty to the charges, the VC/Rector shall appoint a disciplinary committee of up to 3 members to hold a formal inquiry and submit the report within 14 days.
- 3. If the VC/Rector is not satisfied with the answers given, the student respondent/s shall be notified of the date of the inquiry by the Secretary to the Committee of inquiry appointed by VC/Rector from among teachers/administrative officers.
- 4. At the inquiry, the student respondent/s shall be informed of the evidence and have the right to defend him/herself. He/ She may make his/her own defence and call any witnesses for the defence.
- 5. The Disciplinary Committee may, taking into consideration the special circumstances of the situation deny a student charged with an offence, the opportunity to question the complainant regarding the complaint made or any witness relating to the evidence given by the witness.

Provided that in such a situation, the student charged with the offence shall have the right to seek in writing, through the Disciplinary Committee, clarification on specific issues relating to the complaint or evidence from the complainant or witness as the case may be. Upon the Disciplinary Committee directing such request to the complainant or the witness, he or she shall give his or her clarifications in writing to the student charged with the offence within the time stipulated by the Disciplinary Committee.

- 6. The Committee of Inquiry shall have the power to summon any witness required by the prosecution and by the defence.
- 7. Any Committee of Inquiry appointed by the VC/Rector shall have the power to summon any student of the University/Campus/Institute as the case may be to render whatever assistance needed to conduct Inquiries on matters pertaining to provision of any By-Law. A student who does not so comply shall be guilty of a punishable offence.

At a Committee of Inquiry a student shall be provided with relevant documents or extracts from the same, which have been used to frame charges against the students.

- 8. The Committee of Inquiry after finalizing its recommendations shall submit its report to the VC/Rector giving reasons for such findings and the verdict.
- If the student/s had been found guilty for the charges the VC shall refer the same to the Board of Discipline (BOD)/Senate to determine the punishment within the scope of the Schedule II.

- 10. The said BOD shall consist of five members appointed by the VC. (In case of a disciplinary matter connected to the Campus/Institute, the VC may appoint all/or few members from the Campus/Institute)
- 11. In case of a Campus, the Rector shall forward the recommendations of the disciplinary committee to the VC of the University to which it is affiliated to follow the procedure specified under 9 above.
- 12. On receipt of the determination of the punishments by the BOD/Senate, the VC shall immediately place it before the Council for ratification. Thereafter the decision shall be conveyed to the student/s under registered post and where possible shall be hand delivered.
- 13. (a) The VC/Rector may subject to the provisions in this section declare the University out of bounds to a student who is reported to have violated any of the provisions of this By-Law or against whom the formal disciplinary inquiry or a criminal case is pending or who is the subject of Police investigation, for a prescribed period of time.
 - (b) Declaration of the University out of bounds to a student (hereinafter called 'OUT OF BOUNDS DECLARATION') under this section shall mean a total prohibition on attendance/access to the Higher Educational Institution to which the student is attached and participation in any activity of the Higher Educational Institution, provided however that the VC/Rector may at his discretion permit such a student to enter the premises for a specific purpose.
 - (c) The out of bounds declaration may include such other reasonable conditions as the VC/Rector may think fit.
 - (d) The out of bounds declaration under this section shall not be considered as a punishment. The purpose of this declaration under the provisions of this section is to protect the members of the University community in general or a particular member or members and the power shall be used only where the VC/Rector is of the opinion that it is necessary to take such action. Written reasons for the decision shall be recorded and made available to the student/s concerned.
 - (e) No student shall be subjected to the out of bounds declaration unless he or she has been given an opportunity to make representations in person to the Deputy Proctor or Marshal or Chief Security Officer in the presence of the Registrar/ a Deputy Registrar. Where for any reason it appears to the VC/Rector that it is not possible for the student to attend in person, he or she shall be entitled to make the above representations in writing. The Deputy Proctor or Marshal or Chief Security Officer shall forward a written report to the VC/Rector within twenty four hours of such representations for making the decision on the out of bounds declaration.
 - (f) However, in case of great urgency, the VC/Rector considering the seriousness of the infringement of discipline committed by the students, shall be empowered to impose the out of bounds declaration on a student with immediate effect upon giving the reasons in writing to the student/students without following the above procedure.

