

AGENDA ITEM: C.1.a.1.

AGENDA TOPIC: Resolution to Revise *The Code of Student Rights, Responsibilities, and Conduct*

STAFF CONTACT(S): Jack Fahey, Vice President for Student Success and Student Experience, and Cynthia Kravitz, Director, Equal Opportunity and Policy Compliance.

BACKGROUND:

SUMMARY AND ANALYSIS: A resolution to amend the Code of Conduct is attached. The proposed changes are designed to enhance students and faculty understanding as well as update various sections to best practice.

RESOLUTION:

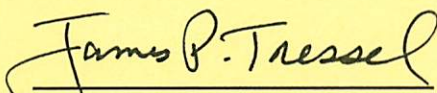
RESOLUTION TO REVISE *THE CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT*

WHEREAS, *The Code of Student Rights, Responsibilities, and Conduct (The Code)* outlines student rights, responsibilities, and conduct as well as the due process and disciplinary procedures utilized, details of the academic grievance procedure, the students records policy, etc.; and

WHEREAS, several sections of *The Code* have been updated and revised;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby revise *The Code* shown as Exhibit __ attached hereto. A copy of *The Code* indicating changes to be made is also attached.

RECOMMEND APPROVAL:



James P. Tressel, President

**Board of Trustees
June 17, 2015
FY 2015-**

Summary of Proposed Changes and Rationale

Between March 4th, 2015 to present, a Committee of Students, Faculty, & Staff have met to review The Code of Student Rights, Responsibilities, and Conduct in order to make recommendations for changes. This committee was chaired by Kevin Carmody, Associate Director of Student Life, and consisted of the following members:

- Carrie Anderson, Greek Life
- Erin Driscoll, Student Activities
- Dr. Adam Earnhardt, Chair of Communication
- Megan Evans, Student, Student Government Association
- Julian Jones, Undergraduate Student
- Cindy Kravitz, Director of Equal Opportunity and Policy Compliance, Title IX Coordinator
- Josh Lisko, Graduate Student
- Danielle Meyer, Housing & Residence Life
- Dr. Joseph Mosca, Dean of Health & Human Services

Overall Formatting:

- Change font to Calibri.
 - Our committee's feedback was that this made the document easier to read, and felt less legalistic, both of which are in line with best practices. Additionally, this will make the font more uniform, as there were sections where it varied in the previous version.
- Remove extra spaces between items and sections.
 - This is to decrease the size of the document down from a 39 page document to 25 which our committee indicated was important for students to be able to review the document.
 - Page numbers are changed to reflect shifts due to style change.
- Change "Articles" to "Sections." Remove "Sections" and "Subsections" and instead rely on headers to indicate a change.
 - This is an additional change to make document appear less legalistic.
- Use of bold and underlines to add emphasis, and make the document easier to read.
 - These changes are particularly important with the changes to the extra spaces.
- Any reference of the "Vice President for Student Affairs" was changed to "Associate Vice President for Student Experience."
 - This reflects structural changes within the division.
- Dates are changed to reflect the adoption of the new version of *The Code*.

Rights and Responsibilities

- Deleted Article I, Section A. "Definitions."
 - This is to make the document less legalistic, based on best practices, and advice in the Model Code from NCHERM (The National Center for Higher Education Risk Management) who are viewed as experts in policy development, and which is an updated version of the model *The Code* is based.

Student Conduct Authority

- Added third item under Jurisdiction of *The Code*, communicating conduct will proceed independently from other legal proceedings, and that we will cooperate to the extent permitted by law with law enforcement. This is moved from the Student Conduct Standard addressing violations of law, and reworded per Cindy Kravitz.
 - Information is more appropriately addressed in Jurisdiction of *The Code*, and rewording was to clarify and ensure thoroughness.

Student Conduct Standards

- Add headers for each code entry.
 - This is intended to make the information easier to access for students.
- Change the orders so that these headers are alphabetized.
 - Additionally intended to make the information easier to access.
- Policies Added.
 - Complicity.
 - Addresses behavior of those people which aid and abet the violation of other policies without having aiding and abetting in each distinct policy. Also clears up confusion if charged with same policy violation when the report states that they themselves did not take an active role in the behavior. Finally, policy is similar with other Ohio schools, and recommended with slight language change by Cindy Kravitz.
- Policies Significantly Altered.
 - Alcohol (Article III, Section 20).
 - Add section relating to University Housing prohibition of alcohol in order to communicate this to non-resident visitors who are also students.
 - Disorderly Conduct (Article III, Section 11).
 - Combine with Disruption to University activities, as language is redundant.
 - Drugs (Article III, Section 19).
 - Add section relating to the misuse of materials as an intoxicant.
 - Violation of law (Article III, Section 24).

- Add language “behavior which would constitute” based on guidance from ASCA (Association for Student Conduct Administration). Specifically, it was mentioned that some schools have run into the issue of defending action taken against a student who was not convicted, as this would mean that no violation of law occurred.
- Combine and move the second two bullets to the section relating to jurisdiction, as they speak to the ability of the University to enforce policy without waiting for the outcome of a criminal or civil proceeding.
- Physical Abuse, Verbal Abuse, Harassment, etc., (Article III, Section 8).
 - Separate out Physical Abuse, Threats, and harm to any person into one policy (Endangering Behavior), while Bullying and Harassment would be compiled into a separate policy.
 - This is due to implementing this policy through the past three years and the confusion that resulted when reading the policy in total.
 - Additionally, the guidance presented in the Model Code from where this policy was generated state that this wording was appropriate for a Private Institution, but that Public Institutions should consult with Counsel on whether more specific behaviors would be appropriate.
- Property Damage (Article III, Section 16).
 - Add “or acts of vandalism.”
 - This relates to an incident where discriminatory graffiti was posted on a white board: an action which does not damage or tend to damage the property and would not have been included in the policy previously.
- Participation in a demonstration or riot (Article III, Section 3).
 - Omit this policy, due to its redundancy with other policies (Disorderly Conduct, Obstruction of Traffic, Intimidation, etc.). Additionally, it is felt that having a statement prohibiting “Participation in a Demonstration” goes against the first right outlined in Article I, Section B. “The right of free inquiry, expression, and/or assembly.”
- Sexual Discrimination (Article III, Section 12).
 - Policy changed to heading: Sexual Misconduct.
 - Reworded with language in consultation with Cindy Kravitz.

Campus Student Organizations

- Added “Registered” to beginning sentence.

Student Media (Unchanged)

Student Conduct Standards

- Substantial changes made to section governing Student Conduct procedures.
 - Changes made for clarity, to update processes in line with best practices, and to reflect actual practice which has been shown to be effective at addressing misconduct on YSU's campus.
 - This process is based on the Model Code from NCHERM who are viewed as experts in policy development, and which is an updated version of the model *The Code* is based.
- Conduct process will be broken down in a series of steps, beginning with an Educational Conference, or Inquiry, moving to a Formal Hearing, Sanctions, and lastly an Appeal.
 - Adding an Educational Conference with each complaint, instead of making a determination once a complaint is reached, more contact is made with students accused of misconduct which has been shown to lead to better understanding of the process, higher perceptions of fairness, and better outcomes.
 - Additionally, this brings the promised practice further in line with actual practice.
- Hearing Procedures will be moved to a subsection of "Step 2: Formal Hearing," and modified in the following fashion:
 - Remove "A time shall be set for a hearing not less than five nor more than fifteen calendar days..."
 - This section has been communicated earlier in "Step 2: Formal Hearing," and mentioning it here would be redundant.
 - Change "whose schedule allows attendance at the scheduled date and time for the hearing since delays will not normally be permitted due to the scheduling conflict of an advisor." To "A student should select as an advisor a person who is ready, willing, and able to assist them and meet the scheduling needs for the hearing. Delays will not normally be permitted due to the scheduling conflict of an advisor."
 - This is to communicate that the role of the advisor is more than being present.
 - Change "The Hearing Panel may proceed to hear all pertinent information and conclude the case if the student fails to appear," to "If either or both parties fail to appear, the board may make a decision based on the evidence available at the hearing."
 - This is to remove the potential contention that not all pertinent information has been presented, and also to increase parity between respondent and complainant.
 - Change "After the hearing," to "Following the presentation of information..."
 - This is to delineate that the hearing has not been concluded, as there may still be interaction related to sanctioning.
 - Change "The hearings will be tape recorded" to "One record of the hearings will be made."
 - This is mostly to reflect changing technologies, and to provide us flexibility should any of the technology breaks down.

- Due Process will be moved to a subsection of “Step 2: Formal Hearings,” and modified in the following fashion.
 - Change language to “Accused students and/or organizations, as well as the complainant(s) shall be afforded the following procedural due process:” Consolidate some points from section 5.
 - This is to increase parity between respondent and complainant, as well as to include points that are also afforded to respondent but are currently only listed with complainants.
 - Add “The right to be treated with respect and dignity by all University officials.”
 - Add “or otherwise verified by the Student Conduct Administrator” after notarized.
 - This is to avoid reliance on notarization if such action would be cost prohibitive to students, and to avoid contention that admission of such materials would be in violation of promised practice.
 - “Timely resolution of the matter” was repeated, and the second listing of this right will be deleted. The remaining bullets will be renumbered for consistency.
 - Add “Counseling, available medical resources, and academic assistance when requested.”
 - Add “Changes in campus residence and/or classes, when reasonable and requested.”
 - Change language to:
 - “In addition, the complainant will be afforded the following:
 - a. The right to request that charges of misconduct be pursued.
 - b. The right to provide information at the hearing in a seat not directly facing the accused, if the complainant requests. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of the Student Conduct Administrator to be appropriate.”
 - Sanctions will be made a “Step 3: Sanctions.”
 - In second paragraph, add following language: “Sanctions are typically issued in a progressive fashion, however each situation differs, and the severity of a violation and the impact on the campus community will be taken into consideration in determining a sanction.”
 - Previous version indicated that sanctions would always be applied in progressive fashion, limiting our flexibility to adequately address the range of issues that present through student conduct.

- Appeal Procedures will become “Step 4”, and modified in the following fashion.
 - Change time from 5 University Working Days to 7 calendar days in order to be consistent with other language related to process (5 days’ notice for hearing, no more than 15 days scheduled, report submitted no more than 30 days after incident, etc.).
 - Section G.3. Eliminate Grounds for Appeal, to increase clarity of this section. Define “the period of appeal” to “Once an appeal request has been submitted until the appeal decision has been communicated to the Appellant,”
 - Separate “Appeals are not a re-hearing of the student conduct case...” into a new bullet. This is recommended to add clarity to this section.
 - Section G.7: Subsection d. should be pulled out of the list. The rest of the list are stated as options available if an appeal has met the grounds, whereas subsection d. is what happens when grounds are not met. Change the reference of the grounds to Section G.4 to reflect earlier changes. Eliminate subsection e. as dismissing and denying an appeal are redundant.
- Interim Suspension will be renamed “Interim Measures” and the following language will be added: “an interim measure prior to a hearing or conference before the Student Conduct Body including, but not limited to University or residence hall suspension.”
 - This allows greater flexibility as to interim measures that can be applied, and brings it in line with Title IX guidance.
- Under Interim Measures, “Student Conduct Administrator” will be changed to “Associate Vice President for Student Experience.”
 - This will clarify that, while designees may serve in other capacities as the Student Conduct Administrator, the authority to issue interim measures will rely solely with the Associate Vice President.

Interpretation and Revision

- Change the scheduled period for review from 5 years to 3 years.
 - This is the maximum suggested time outlined in the Model Code, from which our code is derived, as well as the maximum time suggested by the ASCA – the national professional organization governing student conduct.
 - In the years since the adoption of this version of *The Code*, we’ve seen new legislation, case law, and guidance from OCR relating to how we implement Title IX, the Violence Against Women Act, etc., that have significant impact in how we apply *The Code* as well as legal consequence if we don’t. Therefore, I feel that we need to ensure that we’re scheduling these reviews more regularly than twice a decade.

Academic Procedures

- Academic Dishonesty process and language will be changed to read the following:

“After the faculty member has gathered evidence supporting a violation of academic dishonesty, the faculty member shall notify the student in writing of the allegations and invite the student to a conference with the faculty member. During this meeting, the faculty member should discuss the allegations with the student and determine whether the student is responsible for the allegations. If the student is found to be responsible, the faculty member shall determine the sanction to be imposed. If the student is found not responsible, no further action is warranted.”

- Eliminate sections 1.b. and 1.c., renumbering as appropriate.
- Add “Prior to imposing the sanction, the faculty member shall communicate with the Student Conduct Administrator and the Department Chair...”
 - These changes have been created in consultation with the Associate Provost attempting to streamline and simplify the process, and eliminate issues which have occurred in the application of the current published policy.

Sexual and Harassment Complaints

- Change title to “Student Discrimination and Harassment Complaints.”
- Minor formatting changes, including adding in ‘or harassment’ after mention of discrimination.
- Modifying and adding definitions for “Discrimination,” “Harassment,” “Sexual Harassment,” and “Sexual Misconduct.”
 - “Sexual Violence” has been renamed “Sexual Misconduct.”
 - These definitions and examples are provided by Cindy Kravitz, and are done in conjunction with changes to the University Policy, and to bring the University response in line with best practices and recommendations in the application of Title IX.
- Change Office name to Office of Equal Opportunity and Policy Compliance (“EOPC”).
- Remove “and/or acquaintance rape” from the definition of sexual misconduct.
 - There is no legal difference between rape occurring between a stranger and an acquaintance – both are rape. Additionally, studies have shown that referring to rape committed by someone known to the victim as “acquaintance rape” has the effect of diminishing the perceived severity of the action.
- Student Code of Conduct Violation language has been changed to: “Should the Title IX Coordinator determine that there is a reasonable basis to believe that a University student violated *The Code*; the Title IX Coordinator may refer the matter to the Student Conduct Administrator for appropriate action, as set forth in Section 6.”
 - This gives the University greater flexibility in quickly addressing complaints of Sexual Misconduct, and clarifies that conduct procedures in Section 6 may be followed concurrent to Title IX investigations.

Parental Notification and Miscellaneous Policies (Unchanged)

The Code of Student Rights, Responsibilities, and Conduct

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The Code of Student Rights, Responsibilities, and Conduct

PREAMBLE

Youngstown State University is “a student-centered institution committed to the education, development, well-being, and success of students of all ages and from all walks in life. In concert with our mission to help students grow intellectually, we strive to foster their personal, social, emotional, and career growth, as well as their capacities for lifelong learning, civic responsibility, and leadership...

As a campus community, we expect all conduct to be rooted in integrity, mutual respect, and civility. We value ethical behavior in scholarly and other endeavors; believe in the dignity and worth of all people; strive to foster an appreciation of, and respect for, differences among the human race; and celebrate the diversity that enriches the University and the world.” (*Excerpt from YSU core values.*)

As a member of a higher education community, students have an obligation to conduct themselves in a manner that is compatible with the University’s purposes as an institution of higher education. Each student is expected to be fully acquainted with all published policies, procedures, and regulations of the University and is held responsible for compliance with them. All members of the University community are expected to assume responsibility for creating an environment conducive to the educational mission and purpose of the University.

The policies and regulations in *The Code of Student Rights, Responsibilities, and Conduct* (hereinafter referred to as *The Code*) have been established to ensure a positive educational experience for every student. *The Code* serves as an official University document that outlines conditions and regulations considered essential to the effective functioning of the University.

The student conduct process at Youngstown State University adheres to procedural due process and is intended to be part of the educational process at the University. This student conduct process provides a forum for the impartial and expedient resolution of misconduct in the University community and encourages students to live responsibly and be accountable for their actions. The student conduct process is based on the University’s commitment to developing integrity, respect, and responsibility among all students.

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SECTION 1. RIGHTS AND RESPONSIBILITIES

Basic Rights

The following enumeration of basic rights shall not be construed to deny or disparage other rights and privileges retained by students in their capacity as members of the student body or as citizens of the community at large:

1. The right of free inquiry, expression, and/or assembly.
2. The right to pursue educational goals and appropriate opportunities for learning in the classroom, on campus, and on-line.
3. The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures.
4. The right to retain ownership of class projects/assignments authored by a student and submitted to fulfill requirements of a course, except as provided by the *Ohio Revised Code*, Section 3345.14.

Basic Responsibilities

Students, as members of the University community, shall have the following responsibilities which are inherent in the basic rights delineated above:

1. To maintain standards of academic performance as established by their faculty.
2. To be responsible for acting in such a manner as to ensure other students the rights declared in Section B. of this article.
3. To be responsible for their actions with respect to, and to follow, all University regulations and policies.
4. To be responsible for their actions with respect to provisions of local, state, and federal law.
5. To conduct themselves in a manner which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the University community are respected.
6. To have in their possession a valid University Identification Card when on University premises.
7. To be responsible for adhering to the Drug-Free Environment Policy.
8. To ensure adherence to all University Board of Trustees policies that apply to students.

SECTION 2. STUDENT CONDUCT AUTHORITY

The President has delegated the authority for the University student conduct system to the Associate Vice President for Student Experience. The Associate Vice President for Student Experience, or designee, serves as the Student Conduct Administrator responsible for the administration and operation of *The Code* and the student conduct process. Members of the University seeking formal disciplinary action for student misconduct should refer to the Student Conduct Administrator.

The Student Conduct Administrator shall determine the composition of Student Conduct bodies and Appellate Boards.

The Student Conduct Administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are consistent with provisions of *The Code*.

