

# *The Student Code of Conduct*

<u>Title</u>	<u>Page</u>
PREAMBLE	2
ARTICLE I. RIGHTS AND RESPONSIBILITIES	3
Section A. Basic Rights	3
Section B. Basic Responsibilities	3
ARTICLE II. STUDENT CONDUCT AUTHORITY	3
Section A. Jurisdiction of <i>The Student Code of Conduct</i>	4
Section B. Campus Student Organizations	4
Section C. Student Conduct Authority	4
ARTICLE III. STUDENT CONDUCT STANDARDS	5
ARTICLE IV. STUDENT CONDUCT PROCEDURES	9
Section A. General	9
Section B. Student Conduct Conference	10
Section C. Student Conduct Board Hearing	11
Section D. Hearing Procedures	11
Section E. Student Rights and Responsibilities	12
Section F. Reasonable Accommodations for Student with Disabilities	13
Section G. Sanctions	14
Section H. Interim Measures	15
Section I. Appeals	16
Section J. Conduct Procedures for University Housing	17
Section K. Student Conduct Record	17
Section L. Special Procedures	17
ARTICLE V. ACADEMIC DISHONESTY	18
Section A. Academic Dishonesty	18
ARTICLE VI. OHIO REVISED CODE SECTION 3345.22: "1219" HEARING PROCESS	23
Section A. Background: Disruptive Behavior and the "1219" Procedure	23
Section B. Definition of a Crime of Violence	23
Section C. Jurisdiction of the "1219" Hearing	23
Section D. "1219" Hearing Process	24
Section E. Burden of Proof	24
ARTICLE VII. Parental/Guardian Notification Policy	24
ARTICLE VIII. INTERPRETATION AND REVISION	25
Glossary of Terms	26
Appendix A.	28
Youngstown State University Academic Integrity Form	29
Appendix B.	30
Youngstown State University Student Conduct Agreement Form	31

# *The Student Code of 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.”

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 Code of Conduct* have been established to ensure a positive educational experience for every student. *The Student Code 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 EXPERIENCE  
June 15, 2016

## ARTICLE I. RIGHTS AND RESPONSIBILITIES

### Section A. 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 *Revised Code*, Section 3345.14.

### Section B. 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 A. 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 II. 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 Student Code 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 Code of Conduct*. The Student Conduct Officer shall be the Associate Director of Student Conduct. The Student Conduct Administrator may also appoint one (1) or more Deputy Conduct Officers to review reports of violations of *The Student Code of Conduct* and to conduct investigation. Deputy

Conduct Officers shall be under the supervision of the Student Conduct Officer and/or the Student Conduct Administrator.

### **Section A. Jurisdiction of *The Student Code of Conduct***

1. *The Student Code 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.
2. Students shall be responsible for 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* 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 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.

### **Section B. 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 outlined in ARTICLE IV.

### **Section C. Student Conduct Authority**

1. 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.
2. Student groups and registered student organizations may be charged with violations of *The Student Code of Conduct* 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 organization's policies, and/or University policies or regulations.

- (b) An organization is responsible for its actions and shall be held responsible when the organization fails to comply with city, state, and federal law.
- 3. A student group (as defined in the Glossary of Terms in this document) or registered student organization and its officers may be held collectively or individually responsible for violations of *The Student Code of Conduct*.

## ARTICLE III. 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 Student Code of Conduct*.

### 1. 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 ideas, words, data, or 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. It also includes the misrepresentation of another person's work.
- (b) The use of any unauthorized assistance or tools
  - (i) In taking quizzes, tests, 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.
- (c) The acquisition, without permission, of tests or other academic material belonging to a member of the University faculty, staff, or other entity.
- (d) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or other instructions.
- (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.
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.
  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.
    - (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.
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) 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 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 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**

(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 ARTICLE VI. 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.

(d) 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.

**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.

## **ARTICLE IV. STUDENT CONDUCT PROCEDURES**

### **Section A. 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 Student Code of Conduct* alleging student and/or group/organization misconduct. The report shall be prepared in writing and directed to the Student Conduct Officer. A report of a violation of *The Student Code of Conduct* 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 Officer shall review reports of violation(s) and may initiate investigations of possible violation(s) of *The Student Code of Conduct* to determine if the charges have merit. In reviewing the reports, the Student Conduct Officer 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.

