

3356-8-01.1 “The eCode of Student ~~Rights, Responsibilities, and~~ Conduct.”

Responsible Division/Office: Student LifeExperience
Responsible Officer: Associate Vice President for Student
AffairsExperience
Revision History: December 2011; June 2016
Board Committee: Academic Quality and Student Success
Effective Date: ~~December 14, 2011~~ June 15, 2016
Next Review: 201619

(A) Policy Statement/Preamble. Youngstown state university (“YSU”) 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 “Youngstown State University 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 Student eCode 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 Student eCode of Conduct 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.~~)

(B) Article I/Rights and responsibilities.

~~(1) Definitions. When used in the code:~~

- ~~(a) The terms "accused student" or "respondent" shall mean any student accused of violating the code.~~
- ~~(b) 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.~~
- ~~(c) The terms "can," "may," or "should" specify a discretionary provision of the code.~~
- ~~(d) The term "complainant" shall mean any person who submits a referral alleging that a student violated the code.~~
- ~~(e) 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.~~
- ~~(f) The terms "file" or "records" mean 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.~~

- ~~(g) — 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.~~
- ~~(h) — 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.~~
- ~~(i) — 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.~~
- ~~(j) — 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.~~
- ~~(k) — 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.~~
- ~~(l) — The term “may” is used in the permissive sense.~~
- ~~(m) — 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.~~
- ~~(n) — The term “misconduct” means student behavior that violates codified or explicitly stated university rules and regulations, including but not limited to the code.~~

- (o) ~~The term “organization” shall mean a university-registered student organization which as complied with formal requirements of official registration.~~
- (p) ~~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.~~
- (q) ~~The terms “shall,” “must,” “will,” or “is required” specify a mandatory requirement of the code.~~
- (r) ~~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.~~
- (s) ~~The terms “university” or “institution” means Youngstown state university and collectively those responsible for its operation.~~
- (t) ~~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.~~
- (u) ~~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.~~
- (v) ~~The term “university working day” refers to any day of the week excluding Saturdays, Sundays, or official holidays.~~

~~(w) The term “weapon” shall have the same meaning as in rule 3356-7-03 of the Administrative Code, “Possession of weapons on campus.”~~

~~(x) All other terms have their natural meaning unless the context otherwise dictates.~~

- (~~2~~1) 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:
- (a) The right of free inquiry, expression, and/or assembly.
 - (b) The right to pursue educational goals and appropriate opportunities for learning in the classroom, on campus, and online.
 - (c) The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures.
 - (d) 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 section 3345.14 of the Revised Code.
- (~~3~~2) Basic responsibilities. Students, as members of the university community, shall have the following responsibilities which are inherent in the basic rights delineated in this paragraph:
- (a) To maintain standards of academic performance as established by their faculty.
 - (b) To be responsible for acting in such a manner as to ensure other students the rights declared in paragraph (B) of this policy.
 - (c) To be responsible for their actions with respect to, and to follow, all university regulations and policies.

- (d) To be responsible for their actions with respect to provisions of local, state, and federal law.
 - (e) 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.
 - (f) To have in their possession a valid university identification card when on university premises.
 - (g) To be responsible for adhering to the university's "Drug-free environment" policy (rule 3356-7-20 of the Administrative Code).
 - (h) To ensure adherence to all university board of trustees policies that apply to students.
- (C) Article II/Student conduct authority. The president has delegated the authority for the university student conduct system to the associate vice president for student affairs~~experience~~. The associate vice president for student affairs~~experience~~, or designee, serves as the student conduct administrator responsible for the administration and operation of ~~†~~The Student eCode of Conduct 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 Student eCode of Conduct.

- (1) Jurisdiction of ~~†~~"The Student eCode of Conduct".
 - (a) The Student eCode of Conduct 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.

- (b) Students shall be responsible for ~~his/her~~their 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 Student Code of Conduct ~~code~~ shall apply to a student's conduct even if the student withdraws from the university while a matter of misconduct is pending.

- (c) An incident which results in a charge under The Student Code of Conduct 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 this policy. Since the university student conduct process is educational in nature, differing judgments may result.

- (2) 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 or his/her designate. The policies and regulations that apply to student groups/organizations are outlined in the "Penguin Student Handbook" which houses all of

the student organization's policies. Student groups/organizations that violate any of the student organization policies may be charged with violating *The Student Code of Conduct* and be subject to the student conduct procedures set forth in this policy.

(3) Student conduct authority.

(a) The enforcement of regulations, policies, and guidelines that apply to students, student organizations/groups are within the jurisdiction of the associate vice president for student experience, or designee.

