

STUDENT CONDUCT CODE

3344-83-01 Introduction and Purpose.

- (A) In order to carry out its mission, the university community shall promulgate and

reasons such as sexual orientation, gender identity and/or expression, marital status or parental status.

(2) Freedom of expression -

3344-83-02 Jurisdiction.

- (A) The code applies to the on-campus conduct of all students and recognized or registered student organizations, including conduct using university computing or network resources. The code also applies to the off campus conduct of students and registered student organizations in direct connection with:
- (1) Academic course requirements or any credit-bearing experiences, such as internships, field trips, study abroad, or student teaching;
 - (2) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
 - (3) Any activity sponsored, conducted, or authorized by the university or by registered or recognized student organizations;
 - (4) Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community; or
 - (5) Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.
- (B) The code governs all campuses of the university. The university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.
- (C) Students continue to be subject to city, state, and federal laws while at the university(y)20mfTBT4Tm[viiz)-7(a)4(ti)-121(t)]TJETBT1 06 (or)3()-t-121(tnivgETBT1c-t-121

- (M) “Vice provost/vice president” shall mean the administrative officer bearing such title, related title, or the vice provost/vice president’s designee.
- (N) “Working day” refers to any day of the week excluding Saturdays, Sundays and official university holidays.
- (O) All other terms have their natural meaning unless the context otherwise dictates. Singular terms may be read as plural when appropriate. “And” shall mean “or” and vice versa when appropriate.

3344-83-04 Violations.

To be found in violation of this code of conduct, it shall be determined by a preponderance of the evidence, or in other words, that it is more likely than not, that the student or student organization has violated this code of conduct. Students or student organizations found in violation of this code of conduct are subject to one or more of the sanctions described in rule 3344-83-06 of the Administrative Code.

- (A) “Disruption” - interrupting or disrupting an authorized university function or academic activity that impedes the normal continuation of that activity; or interfering with the freedom of movement of any member of the university community, guest, or visitor of the university or impeding or interfering with the rights of any person to enter, use or leave any university facility, or authorized university function or impeding or interfering with right of any university official to perform normal functions and duties.
- (B) “Infliction, attempted infliction or use or threat of use of physical force” - the use or attempted use or threat of physical force upon any person, including, but not limited to:
 - (1) Inflicting bodily harm upon any person;
 - (2) Taking any action for the purpose of inflicting bodily harm upon any person;
 - (3) Taking any action without regard for bodily harm which could result to any person; or
 - (4) Threatened use of force to inflict bodily harm upon any person.
- (C) “Harassment” - any act of harassment, whether on the basis of race, gender or otherwise, as defined in the applicable university policy against harassment and discrimination. Charges related to a violation of this provision of the code of conduct shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.
- (D) “Sexual misconduct” - any act of sexual violence, sexual exploitation or sexual harassment, as defined in the applicable university policy against harassment and discrimination, whether such conduct occurs on or off campus. Charges related to a violation of this provision of the code of conduct shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

- (E) “Endangering health and safety” - taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, including, but not limited to, stalking, relationship violence or domestic violence, as defined in the applicable university policy against harassment and discrimination. When charges related to a violation of this provision of the code of conduct involve stalking, relationship violence or domestic violence, they shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.
- (F) “Hazing” - any conduct, act, method of, or coercion of another to do an act of initiation or admission into any organization, which occurs on or off university premises and which willfully or recklessly, causes or creates a substantial risk of causing physical or mental harm to any student or other person. Examples include, but are not limited to, extended deprivation of sleep or rest; forced consumption of food, liquor, other beverages, or drugs; beating or branding; forced exclusion from social contact; and/or forced conduct, which could result in embarrassment to any person. Any activity or behavior meeting the definition as described in this paragraph shall be considered a forced activity, notwithstanding the willingness of the individual involved to participate in such activity.
- (G) “Theft of property” - theft or attempted theft of university property or the property of any person or