(g) The VC/Rector shall review the out of bounds declaration every thirty calendar days and shall record the reasons if the validity period of the declaration is extended.

APPEALS PROCEDURE

- 1. Any appeal made by the student/s against the decision to punish the student/s shall be made to the VC.
- 2. The VC shall place such appeal/s before the next immediate meeting of the council
- 3. The Council shall appoint an Appeals Committee consisting of 3 of its members for this purpose. The Appeals Committee shall elect its Chairman. The Registrar shall be the Secretary to the Appeals Committee
- 4. The Appeals Committee of the Council shall consider all appeals and submit a report to the Council within two weeks from the receipt of the appeal by the Committee.
- 5. The members of the Disciplinary Committee relating to the appeal in question, shall not participate in the proceedings of the Council (if they are members of the council) when it considers the report of the Appeals Committee.
- 6. The Council shall have the power to vary the decision taken on the disciplinary action against the student on the basis of the recommendation of the Appeals Committee. The decision of the Council on the appeal by the student shall be final.
- 7. The VC shall communicate the decision of the Council to the appellant student/s under registered post. The decision so communicated shall be final and conclusive.

SCHEDULE II

RECOMMENDED PUNISHMENTS FOR VIOLATION OF STUDENT DISCIPLINE

RECOMMENDED PUNISHMENTS FOR V	
Offences	Recommended Maximum Punishments
 i. Refuses or neglects to produce the Student Identity Card when called upon to do so by the VC, DVC/Rector any other officer, any member of the Academic Staff or Administrative Staff or Security Staff or any other authorized by the VC/Rector. <u>Explanation</u> Any student who refuses to produce the student identity card on request shall be deemed to be a trespasser and may also be dealt with in accordance with the normal Laws of the land. 	Considering the gravity of the offence, a. suspension from the University/Campus for a period not exceeding one calendar year depending on the gravity of the offence and withholding of examination results or certificate as appropriate. or b. severe warning by the VC/Rector with a record of same in the personal file of the student.
ii. Violates the By-Laws on University/Campus Residence Facility (RF).	Recovery of cost incurred by the University/Campus as a result of violating, any by-laws , and considering the gravity of the offence, a. suspension from the University/Campus for a period not exceeding one calendar year and withholding of examination results or certificates as appropriate and /or b. denial of RF in the future or c. severe warning by the VC/Rector with a record of same in the personal file of the student. The above punishments may be in addition to any other punishments that may be imposed for violation of any other By-Laws of the University.
 iii. Destroys, damages, defaces, alienates, misuses or unlawfully appropriates to himself any property of the University/Campus or any property in the custody of the University/Campus or held temporarily by the University/Campus. iv. Contravenes any By-Law, Regulation or Rule 	or cost, and Considering the gravity of the offence, a. expulsion from the University/Campus or b. suspension from the University/Campus for a period of two calendar years and withholding of examination as appropriate. Considering the gravity of the offence, a. suspension from the University/Campus
	for a period not exceeding one calendar year depending on the gravity of the offence and withholding of examinations as appropriate or