(b) Student groups and registered student organizations may be charged with violations of *The Student Code of Conduct* in the following circumstances:

(i) An organization is responsible for its actions and shall be held responsible when the organization fails to comply with the YSU student organization's policies, and/or university policies or regulations.

(ii) An organization is responsible for its actions and shall be held responsible when the organization fails to comply with city, state, and federal law.

(iii) A student group (as defined in the Glossary of terms section of this policy) or registered student organization and its officers may be held collectively or individually responsible for violations of *The Student Code of Conduct*.

(D) Article III Student conduct standards/prohibited conduct. The student conduct process aspires to develop and maintain conduct standards in support of character, civility, and community. This section of the code 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~~ The Student Code of Conduct:

(1) ~~Acts of dishonesty, include but are not limited to:~~

~~(a)~~ Academic dishonesty. Academic dishonesty includes but is not limited to:

(a) 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 acknowledgement. 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.

(b) The use of any unauthorized assistance or tools:

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

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

(ii) When completing assignments, solving problems, or carrying out other assignments as detailed in the course syllabus or in other instructions by the instructor.

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

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

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

~~(ii) 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 acknowledgement. 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.~~

- (e) Inappropriate collaboration, such as working together on assignments or projects to an extent not permitted by the instructor.
- (f) Multiple submissions of the same work, which includes but is not limited to: submitting the same or parts of the same assignment for multiple classes without permission from the instructor.
- (g) Fabrication of data, which includes but is not limited to: presenting fictitious data relating to experiments, changing of data obtained from sources, and citing non-existent sources.
- (h) Bribes, threats, or intimidation which include but are not limited to: exchange of payment for assignments or parts of assignments, and threats to entice others to engage in academic dishonesty.
- (i) Impersonation, which includes but is not limited to: pretending to be another person in the completion of a quiz, exam, or other assignment.
- (j) Altering or destroying the work of others unless given permission.
- (k) Lying in order to obtain an academic advantage. This includes, but is not limited to: falsification of documents used to request make-up work.
- (l) Assisting another person in any of the behaviors mentioned above is itself academic dishonesty.
- (m) Asking others to engage in any of the behavior described above is academic dishonesty.

(n) Attempting to engage in any of the above behaviors is academic dishonesty.

~~(iii) — 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 or intimidates people either as individuals or as a group and is sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person) viewpoint. Bullying and harassing 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 (see university policy 3356-2-03 "Discrimination/harassment" and Administrative Code Rule 3356-2-03 "Discrimination/harassment" for prohibited conduct based on individual's sex, race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran/military status or any other basis protected by law).

(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.

~~(b) — Non-academic dishonesty.~~

~~(i) — Furnishing false information to any university official, faculty member, or office.~~

~~(ii) — Forgery, alteration, or misuse of any university document, record, credit card, or instrument of identification.~~

~~(iii) — Tampering with the election of any university recognized student organization.~~

~~(iv) — Failing to maintain correct address and telephone information with the registrar.~~

~~(v) — 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) 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 or a university investigation.

(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 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.
 - (i) Disruption or interference with the orderly conduct of a student conduct proceeding.
- (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.
- (~~5~~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.

- (69) 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.
- ~~(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 paragraph (J) of this policy, "Student discrimination complaints.")~~
- (101) Hazing. ~~defined as a~~ 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 university's "Acceptable use of university resources" policy (university policy 3356-4-09)(rule 3356-4-09 of the Administrative Code)
- (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) Deliberately misleading or intentionally 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.

 - (a) 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.

(b) Entering false fire alarms, bomb threats, or tampering with fire extinguishers, alarms, smoke detectors, or other safety equipment.

(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:

(i) A current or former spouse or intimate partner of the victim;

(ii) A person with whom the victim shares a child in common;

(iii) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) By any other person against an adult or youth victim under the domestic or family violence laws of the State of Ohio (see Revised Code Section 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 Revised Code which defines "Sex Offenses" under Ohio Law.

(i) Please see university's "Sexual misconduct" policy (university policy 3356-2-03.1; rule 3356-4-09 of the Administrative Code)

(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.

~~(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)~~ (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.

(13b) 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 rule 3356-4-09 of the Administrative Code, "Acceptable use of university technology resources."~~~~
- ~~(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 years of age.~~

(22) Violation of law.

(a) 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

(b) 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 Student Code of Conduct", 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 paragraph (H). Since the University student conduct process is educational in nature, differing judgments may result.

(c) University student conduct proceedings may be instituted against a student charged with a violation of law which is also a violation of "The Student Code of Conduct"; 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 Student Code of Conduct" may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.