

~~student and/or whether any other action shall be taken.~~

- ~~(iii) — 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 seventy-two 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.~~
- ~~(iv) — Obtain information, support and counseling. Counseling resources are available to assist victims of sexual violence. The Title XI coordinator is responsible for providing assistance and referral for counseling and other services, as necessary.~~
- ~~(v) — “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 XI coordinator will refer the matter to the student conduct administrator to schedule a hearing. The procedures set forth in paragraph (G) of this policy, “Student conduct procedures,” will be followed.~~
- ~~(vi) — 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.~~

(vii) — ~~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.~~

(K) — ~~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 twenty one 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 twenty one 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 vice president for student affairs 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.~~
- (L) — ~~Miscellaneous policies.~~
- (1) — ~~Computer use. Policies for computer use are available from the office of computer services and are on the university website in the "University Guidebook" at <http://web.yzu.edu/guidebook>.~~
 - (2) — ~~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.~~
- (M) — ~~The code was adopted by the Youngstown state university board of trustees on December 14, 2011.~~

(G) Article VI/ Revised Code Section 3345.22; the “1219” hearing process.

(1) Background/disruptive behavior and the “1219” procedure.

The Ohio Campus Disruption Act, also known as Ohio House Bill 1219, is codified in Revised Code sections 3345.22 and 3345.23

The purpose of the law is to protect University students, faculty, staff, and other members of the campus community from crimes of violence committed in the vicinity of the University or upon people or property at the University.

A “1219” hearing is appropriate when a student is arrested for a crime of violence committed on or near the University. If a student is convicted of an offense of violence that occurred on or near the University, the student will be automatically suspended under Revised Code 3345.23. The purpose of the "1219" hearing is to remove students from campus that may be a threat to the safety and security of the student body and campus community.

(2) Definition of a Crime of Violence. There are over 30 crimes of violence considered violations of the “1219” law including, but not limited to, the following: Arson, Assault, Burglary, Domestic Violence, Discharged Firearm, Felonious Assault, Gross Sexual Imposition, Inciting to Violence, Inducing Panic, Intimidation, Kidnapping, Menacing, Murder, Rape, Riot, Robbery, Sexual Battery, and Voluntary Manslaughter.

(3) Jurisdiction of the “1219” Hearing.

(a) If a student is arrested for a crime of violence referenced in Revised Code Sections 3345.22 or 3345.23, he/she may be temporarily suspended from the University according to *The Student Code of Conduct*, which is referred to as an Interim Suspension. This suspension will last during the process of the “1219” hearing and continues until the student meets with the Office of Student Conduct. The results of the “1219” hearing discussed below, does not alter the student’s status under an Interim Suspension.

(b) A “1219” hearing, which is distinctly separate from a Student Conduct Conference or a Student Conduct Hearing,

will be held shortly after a student's arrest for a crime of violence. The hearing can be continued for good cause. The purpose of the "1219" hearing is to determine by a preponderance of the evidence whether the student committed an offense of violence.

(c) If the Referee, as appointed by the University (Office of the General Counsel), finds that the student did commit an offense of violence on or near the University, the Referee will then determine if the student should be under strict probation or suspended from the University pending the outcome of the criminal case. However, as noted above if the student is under an Interim Suspension, the student will remain suspended, even if they only receive strict probation from the Referee, until the conclusion of the conduct process administered by the Office of Student Conduct.

(d) Following the "1219" hearing, the criminal case outcome will determine the student's status under R.C. 3345.23. If the student is convicted of an offense of violence in the criminal case, the student will be suspended from the University for at least one (1) year.

(e) Upon acquittal, or upon any final judicial determination not resulting in conviction of an offense of violence, the "1219" suspension automatically terminates, and the person suspended shall be reinstated and the record of the "1219" suspension expunged from the person's University record. The criminal process and "1219" hearing are separate. The outcome of the "1219" hearing has no bearing on the criminal case.

(f) When a student is found not guilty, he or she may return to school but upon conclusion of the "1219" hearing and possibly while the criminal case is still underway, the University may, and in nearly all cases will, initiate the student conduct process. The student may also be under the restriction of an Interim Suspension. Unless the student is not under an Interim Suspension or has been found responsible of a violation of *The Student Code of Conduct*, the student would be permitted to return to school.