	b. severe warning by the VC/Rector with a record of same in the personal file of the student.
v. Refuses to carry out any lawful order issued by the VC, DVC/Rector, any other officer, a member of the Academic or Administrative or Security Staff or any other employee or any other person authorizes by the VC/Rector.	Considering the gravity of the offence, a. suspension from the University/Campus up to a period not exceeding one calendar year depending on the gravity of the offence and withholding of examination results or certificate as appropriate or b. severe warning by the VC/Rector with a record of same in the personal file of the student.
vi. Furnishes the University/Campus with false information in relation to any matter in respect of which the University/Campus is entitles to true particulars which in the opinion of the VC/Rector, is calculated to mislead the authorities of the University/Campus.	 a. Expulsion from the University/Campus for falsification of documents
vii. Smelling of liquor or under the influence of or in possession of an intoxicant, liquor, narcotic or other addictive drug, consuming or supplying liquor, narcotic, addictive drug or gambling within the precincts of the University/Campus.	 c. severe warning by the VC/Rector with a record of same in the personal file of the student. Considering the gravity of the offence, a. suspension from the University/Campus for a period not exceeding two calendar years and/or withholding of examination results or certificate as appropriate or b. severe warning by the VC/Rector with a record of same in the personal file of the student.
viii. possessing or storing or carrying or using arms, weapons and/or any other substance with the intention of causing harm to persons or property within the precincts of the University/Campus.	 a. Expulsion from the University/Campus for being in possession or storing or using arms and weapons within the precincts of the University/Campus or b. Suspension for three calendar years and/ or withholding of examination results or certificates as appropriate for being in possession or storing or carrying any other substance with the intention of causing harm to persons or property.
ix. Engages in such activities as are likely to disrupt the conduct of registration, teaching study, research or examinations in the University/Campus or in the administration of the University/Campus or obstructs an event organized by the University/Campus within or	Suspension up to one calendar year and /or withholding of examination results or certificates as appropriate and recovery of monetary damages as a result of obstruction or disruption.

outside its premises or obstructs or disrupts any other authorized event held within the University/Campus premises.	
x. Obstructs or harasses any officer member of the academic or administrative staff, any other employee of the University/Campus or any other authorized person in the performance of his duties.	Suspension for two calendar years and withholding of examination results or certificates as appropriate.
xi. Prevents or obstructs any student in carrying out his studies or research or disrupts any legitimate activities of a recognized student society/association/union.	Suspension for one calendar year and withholding of examination results or certificates as appropriate.
xii. Occupies or uses any property of the University/Campus otherwise that in accordance with rules or other provisions made by the University/Campus from time to time, or without the authority of the VC/Rector or the relevant member of staff.	Suspension for one calendar year and withholding of examination results or certificates as appropriate.
xiii. Conducts himself in a manner which, in the opinion of the VC/Rector, is detrimental to the good name of the University/Campus or to the maintenance or order and discipline within the University/Campus.	 Considering the gravity of the offence, a. suspension from the University/Campus for a period not exceeding two calendar years depending on the gravity of the offence and withholding of examination results or certificate as appropriate or b. severe warning by the VC/Rector with a record of same in the personal file of the student
xiv. a. Abuse/harassment (including any form of ragging/molestation) sexual harassment and/or intimidation whether physical or mental of any student of the University, VC, DVC/Rector, any other officer member of the academic or administrative staff, any other employee or any other person authorized to be within or outside the premises of the University/Campus or at an event organized by the University/Campus.	Considering the gravity of the offence, a. Expulsion from the University/Rector or b. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or c. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate or d. severe warning by the VC/Rector with a record of same in student's personal file.
 b. Display of posters in the University/ Campus premises by any student or students, which are intimidating or defamatory of the University, VC, DVC/Rector, other officer, member of the Academic or Administrative staff or any other employee of the University/Campus. 	Considering the gravity of the offence, a. Expulsion from the University/Campus or b. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or c. suspension for a period not exceeding one calendar year and withholdings of