Jurisdiction of *The Code*

1. *The Code* shall apply to conduct which adversely affects the University community or interferes with the pursuit of its mission or educational objectives and programs whether it occurs on University

premises, at University sponsored activities, or on non-University premises. It is important to note that a student and/or group/organization will be subject to the University student conduct process where the conduct has occurred on non-University premises when the conduct adversely affects the University community or interferes with the pursuit of its mission or educational objectives and programs.

2. Students shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). *The Code* shall apply to a student's conduct even if the student withdraws from the University while a matter of misconduct is pending.
3. An incident which results in a charge under The Code may also lead to a proceeding outside of the University for a violation of local, state, or federal law. In these instances, University proceedings are not subject to challenge based on concurrent criminal or civil proceedings or that such proceeding has been or will be dismissed, reduced, withdrawn, resolved or settled. The University will cooperate, to the extent permitted by law, with law enforcement and other agencies in the enforcement of all laws. In all cases, hearings within the University will be held according to the procedures set forth in Article VI. Since the University student conduct process is educational in nature, differing judgments may result.

SECTION 3. STUDENT CONDUCT STANDARDS

The Student Conduct Process aspires to develop and maintain conduct standards in support of character, civility, and community. This section provides a set of expectations regarding student conduct in support of the University community.

A student, and/or group/organization may be charged with violating any student conduct standard. In cases where a violation is committed by a member of a group/organization, the entire group/organization may be held responsible in addition to the student when those members of the group/organization not directly involved participate in the activity by encouraging, witnessing, or condoning the act in any manner. The following behavior is subject to disciplinary action under The Code.

1. Academic Dishonesty

- (a) Cheating, which includes, but is not limited to:
 - (i) Use of any unauthorized assistance in taking quizzes, tests, assignments, or examinations;
 - (ii) Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - (iii) The acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; or
 - (iv) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- (b) Plagiarism, which includes, but is not limited to: the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- (c) Other acts of Academic Dishonesty.

2. Alcohol

- (a) Use or possession of alcoholic beverages, except as permitted by law and University policy; Public Intoxication;
- (b) Manufacturing, or distribution of alcoholic beverages to any person under twenty-one (21) years of age except as permitted by law;
- (c) All residents and guests in University Housing are prohibited from use or possession of alcoholic beverages, regardless of age, except as permitted by policy or terms of lease.

3. Bullying and Harassment

Unwelcome or unreasonable behavior that harasses, demeans, intimidates, or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior.

4. Complicity

Allowing or enabling a violation to occur, failing to report a violation, or concealing, condoning, supporting or encouraging a violation or an attempted violation.

5. Conduct System

Abuse of the student conduct system, including, but not limited to:

- (a) Failure to obey the summons of a Student Conduct Body or University official to appear for a meeting or hearing as part of the student conduct system.
- (b) Falsification, distortion, or misrepresentation of information before a Student Conduct Body.
- (c) Institution of a student conduct proceeding knowingly without cause.
- (d) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
- (e) Attempting to influence the impartiality of a member of a Student Conduct Body prior to, and/or during the course of, the student conduct process.
- (f) Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Body, participants, or witnesses prior to, during, and/or after a student conduct proceeding.
- (g) Failure to comply with the sanction(s) imposed by the Student Conduct Body.
- (h) Influencing or attempting to influence another person to commit an abuse of the student conduct system.

6. Disorderly Conduct

Conduct which is disorderly, lewd, or indecent; a breach of peace; obstructs teaching, research, administration, or University activities or functions; or aids, abets, or persuades another person to engage in such conduct.

7. Drugs

Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances in either refined or crude form, including the use of drug-related paraphernalia, or the misuse of materials as an intoxicant except as expressly permitted by law and/or under the direction of a licensed physician. No student shall sell or give drugs to any other person.

8. Failure to Comply

Failure to comply with directions and/or oral or written instructions which are given by any University official, student, faculty member, or staff who is acting in an official University capacity and/or failure to identify oneself to these persons when requested to do so.

9. Financial Obligations

Failure to meet all financial obligations to the University.

10. Gambling

Gambling or wagering of any form except as expressly permitted by law and/or University policy

11. Hazing

Hazing is defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.

12. Information Technology

Theft or other abuse of information technology and resources, including, but not limited to:

- (a) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (b) Unauthorized transfer of a file.
- (c) Unauthorized use of another individual's identification and password.
- (d) Use of computing facilities and resources to interfere with the work of another student, faculty member, or University official.
- (e) Use of computing facilities and resources to send obscene or abusive messages.
- (f) Use of computing facilities and resources to interfere with the normal operation of the University computing system originating from an on-campus or off-campus source.
- (g) Use of computing facilities and resources in violation of copyright laws.
- (h) Any violation of the Responsible Use of University Technology Resources Policy (4009.01).

13. Non-Academic Dishonesty

- (a) Furnishing false information to any University official, faculty member, or office.
- (b) Forgery, alteration, or misuse of any University document, record, credit card, or instrument of identification.
- (c) Tampering with the election of any University recognized student organization.
- (d) Failing to maintain correct address and telephone information with the Registrar.
- (e) Misrepresenting enrollment status and/or achievement at the University to non-University officials and/or on non-University documents.

14. Obstruction of Traffic

Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

15. Endangering Behavior

Intentionally, knowingly or recklessly causing physical harm to another person or their property or engaging in conduct which threatens or causes a reasonable apprehension of harm to the health, safety, life or property of a person including one's self.

16. Property Damage

Any action which damages or could reasonably damage property of the University, or property of a member of the University community, or other personal or public property, on or off campus, or acts of vandalism even if this behavior does not cause damage.

17. Published University Policies

Violation of published University policies, rules, or regulations including those available electronically on the University website.

18. Sexual Misconduct

A broad range of behaviors including sexual assault, dating violence, domestic violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or is carried out through force, threat, intimidation or coercion.

(a) **Sexual Assault:** Any intentional, non-consensual and/or coerced sexual contact. Physical resistance need not occur to meet the definition of sexual assault

(b) **Consent:** Sexual activity requires consent, which is defined as positive, unambiguous, voluntary and on-going agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion, or from someone who is unconscious, asleep, or whose judgment is impaired by the use of a drug or alcohol, or diminished by an intellectual, mental or physical condition or disability. Consent may be withdrawn at any time.

(c) **Coercion:** Intimidation, physical or psychological threat, or pressure used to force another to engage in sexual acts.

(d) **Stalking:** Repeated behaviors or activities whether in person, online, or through any other means which threaten or endanger the safety, physical or mental health, life or property of another or creates a reasonable fear of such threat or action.

(e) **Dating Violence:** Violence or abusive behavior (sexual, physical, or threat of violence) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on a consideration of the length and type of relationship, and the frequency of interaction between the persons involved in the relationship.

(f) **Domestic Violence:** Violence or abusive behavior (sexual, physical or threat of violence) used to maintain control or power within a current or former relationship and which is committed by any of the following:

a. A current or former spouse or intimate partner of the victim;

b. A person with whom the victim shares a child in common

c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

d. By any other person against an adult or youth victim under the domestic or family violence laws of the State of Ohio (See O.R.C. § 2919.25 Domestic Violence)

(g) **Sexual Exploitation:** Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, non-consensual video or audio-taping of sexual activity, permitting others to secretly observe or record consensual activity, or engaging in voyeurism.

(h) **Sex Offenses:** See Chapter 2907 of the Ohio Revised Code which defines "Sex Offenses" under Ohio Law.

(i) Please see University Policy 3356-2-03.1/Sexual Misconduct.

19. Theft

Attempted or actual theft, including possession of stolen property.

20. Unauthorized Entry

Unauthorized entry to or use of University premises, or unauthorized possession, duplication, or use of keys to any University premises.

21. Unauthorized Recording

- (a) Unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such recording is likely to cause injury or distress, except as otherwise permitted by law.
- (b) Unauthorized distribution or dissemination of an audio or video recording or photograph of any person without his or her prior knowledge or consent, even if the audio or video recording or photograph originally had been produced with the person's consent.

22. Violation of Law

Behavior which would constitute a violation of federal, state, or local law that adversely affects the University community or interferes with the University's mission or its educational objectives and programs.

23. Weapons

Illegal or unauthorized possession of firearms, fireworks, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.

SECTION 4. CAMPUS STUDENT ORGANIZATIONS

Registered student organizations may exist for any appropriate purpose that does not conflict with University policies and regulations or with local, state, and/or federal laws. The development of policies and guidelines for student organizations is the responsibility of the Associate Vice President for Student Experience. The policies and regulations that apply to student groups/organizations are found in the YSU Student Organizations Guide. Student groups/organizations that violate the YSU Student Organizations Guide may be charged with violating *The Code* and be subject to the Student Conduct Procedures outlined in Section 6.

Student Conduct Authority

1. Enforcement of regulations, policies and guidelines that apply to student organizations/groups is within the jurisdiction of the Associate Vice President for Student Experience, or designee.
2. Student groups and registered student organizations may be charged with violations of *The Code* in the following circumstances:
 - a. An organization is responsible for its actions and shall be held responsible when the organization fails to comply with the YSU Student Organizations Guide, and/or University policies or regulations.
3. A student group or registered student organization and its officers may be held collectively or individually responsible for violations of *The Code*.

SECTION 5. STUDENT MEDIA

The University supports several student media organizations that provide an avenue for students to express their literary and artistic talents. Policies and procedures concerning student media are recommended to the Dean of the College of Liberal Arts and Social Sciences by the Student Media Committee. Copies of current policies and procedures are available from the Dean of the College of Liberal Arts and Social Sciences.

SECTION 6. STUDENT CONDUCT PROCEDURES

General

This overview gives a general idea of how the University's campus student conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, while consistency in similar situations is a priority, these procedures are flexible, and are not exactly the same in every situation.

1. These proceedings are administrative procedures and do not follow the specific steps, methods, or standards of proof of evidence used in civil or criminal courts.
2. Any member of the University community may report violations of *The Code* alleging student and/or group/organization misconduct. The report shall be prepared in writing and directed to the Student Conduct Administrator. A report of a violation of *The Code* shall be submitted as soon as possible after the incident occurs, but not later than thirty (30) days following the University becoming aware of an incident. Exceptions to this limitation period will be reviewed by the Student Conduct Administrator and may be granted in his/her discretion.
3. The Student Conduct Administrator shall review reports of violation(s) and may initiate investigations of possible violation(s) of *The Code* to determine if the charges have merit. In reviewing the reports, the Student Conduct Administrator will determine whether the alleged violation(s) may be resolved through a conduct conference or a conduct hearing. Students or groups/organizations that might be subject to University suspension or expulsion shall automatically be provided a hearing before a Hearing Panel.
4. The standard of proof utilized in all University student conduct proceedings shall be a preponderance of evidence, i.e., more likely than not that the alleged conduct occurred.

Step 1: Educational Conference and/or Preliminary Inquiry

The University conducts a preliminary inquiry into the nature of the incident, complaint, or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

1. A decision not to pursue the allegation based on a lack of or insufficient evidence, or that the behavior, even if proven, would not violate *The Code*.
2. A decision on the allegation, also known as an "informal" resolution, to an uncontested allegation
3. A decision to proceed with additional investigation and/or referral for a "formal" resolution.

If a decision on the allegations is made and the finding is that the respondent is not responsible for violating *The Code*, the process will end. The party bringing forth the complaint may request the Student Conduct Administrator and/or the Title IX Coordinator to reopen the investigation and/or grant a hearing. This decision shall be in the sole discretion of the Student Conduct Administrator and the Title IX Coordinator and will only be granted for extraordinary cause.

If the University's finding is that the respondent is in violation, and the respondent accepts this finding within three days, the University considers this an "uncontested allegation." The administrator conducting the initial conference will then determine the sanction(s) for the misconduct, which the respondent may accept or reject. If accepted, the process ends.

If the student and/or organization accepts the findings, but rejects the sanction, the Student Conduct Administrator will select a Board to conduct a sanction-only hearing to review and, determine to uphold or modify the sanction. This sanction is subject to appeal (see Appeal procedures below). Once the appeal is decided, the process ends.

If the administrator conducting the educational conference determines that it is more likely than not that the respondent is in violation, and the respondent rejects that finding in whole or in part, then it is considered a “contested allegation” and the process moves to Step 2.

Step 2: Formal Hearing

In a contested allegation, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that a rule or rules have been violated.

1. A formal notice of the complaint will be issued, and a hearing will be scheduled for not less than five nor more than fifteen calendar days after the student has been formally notified of the charges. The Student Conduct Administrator may, in his or her discretion, extend the time for the hearing.
2. In the event a student and/or organization fails to appear at the scheduled Conduct Conference, the Conduct Officer may review the facts in support of the charges and render a decision and issue appropriate sanctions. Findings and sanctions shall be based on the facts and not the accused student’s and/or organization’s failure to appear.
3. A formal hearing will be held before the Student Conduct Board or a single Administrator chosen from a pool of administrators or staff members selected by the Student Conduct Administrator. The Student Conduct Board is composed of students, faculty, and staff members annually appointed by the Associate Vice President for Student Experience or designee. All members of the Student Conduct Board, as well as the pool for Administrative Hearings shall receive annual training in hearing procedures, *The Code*, and any other matter the Student Conduct Administrator deems relevant and necessary.

Due Process

Accused students and/or organizations, as well as the complainant(s) shall be afforded the following procedural due process:

- a. The right to be treated with respect and dignity by all University officials.
- b. Written notice of the charge(s).
- c. Written notice of the specific violations of *The Code* alleged to be violated.
- d. General information including the nature and source of the information, unless prohibited by law.
- e. Timely resolution of the matter.
- f. Written notification of date, time, and location of hearing and information about hearing procedures. The notice will be delivered in person or by certified or regular US mail to the student’s official address of record at the University. The accused student shall also be notified by University e-mail.
- g. The right to question the impartiality of a Student Conduct Board member’s ability to participate fairly in a hearing. The Student Conduct Administrator may reject any Student Conduct Board Member when just cause has been demonstrated.
- h. The right to be accompanied by an advisor. Advisors are permitted
- i. The right to present witnesses on behalf of the accused during the hearing. If a witness cannot appear, a signed statement from the witness can be used as long as it is notarized by an appropriate official, or otherwise verified by the Student Conduct Administrator. The accused student shall not be required to testify against him/herself.
- j. Hearing shall be closed to the public to the extent allowed by law.
- k. Written notice of the final outcome of the case.
- l. The opportunity to appeal as outlined in *The Code*.
- m. Counseling, available medical resources, and academic assistance when requested.

- n. Changes in campus residence and/or classes, when reasonable and requested.

In addition to the above, the complainant will be afforded the following:

- a. The right to request that charges of misconduct be pursued.
- b. The right to provide information at the hearing in a seat not directly facing the accused, if the complainant requests. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of the Student Conduct Administrator or Title IX Coordinator to be appropriate.

Hearing Procedure

1. Hearings conducted by a Hearing Panel shall be in accordance with the following guidelines:
 - a. Hearings shall normally be conducted in private.
 - b. The complainant, accused student, and their advisors, if any, shall be permitted to attend the entire portion of the hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the chair of the Hearing Panel.
 - c. In hearings involving more than one accused student, the chairperson may permit the hearings to be conducted separately or jointly.
 - d. The complainant and the respondent have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused are responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a Student Conduct Body. Advisors may not appear in lieu of the student or group/organization. A student should select as an advisor a person who is ready, willing, and able to assist them and meet the scheduling needs for the hearing. Delays will not normally be permitted due to the scheduling conflict of an advisor.
 - e. The complainant, the accused student, and the Student Conduct Administrator shall have the ability to present and question witnesses.
 - f. The chair of the Hearing Panel may limit the time of presentations by witnesses, and witnesses will be separated from the hearing during the presentation of information of other witnesses.
 - g. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Panel.
 - h. If either or both parties fail to appear, the board may make a decision based on the evidence available at the hearing.
 - i. All procedural questions are subject to the final decision of the chairperson of the Hearing Panel. Any person disrupting a hearing or who fails to adhere to the decisions of the chairperson shall be removed from the hearing.
 - j. Following the presentation of information, the Hearing Panel shall meet in closed session to determine, by majority vote, whether the student has violated each section of *The Code* that the student is charged with violating.
 - k. The decision of the Hearing Panel may be announced to the student immediately after the conclusion of the hearing and will be confirmed later in writing.
 - l. The Hearing Panel's determination shall be made on the basis of whether it is more likely than not that the accused student violated *The Code*.
2. One recording of the hearing will be made.

Step 3: Sanctions

If the student and/or organization is found in violation of any policy, sanctions will be issued. A conduct sanction imposed or other action taken by any Student Conduct Body shall become effective upon written notification to the accused student. The notification will be provided by personal delivery, or by certified or regular US mail delivery to the accused student and/or group/organization. Notification will also be sent to the accused student's official University e-mail address. The decision of the Conduct Officer may be appealed according to Section G. of this Article. If the individual files a written letter of appeal with the Student Conduct Administrator, and if the appeal is denied, the sanction shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the student.