- (g) If the student is found guilty at the criminal trial for an offense of violence on or near the University, he/she will be dismissed from Youngstown State University for the period of one (1) year. The student will receive a written notice of the dismissal from the Office of Student Conduct. The student must receive approval from the Board of Trustees to be permitted to return to the University. This one-year suspension will still be imposed even if the student is found not responsible under *The Student Code of Conduct*.
- (4) The "1219" Hearing Process. The "1219" hearing will be an adversary proceeding. Unlike a Student Conduct Hearing, a "1219" hearing will be conducted by a Referee appointed by the University. A University attorney will present the evidence at the hearing on behalf of the University. The student has the right to:
- (a) Be represented by an attorney.
 - (b) To cross-examine witnesses called by the State (the university).
 - (c) Call upon his/her own witnesses.
 - (d) To present evidence.
 - (e) To give a statement (but not required to do so).
- If the student does not appear at the hearing, the student will be suspended. In the absence of a waiver of the right against compulsory self-incrimination, the testimony of a person whose suspension is being considered, given at the hearing, shall not subsequently be used in any criminal proceeding against the person.
- (5) Burden of Proof. Preponderance of the evidence is the standard use for all "1219" hearings. Preponderance of the evidence is known as the balance of probabilities, met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true. The Referee must find that the student committed the offense by a preponderance of the evidence.
- (H) Article VII/ 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 Conduct shall be responsible for administering all procedures of the Parental/Guardian 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/Guardian Notification Policy if in his/her judgment it is determined that harm would come to the student as a result of parental/guardian notification.
- (c) The notification will be provided in writing from the Office of Student Conduct and will be mailed to the student's home address.
- (d) The notification letter will inform parents or guardians 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 or guardians will be encouraged to discuss the incident with the student.
- (e) The Office of Student Conduct will be responsible for responding to questions from parents/guardians. If a parent or guardian 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.

- (I) Article VIII/Interpretation and revisions. Any question of interpretation or application regarding *The Student Code of Conduct* shall be referred to the Student Conduct Administrator for final determination.

The Student Code of Conduct shall be reviewed every three (3) years under the direction of the Student Conduct Administrator. Any member of the University community may recommend a change to *The Student Code of Conduct* to the Associate Vice President for Student Experience. The Associate Vice President for Student Experience shall distribute the recommendation to the appropriate areas and gather feedback. If the change is endorsed by the Associate Vice President for Student Experience, the change shall be presented to the Board of Trustees for adoption.

- (J) Glossary of Terms. When used in the Student Code of Conduct:

- (1) The terms “accused student” or “respondent” shall mean any student accused of violating the Code of Student Conduct.
- (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 of Student Conduct or from the sanctions imposed by the student conduct body.
- (3) The terms “can,” “may,” or “should” specify a discretionary provision of The Code of Student Conduct.
- (4) The term “complainant” shall mean any person who submits a referral alleging that a student violated The Code of Student Conduct.
- (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” 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.
- (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 “student conduct officer” is the associate director of student conduct who is the university official assigned to serve as the primary charging administrator by the student conduct administrator to review complaints, determine responsibility, and impose sanctions upon students found to have violated The Student Code of Conduct.
- (10) The term “deputy conduct officer” shall mean a University official authorized on a case-by-case basis by the Student Conduct Administrator to serve as a Charging Administrator to review complaints, determine responsibility, and impose sanctions upon students found to have violated *The Student Code of Conduct*.
- (11) The term “student conduct administrator” is the associate vice president for student experience, or designee, who shall be responsible for the administration of the code and the university student conduct process.

- (12) The term “student conduct body” shall mean student conduct officer, any deputy Conduct Officer or the Student Conduct Hearing Panel authorized by the Student Conduct Administrator to determine whether a student has violated *The Student Code of Conduct* and to recommend imposition of sanctions.
- (13) The term “may” is used in the permissive sense.
- (14) 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.
- (15) The term “misconduct” means student behavior that violates codified or explicitly stated university rules and regulations, including but not limited to *The Student Code of Conduct*.
- (16) The term “organization” shall mean a university-registered student organization which as complied with formal requirements of official registration.
- (17) The term “policy” shall be defined as the written regulations of the university as found in, but not limited to, “*The Student Code of Conduct*”, “*Resident Handbook*”, “*Penguin Student Handbook*”, the university website, undergraduate/graduate catalogs, university policies, and board of trustees policies.
- (18) The terms “shall,” “must,” “will,” or “is required” specify a mandatory requirement of the code.
- (19) 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.

- (20) The terms “university” or “institution” means Youngstown state university and collectively those responsible for its operation.
- (21) 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.
- (22) 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.
- (23) The term “university working day” refers to any day of the week excluding Saturdays, Sundays, or official holidays.
- (24) The term “weapon” shall have the same meaning as in rule 3356-7-03 of the Administrative Code, “Possession of weapons on campus.” (see also university policy 3356-7-03 “Possession of weapons on campus).
- (25) All other terms have their natural meaning unless the context otherwise dictates.