	examination results or certificate as appropriate or
	d. severe warning by the VC/Rector with a record of same in student's personal file.
xv. Causing of physical injury or physical harm	Considering the gravity of the offence,
or threatens to cause same to any student of the	a. Expulsion from the University/Campus
University/Campus, VC/Rector, any other	or b. Suspension for two calendar years and
officer, member of the academic or administrative staff, any other employee of the University/Campus or any other person authorized to be in the premises of the	withholding of examination results or certificates as appropriate.
University/Campus or at an event organized by the University/Campus.	c. suspension for a period not exceeding one calendar year and withholdings of
	examination results or certificate as appropriate or
	d. severe warning by the VC/Rector with a record of same in student's personal file.
xvi. Kidnapping, Hostage taking attempt to	Considering the gravity of the offence,
kidnap, or threatening to take hostage or kidnap	a. Expulsion from the University/Campus
VC, DVC/Rector, other Officer, member of the academic or administrative staff, any student of	or b. Suspension for two calendar years and
the University/Campus, an employee, or any	withholding of examination results or
other person authorized to be in the premises of	certificates as appropriate.
the University/Campus or at an event organized with the authority of the University/Campus	or c. suspension for a period not exceeding
with the authority of the Oniversity/Campus within or outside its premises.	one calendar year and withholdings of examination results or certificate as appropriate
	or d. severe warning by the VC/Rector with a record of same in student's personal file.
xvii. Inciting of students to disrupt legitimate	Considering the gravity of the offence,
activities of the University/Campus.	a. Expulsion from the University/Campus or
	b. Suspension for two calendar years and withholding of examination results or certificates as appropriate.
	c. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as
	appropriate or
	d. severe warning by the VC/Rector with a record of same in student's personal file.
xviii. Any student who has stolen or attempted the theft of property within the University/Campus premises or has retained stolen property belonging to the	
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University/Campus or has caused willful damage to University/Campus property or to property of an officer, member, of the academic or administrative staff, an employee or a student of the University/Campus of any other person authorized to be in the premises of the University/Campus or at an event organized with the authority of the University/Campus within or outside its premises.	
(1). Theft.	Considering the gravity of the offence, a fine equivalent to the replacement value plus 25% of such value and, a. Expulsion from the University/Campus
	b. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or
	c. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate or
	d. severe warning by the VC/Rector with a record of same in student's personal file.
(2). Willful damage	Considering the gravity of the offence, a fine equivalent to the replacement value plus 25% of such value and, a. Expulsion from the University/Campus
	or b. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or
	c. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate Or
	d. severe warning by the VC/Rector with a record of same in student's personal file.
(3). Attempted theft	Fine to be recommended by the committee to impose punishments and a. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate
	or b. severe warning by the VC/Rector with a record of same in student's personal file.

(4). Retaining stolen property	Return the property and a fine to be recommended by the committee to impose punishments.
xix. Violation of time limits for staying within the University/Campus premises or seeks entry to the University/Campus without authorization of the VC/Rector or any other relevant member of staff authorized by the VC/Rector, before or after the designated times or as specially notified by the VC/Rector.	severe warning by the VC/Rector with a record of same in student's personal file.
xx. Offers any gratification to any employee of the University/Campus as inducement or reward for that University employee's performing or abstaining from performing any official act, or expediting, hindering or preventing the performance of any official act by that University/Campus employee or by any other University/Campus employee.	Considering the gravity of the offence, a. Expulsion from the University/Campus or b. suspension for a period not less than six months and not exceeding two calendar years and withholding of examination results or certificate as appropriate
xxi. Convening of meeting/s of a group of students, any society or association or union which has not been recognized by the University/Campus or without prior approval of the University/Campus or displaying or distributing publications/posters at the University/Campus without authorization of the VC/Rector or any other person authorized by the VC/Rector.	Considering the gravity of the offence, a. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate or severe warning by the VC/Rector with a record of same in student's personal file
xxii. Establishing or assisting in establishing any society or association or union except as provided for in the relevant Section of the Universities Act No 16 of 1978 as amended and/or without following the authorized procedure in that regard.	Considering the gravity of the offence, a. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate or b. severe warning by the VC/Rector with a record of same in student's personal file
xxiii. Failure to comply with the rules and regulations made by the University/Campus on the conduct of affairs of any society/association/union.	Considering the gravity of the offence, a. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate or
	b. severe warning by the VC/Rector with a record of same in student's personal file
xxiv. Convening any meeting or participating in any meeting of students in the precincts of the University contrary to the constitution of the relevant society/association/union.	Considering the gravity of the offence, a. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate
	or b. severe warning by the VC/Rector with a record of same in student's personal file