1. The following sanctions may be imposed upon any student that has been found responsible for a violation of *The Code*. Sanctions are typically issued in a progressive fashion, however each situation differs, and the severity of a violation and the impact on the campus community will be taken into consideration in determining a sanction.
 - a. **Warning:** A written statement that the student is violating or has violated *The Code*. Continuation or repetition of inappropriate conduct may be cause for more severe student conduct action. A warning will remain in effect for a period not to exceed one academic year.
 - b. **Conduct Probation:** Notice in writing that the violation of *The Code* is serious, flagrant, or a repeated violation of policy and a warning that any subsequent violation(s) of University regulations may result in suspension or expulsion and/or imposition of restrictions or conditions consistent with the offense committed and the rehabilitation of the student.
 - c. **Conduct Probation with Restrictions:** Notice in writing that the violation of University regulations is a serious, flagrant, or repeated violation, and a warning that any subsequent violation(s) of *The Code* may result in suspension or expulsion. In addition, an order preventing the student from holding University elective office, student employment, participating in any intercollegiate activity or sport, participating in any University sponsored program/organization, or representing the University in any other manner will be attached to this sanction.
 - d. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement and may be required in addition to other sanctions as described in this section.
 - e. **Academic/Developmental Sanctions:** Other sanctions may be imposed instead of, or in addition to, those specified above, e.g., community service, counseling, educational assignments.
 - f. **Deferred Suspension:** Separation of the student from the University and/or residence halls is deferred for a specified period (not to exceed one academic year). If the student is found in violation of any subsequent violations of *The Code*, the suspension takes effect immediately and may not be appealed. Additional sanctions appropriate to the new violation may also be issued.
 - g. **Residence Hall Suspension:** Separation of the student from the residence halls for a specified period of time (not to exceed one academic year), after which time the student is eligible to return. During the suspension period, the student is prohibited from accessing any University housing facilities.
 - h. **University Suspension:** Separation of the student from the University for a specified period of time (not to exceed one academic year), after which time the student is eligible to return. During the suspension period, the student does not have access to the University and is prohibited from participating in any academic or other University activities.
 - i. **Residence Hall Expulsion:** Permanent separation of the student from the residence halls. An expulsion denies the student access to all University housing facilities on a permanent basis.

- j. University Expulsion: Permanent separation of the student from the University. An expulsion denies the student the right to participate in any academic or University activities on a permanent basis.
 - k. Revocation of Admission and/or Degree: Revocation of admission to or awardance of a degree from the University for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for serious violations committed by a student prior to graduation.
 - l. Withholding Degree: Withholding awardance of a degree otherwise earned until the completion of the process set forth in *The Code*, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
 3. Other than University Expulsion or revocation or withholding of a degree, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record and shall be kept confidential to the extent allowed by law. Upon graduation, the student's conduct record may be expunged of conduct actions other than Residence Hall Expulsion, University Suspension, University Expulsion, or revocation or withholding of a degree upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than Residence Hall Expulsion, University Suspension, University Expulsion, or revocation or withholding of a degree shall be expunged from the student's conduct record seven years after final disposition of the case.
 4. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above, (a.) through (e.).
 - b. Deactivation: Loss of all privileges, including University recognition, for a specified period of time.
 5. In each case in which a Student Conduct Body determines that a student and/or group/organization has violated *The Code*, the sanction(s) shall be determined and imposed by the same Student Conduct Body. The Student Conduct Administrator shall be responsible for recommending sanctions to the Hearing Panel and for ensuring that sanctions imposed by Hearing Panel and Conduct Officers are consistent with the violation and sanctions imposed for similar violations.

Interim Measures

In certain circumstances, the Associate Vice President for Student Experience may impose an interim measure prior to a hearing or conference before the Student Conduct Body including, but not limited to University or residence hall suspension.

1. Interim suspension may be imposed only:
 - a. To ensure the safety and well-being of members of the University community or to preserve University property;
 - b. To ensure the student's own physical or emotional safety and well-being;
 - c. If the student poses a threat of disruption or interference with the normal operations of the University; or
 - d. If a student is charged with the commission of a criminal offense as defined in the *Ohio Revised Code*, Chapter 2901.01.
2. In the event that an interim suspension is imposed, the student or group/organization will be notified either in person, or by regular US or certified mail of the cause for suspension. The student will also be notified by e-mail to their current University address. The interim suspension becomes effective immediately upon notification. A Hearing Panel will convene as expeditiously as possible to review the case. The hearing will follow the procedures outlined in Article VI. Section D.2. and may proceed before, during, or after any criminal proceedings.

3. During the interim suspension, the student or group/organization shall be denied access to all housing facilities and/or to the campus (including classes) and/or all other University activities or privileges for which the student or group/organization might otherwise be eligible, unless determined otherwise by the Student Conduct Administrator.

Step 4: Appeals

1. The decision or sanction imposed by a Student Conduct Body may be appealed by the accused student or group/organization or complainant ("the Appellant") within seven days of notification of the decision. If an appeal is not received within this time frame, the decision reached by the Student Conduct Body will be final.
2. Appeals shall be in writing and shall be mailed or delivered to the Office of Student Life. The letter of appeal should indicate the grounds on which the decision is being appealed referencing at least one of the grounds for the appeal (see below) along with supporting information.
3. Once an appeal request has been submitted until the appeal decision has been communicated to the Appellant, all sanctions, except any issued as interim measures, such as interim suspensions, will be held in abeyance. The burden of proof rests with the Appellant filing the appeal.
4. Appeals are not a re-hearing of the student conduct case. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents for one or more of the following grounds:
 - a. A claim that the original hearing was conducted in violation of procedural requirements set forth in *The Code*, and to determine whether these violations could have affected the outcome of the hearing.
 - b. A claim that the decision reached regarding the accused student or group/organization did not have a reasonable basis for the conclusion reached and that it was not based on proof by a preponderance of the evidence.
 - c. A claim that the sanction(s) imposed was/were disproportionate and without basis to the violation of *The Code* which the student or group/organization was found to have committed.
 - d. A claim that there is new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known by the Appellant at the time of the original hearing.
5. The Appellant may, in preparing the request for appeal, have access to records of the case which must be reviewed in the Office of Student Life.
6. Appeals of decisions or sanctions imposed by a Conduct Officer will be reviewed by the Student Conduct Administrator. Appeals of decisions by a Hearing Panel will be reviewed by an Appellate Board. An Appellate Board is composed of three members from the Student Conduct Board selected by the Student Conduct Administrator who will review the appeal.
7. The Appellate Board or the Student Conduct Administrator will review the appeal to determine whether one of the grounds listed above has been met.
8. If an Appellate Board or Student Conduct Administrator determines that an appeal has met the grounds, the following options are available:
 - a. The case may be remanded for reconsideration.
 - b. The appeals body may reverse the finding of responsibility, in whole or in part.
 - c. The appeals body may uphold, reduce, or increase the sanctions.
 - d. The appeals body may dismiss the appeal if the appeal is not based upon one of the grounds listed above.
9. The decision of the Appellate Board or Student Conduct Administrator after an appellate review is final.

Conduct Procedures for University Housing

Conduct Officers have been designated by the Student Conduct Administrator to review misconduct cases originating within University Housing.

1. The responsibility for the enforcement of rules and regulations governing student conduct in the residence houses, as outlined in the *Handbook for Residents*, is delegated by the Associate Vice President for Student Experience to a Conduct Officer.
2. Any student, faculty member, or University official may file a written report against any student living in a residence house for misconduct within the residence house, campus dining facilities, or at any residence house function.
3. Upon receipt of a written report, the Conduct Officer will conduct an investigation to determine whether there is reasonable cause to believe that a violation of *The Code* may have occurred. If so, the Conduct Officer will follow the procedures outlined in Section 6 of *The Code*.

Student Conduct Record

The Student Conduct Administrator shall maintain all student conduct records of information received and action taken by the respective Student Conduct Bodies.

1. Conduct sanctions shall not be made part of the student's academic record but shall become part of the student's conduct record. All student conduct records, except records of residence hall expulsion, University suspension, University expulsion, and revocation or withholding of a degree shall be expunged seven years after final disposition of the case. Upon graduation, the student may petition the Student Conduct Administrator for removal of all files contained in his or her student conduct records. The student may appeal a negative response of the Student Conduct Administrator to the Student Conduct Board.
2. All material gathered from a substantiated conduct case (residence house, academic, and other) shall become part of any new case against the same individual(s) after the new charges have been substantiated.
3. Student conduct records are maintained only in the names of students found to have violated regulations.

Special Procedures

To ensure continued participation of students, faculty, and administration in the student conduct process, and to ensure speedy disposition of conduct cases, the President of the University is empowered to develop a subcommittee structure in the event of a large number of student conduct cases. Such subcommittee shall be empowered to hear and dispose of cases in accordance with the provisions of *The Code* and shall ensure that all elements of procedural due process delineated in this article are observed.

SECTION 7. INTERPRETATION AND REVISION

Any question of interpretation or application regarding *The Code* shall be referred to the Student Conduct Administrator for final determination.

The Code shall be reviewed every three years under the direction of the Student Conduct Administrator. Any member of the University community may recommend a change to *The Code* to the Associate Vice President for Student Experience. The Associate Vice President shall distribute the recommendation to the appropriate areas and gather feedback. If the change is endorsed by the Associate Vice President, the change shall be presented to the Board of Trustees for adoption.

SECTION 8. ACADEMIC PROCEDURES

Undergraduate Student Academic Grievance Procedure

1. Introduction.

- a. This section applies to students taking courses in pursuit of an associate's or bachelor's degree, and other students taking courses for undergraduate credit.
- b. Grievances filed concerning academic matters must conform to the process described in this section.
- c. The Student Academic Grievance Subcommittee, an appointed chartered subcommittee of the Academic Senate, is the sole body responsible for adjudicating grievances concerning academic matters. The Student Academic Affairs Committee, an appointed chartered committee of the Academic Senate, is the sole appeals body for decisions made by a Grievance Hearing Panel of the Student Academic Grievance Subcommittee. Any grievances concerning academic matters filed and adjudicated by bodies or processes not specified in this section are null and void.

2. Academic matters that may be grieved.

- a. Academic matters that may be grieved are the following:
 - (1) Disposition and Sanctions imposed by faculty regarding academic dishonesty. See Section B. Academic Honesty.
 - (2) Material deviation from the grading scale or weight distribution indicated on the course syllabus by the faculty member, to the detriment of the individual student or the entire class.
 - (3) Material breach of faculty contractual obligations as specified in the article on Teaching Rights and Responsibilities in the Faculty Collective Bargaining Agreement, to the detriment of the individual student or the entire class.
- b. Other areas of contention between a student and a faculty member may not be grieved under this section. The student should contact the department chair of the faculty member's department or the dean of the college housing the faculty member's department for further advisement in these situations.

3. Parties directly involved in the grievance procedure.

- a. The parties directly involved in the grievance procedure are as follows:
 - (1) Student/Faculty: The party who files the grievance and the party against whom the grievance is filed.
 - (2) Associate Provost for Academic Administration, or designee.
 - (3) Department chair: The chairperson of the department in which the faculty member resides.
 - (4) Dean: The dean of the college in which the faculty member's department is housed.
 - (5) Student Academic Grievance Subcommittee. An appointed chartered subcommittee of the Academic Senate charged with adjudicating undergraduate student academic grievances. The Subcommittee is composed of six faculty members, with representation from each undergraduate college of the University; six undergraduate students, with representation from each undergraduate college of the University; and the Associate Provost for Academic Administration, or designee, who serves as Judicial Chair.
 - (6) Grievance Hearing Panel. Conducts the formal hearing and renders a decision about the grievance. The Grievance Hearing Panel is drawn from the membership of the Student Academic Grievance Subcommittee and consists of a minimum of two faculty members, two undergraduate students, and the Judicial Chair.
 - (7) Student Academic Affairs Committee. An appointed chartered committee of the Academic Senate charged with making policy recommendations related to the academic sector of student affairs.

- (8) Appeal Panel. Considers appeals of decisions rendered by a Grievance Hearing Panel. The Appeal Panel is drawn from the membership of the Student Academic Affairs Committee and consists of a minimum of two faculty members, two undergraduate students, and the Chair of the Student Academic Affairs Committee.
- b. In all steps of the grievance process, both the student and the faculty member may avail themselves of the services of an advisor. Such an advisor may be drawn from within or outside the University community. Advisors may not present testimony or speak on behalf of the grievant.
4. **Overview of the grievance process.**
- a. Depending upon the disposition of the grievance, there are three possible phases of the grievance process.
- b. The three phases are:
- (1) Pre-Grievance hearing activities;
 - (2) Grievance hearing;
 - (3) Appeal.
- c. Agreement may be reached between the student and the faculty member at any time during the process. Such an agreement ends the grievance.
5. **Phase One: Pre-Grievance hearing activities.**
- a. Upon discovery of an event the student wishes to grieve, the student may first attempt to resolve the conflict through discussion with the faculty member.
- b. If the matter is not resolved from any such student/faculty member discussion, the student may then initiate discussion with the department chair.
- c. If the matter is not resolved from the student/chair discussion, the student may then initiate discussion with the dean. This discussion with the dean is to occur as soon as possible after the student's discussion with the department chair in order to meet the time deadline discussed in item d. immediately below.
- d. If the matter is not settled following these discussions, the student may submit a written statement describing the complaint on the standard Grievance Form, available from the Office of the Provost. This completed form must be submitted to the Office of the Provost no later than 5:00 PM the fourth Friday in the semester following the incident. Specifically, the Grievance Form for incidents occurring in Fall semester must be filed no later than 5:00 PM of the fourth Friday of the subsequent Spring semester; the Grievance Form for incidents occurring in Spring or Summer semesters must be filed no later than 5:00 PM of the fourth Friday of the subsequent Fall semester.
- e. The Associate Provost for Academic Administration will assess the grievability of the complaint within fifteen University working days of receipt of the Grievance Form.
- (1) If the complaint is assessed as non-grievable, the student is informed in writing by the Associate Provost for Academic Administration and the matter is closed.
 - (2) If the complaint is assessed as grievable, the Associate Provost for Academic Administration initiates Phase Two of the grievance process below.
6. **Phase Two: Grievance hearing.**
- a. Within five University working days of initiating Phase Two of the grievance process, the Office of the Provost shall distribute copies of the completed grievance form to the student, faculty member, department chair, appropriate dean, and Chair of the Student Academic Grievance Subcommittee. In addition, the Office of the Provost shall distribute a copy of this grievance procedure, an outline of each party's rights and obligations, and an Acknowledgment/Response Form to the faculty member, department chair, and dean.

- b. Within six University working days of receiving the completed grievance form, the copy of the grievance procedure, and the outline of each party's rights and responsibilities, the faculty member, department chair, and dean must return the Acknowledgment/Response Form to the Office of the Provost. All these documents together constitute the Grievance Packet.
 - c. The Office of the Provost shall submit the entire Grievance Packet to the Chair of the Student Academic Grievance Subcommittee within two University working days of receipt of all Acknowledgment/Response Forms.
 - d. Upon receipt of the completed Grievance Packet, the Chair of the Student Academic Grievance Subcommittee will form a Grievance Hearing Panel to consider the complaint.
 - e. A hearing date, time, and place will be established by the Chair of the Student Academic Grievance Subcommittee. All affected parties will be notified so as to afford the parties an opportunity to be present. The Grievance Hearing notice shall be delivered by regular US mail delivery, certified mail, or hand delivery. The notice shall also be sent by e-mail to the students university e-mail address. If the faculty member cannot or refuses to participate in the hearing, the faculty member's department chair shall provide a substitute who will exercise all the rights and responsibilities of the absent faculty member.
 - f. Grievance hearing principles and procedures
 - (1) No member of a Grievance Hearing Panel will hear a case directly affecting him/her.
 - (2) Prior to the hearing, the Grievance Hearing Panel members shall review all written materials in the Grievance Packet submitted by the affected parties.
 - (3) The Grievance Hearing Panel shall consider only the information contained in the Grievance Packet.
 - (4) During the hearing, the following rights are guaranteed to the student and the faculty member: the right to be present; the right to be accompanied by an advisor of their choice; the right to speak in support of their argument; the right to present information directly supporting their written items in the Grievance Packet, including oral testimony; and the right to refute information presented.
 - (5) After hearing both sides, the Grievance Hearing Panel shall meet in closed session to review the information presented and reach a decision.
 - (6) Both parties shall be informed of the Grievance Hearing Panel's decision as soon as reasonably possible.
 - g. Documentation of Grievance Hearing Panel's decision
 - (1) A written statement of the Grievance Hearing Panel's decision shall be prepared and signed by the Panel's chair.
 - (2) This written statement of the Grievance Hearing Panel's decision shall be forwarded to the student, faculty member, department chair, dean, and provost within three University working days of the Grievance Hearing Panel's decision.
 - (3) The forwarding of the written statement of the Grievance Hearing Panel's decision ends the Student Academic Grievance Subcommittee's involvement in the disposition of the grievance.
 - (4) A file of all pertinent documents of all grievances shall be kept by the Office of the Provost.
 - h. At the discretion of the Chair of the Student Academic Grievance Subcommittee, the time lines stated under 6. a. through g. may be extended.
7. **Phase Three: Appeal.**
- a. There are three factors upon which a written appeal of the Grievance Hearing Panel's decision may be based:
 - (1) New information. Information not available at the time of the original hearing is found by the student or faculty member.