- (M) “Interference with emergency evacuation procedure” - interference with emergency evacuation procedures, including failure to evacuate, prescribed for any building, or facility.
- (N) “Possession, use, distribution sale of controlled substances or drug-related paraphernalia” - knowingly possessing, using, distributing and/or selling drug-related paraphernalia and/or controlled substances, including, but not limited to, narcotics, barbiturates, hallucinogens, marijuana, or amphetamines, except as authorized by law.
- (O) “Illegal use of alcoholic beverages” - knowingly possessing, keeping, consuming, allowing to consume, serving, purchasing, selling, making available to another person or directly providing funding for alcoholic beverages in violation of state or local statutes, ordinances, rules and regulations university rules and regulations.
- (P) “Falsification of records, fraud and false testimony” - furnishing false or misleading information or identification to a university official, office, investigation or proceeding; or without proper authorization, reproducing, copying, forging, tampering, altering, falsifying, misusing, or attempting to do the foregoing to any record, document, or identification used or maintained by the university.
- (Q) “Destruction or misuse of property” - damaging, destroying, defacing, abusing, tampering, misusing, or attempting to damage, destroy, deface, abuse, misuse or tamper with university property or property of any person or other entity on or off university premises. This includes any attempt to alter the function or performance of university equipment or property, including, but not limited to, university computers.
- (R) “Bribery” - offering money, any item, or service to a student, administrator, faculty or staff member so as to receive university property and/or services for one’s self or another or to gain an advantage or special treatment for one’s self or for another.
- (S) “Unauthorized access to records” - gaining or attempting to gain unauthorized access to university records including but not limited to paper records, computer files or systems.
- (T) “Unauthorized use of university computers” - gaining use or attempting to gain use of university computers without proper authorization including but not limited to unauthorized:
 - (1) Use of computer and/or data processing equipment;

- (2) Disruption or interference with the orderly conduct of a proceeding under this rule;
 - (3) Institution of a proceeding under this rule knowingly without cause;
 - (4) Attempting to discourage an individual's proper participation in, or use of, the student conduct code procedures of this rule;
 - (5) Attempting to influence the impartiality of the student conduct officer, or a member of the judicial or the appeal board prior to, and/or during the course of, a proceeding under this code;
 - (6) Harassment (verbal or physical) and/or intimidation of the student conduct officer, or a member of the judicial or the appeal board prior to, and/or during the course of, a proceeding under this rule;
 - (7) Failure to comply with any sanction imposed under this rule; or;
 - (8) Influencing or attempting to influence another person to commit an abuse of the student conduct code under this rule.
- (BB) "Unauthorized sales and solicitation of funds" - unauthorized sale or solicitation of funds including unauthorized solicitation of funds off university premises.
- (CC) "Misuse of university name, logo, or seal" - use of the university's name without the express authorization of the university except to identify institutional affiliation in the authorized manner. University approval or disapproval of any political or social issue may not be stated or implied by an organization; or use of official letterhead stationery, envelopes, logo or seal as part of any publication, correspondence or other printed material without prior submission of the material to, and written permission received from, the appropriate university official(s).
- (DD) "Misuse of university funds/student organization funds" - the misuse or unauthorized use of university funds or student organization funds administered through the university.
- (EE) "Unauthorized posting or distribution of materials on university premises" -

investigating complaints of discrimination and harassment not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

- (GG) “Failure to comply with university sanctions” - failure to comply with sanctions imposed pursuant to university policy and/or regulations.
- (HH) “Repetitions of misconduct” - more than one violation of this code for which a sanction has been previously imposed. When the repeated misconduct involves a violation of paragraphs (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.
- (II) “Participation as an accomplice” - knowingly participating in any action or event that constitutes any violation of this code. When the participation as an accomplice involves a violation of paragraphs (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.
- (JJ) “Violation of state, federal or local law” - violating state, federal or local law whether the violation occurs on or off campus. When the violation of state, federal or local law involves a violation of paragraphs (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

3344-83-05 Residence hall resident behavior.