xxv. Distributing and/or displaying and/or publishing materials using print/audio/video/electronic media/ any other mode of communication, which are defamatory and/or abusive of any recognized society/association/union or VC, Deputy VC/Rector any officer/member of the academic or administrative staff, an employee, student of the University or any other person authorized to be present within the premises of the University or at an event organized with the authority of the University within or outside its premises.	Considering the gravity of the offence, a. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or b. suspension for a period not exceeding one calendar year and withholding of examination results or certificate as appropriate or c. severe warning by the VC/Rector with a record of same in student's personal file.
xxvi. Defacing or mutilating property belonging to the VC, Deputy VC/Rector any other officer, member of the academic or administrative staff, an employee, student of the University/Campus or any other person authorized to be present within the premises of the University/Campus or at an event organized with the authority of the University/Campus within or outside its premises.	Considering the gravity of the offence, a. Expulsion from the University/Campus or b. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or c. suspension for a period not exceeding one calendar year and withholding of examination results or certificate as appropriate or d. severe warning by the VC/Rector with a record of same in student's personal file.
xxvii. Inviting from outside the University/Campus, as a student of or on behalf of or at the request of students of the University/Campus, any speaker to address students, or any outside person for any purpose within the University/Campus, without the prior approval in writing of the VC/Rector or other teacher or officer designated for this purpose by	Considering the gravity of the offence, a. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate or b. severe warning by the VC/Rector with a record of same in student's personal file.
the VC/Rector. xxviii. Arranging or organizing any collection of money or goods in the name of the University/Campus in the precincts or outside the University/Campus without the prior approval in writing of the VC/Rector or other teacher or officer designated for this purpose by the VC/Rector.	Considering the gravity of the offence, a. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or b. suspension for a period not exceeding one calendar year and withholdings of examination results or certificate as appropriate or c. severe warning by the VC/Rector with a record of same in student's personal file.
xxix. A student who has received three warnings within a period of 12 calendar months.	Suspension for a period of 12 months from the date of the last warning.
xxx. Failure to adhere to the severe warning	Suspension for one academic year
xxxi. A student under suspension committing a	Expulsion or a further period of suspension

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further offence	depending on the gravity of the offence.
xxxii. Publication of notice, posters within the University/Campus premises without the permission of authorities.	Suspension for three calendar months
xxxiii. Selling of Newspapers/periodicals or distributing of handbills within the University premises without approval of the VC/Rector.	Suspension for three calendar months
xxxiv. Communicating with higher authorities without going through the VC/Rector.	Suspension for six calendar months
xxxv. Communicating with press without the consent of the VC/Rector.	Suspension for one academic year.
xxxvi. A student who has received three warnings within a period of 12 calendar months.	Suspension for a period of 12 months from the date of the last warning.
xxxvii. Failure to adhere to the warning	Suspension for one academic year.
xxxviii. A student under suspension committing a further offence	A further period of suspension or expulsion depending on the gravity of the offence.
xxxix. Unauthorized of improper use of University/Campus computer system/network	Considering the gravity of the offence, a. Expulsion from the University/Campus or b. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or c. suspension for a period not exceeding one calendar year and withholding of examination results or certificate as appropriate or d. severe warning by the VC/Rector with a record of same in student's personal file.
xl. any other offence or act of indiscipline not explicitly stated in the Schedule II	Considering the gravity of the offence, a. Expulsion from the University/Campus or b. Suspension for two calendar years and withholding of examination results or certificates as appropriate. or c. suspension for a period not exceeding one calendar year and withholding of examination results or certificate as appropriate or d. severe warning by the VC/Rector with a
	record of same in student's personal file.

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