- (2) Insufficient evidence. The student or faculty member believes that evidence presented was not sufficient to justify the decision.
 - (3) Procedural violations. The student or faculty member alleges one or more violations of the procedures leading up to and including the Grievance Hearing.
- b. Either the student or the faculty member may file a written appeal of the Grievance Hearing Panel's decision. Such an appeal shall be filed at the Office of the Provost within six University working days of receipt of the written notification of the Grievance Hearing Panel's decision.
 - c. The Office of the Provost shall forward the written appeal to the Chair of the Student Academic Affairs Committee within two University working days.
 - d. If the basis of the appeal is new information or insufficient evidence as noted in item a. above, the appeal shall be reviewed by a quorum of the Student Academic Affairs Committee, or an Appeal Panel of the Student Academic Affairs Committee, within twelve University working days of receipt by the Chair of the Student Academic Affairs Committee of the written appeal forwarded from the Office of the Provost. Such appeals are not heard as original cases and may be concluded by the Student Academic Affairs Committee on the basis of the written information provided.
 - e. If the basis of the appeal is alleged procedural violations as noted in item a.(3) above, within twelve University working days of receipt of the written appeal forwarded from the Office of the Provost, the Chair of the Student Academic Affairs Committee shall convene an Appeal Panel to consider the appeal. This panel shall rule only on whether procedural violations occurred.
 - (1) If the Appeal Panel rules that no procedural violations occurred, or that any procedural violations were minor and did not affect the Grievance Hearing Panel's decision, the decision of the Grievance Hearing Panel is upheld and the matter is closed.
 - (2) If the Appeal Panel rules that procedural violations occurred and were substantive, the case will be referred to the full Student Academic Affairs Committee for further deliberation. Within twelve University working days of the Appeal Panel's finding of procedural violations, a quorum of the full Student Academic Affairs Committee shall undertake a full examination of the case. The decision reached by the Student Academic Affairs Committee is final and may not be appealed.
 - f. Appeal Hearing
 - (1) No member of the Student Academic Affairs Committee or the Appeal Panel will hear a case directly affecting him/her.
 - (2) Prior to the hearing, members of the Student Academic Affairs Committee or Appeal Panel shall review all materials of the Appeal Packet.
 - (3) Only information contained in the Grievance Packet and any materials submitted as part of the appeal shall be considered.
 - (4) During the hearing, the following rights are guaranteed to the student and the faculty member: the right to be present during the testimony part of the hearing; the right to be accompanied by an advisor of their choice; the right to speak in support of their argument; the right to present information directly supporting their written items in the Grievance or Appeal Packets, or their oral testimony; and the right to refute information presented. Accompanying advisors may not speak or present testimony except by permission of the chair of the Committee or Appeal Panel.
 - (5) After hearing both sides, the Committee or Appeal Panel shall meet in closed session and reach a decision.
 - (6) The chair of the Committee or Appeal Panel shall inform both parties of the decision as soon as reasonably possible.

- (7) A written statement of the decision shall be prepared and signed by the chair of the Committee or Panel, forwarded to the student and faculty member and to the Office of the Provost within five working days of the decision. Delivery of the appeals decision shall be by regular US mail, certified mail, or hand delivery. The student shall also be notified by sending an email to the student's University e-mail address.
 - (8) A file of all pertinent documents of all grievances and appeals shall be kept by the Office of the Provost.
 - (9) The decision reached by the Student Academic Affairs Committee or by the Appeal Panel is final and may not be appealed.
- g. At the discretion of the chair of the Student Academic Affairs Committee, the time lines under b. through f. above may be extended.

Academic Dishonesty

Academic honesty is essential to the educational process and serves to protect the integrity of the University community. Therefore, all members of the University community have a responsibility of maintaining high standards of honesty and ethical practice. Cheating, plagiarism, and other forms of academic dishonesty constitute a serious violation of University conduct regulations. See Section 3.1. Students who engage in dishonesty in any form on examinations, papers, and course assignments, or who illegally possess examinations may be charged with academic dishonesty. Furthermore, students shall not submit the work of someone else as their own or utilize ideas taken from other sources without properly citing the source. In addition, work completed in one course that is submitted in another course may constitute academic dishonesty. Students should consult with the faculty member if they are not sure what may constitute academic dishonesty.

Students suspected of academic dishonesty may be charged with a violation of University conduct regulations under Section 3.1. Cases of alleged academic dishonesty shall be resolved in the following manner:

1. Conference

- a. After the faculty member has gathered evidence supporting a violation of academic dishonesty, the faculty member shall notify the student in writing of the allegations and invite the student to a conference. During this meeting, the faculty member should discuss the allegations with the student and determine whether the student is responsible for the allegations. If the student is found to be responsible, the faculty member shall determine the sanction to be imposed. If the student is found not responsible, no further action is warranted.
- b. Prior to imposing the sanction, the faculty member shall communicate with the Student Conduct Administrator and the Department Chair to determine if the student has been involved in any previous academic dishonesty violations.
- c. The faculty member may impose one or more of the following sanctions:
 - (1) Warn the student;
 - (2) Submit an "F" grade on the exam or paper;
 - (3) Submit an "F" grade for the course; and/or
 - (4) Request additional action from the Student Academic Grievance Subcommittee, such as removal from a course, University suspension, or expulsion.
- d. The faculty member must file with the Office of Student Experience a Report of Academic Dishonesty if options (2) through (4) are imposed. The Student Conduct Administrator will then notify the student in writing of the decision as well as create a student conduct file which shall be kept confidential to the extent allowed by law.

- e. In cases where a student is charged with an incident of academic dishonesty that is serious, flagrant, or repeated, the student may also be referred to the Student Academic Grievance Subcommittee for consideration of additional action, including suspension and expulsion.
 - f. Following the conference, the accused student has the right to file a grievance and request that the case be reviewed in accordance with the procedures set forth below for undergraduate students or the procedures set forth in the Graduate Student Grievance Procedure for graduate students found in the Graduate School Bulletin.
2. **Hearing**
- a. Cases of academic dishonesty that are referred for a hearing shall be heard by the Student Academic Grievance Hearing Panel (hereinafter "Grievance Hearing Panel"). Cases referred for hearing occur in one of two ways: either the student requests a review of the faculty recommendation or the faculty requests additional sanctions beyond those listed in Article VIII, Section B.1. above. The Grievance Hearing Panel shall consist of a minimum of two faculty members, two students, and one administrator who will chair the hearing. The Grievance Hearing Panel shall be appointed from the Student Academic Grievance Subcommittee. See Section A. above.
 - b. Hearings for academic dishonesty before the Student Academic Grievance Subcommittee shall follow the procedures outlined in Section A. above.
 - c. The Grievance Hearing Panel may impose any of the sanctions outlined in Article VI, Section E.
 - d. A decision of the Grievance Hearing Panel may be appealed following the procedures outlined in Section 8.7.

Graduate Student Academic Grievance Procedure

The Graduate Student Grievance Procedure provides the graduate students at Youngstown State University with a formal channel through which complaints concerning academic matters may be heard. It creates a system whereby the student may receive assistance in pressing a claim within the organization of the University. The procedure for filing a grievance is set forth in the Youngstown State University Bulletin, Graduate Edition, Graduate Student Grievance Procedure. The Graduate Bulletin can be found on the Graduate School website.

SECTION 9. STUDENT DISCRIMINATION AND HARASSMENT COMPLAINTS

Introduction

The purpose of this Article is to inform students of their rights to secure equitable and expedient resolutions for complaints of discrimination or harassment. As expressed in its policy regarding discrimination and harassment (policy number 3356-2-03), the University is committed to a campus environment that values all individuals and groups, and to non-discrimination and equal opportunity for all persons without regard to sex, race, religion, color, age, national origin, sexual orientation, gender identity and/or expression, disability, or veteran/military status or any other basis protected by law ("protected class status"). This policy along with University Policy 3356-2-03.1/Sexual Misconduct and The Code are intended to provide information and guidance for those alleging some form of discrimination or harassment.

The University is committed to adhering to the state and federal laws, such as Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment, and other areas and Title IX of the Educational Amendments of 1972 which prohibits discrimination on the basis of sex in higher education, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age

Discrimination Act of 1975, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and Chapter 4112 of the Ohio Revised Code.

Discrimination

Conduct which is based on an individual's protected class status that adversely affects or unreasonably interferes with an individual's employment, education, or participation in a University program or activity.

Harassment

Conduct that degrades or shows hostility toward an individual or group based on protected class status and that unreasonably interferes with or creates a hostile employment, educational, or living environment.

Sexual Harassment

Sexual harassment is a form of sex discrimination that represents unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may occur when:

- a. Submission to that conduct is made either explicitly or implicitly a term or condition of an individual's academic, employment, or other University-related activities.
- b. Submission to or rejection of such conduct by an individual is used as a component for academic, employment, or other University-related activities.
- c. The conduct has the purpose or effect of substantially interfering with an individual's curricular, co-curricular, or work performance, or creating an intimidating, hostile, or offensive educational, employment, or on-campus living environment.
- d. Examples of inappropriate conduct include, but are not limited to, the following, when such acts or behaviors come within one of the above definitions:
- e. Either explicitly or implicitly conditioning any term of education, employment, or involvement in University-related activities on the provision of sexual favors.
- f. Touching or grabbing a sexual part of an individual's body.
- g. Continuing to ask an individual to socialize on or off campus when that person has indicated no interest in such activity.
- h. Displaying or transmitting sexually suggestive language, pictures, objects, cartoons, or posters.
- i. Writing sexually suggestive, harassing or discriminating notes, letters, e-mails, texts, or using other electronic or on-line media to communicate sexually suggestive, harassing, or discriminating content.
- j. Referring to or calling a person a sexually oriented name.
- k. Telling sexual jokes or using sexually vulgar or explicit language.
- l. Derogatory or provoking remarks about or relating to an individual's sex or sexual orientation.
- m. Harassing acts or behavior directed against a person on the basis of an individual's sex or sexual orientation.
- n. Off-campus conduct which falls within the above definition and affects the individual's on-campus environment.

SECTION 10. Parental/Guardian Notification Policy

Youngstown State University is committed to an educational environment that promotes the safety, responsible decision-making, and social and intellectual development of all students. Furthermore, the University is concerned with taking a proactive approach in regards to students that may be experiencing problems with alcohol or other drugs. It is the policy of Youngstown State University to notify parents of students under 21 years of age if such students have been found responsible for violating institutional policies regarding alcohol or other drugs in an effort to create a positive support network for students.

1. Parameters

- a. This policy will be applied in situations where students under the age of 21 have been found responsible for a violation of University conduct regulations regarding drugs or alcohol.
- b. The Office of Student Life shall be responsible for administering all procedures of the Parental Notification Policy.

2. Procedures

- a. Parents/guardians shall be notified when the underage student is found responsible for drug or alcohol violations.
- b. The Associate Vice President for Student Experience, or designee, may make an exception to the parental notification policy if in his/her judgment it is determined that harm would come to the student as a result of parental notification.
- c. The notification will be provided in writing from the Office of Student Life and will be mailed to the student's home address.
- d. The notification letter will inform parents that their student has been found responsible for a violation of alcohol or other drugs. Included with the letter will be answers to frequently asked questions. Parents will be encouraged to discuss the incident with the student.
- e. The Office of Student Life will be responsible for responding to questions from parents/guardians. If a parent is interested in reviewing his/her student's conduct file, the student generally must sign a waiver to release information. There are exceptions to this that will be determined on a case by case basis.

SECTION 11. Miscellaneous Policies

Section A. Computer Use

Policies for computer use are available from the Office of Computer Services and are on the University website in the University Guidebook.

Section B. Policy Regarding the Use of Dune Buggies, Go-Carts, Skateboards, Roller Skates, Roller Blades, and Bicycles on Campus

Skateboards, roller skates, roller blades, dune buggies, go-carts, or similar types of recreational vehicles are permitted to be used on University property in specifically designated areas. All such recreational riding should be conducted in a safe and responsible manner. Bicycles are permitted on University property but must be walked across the central core of campus. They must be parked in the provided bike racks and are not permitted in campus buildings.

The Code was adopted by the YSU Board of Trustees on June 17, 2015.

The Code of Student Rights, Responsibilities, and Conduct

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The Code of Student Rights, Responsibilities, and Conduct

PREAMBLE

Youngstown State University is “a student-centered institution committed to the education, development, well-being, and success of students of all ages and from all walks in life. In concert with our mission to help students grow intellectually, we strive to foster their personal, social, emotional, and career growth, as well as their capacities for lifelong learning, civic responsibility, and leadership...

As a campus community, we expect all conduct to be rooted in integrity, mutual respect, and civility. We value ethical behavior in scholarly and other endeavors; believe in the dignity and worth of all people; strive to foster an appreciation of, and respect for, differences among the human race; and celebrate the diversity that enriches the University and the world.” (*Excerpt from YSU core values.*)

As a member of a higher education community, students have an obligation to conduct themselves in a manner that is compatible with the University’s purposes as an institution of higher education. Each student is expected to be fully acquainted with all published policies, procedures, and regulations of the University and is held responsible for compliance with them. All members of the University community are expected to assume responsibility for creating an environment conducive to the educational mission and purpose of the University.

The policies and regulations in *The Code of Student Rights, Responsibilities, and Conduct* (hereinafter referred to as *The Code*) have been established to ensure a positive educational experience for every student. *The Code* serves as an official University document that outlines conditions and regulations considered essential to the effective functioning of the University.

The student conduct process at Youngstown State University adheres to procedural due process and is intended to be part of the educational process at the University. This student conduct process provides a forum for the impartial and expedient resolution of misconduct in the University community and encourages students to live responsibly and be accountable for their actions. The student conduct process is based on the University's commitment to developing integrity, respect, and responsibility among all students.

Published by

DIVISION OF STUDENT ~~AFFAIRS EXPERIENCE~~

~~December 14, 2011~~ June 17, 2015

~~ARTICLE I~~ SECTION 1. RIGHTS AND RESPONSIBILITIES

~~Section A. Definitions~~

~~When used in *The Code*:~~

- ~~1. The term "accused student" or "respondent" shall mean any student accused of violating *The Code*.~~
- ~~2. The term "Appellate Board" shall mean any person or persons authorized on a case-by-case basis by the Student Conduct Administrator to consider an appeal from a Student Conduct body's determination that a student has violated *The Code* or from the sanctions imposed by the Student Conduct body.~~
- ~~3. The terms "can," "may," or "should" specify a discretionary provision of *The Code*.~~
- ~~4. The term "complainant" shall mean any person who submits a referral alleging that a student violated *The Code*.~~
- ~~5. The term "faculty member" shall mean any person employed by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty. In certain situations, a person may be both "student" and "faculty member." One's status in a particular situation shall be determined by the relevant circumstances.~~
- ~~6. The terms "file" or "records" means information relating to a current or former student which is stored in a fashion that facilitates recovery of that information by reference to the individual in whatever form or medium such gathering of information is created, kept, or maintained.~~

- ~~7. The term "function" shall mean all student activities or events occurring at the University or sponsored by registered student organizations, groups, or members of the academic community.~~
- ~~8. The term "group" shall mean a number of students who are associated with each other and who have not complied with University requirements for registration as an organization.~~
- ~~9. The term "Conduct Officer" shall mean a University official authorized on a case-by-case basis by the Student Conduct Administrator to review complaints, determine responsibility, and impose sanctions upon students found to have violated *The Code*.~~
- ~~10. The term "Student Conduct Administrator" is the Vice President for Student Affairs, or designee, who shall be responsible for the administration of *The Code* and the University student conduct process.~~
- ~~11. The term "Student Conduct Body" shall mean any Conduct Officer or Student Conduct Hearing Panel authorized by the Student Conduct Administrator to determine whether a student has violated *The Code* and to recommend imposition of sanctions.~~
- ~~12. The term "may" is used in the permissive sense.~~
- ~~13. The term "member of the University community" shall include any person who is a student, faculty member, University official, any other person employed by the University, or any person lawfully present on University premises.~~
- ~~14. The term "misconduct" means student behavior that violates codified or explicitly stated University rules and regulations, including but not limited to *The Code*.~~
- ~~15. The term "organization" shall mean a University registered student organization which has complied with formal requirements of official registration.~~
- ~~16. The term "policy" shall be defined as the written regulations of the University as found in, but not limited to, *The Code*, Handbook for Residents, YSU Student Organizations Guide, the University website, undergraduate/graduate catalogs, University policies, and Board of Trustees policies.~~
- ~~17. The terms "shall," "must," "will," or "is required" specify a mandatory requirement of *The Code*.~~
- ~~18. The term "student" shall include all persons registered for courses, seminars, and workshops at the University, either full-time or part-time, pursuing undergraduate,~~

~~graduate, professional studies, or continuing education programs. Also included are those individuals accepted for admission or living in the residence halls, whether or not actually enrolled at the University.~~

~~19. The terms "University" and "institution" means Youngstown State University and collectively, those responsible for its operation.~~

~~20. The term "University premises" shall be defined as all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets, sidewalks, and parking lots.~~

~~21. The term "University official" shall mean any person employed by, appointed to, authorized to act on behalf of or performing administrative or professional work for the University.~~

~~22. The term "University working day" refers to any day of the week excluding Saturdays, Sundays, or official holidays.~~

~~23. The term "weapon" shall have the same meaning as in the University Guidebook, Policy No. 7001.03, Possession of Weapons on Campus.~~

~~24. All other terms have their natural meaning unless the context otherwise dictates.~~

~~Section B.~~ **Basic Rights**

The following enumeration of basic rights shall not be construed to deny or disparage other rights and privileges retained by students in their capacity as members of the student body or as citizens of the community at large:

1. The right of free inquiry, expression, and/or assembly.
2. The right to pursue educational goals and appropriate opportunities for learning in the classroom, on campus, and on-line.
3. The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures.
4. The right to retain ownership of class projects/assignments authored by a student and submitted to fulfill requirements of a course, except as provided by the *Ohio Revised Code*, Section 3345.14.

~~Section C.~~ **Basic Responsibilities**

Students, as members of the University community, shall have the following responsibilities which are inherent in the basic rights delineated above:

1. To maintain standards of academic performance as established by their faculty.
2. To be responsible for acting in such a manner as to ensure other students the rights declared in Section B. of this article.
3. To be responsible for their actions with respect to, and to follow, all University regulations and policies.
4. To be responsible for their actions with respect to provisions of local, state, and federal law.
5. To conduct themselves in a manner which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the University community are respected.
6. To have in their possession a valid University Identification Card when on University premises.
7. To be responsible for adhering to the Drug-Free Environment Policy.
8. To ensure adherence to all University Board of Trustees policies that apply to students.