- (A) Students residing on campus in the residence hall are also held to the policies set forth in the residence hall policies and procedures handbook. Violations of residence hall policies will be reviewed by the director of residence life or the designee of the director and adjudicated within the residence hall judicial system. In instances where residence hall residents may have violated a rule in Chapter 3344-83 of the Administrative Code, formal judicial charges shall be forwarded to the office of judicial affairs.

- (B) The director of residence life has the authority to take reasonable actions in maintaining a safe living environment for all student residents. This authority may include, but is not limited to immediate suspension of housing privileges and/or a reassignment to another residence hall or residence hall room. This authority may be exercised whether or not a formal charge has been filed with the office of judicial affairs and this authority may be exercised prior to the rendering of any decision in the judicial process.

- (i) Authorized,
 - (ii) Requested,
 - (iii) Encouraged, or
 - (vi) Tolerated.
- (c) When the act is in violation of a rule in Chapter 3344-83 of the Administrative Code, the organization's constitution, or applicable university policies and was committed by one or more officers or members of the organization acting on behalf of the organization or within the scope of their office or membership;
- (d) When the organization, through one or more of its officers or members, fails to take an action or discharge a duty expressly imposed upon such organizations by the code, the organization's constitution, university rules or regulations.

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was due if no response was received, the university appeal board shall review the facts and the reasons for the suspension, and any written material submitted by the student or the student organization, and shall make recommendations to the provost as to whether or not the suspension under this provision should remain in effect prior to the final determination of the case by the judicial board or SCO. Within three working days of receipt of the recommendation, the provost or designee shall make the final decision as to whether to affirm or revoke the suspension. If the suspension is revoked, other interim measures may be imposed.

3344-83-08 University judicial procedures.

The procedures outlined in this rule and in rule 3344-83-09 or 3344-83-10 of the Administrative Code shall not be used in cases of an alleged student code of conduct violation under paragraph (C) or (D) of rule 3344-83-04 or paragraph (E) of rule 3344-83-4 of the Administrative Code, where the violation involves stalking, relationship violence or domestic violence.

- (A) Procedures for filing charges.
 - (1) Any member of the university community may file a written charge alleging the following:
 - (a) Violation of the student code by any student or student organization;
 - (b) Disputes between student organizations;
 - (c) Disputes between individuals and student organizations;
 - (d) Disputes involving student organizations' constitutions; or
 - (e) Disputes involving student publications.
 - (2) The vice president for student affairs or designee may file a written charge on behalf of the university community.
 - (3) The written charge shall be filed with the judicial affairs officer "JAO" in the department of student life. Charges filed against student organization shall be reviewed by the JAO in consultation with the vice president for student affairs and the chairperson of the student life committee ("SLC") to decide whether the charge is to be referred to the SLC or processed through university judicial procedures. In the event that the JAO has filed a charge, will be a witness in a proceeding, or otherwise has a conflict of interest, the vice president for student affairs will appoint a temporary replacement to serve as the JAO on that matter.

- (c) The same person may not serve as a community support person and a witness simultaneously; nor can the advisor of the charged student organization serve as a witness and an advisor simultaneously. The name of the community support person who will be attending the hearing shall be submitted to the JAO no later than three working days prior to the date and time of the scheduled hearing.
- (d) Witnesses may be sequestered until needed to make presentation.
- (e) Hearings shall be closed and shall be recorded to provide an accurate record of the proceedings.
- (f) In hearings involving more than one charged student or student organization, separate hearings may be held at the discretion of the JAO.
- (g) The SCO or chairperson of the university judicial board shall present the charge(s) filed against the student or student organization.
- (h) The party who filed the charge shall explain the circumstances of the alleged violation and present witnesses in support of the charge. The hearing body may ask appropriate questions regarding the incident;
- (i) The charged student or student organization will respond to the charge(s) presented. In doing so the student or student organization may present witnesses in support of the student's or student organization's actions in connection with the alleged violation. The hearing body may ask appropriate questions regarding the incident.
- (j) The charged party may refrain from testifying at the hearing.
- (k) If either