~~ARTICLE #~~SECTION 2. STUDENT CONDUCT AUTHORITY

The President has delegated the authority for the University student conduct system to the Associate Vice President for Student AffairsExperience. The Associate Vice President for Student AffairsExperience, or designee, serves as the Student Conduct Administrator responsible for the administration and operation of *The Code* and the student conduct process.

The Student Conduct Administrator shall determine the composition of Student Conduct bodies and Appellate Boards.

The Student Conduct Administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are consistent with provisions of *The Code*.

Jurisdiction of *The Code*

1. *The Code* shall apply to conduct which adversely affects the University community or interferes with the pursuit of its mission or educational objectives and programs

whether it occurs on University premises, at University sponsored activities, or on non-University premises. It is important to note that a student and/or group/organization will be subject to the University student conduct process where the conduct has occurred on non-University premises when the conduct adversely affects the University community or interferes with the pursuit of its mission or educational objectives and programs.

2. Students shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). *The Code* shall apply to a student's conduct even if the student withdraws from the University while a matter of misconduct is pending.
3. An incident which results in a charge under *The Code* may also lead to a proceeding outside of the University for a violation of local, state, or federal law. In these instances, University proceedings are not subject to challenge based on concurrent criminal or civil proceedings or that such proceeding have been or will be dismissed, reduced, withdrawn, resolved or settled. The University will cooperate, to the extent permitted by law, with law enforcement and other agencies in the enforcement of all laws. In all cases, hearings within the University will be held according to the procedures set forth in Article VI. Since the University student conduct process is educational in nature, differing judgments may result.

SECTION 3. STUDENT CONDUCT STANDARDS

The Student Conduct Process aspires to develop and maintain conduct standards in support of character, civility, and community. ~~Article III.~~ This section provides a set of expectations regarding student conduct in support of the University community.

A student, and/or group/organization may be charged with violating any student conduct standard. In cases where a violation is committed by a member of a group/organization, the entire group/organization may be held responsible in addition to the student when those members of the group/organization not directly involved participate in the activity by encouraging, witnessing, or condoning the act in any manner. The following behavior is subject to disciplinary action under *The Code*.

1. Academic Dishonesty

(a) Cheating, which includes, but is not limited to:

- (i) Use of any unauthorized assistance in taking quizzes, tests, assignments, or examinations;
- (ii) Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;

- (iii) The acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; or
- (iv) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

(b) Plagiarism, which includes, but is not limited to: the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(c) Other acts of Academic Dishonesty.

2. Alcohol

(a) Use or possession of alcoholic beverages, except as permitted by law and University policy; Public Intoxication;

(b) Manufacturing, or distribution of alcoholic beverages to any person under twenty-one (21) years of age except as permitted by law;

(c) All residents and guests in University Housing are prohibited from use or possession of alcoholic beverages, regardless of age, except as permitted by policy or terms of lease.

3. Bullying and Harassment

Unwelcome or unreasonable behavior that harasses, demeans, intimidates, or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior.

4. Complicity

Allowing or enabling a violation to occur, failing to report a violation, or concealing, condoning, supporting or encouraging a violation or an attempted violation.

5. Conduct System

Abuse of the student conduct system, including, but not limited to:

(a) Failure to obey the summons of a Student Conduct Body or University official to appear for a meeting or hearing as part of the student conduct system.

(b) Falsification, distortion, or misrepresentation of information before a Student Conduct Body.

(c) Institution of a student conduct proceeding knowingly without cause.

(d) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.

(e) Attempting to influence the impartiality of a member of a Student Conduct Body prior to, and/or during the course of, the student conduct process.

(f) Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Body, participants or witnesses prior to, during, and/or after a student conduct proceeding.

(g) Failure to comply with the sanction(s) imposed by the Student Conduct Body.

(h) Influencing or attempting to influence another person to commit an abuse of the student conduct system.

6. Disorderly Conduct

Conduct which is disorderly, lewd, or indecent; a breach of peace; obstructs teaching, research, administration, or University activities or functions; or aids, abets, or persuades another person to engage in such conduct.

7. Drugs

Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances in either refined or crude form, including the use of drug-related paraphernalia, or the misuse of materials as an intoxicant except as expressly permitted by law and/or under the direction of a licensed physician. No student shall sell or give drugs to any other person.

8. Failure to Comply

Failure to comply with directions and/or oral or written instructions which are given by any University official, student, faculty member, or staff who is acting in an official University capacity and/or failure to identify oneself to these persons when requested to do so.

9. Financial Obligations

Failure to meet all financial obligations to the University.

10. Gambling

Gambling or wagering of any form except as expressly permitted by law and/or University policy

11. Hazing

Hazing is defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.

12. Information Technology

Theft or other abuse of information technology and resources, including, but not limited to:

- (a) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (b) Unauthorized transfer of a file.
- (c) Unauthorized use of another individual's identification and password.
- (d) Use of computing facilities and resources to interfere with the work of another student, faculty member, or University official.
- (e) Use of computing facilities and resources to send obscene or abusive messages.
- (f) Use of computing facilities and resources to interfere with the normal operation of the University computing system originating from an on-campus or off-campus source.
- (g) Use of computing facilities and resources in violation of copyright laws.
- (h) Any violation of the Responsible Use of University Technology Resources Policy (4009.01).

13. Non-Academic Dishonesty

- (a) Furnishing false information to any University official, faculty member, or office.

- (b) Forgery, alteration, or misuse of any University document, record, credit card, or instrument of identification.
- (c) Tampering with the election of any University recognized student organization.
- (d) Failing to maintain correct address and telephone information with the Registrar.
- (e) Misrepresenting enrollment status and/or achievement at the University to non-University officials and/or on non-University documents.

14. Obstruction of Traffic

Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

15. Endangering Behavior

Intentionally, knowingly or recklessly causing physical harm to another person or their property or engaging in conduct which threatens or causes a reasonable apprehension of harm to the health, safety, life or property of a person including one's self.

16. Property Damage

Any action which damages or could reasonably damage property of the University, or property of a member of the University community, or other personal or public property, on or off campus, or acts of vandalism even if this behavior does not cause damage.

17. Published University Policies

Violation of published University policies, rules, or regulations including those available electronically on the University website.

18. Sexual Misconduct

A broad range of behaviors including sexual assault, dating and domestic violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or is carried out through force, threat, intimidation or coercion.

(a) Sexual Assault: Any intentional, non-consensual and/or coerced sexual contact. Physical resistance need not occur to meet the definition of sexual assault

(b) Consent: Sexual activity requires consent, which is defined as positive, unambiguous, voluntary and on-going agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion, or from someone who is unconscious, asleep, or whose judgment is impaired by the use of a drug or alcohol, or diminished by an intellectual, mental or physical condition or disability.

(c) Coercion: Intimidation, physical or psychological threat, or pressure used to force another to engage in sexual acts.

(d) Stalking: Repeated behaviors or activities whether in person, online, or through any other means which threaten or endanger the safety, physical or

mental health, life or property of another or creates a reasonable fear of such threat or action.

(e) Dating Violence: Violence or abusive behavior (sexual, physical, or threat of violence) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on a consideration of the length and type of relationship, and the frequency of interaction between the persons involved in the relationship.

(f) Domestic Violence: Violence or abusive behavior (sexual, physical or threat of violence) used to maintain control or power within a current or former relationship and which is committed by any of the following:

- a. A current or former spouse or intimate partner of the victim;
- b. A person with whom the victim shares a child in common
- c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- d. By any other person against an adult or youth victim under the domestic or family violence laws of the State of Ohio (See O.R.C. § 2919.25 Domestic Violence)

(g) Sexual Exploitation: Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, non-consensual video or audio-taping of sexual activity, permitting others to secretly observe or record consensual activity, or engaging in voyeurism.

(h) Sex Offenses: See Chapter 2907 of the Ohio Revised Code which defines "Sex Offenses" under Ohio Law.

19. Theft

Attempted or actual theft, including possession of stolen property.

20. Unauthorized Entry

Unauthorized entry to or use of University premises, or unauthorized possession, duplication, or use of keys to any University premises.

21. Unauthorized Recording

- (a) Unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such recording is likely to cause injury or distress, except as otherwise permitted by law.
- (b) Unauthorized distribution or dissemination of an audio or video recording or photograph of any person without his or her prior knowledge or consent, even if the audio or video recording or photograph originally had been produced with the person's consent.

22. Violation of Law

Behavior which would constitute a violation of federal, state, or local law that adversely affects the University community or interferes with the University's mission or its educational objectives and programs.

23. Weapons

Illegal or unauthorized possession of firearms, fireworks, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.

Acts of dishonesty, include, but are not limited to:

Academic Dishonesty

~~(1) Cheating, which includes, but is not limited to:~~

~~(i) Use of any unauthorized assistance in taking quizzes, tests, assignments, or examinations;~~

~~(ii) Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;~~

~~(iii) The acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; or~~

~~(iv) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.~~

~~(2) Plagiarism, which includes, but is not limited to: the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.~~

~~(3) Other acts of Academic Dishonesty.~~

~~b. Non-Academic Dishonesty~~

~~(1) Furnishing false information to any University official, faculty member, or office.~~

~~(2) Forgery, alteration, or misuse of any University document, record, credit card, or instrument of identification.~~

- ~~(3) Tampering with the election of any University recognized student organization.~~
- ~~(4) Failing to maintain correct address and telephone information with the Registrar.~~
- ~~(5) Misrepresenting enrollment status and/or achievement at the University to non-University officials and/or on non-University documents.~~
- ~~2. Disruption or obstruction of teaching, research, administration, student conduct proceedings, other University activities, including its public service functions on or off campus, or other authorized non-University activities, when the act occurs on University premises.~~
 - ~~3. Participation in an on-campus or off-campus demonstration, riot, or activity which disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.~~
 - ~~4. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.~~
 - ~~5. Failure to comply with directions and/or oral or written instructions which are given by any University official, student, faculty member, or staff who is acting in an official University capacity and/or failure to identify oneself to these persons when requested to do so.~~
 - ~~6. Failure to meet all financial obligations to the University.~~
 - ~~7. Violation of published University policies, rules, or regulations including those available electronically on the University website.~~
 - ~~8. Physical abuse, verbal abuse, threats, intimidation, harassment, stalking, bullying and/or coercion which endangers or tends to endanger the safety, health, or life of any person (including self).~~
 - ~~9. Sex Discrimination which includes sexual harassment and sexual violence. See Article. IX.~~
 - ~~10. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.~~

- ~~11. Conduct which is disorderly, disruptive, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored, or participated in, by the University or members of the University community.~~
- ~~12. Unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such recording is likely to cause injury or distress, except as otherwise permitted by law.~~
- ~~13. Unauthorized distribution or dissemination of an audio or video recording or photograph of any person without his or her prior knowledge or consent, even if the audio or video recording or photograph originally had been produced with the person's consent.~~
- ~~14. Gambling or wagering of any form except as expressly permitted by law and/or University regulations.~~
- ~~15. Attempted or actual theft, including possession of stolen property.~~
- ~~16. Any action which damages or tends to damage property of the University, or property of a member of the University community, or other personal or public property, on or off campus.~~
- ~~17. Unauthorized possession, duplication, or use of keys to any University premises, or unauthorized entry to or use of University premises.~~
- ~~18. Theft or other abuse of information technology and resources, including, but not limited to:
 - ~~a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.~~
 - ~~b. Unauthorized transfer of a file.~~
 - ~~c. Unauthorized use of another individual's identification and password.~~
 - ~~d. Use of computing facilities and resources to interfere with the work of another student, faculty member, or University official.~~
 - ~~e. Use of computing facilities and resources to send obscene or abusive messages.~~~~

- ~~— f. Use of computing facilities and resources to interfere with the normal operation of the University computing system originating from an on-campus or off-campus source.~~
- ~~— g. Use of computing facilities and resources in violation of copyright laws.~~
- ~~— h. Any violation of the Responsible Use of University Technology Resources Policy (4009.01).~~
- ~~19. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances in either refined or crude form, including the use of drug-related paraphernalia, except as expressly permitted by law and/or under the direction of a licensed physician. No student shall sell or give drugs to any other person.~~
- ~~20. Public intoxication or use, possession, manufacturing, or distribution of alcoholic beverages, except as expressly permitted by law and/or University regulations. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty one (21) years of age.~~
- ~~21. Illegal or unauthorized possession of firearms, fireworks, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.~~
- ~~22. Entering false fire alarms, bomb threats, or tampering with fire extinguishers, alarms, smoke detectors, or other safety equipment.~~
- ~~23. Abuse of the student conduct system, including, but not limited to:
 - ~~— a. Failure to obey the summons of a Student Conduct Body or University official to appear for a meeting or hearing as part of the student conduct system.~~
 - ~~— b. Falsification, distortion, or misrepresentation of information before a Student Conduct Body.~~
 - ~~— c. Disruption or interference with the orderly conduct of a student conduct proceeding.~~
 - ~~— d. Institution of a student conduct proceeding knowingly without cause.~~
 - ~~— e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.~~~~

- ~~— f. Attempting to influence the impartiality of a member of a Student Conduct Body prior to, and/or during the course of, the student conduct process.~~
- ~~— g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Body prior to, during, and/or after a student conduct proceeding.~~
- ~~— h. Failure to comply with the sanction(s) imposed by the Student Conduct Body.~~
- ~~— i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.~~

~~24. Violation of federal, state, or local law.~~

- ~~— a. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of *The Code*, student conduct action may result and sanctions may be imposed for misconduct that adversely affects the University community or interferes with the University's mission or its educational objectives and programs. The University, at its sole discretion, may pursue action against a student while the student is also subject to criminal or civil proceedings. In all cases, hearings within the University will be held according to the procedures set forth in Article VI. Since the University student conduct process is educational in nature, differing judgments may result.~~
- ~~— b. University student conduct proceedings may be instituted against a student charged with a violation of law which is also a violation of *The Code*; for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under *The Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.~~
- ~~— c. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of that person's status as a student. The University will cooperate, to the extent permitted by law, with law enforcement and other agencies in the enforcement of all laws.~~

ARTICLE IV SECTION 4. CAMPUS STUDENT ORGANIZATIONS

Student-Registered student organizations may exist for any appropriate purpose that does not conflict with University policies and regulations or with local, state, and/or federal laws. The development of policies and guidelines for student organizations is

the responsibility of the Associate Vice President for Student AffairsExperience. The policies and regulations that apply to student groups/organizations are found in the YSU Student Organizations Guide. Student groups/organizations that violate the YSU Student Organizations Guide may be charged with violating *The Code* and be subject to the Student Conduct Procedures outlined in Article VISection 6.

Section A.—Student Conduct Authority

1. Enforcement of regulations, policies and guidelines that apply to student organizations/groups is within the jurisdiction of the Associate Vice President for Student AffairsExperience, or designee.
2. Student groups and registered student organizations may be charged with violations of *The Code* in the following circumstances:
 - a. An organization is responsible for its actions and shall be held responsible when the organization fails to comply with the YSU Student Organizations Guide, and/or University policies or regulations.
3. A student group or registered student organization and its officers may be held collectively or individually responsible for violations of *The Code*.

SECTION 5. STUDENT MEDIA

The University supports several student media organizations that provide an avenue for students to express their literary and artistic talents. Policies and procedures concerning student media are recommended to the Dean of the College of Liberal Arts and Social Sciences by the Student Media Committee. Copies of current policies and procedures are available from the Dean of the College of Liberal Arts and Social Sciences.

SECTION 6. STUDENT CONDUCT PROCEDURES

General

This overview gives a general idea of how the University's campus student conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, while consistency in similar situations is a priority, these procedures are flexible, and are not exactly the same in every situation.

1. These proceedings are administrative procedures and do not follow the specific steps, methods, or standards of proof of evidence used in civil or criminal courts.
2. Any member of the University community may report violations of *The Code* alleging student and/or group/organization misconduct. The report shall be prepared in writing and directed to the Student Conduct Administrator. A report of a violation of *The Code* shall be submitted as soon as possible after the incident occurs, but not later than thirty (30) days following the University becomes aware of an incident. Exceptions to this limitation period will be reviewed by the Student Conduct Administrator and may be granted in his/her discretion.

3. The Student Conduct Administrator shall review reports of violation(s) and may initiate investigations of possible violation(s) of *The Code* to determine if the charges have merit. In reviewing the reports, the Student Conduct Administrator will determine whether the alleged violation(s) may be resolved through a conduct conference or a conduct hearing. Students or groups/organizations that might be subject to University suspension or expulsion shall automatically be provided a hearing before a Hearing Panel.
4. The standard of proof utilized in all University student conduct proceedings shall be a preponderance of evidence, i.e., more likely than not that the alleged conduct occurred.

Step 1: Educational Conference and/or Preliminary Inquiry

The University conducts a preliminary inquiry into the nature of the incident, complaint, or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

1. A decision not to pursue the allegation based on a lack of or insufficient evidence, or that the behavior, even if proven, would not violate *The Code*.
2. A decision on the allegation, also known as an “informal” resolution, to an uncontested allegation
3. A decision to proceed with additional investigation and/or referral for a “formal” resolution.

If a decision on the allegations is made and the finding is that the respondent is not responsible for violating *The Code*, the process will end. The party bringing forth the complaint may request the Student Conduct Administrator and/or the Title IX Coordinator to reopen the investigation and/or grant a hearing. This decision shall be in the sole discretion of the Student Conduct Administrator and the Title IX Coordinator and will only be granted for extraordinary cause.