- (F) “Quorum” – a quorum for a judicial board hearing shall be defined as a minimum of four student members and one faculty member. If vacancies exist on the judicial board, the board may function with no less than three students and one faculty member present at a hearing.
- (G) Conflict of interest - any member of the judicial board who has an actual or perceived conflict of interest in any case shall not participate in hearing that case. This shall not be considered an absence. The JAO shall determine if a conflict of interest exists if there is a dispute over an actual or perceived conflict. The JAO’s decision is not subject to appeal.
- (H) Compensation - compensation for student members of the judicial board shall be in accordance with the university’s stipend policy.
- (I) Training and orientation sessions.
 - (1) Members of the judicial board are required to attend the training and orientation program prior to hearing any violations, disputes or appeals.
 - (2) The chairperson and the vice chairperson shall be elected during the training and orientation program, according to “Roberts Rules of Order.”
- (J) Judicial affairs officer.
 - (1) The judicial affairs office “JAO” shall be the administrative liaison to the university judicial process. The JAO works with the general administration of the university judicial board and enforces compliance with the policies governing the university judicial board, including the qualifications for continuing membership. In order to maintain the continuity necessary for an effective university judicial board, the JAO shall also establish the procedures for the orientation and training ofLVVV

3344-83-10 Appeal process.

- (A) Rights of appeal are available to the charged party.
- (B) Grounds for appeal

A party's appeal is limited to the following considerations:

- (1) Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
 - (2) Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body; or
 - (3) Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.
 - (4) Non-attendance by the charged student may not be the sole grounds for an appeal.
- (C) Procedures - If a decision of any university hearing body specified in this Code is appealed by one of the eligible parties, notice of such appeal shall be given within five (5) working days of the receipt of it3(c)d9(a)4(pp)-9(e)4(a)4(l).Ni of ppeal

- (c) Decisions of the judicial affairs officer, or
 - (d) Any grievance or complaint regarding questions of jurisdiction of the judicial board.
- (3) The decision of the university appeal board may be appealed by one of the parties to the university president.
- (E) Review procedures.

The UAB shall:

- (1) Consider the grounds for appeal as stated in the written request for appeal; and
 - (2) Review all materials of the hearing, including the recording of the hearing. This review can include a review of the process and procedures of the hearing.
 - (3) The recording of the hearing shall be released only to the university appeal board. The tape may be reviewed by an involved party for the purposes of preparing an appeal only under the supervision of the JAO or the JAO's designee.
 - (4) The UAB may hold an appeal hearing to review a case on appeal at its discretion. Both the charged party and the charging party can be present during this hearing with the respective community support persons.
- (F) Decisions.

The UAB may:

- (1) Dismiss the appeal;
- (2) Affirm the decision on which the appeal is based; or
- (3) Alter the sanction imposed by the original hearing body:
 - (a) For appeals made by the party against whom the charges were filed, the sanction may be reduced; or
 - (b) If the appeal board finds a party in violation who was previously found not in violation, the appeal board may impose appropriate sanctions.

3344-83-11 Amendment.

(A) This chapter may be amended and revised only according to the following procedure:

- (1) Any member of the university community, or any constituent body thereof, may propose amendments and revisions and submit them to the student life committee of the faculty senate.
- (2) The student life committee shall review all proposed amendments and revisions forwarded to them and may accept, reject, or amend them. It shall, thereafter, send its proposed amendments to the student senate for its advice, which shall be rendered within thirty days.
- (3) The student life committee shall then submit any approved amendment or revision

3344-83-12 Sections 3345.22 and 3345.23 of the Revised Code.

Sections 3345.22 and 3345.23 of the Revised Code are incorporated into the student conduct code.