If the University’s finding is that the respondent is in violation, and the respondent accepts this finding within three days, the University considers this an “uncontested allegation.” The administrator conducting the initial conference will then determine the sanction(s) for the misconduct, which the respondent may accept or reject. If accepted, the process ends.

If the student and/or organization accepts the findings, but rejects the sanction, the Student Conduct Administrator will select a Board to conduct a sanction-only hearing to review and, determine to uphold or modify the sanction. This sanction is subject to appeal (see Appeal procedures below). Once the appeal is decided, the process ends. If the administrator conducting the educational conference determines that it is more likely than not that the respondent is in violation, and the respondent rejects that finding in whole or in part, then it is considered a “contested allegation” and the process moves to Step 2.

Step 2: Formal Hearing

In a contested allegation, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that a rule or rules have been violated.

1. A formal notice of the complaint will be issued, and a hearing will be scheduled for not less than five nor more than fifteen calendar days after the student has been formally notified of the charges. The Student Conduct Administrator may, in his or her discretion, extend the time for the hearing.
2. In the event a student and/or organization fails to appear at the scheduled Conduct Conference, the Conduct Officer may review the facts in support of the charges and render a decision and issue appropriate sanctions. Findings and sanctions shall be based on the facts and not the accused student's and/or organization's failure to appear.
3. A formal hearing will be held before the Student Conduct Board or a single Administrator chosen from a pool of administrators or staff members selected by the Student Conduct Administrator. The Student Conduct Board is composed of students, faculty, and staff members annually appointed by the Associate Vice President for Student Experience or designee. All members of the Student Conduct Board, as well as the pool for Administrative Hearings shall receive annual training in hearing procedures, *The Code*, and any other matter the Student Conduct Administrator deems relevant and necessary.

Due Process

Accused students and/or organizations, as well as the complainant(s) shall be afforded the following procedural due process:

- a. The right to be treated with respect and dignity by all University officials.
- b. Written notice of the charge(s).
- c. Written notice of the specific violations of *The Code* alleged to be violated.
- d. General information including the nature and source of the information, unless prohibited by law.
- e. Timely resolution of the matter.
- f. Written notification of date, time, and location of hearing and information about hearing procedures. The notice will be delivered in person or by certified or regular US mail to the student's official address of record at the University. The accused student shall also be notified by University e-mail.
- g. The right to question the impartiality of a Student Conduct Board member's ability to participate fairly in a hearing. The Student Conduct Administrator may reject any Student Conduct Board Member when just cause has been demonstrated.
- h. The right to be accompanied by an advisor. Advisors are permitted
- i. The right to present witnesses on behalf of the accused during the hearing. If a witness cannot appear, a signed statement from the witness can be used as long as it is notarized by an appropriate official, or otherwise verified by the Student

Conduct Administrator. The accused student shall not be required to testify against him/herself.

- j. Hearing shall be closed to the public to the extent allowed by law.
- k. Written notice of the final outcome of the case.
- l. The opportunity to appeal as outlined in *The Code*.
- m. Counseling, available medical resources, and academic assistance when requested.
- n. Changes in campus residence and/or classes, when reasonable and requested.

In addition to the above, the complainant will be afforded the following:

- a. The right to request that charges of misconduct be pursued.
- b. The right to provide information at the hearing in a seat not directly facing the accused, if the complainant requests. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of the Student Conduct Administrator or Title IX Coordinator to be appropriate.

Section D. Conduct Hearings-Hearing Procedure

- ~~1. A time shall be set for a hearing not less than five nor more than fifteen calendar days after the student has been notified of the charges. The Student Conduct Administrator may, in his or her discretion, extend the time for the hearing.~~
- 2.—Hearings conducted by a Hearing Panel shall be in accordance with the following guidelines:
 - a. Hearings shall normally be conducted in private.
 - b. The complainant, accused student, and their advisors, if any, shall be permitted to attend the entire portion of the hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the chair of the Hearing Panel.
 - c. In hearings involving more than one accused student, the chairperson may permit the hearings to be conducted separately or jointly.
 - d. The complainant and the accused student have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused are responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a Student Conduct Body. Advisors may not appear in lieu of the student or group/organization. A student should select as an advisor a person ~~whose schedule allows attendance at the scheduled date and time for~~

~~the hearing since da person who is ready, willing, and able to assist them and meet the scheduling needs for the hearing.~~ Delays will not normally be permitted due to the scheduling conflict of an advisor.

- e. The complainant, the accused student, and the Student Conduct Administrator shall have the ability to present and question witnesses.
- f. The chair of the Hearing Panel may limit the time of presentations by witnesses, and witnesses will be separated from the hearing during the presentation of information of other witnesses.
- g. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Panel.
- h. The Hearing Panel may proceed to hear all pertinent information and conclude the case if the student fails to appear.
- i. All procedural questions are subject to the final decision of the chairperson of the Hearing Panel. Any person disrupting a hearing or who fails to adhere to the decisions of the chairperson shall be removed from the hearing.
- j. After the hearing, the Hearing Panel shall meet in closed session to determine, by majority vote, whether the student has violated each section of *The Code* that the student is charged with violating.
- k. The decision of the Hearing Panel may be announced to the student immediately after the conclusion of the hearing and will be confirmed later in writing.
- l. The Hearing Panel's determination shall be made on the basis of whether it is more likely than not that the accused student violated *The Code*.

3. ~~The hearings shall be tape recorded. One recording of the hearing will be made.~~

~~4. The accused student and/or group/organization shall be afforded the following procedural due process:~~

~~a. Written notice of the charge(s).~~

~~b. Written notice of the specific violations of *The Code* alleged to be violated.~~

~~c. General information including the nature and source of the information, unless prohibited by law.~~

~~d. Timely resolution.~~

~~e. Written notification of date, time, and location of hearing and information about hearing procedures. The notice will be delivered in person or by certified or regular US mail to the student's official address of record at the University. The accused student shall also be notified by University e-mail.~~

~~f. The right to question the impartiality of a Student Conduct Board member's ability to participate fairly in a hearing. The Student Conduct Administrator may reject any Student Conduct Board Member when just cause has been demonstrated.~~

- ~~—g. The right to be accompanied by an advisor (see Article VI., Section D., Paragraph 2.d).~~
 - ~~—h. The right to present witnesses on behalf of the accused during the hearing. If a witness cannot appear, a signed statement from the witness can be used as long as it is notarized by an appropriate official. The accused student shall not be required to testify against him/herself.~~
 - ~~—i. Timely resolution of the matter.~~
 - ~~—j. Hearing shall be closed to the public to the extent allowed by law.~~
 - ~~—k. Written notice of the final outcome of the case.~~
 - ~~—l. The opportunity to appeal as outlined in *The Code*.~~
5. ~~The complainant of a student conduct case will be afforded procedures (d.) through (l.) above, although disclosure of the outcome is limited by law and is typically not in writing. In addition, the complainant will be afforded the following:~~
- ~~—a. The right to be treated with respect and dignity by all University officials.~~
 - ~~—b. Counseling, available medical resources, and academic assistance when requested.~~
 - ~~—c. Changes in campus residence and/or classes, when reasonable and requested.~~
 - ~~—d. The right to request that charges of misconduct be pursued.~~
 - ~~—e. Due process within any University student conduct proceeding.~~
 - ~~—f. The right to provide information at the hearing in a seat not directly facing the accused, if the complainant requests. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of the Student Conduct Administrator to be appropriate.~~
4. ~~A conduct sanction imposed or other action taken by any Student Conduct Body shall become effective upon written notification to the accused student. The notification will be provided by personal delivery, or by certified or regular US mail~~

~~delivery to the accused student and/or group/organization. Notification will also be sent to the accused student's official University e-mail address. If the individual files a written letter of appeal with the Student Conduct Administrator, and if the appeal is denied, the sanction shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the student.~~

- ~~7. The Student Conduct Administrator shall maintain records of information received, recording of the hearing, and action taken by any Student Conduct Body. Public examination of these records shall be limited to the extent allowed by law.~~

~~Section E. Sanctions~~ Step 3: Sanctions

- ~~1. If the student and/or organization is found in violation of any policy, sanctions will be issued. A conduct sanction imposed or other action taken by any Student Conduct Body shall become effective upon written notification to the accused student. The notification will be provided by personal delivery, or by certified or regular US mail delivery to the accused student and/or group/organization. Notification will also be sent to the accused student's official University e-mail address. If the individual files a written letter of appeal with the Student Conduct Administrator, and if the appeal is denied, the sanction shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the student. The Student Conduct Administrator shall maintain records of information received, recording of the hearing, and action taken by any Student Conduct Body. Public examination of these records shall be limited to the extent allowed by law.~~

~~The following sanctions may be imposed upon any student that has been found responsible for a violation of *The Code*. Sanctions ~~shall be issued in a progressive fashion~~ are typically issued in a progressive fashion, however each situation differs, and the severity of a violation and the impact on the campus community will be taken into consideration in determining a sanction.~~

- ~~a. Warning: A written statement that the student is violating or has violated *The Code*. Continuation or repetition of inappropriate conduct may be cause for more severe student conduct action. A warning will remain in effect for a period not to exceed one academic year.~~
- ~~b. Conduct Probation: Notice in writing that the violation of *The Code* is serious, flagrant, or a repeated violation of policy and a warning that any subsequent violation(s) of University regulations may result in suspension or expulsion and/or imposition of restrictions or conditions consistent with the offense committed and the rehabilitation of the student.~~
- ~~c. Conduct Probation with Restrictions: Notice in writing that the violation of University regulations is a serious, flagrant, or repeated violation, and a warning that any subsequent violation(s) of *The Code* may result in suspension or expulsion. In addition, an order preventing the student from holding University~~

- elective office, student employment, participating in any intercollegiate activity or sport, participating in any University sponsored program/organization, or representing the University in any other manner will be attached to this sanction.
- d. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement and may be required in addition to other sanctions as described in this section.
 - e. Academic/Developmental Sanctions: Other sanctions may be imposed instead of, or in addition to, those specified above, e.g., community service, counseling, educational assignments.
 - f. Deferred Suspension: Separation of the student from the University and/or residence halls is deferred for a specified period (not to exceed one academic year). If the student is found in violation of any subsequent violations of *The Code*, the suspension takes effect immediately and may not be appealed. Additional sanctions appropriate to the new violation may also be issued.
 - g. Residence Hall Suspension: Separation of the student from the residence halls for a specified period of time (not to exceed one academic year), after which time the student is eligible to return. During the suspension period, the student is prohibited from accessing any University housing facilities.
 - h. University Suspension: Separation of the student from the University for a specified period of time (not to exceed one academic year), after which time the student is eligible to return. During the suspension period, the student does not have access to the University and is prohibited from participating in any academic or other University activities.
 - i. Residence Hall Expulsion: Permanent separation of the student from the residence halls. An expulsion denies the student access to all University housing facilities on a permanent basis.
 - j. University Expulsion: Permanent separation of the student from the University. An expulsion denies the student the right to participate in any academic or University activities on a permanent basis.
 - k. Revocation of Admission and/or Degree: Revocation of admission to or awardance of a degree from the University for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for serious violations committed by a student prior to graduation.
 - l. Withholding Degree: Withholding awardance of a degree otherwise earned until the completion of the process set forth in *The Code*, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
 3. Other than University Expulsion or revocation or withholding of a degree, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record and shall be kept confidential to the extent allowed by law. Upon graduation, the student's conduct record may be expunged of conduct actions other than Residence Hall Expulsion, University

Suspension, University Expulsion, or revocation or withholding of a degree upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than Residence Hall Expulsion, University Suspension, University Expulsion, or revocation or withholding of a degree shall be expunged from the student's conduct record seven years after final disposition of the case.

4. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above ~~in Section E.1~~, (a.) through (e.).
 - b. Deactivation: Loss of all privileges, including University recognition, for a specified period of time.
5. In each case in which a Student Conduct Body determines that a student and/or group/organization has violated *The Code*, the sanction(s) shall be determined and imposed by the same Student Conduct Body. The Student Conduct Administrator shall be responsible for recommending sanctions to the Hearing Panel and for ensuring that sanctions imposed by Hearing Panel and Conduct Officers are consistent with the violation and sanctions imposed for similar violations.

Section F. Interim Suspension Measures

In certain circumstances, the ~~Student Conduct Administrator~~ Associate Vice President for Student Experience may impose an interim measure prior to a hearing or conference before the Student Conduct Body including, but not limited to University or residence hall suspension. ~~a University or residence hall suspension prior to a hearing or conference before the Student Conduct Body.~~

1. Interim suspension may be imposed only:
 - a. To ensure the safety and well-being of members of the University community or to preserve University property;
 - b. To ensure the student's own physical or emotional safety and well-being;
 - c. If the student poses a threat of disruption or interference with the normal operations of the University; or
 - d. If a student is charged with the commission of a criminal offense as defined in the *Ohio Revised Code*, Chapter 2901.01.
2. In the event that an interim suspension is imposed, the student or group/organization will be notified either in person, or by regular US or certified mail of the cause for suspension. The student will also be notified by e-mail to their current University address. The interim suspension becomes effective immediately upon notification. A Hearing Panel will convene as expeditiously as possible to review the case. The hearing will follow the procedures outlined in Article VI. Section D.2. and may proceed before, during, or after any criminal proceedings.
3. During the interim suspension, the student or group/organization shall be denied access to all housing facilities and/or to the campus (including classes) and/or all other University activities or privileges for which the student or group/organization might otherwise be eligible, unless determined otherwise by the Student Conduct Administrator.

Section G. Step 4: Appeals

1. The decision or sanction imposed by a Student Conduct Body may be appealed by the accused student or group/organization or complainant (“the Appellant”) within ~~five-seven days~~ University working days of notification of the decision. If an appeal is not received within this time frame, the decision reached by the Student Conduct Body will be final.
2. Appeals shall be in writing and shall be mailed or delivered to the Office of Student Life. The letter of appeal should indicate the grounds on which the decision is being appealed referencing at least one of the grounds for the appeal (see ~~Section G.3~~ below) along with supporting information.
3. ~~Grounds for Appeal. During the period of appeal~~ Once an appeal request has been submitted until the appeal decision has been communicated to the Appellant, all sanctions, except interim measures, such as interim suspensions, will be held in abeyance. The burden of proof rests with the Appellant filing the appeal.
4. Appeals are not a re-hearing of the student conduct case. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents for one or more of the following grounds:
 - a. A claim that the original hearing was conducted in violation of procedural requirements set forth in *The Code*, and to determine whether these violations could have affected the outcome of the hearing.
 - b. A claim that the decision reached regarding the accused student or group/organization did not have a reasonable basis for the conclusion reached and that it was not based on proof by a preponderance of the evidence.
 - c. A claim that the sanction(s) imposed was/were disproportionate and without basis to the violation of *The Code* which the student or group/organization was found to have committed.
 - d. A claim that there is new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known by the Appellant at the time of the original hearing.
4. The Appellant may, in preparing the request for appeal, have access to records of the case which must be reviewed in the Office of Student Life.
5. Appeals of decisions or sanctions imposed by a Conduct Officer will be reviewed by the Student Conduct Administrator. Appeals of decisions by a Hearing Panel will be reviewed by an Appellate Board. An Appellate Board is composed of three members from the Student Conduct Board selected by the Student Conduct Administrator who will review the appeal.
6. The Appellate Board or the Student Conduct Administrator will review the appeal to determine whether one of the grounds listed ~~in Section G.3~~ above has been met.
7. If an Appellate Board or Student Conduct Administrator determines that an appeal has met the grounds, the following options are available:
 - a. The case may be remanded for reconsideration.
 - b. The appeals body may reverse the finding of responsibility, in whole or in part.

- c. The appeals body may uphold, reduce, or increase the sanctions.
 - d. The appeals body may dismiss the appeal if the appeal is not based upon one of the grounds listed in Section G.3.
8. The decision of the Appellate Board or Student Conduct Administrator after an appellate review is final.

Section H.—Conduct Procedures for University Housing

Conduct Officers have been designated by the Student Conduct Administrator to review misconduct cases originating within University Housing.

1. The responsibility for the enforcement of rules and regulations governing student conduct in the residence houses, as outlined in the *Handbook for Residents*, is delegated by the Associate Vice President for Student Affairs-Experience to a Conduct Officer.
2. Any student, faculty member, or University official may file a written report against any student living in a residence house for misconduct within the residence house, campus dining facilities, or at any residence house function.
3. Upon receipt of a written report, the Conduct Officer will conduct an investigation to determine whether there is reasonable cause to believe that a violation of *The Code* may have occurred. If so, the Conduct Officer will follow the procedures outlined in Section V4.6 of *The Code*.

Section I.—Student Conduct Record

The Student Conduct Administrator shall maintain all student conduct records of information received and action taken by the respective Student Conduct Bodies.

1. Conduct sanctions shall not be made part of the student's academic record but shall become part of the student's conduct record. All student conduct records, except records of residence hall expulsion, University suspension, University expulsion, and revocation or withholding of a degree shall be expunged seven years after final disposition of the case. Upon graduation, the student may petition the Student Conduct Administrator for removal of all files contained in his or her student conduct records. The student may appeal a negative response of the Student Conduct Administrator to the Student Conduct Board.
2. All material gathered from a substantiated conduct case (residence house, academic, and other) shall become part of any new case against the same individual(s) after the new charges have been substantiated.
3. Student conduct records are maintained only in the names of students found to have violated regulations.

Section J.—Special Procedures

To ensure continued participation of students, faculty, and administration in the student conduct process, and to ensure speedy disposition of conduct cases, the President of the University is empowered to develop a subcommittee structure in the event of a

large number of student conduct cases. Such subcommittee shall be empowered to hear and dispose of cases in accordance with the provisions of *The Code* and shall ensure that all elements of procedural due process delineated in this article are observed.

~~ARTICLE VII~~ SECTION 7. INTERPRETATION AND REVISION

Any question of interpretation or application regarding *The Code* shall be referred to the Student Conduct Administrator for final determination.

The Code shall be reviewed every ~~five~~three years under the direction of the Student Conduct Administrator.

Any member of the University community may recommend a change to *The Code* to the ~~Associate~~ Vice President for Student ~~Affairs~~Experience. The ~~Associate~~ Vice President shall distribute the recommendation to the appropriate areas and gather feedback. If the change is endorsed by the ~~Associate~~ Vice President, the change shall be presented to the Board of Trustees for adoption.

~~ARTICLE VIII~~ Section 8. ACADEMIC PROCEDURES

~~Section A.~~ Undergraduate Student Academic Grievance Procedure

1. Introduction.

- a. This section applies to students taking courses in pursuit of an associate's or bachelor's degree, and other students taking courses for undergraduate credit.
- b. Grievances filed concerning academic matters must conform to the process described in this section.
- c. The Student Academic Grievance Subcommittee, an appointed chartered subcommittee of the Academic Senate, is the sole body responsible for adjudicating grievances concerning academic matters. The Student Academic Affairs Committee, an appointed chartered committee of the Academic Senate, is the sole appeals body for decisions made by a Grievance Hearing Panel of the Student Academic Grievance Subcommittee. Any grievances concerning academic matters filed and adjudicated by bodies or processes not specified in this section are null and void.

2. Academic matters that may be grieved.

- a. Academic matters that may be grieved are the following:
 - (1) Disposition and Sanctions imposed by faculty regarding academic dishonesty. See Section B. Academic Honesty.
 - (2) Material deviation from the grading scale or weight distribution indicated on the course syllabus by the faculty member, to the detriment of the individual student or the entire class.
 - (3) Material breach of faculty contractual obligations as specified in the article on Teaching Rights and Responsibilities in the Faculty Collective Bargaining Agreement, to the detriment of the individual student or the entire class.

- b. Other areas of contention between a student and a faculty member may not be grieved under this section. The student should contact the department chair of the faculty member's department or the dean of the college housing the faculty member's department for further advisement in these situations.
3. Parties directly involved in the grievance procedure.
- a. The parties directly involved in the grievance procedure are as follows:
 - (1) Student/Faculty. The party who files the grievance and the party against whom the grievance is filed.
 - (2) Associate Provost for Academic Administration, or designee.
 - (3) Department chair. The chairperson of the department in which the faculty member resides.
 - (4) Dean. The dean of the college in which the faculty member's department is housed.
 - (5) Student Academic Grievance Subcommittee. An appointed chartered subcommittee of the Academic Senate charged with adjudicating undergraduate student academic grievances. The Subcommittee is composed of six faculty members, with representation from each undergraduate college of the University; six undergraduate students, with representation from each undergraduate college of the University; and the Associate Provost for Academic Administration, or designee, who serves as Judicial Chair.
 - (6) Grievance Hearing Panel. Conducts the formal hearing and renders a decision about the grievance. The Grievance Hearing Panel is drawn from the membership of the Student Academic Grievance Subcommittee and consists of a minimum of two faculty members, two undergraduate students, and the Judicial Chair.
 - (7) Student Academic Affairs Committee. An appointed chartered committee of the Academic Senate charged with making policy recommendations related to the academic sector of student affairs.
 - (8) Appeal Panel. Considers appeals of decisions rendered by a Grievance Hearing Panel. The Appeal Panel is drawn from the membership of the Student Academic Affairs Committee and consists of a minimum of two faculty members, two undergraduate students, and the Chair of the Student Academic Affairs Committee.
 - b. In all steps of the grievance process, both the student and the faculty member may avail themselves of the services of an advisor. Such an advisor may be drawn from within or outside the University community. Advisors may not present testimony or speak on behalf of the grievant.
4. Overview of the grievance process.
- a. Depending upon the disposition of the grievance, there are three possible phases of the grievance process.
 - b. The three phases are:
 - (1) Pre-Grievance hearing activities;
 - (2) Grievance hearing;

(3) Appeal.

- c. Agreement may be reached between the student and the faculty member at any time during the process. Such an agreement ends the grievance.

5. **Phase One: Pre-Grievance hearing activities.**

- a. Upon discovery of an event the student wishes to grieve, the student may first attempt to resolve the conflict through discussion with the faculty member.
- b. If the matter is not resolved from any such student/faculty member discussion, the student may then initiate discussion with the department chair.
- c. If the matter is not resolved from the student/chair discussion, the student may then initiate discussion with the dean. This discussion with the dean is to occur as soon as possible after the student's discussion with the department chair in order to meet the time deadline discussed in item d. immediately below.
- d. If the matter is not settled following these discussions, the student may submit a written statement describing the complaint on the standard Grievance Form, available from the Office of the Provost. This completed form must be submitted to the Office of the Provost no later than 5:00 PM the fourth Friday in the semester following the incident. Specifically, the Grievance Form for incidents occurring in Fall semester must be filed no later than 5:00 PM of the fourth Friday of the subsequent Spring semester; the Grievance Form for incidents occurring in Spring or Summer semesters must be filed no later than 5:00 PM of the fourth Friday of the subsequent Fall semester.
- e. The Associate Provost for Academic Administration will assess the grievability of the complaint within fifteen University working days of receipt of the Grievance Form.
 - (1) If the complaint is assessed as non-grievable, the student is informed in writing by the Associate Provost for Academic Administration and the matter is closed.
 - (2) If the complaint is assessed as grievable, the Associate Provost for Academic Administration initiates Phase Two of the grievance process below.

6. **Phase Two: Grievance hearing.**

- a. Within five University working days of initiating Phase Two of the grievance process, the Office of the Provost shall distribute copies of the completed grievance form to the student, faculty member, department chair, appropriate dean, and Chair of the Student Academic Grievance Subcommittee. In addition, the Office of the Provost shall distribute a copy of this grievance procedure, an outline of each party's rights and obligations, and an Acknowledgment/Response Form to the faculty member, department chair, and dean.
- b. Within six University working days of receiving the completed grievance form, the copy of the grievance procedure, and the outline of each party's rights and responsibilities, the faculty member, department chair, and dean must return the Acknowledgment/Response Form to the Office of the Provost. All these documents together constitute the Grievance Packet.

- c. The Office of the Provost shall submit the entire Grievance Packet to the Chair of the Student Academic Grievance Subcommittee within two University working days of receipt of all Acknowledgment/Response Forms.
- d. Upon receipt of the completed Grievance Packet, the Chair of the Student Academic Grievance Subcommittee will form a Grievance Hearing Panel to consider the complaint.
- e. A hearing date, time, and place will be established by the Chair of the Student Academic Grievance Subcommittee. All affected parties will be notified so as to afford the parties an opportunity to be present. The Grievance Hearing notice shall be delivered by regular US mail delivery, certified mail, or hand delivery. The notice shall also be sent by e-mail to the student's university e-mail address. If the faculty member cannot or refuses to participate in the hearing, the faculty member's department chair shall provide a substitute who will exercise all the rights and responsibilities of the absent faculty member.
- f. Grievance hearing principles and procedures
 - (1) No member of a Grievance Hearing Panel will hear a case directly affecting him/her.
 - (2) Prior to the hearing, the Grievance Hearing Panel members shall review all written materials in the Grievance Packet submitted by the affected parties.
 - (3) The Grievance Hearing Panel shall consider only the information contained in the Grievance Packet.
 - (4) During the hearing, the following rights are guaranteed to the student and the faculty member: the right to be present; the right to be accompanied by an advisor of their choice; the right to speak in support of their argument; the right to present information directly supporting their written items in the Grievance Packet, including oral testimony; and the right to refute information presented.
 - (5) After hearing both sides, the Grievance Hearing Panel shall meet in closed session to review the information presented and reach a decision.
 - (6) Both parties shall be informed of the Grievance Hearing Panel's decision as soon as reasonably possible.
- g. Documentation of Grievance Hearing Panel's decision
 - (1) A written statement of the Grievance Hearing Panel's decision shall be prepared and signed by the Panel's chair.
 - (2) This written statement of the Grievance Hearing Panel's decision shall be forwarded to the student, faculty member, department chair, dean, and provost within three University working days of the Grievance Hearing Panel's decision.
 - (3) The forwarding of the written statement of the Grievance Hearing Panel's decision ends the Student Academic Grievance Subcommittee's involvement in the disposition of the grievance.
 - (4) A file of all pertinent documents of all grievances shall be kept by the Office of the Provost.

- h. At the discretion of the Chair of the Student Academic Grievance Subcommittee, the time lines stated under 6. a. through g. may be extended.
7. **Phase Three: Appeal.**
- a. There are three factors upon which a written appeal of the Grievance Hearing Panel's decision may be based:
 - (1) New information. Information not available at the time of the original hearing is found by the student or faculty member.
 - (2) Insufficient evidence. The student or faculty member believes that evidence presented was not sufficient to justify the decision.
 - (3) Procedural violations. The student or faculty member alleges one or more violations of the procedures leading up to and including the Grievance Hearing.
 - b. Either the student or the faculty member may file a written appeal of the Grievance Hearing Panel's decision. Such an appeal shall be filed at the Office of the Provost within six University working days of receipt of the written notification of the Grievance Hearing Panel's decision.
 - c. The Office of the Provost shall forward the written appeal to the Chair of the Student Academic Affairs Committee within two University working days.
 - d. If the basis of the appeal is new information or insufficient evidence as noted in item a. above, the appeal shall be reviewed by a quorum of the Student Academic Affairs Committee, or an Appeal Panel of the Student Academic Affairs Committee, within twelve University working days of receipt by the Chair of the Student Academic Affairs Committee of the written appeal forwarded from the Office of the Provost. Such appeals are not heard as original cases and may be concluded by the Student Academic Affairs Committee on the basis of the written information provided.
 - e. If the basis of the appeal is alleged procedural violations as noted in item a.(3) above, within twelve University working days of receipt of the written appeal forwarded from the Office of the Provost, the Chair of the Student Academic Affairs Committee shall convene an Appeal Panel to consider the appeal. This panel shall rule only on whether procedural violations occurred.
 - (1) If the Appeal Panel rules that no procedural violations occurred, or that any procedural violations were minor and did not affect the Grievance Hearing Panel's decision, the decision of the Grievance Hearing Panel is upheld and the matter is closed.
 - (2) If the Appeal Panel rules that procedural violations occurred and were substantive, the case will be referred to the full Student Academic Affairs Committee for further deliberation. Within twelve University working days of the Appeal Panel's finding of procedural violations, a quorum of the full Student Academic Affairs Committee shall undertake a full examination of the case. The decision reached by the Student Academic Affairs Committee is final and may not be appealed.
 - f. Appeal Hearing

- (1) No member of the Student Academic Affairs Committee or the Appeal Panel will hear a case directly affecting him/her.
 - (2) Prior to the hearing, members of the Student Academic Affairs Committee or Appeal Panel shall review all materials of the Appeal Packet.
 - (3) Only information contained in the Grievance Packet and any materials submitted as part of the appeal shall be considered.
 - (4) During the hearing, the following rights are guaranteed to the student and the faculty member: the right to be present during the testimony part of the hearing; the right to be accompanied by an advisor of their choice; the right to speak in support of their argument; the right to present information directly supporting their written items in the Grievance or Appeal Packets, or their oral testimony; and the right to refute information presented. Accompanying advisors may not speak or present testimony except by permission of the chair of the Committee or Appeal Panel.
 - (5) After hearing both sides, the Committee or Appeal Panel shall meet in closed session and reach a decision.
 - (6) The chair of the Committee or Appeal Panel shall inform both parties of the decision as soon as reasonably possible.
 - (7) A written statement of the decision shall be prepared and signed by the chair of the Committee or Panel, forwarded to the student and faculty member and to the Office of the Provost within five working days of the decision. Delivery of the appeals decision shall be by regular US mail, certified mail, or hand delivery. The student shall also be notified by sending an email to the students University e-mail address.
 - (8) A file of all pertinent documents of all grievances and appeals shall be kept by the Office of the Provost.
 - (9) The decision reached by the Student Academic Affairs Committee or by the Appeal Panel is final and may not be appealed.
- g. At the discretion of the chair of the Student Academic Affairs Committee, the time lines under b. through f. above may be extended.

~~Section B.~~ Academic Dishonesty

Academic honesty is essential to the educational process and serves to protect the integrity of the University community. Therefore, all members of the University community have a responsibility of maintaining high standards of honesty and ethical practice. Cheating, plagiarism, and other forms of academic dishonesty constitute a serious violation of University conduct regulations. See [Article III, Section 1- Section 3.1](#) Students who engage in dishonesty in any form on examinations, papers, and course assignments, or who illegally possess examinations may be charged with academic dishonesty. Furthermore, students shall not submit the work of someone else as their own or utilize ideas taken from other sources without properly citing the source. In addition, work completed in one course that is submitted in another course may constitute academic dishonesty. Students should consult with the faculty member if they are not sure what may constitute academic dishonesty.

Students suspected of academic dishonesty may be charged with a violation of University conduct regulations under Article III, Section 1. Cases of alleged academic dishonesty shall be resolved in the following manner:

1. Conference

~~a. After the faculty member has gathered evidence supporting a violation of academic dishonesty, the faculty member shall notify the student in writing of the allegations and invite the student to a conference. During this meeting, the faculty member should discuss the allegations with the student and determine whether the student is responsible for the allegations. If the student is found to be responsible, the faculty member shall determine the sanction to be imposed. If the student is found not responsible, no further action is warranted.The faculty member should discuss the matter with the student as soon as possible following the alleged act of academic dishonesty that the student is suspected of committing.~~

~~b. Following the initial discussion, the student shall be informed in writing of the allegations by the faculty member and requested to attend a conference with the faculty member and appropriate department chair.~~

~~c. During the conference, the faculty member should discuss the allegations with the student and determine whether the student is responsible for the allegations. If the student is found to be responsible, the faculty member shall determine the sanction to be imposed. If the student is found not responsible, no further action is warranted.~~

~~b.~~ Prior to imposing the sanction, the faculty member shall communicate with the Student Conduct Administrator and the Department Chair to determine if the student has been involved in any previous academic dishonesty violations.

~~c.~~ The faculty member may impose one or more of the following sanctions:

- (1) Warn the student;
- (2) Submit an "F" grade on the exam or paper;
- (3) Submit an "F" grade for the course; and/or
- (4) Request additional action from the Student Academic Grievance Subcommittee, such as removal from a course, University suspension, or expulsion.

f. The faculty member must file with the Office of Student Life-Experience a Report of Academic Dishonesty if options (2) through (4) are imposed. The Student Conduct Administrator will then notify the student in writing of the decision as well as create a student conduct file which shall be kept confidential to the extent allowed by law.

- g. In cases where a student is charged with an incident of academic dishonesty that is serious, flagrant, or repeated, the student may also be referred to the Student Academic Grievance Subcommittee for consideration of additional action, including suspension and expulsion.
 - h. Following the conference, the accused student has the right to file a grievance and request that the case be reviewed in accordance with the procedures set forth below for undergraduate students or the procedures set forth in the Graduate Student Grievance Procedure for graduate students found in the Graduate School Bulletin.
2. Hearing
- a. Cases of academic dishonesty that are referred for a hearing shall be heard by the Student Academic Grievance Hearing Panel (hereinafter "Grievance Hearing Panel"). Cases referred for hearing occur in one of two ways: either the student requests a review of the faculty recommendation or the faculty requests additional sanctions beyond those listed in Article VIII, Section B.1. above. The Grievance Hearing Panel shall consist of a minimum of two faculty members, two students, and one administrator who will chair the hearing. The Grievance Hearing Panel shall be appointed from the Student Academic Grievance Subcommittee. See Section A. above.
 - b. Hearings for academic dishonesty before the Student Academic Grievance Subcommittee shall follow the procedures outlined in Section A. above.
 - c. The Grievance Hearing Panel may impose any of the sanctions outlined in Article VI, Section E.
 - d. A decision of the Grievance Hearing Panel may be appealed following the procedures outlined in ~~Article VIII., Section A.7~~Section 8.7.

~~Section C.~~ **Graduate Student Academic Grievance Procedure**

The Graduate Student Grievance Procedure provides the graduate students at Youngstown State University with a formal channel through which complaints concerning academic matters may be heard. It creates a system whereby the student may receive assistance in pressing a claim within the organization of the University. The procedure for filing a grievance is set forth in the Youngstown State University Bulletin, Graduate Edition, Graduate Student Grievance Procedure. The Graduate Bulletin can be found on the Graduate School website.

~~ARTICLE IX~~Section 9. **STUDENT DISCRIMINATION AND HARASSMENT COMPLAINTS**

~~Section A.~~ **Introduction**

The purpose of this Article is to inform students of their rights to secure equitable and expedient resolutions for complaints of discrimination or harassment. As expressed in its policy regarding discrimination and harassment (policy number 3356-2-03), the

University is committed to a campus environment that values all individuals and groups, and to non-discrimination and equal opportunity for all persons without regard to sex, race, religion, color, age, national origin, sexual orientation, gender identity and/or expression, disability, or veteran/military status or any other basis protected by law (“protected class status”). This policy along with University Policy 3356-2-03.1/Sexual Misconduct and The Code are intended to provide information and guidance for those alleging some form of discrimination or harassment.

The University is committed to adhering to the state and federal laws, such as Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment, and other areas and Title IX of the Educational Amendments of 1972 which prohibits discrimination on the basis of sex in higher education, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Vietnam Era Veterans’ Readjustment Assistance Act of 1974 and Chapter 4112 of the Ohio Revised Code.

Discrimination

Conduct which is based on an individual’s protected class status that adversely affects or unreasonably interferes with an individual’s employment, education, or participation in a University program or activity.

Harassment

Conduct that degrades or shows hostility toward an individual or group based on protected class status and that unreasonably interferes with or creates a hostile employment, educational, or living environment.

Sexual Harassment

Sexual harassment is a form of sex discrimination that represents unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may occur when:

- a. Submission to that conduct is made either explicitly or implicitly a term or condition of an individual’s academic, employment, or other University-related activities.
- b. Submission to or rejection of such conduct by an individual is used as a component for academic, employment, or other University-related activities.
- c. The conduct has the purpose or effect of substantially interfering with an individual’s curricular, co-curricular, or work performance, or creating an intimidating, hostile, or offensive educational, employment, or on-campus living environment.
- d. Examples of inappropriate conduct include, but are not limited to, the following, when such acts or behaviors come within one of the above definitions:
- e. Either explicitly or implicitly conditioning any term of education, employment, or involvement in University-related activities on the provision of sexual favors.
- f. Touching or grabbing a sexual part of an individual’s body.

- g. Continuing to ask an individual to socialize on or off campus when that person has indicated no interest in such activity.
- h. Displaying or transmitting sexually suggestive language, pictures, objects, cartoons, or posters.
- i. Writing sexually suggestive, harassing or discriminating notes, letters, e-mails, texts, or using other electronic or on-line media to communicate sexually suggestive, harassing, or discriminating content.
- j. Referring to or calling a person a sexually oriented name.
- k. Telling sexual jokes or using sexually vulgar or explicit language.
- l. Derogatory or provoking remarks about or relating to an individual's sex or sexual orientation.
- m. Harassing acts or behavior directed against a person on the basis of an individual's sex or sexual orientation.
- n. Off-campus conduct which falls within the above definition and affects the individual's on-campus environment.

Sexual Misconduct (please see University Policy 3356-2-03.1/Sexual Misconduct)

1. Introduction

~~Youngstown State University is an academic community dedicated to the advancement of learning and development of the individual student. Youngstown State University is committed to creating an environment that is safe and secure, where students have the right to receive an education free from discrimination, including sexual misconduct. It is a community that values the dignity of the individual. Any activity that may threaten its ideals, especially sexual misconduct, will not be tolerated.~~

2. Definition

~~Sexual misconduct is a broad range of behaviors and includes sexual assault, dating violence, domestic violence, stalking, voyeurism, and other conduct of a sexual nature that is non-consensual or is perpetrated against a person's will or where a person is incapable of giving consent due to drug and/or alcohol consumption or for any other reason.~~

~~Sexual violence includes, but is not limited to, rape, sexual assault or sexual coercion. Coercion is defined as Intimidation, physical or psychological threat, or pressure used to force another to engage in sexual acts.~~

~~Sexual assault is defined any intentional, non-consensual and/or coerced sexual contact. Physical resistance need not occur to meet the definition of sexual assault.~~

3. Consent:

~~Sexual activity requires consent, which is defined as positive, unambiguous, voluntary and on-going agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion or from someone who is unconscious, asleep, or whose judgment is impaired by the use of drugs or alcohol, or diminished by an intellectual, mental or physical condition or disability. Consent can be withdrawn at any time.~~

4. Sexual Misconduct Complaints

~~Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Sections 1681 et seq., and the regulations, 34 C.F.R Part 106, specifically prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. Complaints of sex discrimination in education programs or complaints of sexual misconduct should be made to the University's Title IX Coordinator by calling 330-941-2240 or by e-mail to titleix@ysu.edu.~~

~~The Title IX Coordinator will commence an investigation and take appropriate action.~~

5. Protocol for Handling a Report of Sexual Violence

~~Report to Police and/or Title IX Coordinator. Any person from the University who receives a report from an individual who experiences sexual violence should encourage the individual to file a report with the University Police. The University Police will encourage the collection of medical/legal evidence. This is essential should a person decide to pursue criminal prosecution. While the University Police are responsible for conducting an investigation, coordinating with appropriate University personnel, and keeping the victim informed, the University has an independent responsibility to investigate and issue discipline, if necessary.~~

~~The University Police will assist the victim with filing any appropriate charges.~~

~~Whether a victim files a report with the University Police or not, the University Police will advise the victim about the options available for filing student conduct charges. The University Police shall notify the Title IX Coordinator.~~

~~The student has the right not to file a report with the University Police or with the Title IX Coordinator. However, the Title IX Coordinator has a responsibility to investigate claims of sexual violence and determine whether immediate intervention is required, whether student conduct charges should be brought against the accused student, and/or whether any other action shall be taken.~~

6. Medical Treatment.

~~A person who has been the victim of sexual violence should be encouraged to obtain medical attention immediately. If the victim decides not to contact the University Police, the person who receives the information of an assault should encourage the victim to seek medical attention as soon as possible after the sexual violence occurs.~~

7. Obtain Information, Support and Counseling.

~~Counseling resources are available to assist victims of sexual violence. The Title IX Coordinator is responsible for providing assistance and referral for counseling and other services, as necessary.~~

8. Student Code of Conduct Violation.

~~Should the Title IX Coordinator determine that there is a reasonable basis to believe that a University student violated The Code; the Title IX Coordinator may refer the matter to the Student Conduct Administrator for appropriate action, as set forth in Section 6.~~

9. Privacy and Confidentiality.

~~The University will preserve student privacy to the extent possible and allowed by law and will only share information with those University employees who "need to know" in order to assist in the review, investigation or resolution of a complaint. Medical and counseling personnel have legally protected confidential roles, and information provided and discussed with those individuals will be governed accordingly. University~~

Police and other University personnel responsible for security are required, pursuant to The Clery Act, to keep reports, statistics and to issue crime alerts when necessary. In addition, the Family Educational Rights and Privacy Act (FERPA) prohibits disclosure of conduct records to third parties without written permission from the student.

10. Duty to Report:

Reporting sexual assault is critical to maintaining an atmosphere conducive to learning, respect and growth. These qualities are so important to the mission of the University that no one factor will be determinative of the outcome of a sexual assault matter. No instance of sexual assault should go unreported because a student has been involved in underage drinking or other violation of University policies. All circumstances and factors will be reviewed and weighed in determining outcomes for all parties involved.

Employees with supervisory or leadership responsibilities on campus have a duty to report to the Title IX Coordinator all instances or allegations of sexual misconduct when they become aware of sexual misconduct.

The purpose of this article is to inform students of their rights to secure equitable and expedient resolutions to student complaints of discrimination. As expressed in the Equal Opportunity Discrimination Complaint Procedure, the University is committed to a campus environment that values all individuals and groups, and to non-discrimination and equal opportunity for all persons without regard to sex, race, religion, color, age, national origin, sexual orientation, gender identity and/or expression, disability, or veteran status. The complaint procedure is intended to provide assistance and guidance for those alleging some form of discrimination.

The University is committed to adhering to the state and federal laws, such as Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment, and other areas and Title IX of the Educational Amendments of 1972 which prohibits discrimination on the basis of sex in higher education, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and Chapter 4112 of the Ohio Revised Code.

Section B. Definition

A complaint of discrimination is any claim of an injury, injustice, or wrong based on the person's sex, race, religion, color, age, national origin, sexual orientation, gender identity and/or expression, handicap/disability, or veteran status. Discrimination includes acts of sexual violence. However, the procedures to be followed for filing a complaint of sexual violence differ from the procedures for filing a complaint of other types of discrimination.

Section C. Procedure

1. Discrimination Complaints

- ~~—The Office of Equal Opportunity and Policy Compliance (“EOPC”) is responsible for equal opportunity compliance. All claims of discrimination should be made to the EOPC Office. Complaints of discrimination will follow the procedures outlined in the Equal Opportunity Discrimination Complaint Procedure available in the EOPC Office and when applicable the Title IX Grievance Procedures.~~
- ~~—Students may contact the EOPC Office by calling 330-941-2340 or obtain additional information about report procedures and discrimination and harassment which is available on the University website. The University Guidebook also contains the reporting and investigating procedures for discrimination and harassment. See Policy No. 2001.03—Discrimination/Harassment and Policy No. 2001.01—Equal Opportunity Discrimination Complaint Procedure and the Guidelines for Investigating Complaints of Discrimination/Harassment.~~
- ~~—The EOPC Office will investigate and make a determination as to whether there is a reasonable basis to believe that discrimination has occurred and make a recommendation. If it is determined that *The Code* has been violated, the EOPC Office will notify the Student Conduct Administrator to begin the student conduct process set forth in Article VI.~~

~~2. Sexual Violence Complaints~~

- ~~—Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Sections 1681 et seq., and the regulations, 34 C.F.R. Part 106, specifically prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. Complaints of sex discrimination in education programs or complaints of sexual violence should be made to the University’s Title IX Coordinator, the Director of Equal Opportunity and Policy Compliance, by calling 330-941-2216.~~
- ~~—The Title IX Coordinator will commence an investigation and determine whether student discipline charges will be filed. If it is determined that *The Code* has been violated, the Title IX Coordinator will notify the Student Conduct Administrator to begin the student conduct process set forth in Article VI.~~

~~Section D. Sex Discrimination~~

~~1. Introduction~~

- ~~—The information outlined below is designed to aid in the process of educating members of the University community, serve as a means of preventing sex~~

~~discrimination, sexual harassment and violence, and to promptly and fairly respond to alleged incidents of sex discrimination.~~

~~2. Definition~~

~~—A complaint of sex discrimination is any claim of an injury, injustice, or wrong based on the person's sex, sexual orientation, gender identity and/or expression,~~

~~3. Scope~~

~~—a. Any individual in the University community may lodge a complaint against any other member of the University community.~~

~~—b. The jurisdiction of *The Code* encompasses behavior that occurs both on or off University premises, if the conduct impairs, obstructs, interferes with or adversely affects the mission, processes, or functions of the University, pursuant to the jurisdiction of *The Code*, Article II., Section A.~~

Section E. Sexual Harassment

~~1. Definition~~

~~—Sexual harassment is a form of sex discrimination that represents unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may occur when:~~

~~—a. Submission to that conduct is made either explicitly or implicitly a term or condition of an individual's academic, employment, or other University-related activities.~~

~~—b. Submission to or rejection of such conduct by an individual is used as a component for academic, employment, or other University-related activities.~~

~~—c. The conduct has the purpose or effect of substantially interfering with an individual's curricular, co-curricular, or work performance, or creating an intimidating, hostile, or offensive educational, employment, or on-campus living environment.~~

~~2. Examples of inappropriate conduct include, but are not limited to, the following, when such acts or behaviors come within one of the above definitions:~~

~~—a. Either explicitly or implicitly conditioning any term of education, employment, or involvement in University-related activities on the provision of sexual favors.~~

- ~~—b. Touching or grabbing a sexual part of an individual's body.~~
- ~~—c. Continuing to ask an individual to socialize on or off campus when that person has indicated no interest in such activity.~~
- ~~—d. Displaying or transmitting sexually suggestive language, pictures, objects, cartoons, or posters.~~
- ~~—e. Writing sexually suggestive, harassing or discriminating notes, letters, e-mails, texts, or using other electronic or on-line media to communicate sexually suggestive, harassing, or discriminating content.~~
- ~~—f. Referring to or calling a person a sexually oriented name.~~
- ~~—g. Telling sexual jokes or using sexually vulgar or explicit language.~~
- ~~—h. Derogatory or provoking remarks about or relating to an individual's sex or sexual orientation.~~
- ~~—i. Harassing acts or behavior directed against a person on the basis of an individual's sex or sexual orientation.~~
- ~~—j. Off-campus conduct which falls within the above definition and affects the individual's on-campus environment.~~

~~Section F. Sexual Violence~~

~~1. Introduction~~

~~—Youngstown State University is an academic community dedicated to the advancement of learning and development of the individual student. Youngstown State University is committed to creating an environment that is safe and secure, where students have the right to receive an education free from discrimination, including sexual violence. It is a community that values the dignity of the individual. Any activity that may threaten its ideals, especially sexual violence, will not be tolerated.~~

~~2. Definition~~

~~—Sexual violence includes, but is not limited to, rape and/or acquaintance rape, sexual assault or sexual coercion.~~

~~— Coercion is defined as the act of using pressure or force to have sexual contact with someone who has already refused or who is unable or incapable of consenting due to alcohol or drug consumption or any other reason. Sexual assault is defined as coercing a person physically, verbally, or by deception, into any type of sexual conduct or act with another person whether the assailant is a friend, acquaintance, or stranger.~~

~~3. Protocol for Handling a Report of Sexual Violence~~

~~— Report to Police and/or Title IX Coordinator. Any person from the University who receives a report from an individual who experiences sexual violence should encourage the individual to file a report with the University Police. The University Police will encourage the collection of medical/legal evidence. This is essential should a person decide to pursue criminal prosecution. While the University Police are responsible for conducting an investigation, coordinating with appropriate University personnel, and keeping the victim informed, the University has an independent responsibility to investigate and issue discipline, if necessary.~~

~~— The University Police will assist the victim with filing any appropriate charges.~~

~~— Whether a victim files a report with the University Police or not, the University Police will advise the victim about the options available for filing student conduct charges. The University Police shall notify the Title IX Coordinator.~~

~~— If the victim fails to file a report with the University Police, the person who initially receives the information shall inform the Title IX Coordinator. The student has the right not to file a report with the University Police or with the Title IX Coordinator. However, the Title IX Coordinator has a responsibility to investigate claims of sexual violence and determine whether immediate intervention is required, whether student conduct charges should be brought against the accused student, and/or whether any other action shall be taken.~~

~~4. Medical Treatment. A person who has been the victim of sexual violence should be encouraged to obtain medical attention immediately; ideally treatment and evaluation should occur within 72 hours. If the victim decides not to contact the University Police, the person who receives the information of an assault should encourage the victim to seek medical attention as soon as possible after the sexual violence occurs.~~

~~5. Obtain Information, Support and Counseling. Counseling resources are available to assist victims of sexual violence. The Title IX Coordinator is responsible for providing assistance and referral for counseling and other services, as necessary.~~

~~6. Student Code of Conduct Violation. Should the Title IX Coordinator determine that there is a reasonable basis to believe that a University student violated *The Code*, the Title IX Coordinator will refer the matter to the Student Conduct Administrator to schedule a hearing. The procedures set forth in Article VI will be followed.~~

~~7. Confidentiality. The University will preserve student confidentiality to the extent possible and allowed by law. Medical and counseling personnel have legally protected roles, and information provided and discussed with those individuals will be governed accordingly. University Police and other University personnel responsible for security are required, pursuant to The Clery Act, to keep reports, statistics and to issue crime alerts when necessary. In addition, the Family Educational Rights and Privacy Act (FERPA) prohibits disclosure of conduct records to third parties without written permission from the student.~~

~~8. Duty to Report. Reporting sexual assault is critical to maintaining an atmosphere conducive to learning, respect and growth. These qualities are so important to the mission of the University that no one factor will be determinative of the outcome of a sexual assault matter. No instance of sexual assault should go unreported because a student has been involved in underage drinking or other violation of University policies. All circumstances and factors will be reviewed and weighed in determining outcomes for all parties involved.~~

~~Article X~~Section 10. Parental/Guardian Notification Policy

Youngstown State University is committed to an educational environment that promotes the safety, responsible decision-making, and social and intellectual development of all students. Furthermore, the University is concerned with taking a proactive approach in regards to students that may be experiencing problems with alcohol or other drugs. It is the policy of Youngstown State University to notify parents of students under 21 years of age if such students have been found responsible for violating institutional policies regarding alcohol or other drugs in an effort to create a positive support network for students.

1. Parameters

- a. This policy will be applied in situations where students under the age of 21 have been found responsible for a violation of University conduct regulations regarding drugs or alcohol.
- b. The Office of Student Life shall be responsible for administering all procedures of the Parental Notification Policy.

2. Procedures

- a. Parents/guardians shall be notified when the underage student is found responsible for drug or alcohol violations.
- b. The Associate Vice President for Student AffairsExperience, or designee, may make an exception to the parental notification policy if in his/her judgment it is determined that harm would come to the student as a result of parental notification.
- c. The notification will be provided in writing from the Office of Student Life Experience and will be mailed to the student's home address.
- d. The notification letter will inform parents that their student has been found responsible for a violation of alcohol or other drugs. Included with the letter will be answers to frequently asked questions. Parents will be encouraged to discuss the incident with the student.
- e. The Office of Student Life-Experience will be responsible for responding to questions from parents/guardians. If a parent is interested in reviewing his/her student's conduct file, the student generally must sign a waiver to release information. There are exceptions to this that will be determined on a case by case basis.

~~Article XI~~ Section 11. Miscellaneous Policies

Section A. Computer Use

Policies for computer use are available from the Office of Computer Services and are on the University website in the University Guidebook.

Section B. Policy Regarding the Use of Dune Buggies, Go-Carts, Skateboards, Roller Skates, Roller Blades, and Bicycles on Campus

Skateboards, roller skates, roller blades, dune buggies, go-carts, or similar types of recreational vehicles are permitted to be used on University property in specifically designated areas. All such recreational riding should be conducted in a safe and responsible manner. Bicycles are permitted on University property but must be walked across the central core of campus. They must be parked in the provided bike racks and are not permitted in campus buildings.

The Code was adopted by the YSU Board of Trustees on ~~December 14, 2011~~ June 17, 2015.