## **Section B. Student Conduct Conference**

Any student, student group, or student organization (hereinafter referred to as the respondent) who has been charged with an alleged violation of the Prohibited Conduct section of *The Student Code of Conduct* will first be scheduled for a Conduct Conference with the Student Conduct Officer or Deputy Conduct Officer assigned to review the allegation. The respondent (accused student) will be notified in writing of the date, time, and location of the Conduct Conference. Written notification will include:

1. the specific charges pending against the respondent;
2. a brief summary of the referral;
3. statement of rights and responsibilities; and
4. if applicable, a statement notifying the respondent that the alleged conduct is significant enough that they may face suspension or expulsion if the charge is substantiated.

The Conduct Conference is the first step in *The Student Code of Conduct* Process, and serves to provide the respondent with the opportunity to discuss the allegations that led to the referral. The respondent will receive more information regarding the Student Conduct Process, clarification of their rights and options, the ability to inspect and review all relevant information as well as a range of potential sanctions for the violation in question should the charges be substantiated. After a discussion regarding the incident and review of relevant information, the respondent will have an opportunity to accept or deny responsibility for the charge(s). If the respondent accepts responsibility for the charge(s), the Student Conduct Officer will sanction the respondent as part of the Conduct Conference. The respondent will be asked to sign the Student Conduct Agreement Form, which will outline all of the sanctions offered to the student. While the student may sign the form immediately, they have up to three (3) University working days to do so. The student has the option to accept the charge but contest the sanction or agree to both the charge and sanction. Once the form is signed, the decision is final and there is no appeal process.

If the respondent denies responsibility for one (1) or more of the charges, the Student Conduct Officer will proceed to schedule a hearing for the student.

## **Section C. Student Conduct Board Hearing**

The purpose of a hearing is to provide an equitable forum for the review of the available information regarding an alleged incident of misconduct. The Student Conduct Hearing Panel will decide by the preponderance of evidence whether or not the respondent is found responsible for the charge(s). All hearings are closed to the public, with the exception of advisors for the complainant and respondent. All parties directly participating in the hearing (the respondent, complainant, and staff member from the Office of Student Conduct or Housing and Residence Life who is presenting the information) may remain present the entire time, excluding deliberations.

Student Conduct Board Hearings are presided over by members of the Student Conduct Board. Each Student Conduct Board Hearing will have a hearing board chair. The chair is responsible for keeping the proceedings moving forward. If the respondent fails to appear at a scheduled Student Conduct Board Hearing and the absence is not excused, the hearing may proceed in the respondent's absence or may be rescheduled at the discretion of the chair. Each Student Conduct Board Hearing is assigned a hearing board advisor. The role of the advisor is to ensure the conduct process is adhered to and to answer procedural questions posed by any party during the hearing. The hearing board advisor will also keep the proceedings focused on issues relevant to the specific allegations. The hearing board advisor will not participate in a determination of a finding or sanction. However, the board advisor may be summoned by Student Conduct Board members during deliberations to answer questions regarding the conduct process.

## **Section D. Hearing Procedures**

### **1. Guidelines**

- (a) The Chair of the Student Conduct Board will explain the respondent's rights and responsibilities, and, if applicable, the complainant's rights and responsibilities.
- (b) The Chair (in conjunction with the board advisor, if applicable), is responsible for assuring that these rights as well as the process described in this section are adhered to during the hearing.
- (c) The respondent or the complainant (if applicable) may ask for the removal of a Student Conduct Officer or Deputy Conduct Officer by providing written or verbal evidence of bias. In cases before a hearing board, the charge of bias is made to the chairperson who will determine whether it is valid. If the charge of bias is against the chairperson, the hearing board advisor shall decide whether it is valid. If bias is found, the hearing will be rescheduled.
- (d) The Student Conduct Officer may ask questions of any party at any time throughout the hearing.
- (e) The Chair is responsible for determining the relevancy of questions asked during a hearing. The Chair may deem certain questions irrelevant and not allow them to be answered. In Student Conduct Board hearings, the hearing board advisor may assist the Chair in those determinations.
- (f) The Chair may exclude persons from the hearing if they are disruptive, or postpone the hearing because of disruptive behavior of participants or observers.

### **2. Introduction**

- (a) Each party in the room will introduce themselves and explain their role in the hearing.
- (b) The Chair will ask the Student Conduct Officer to briefly introduce themselves and explain why they have requested the hearing.

### **3. Presentation of Information**

- (a) Following the introduction, the Student Conduct Officer will provide the Student Conduct Board with a detailed summary of the incident and, if applicable, any subsequent investigation.

- (b) If there is a complainant, the complainant will then have an opportunity to provide the Student Conduct Board with a summary of their role and perspective on the incident. The complainant may be represented by the Student Conduct Officer.
  - (c) The Student Conduct Board will then ask the respondent to describe their involvement in the matter at hand as it pertains to the charges being considered in the hearing. The Student Conduct Officer may question the respondent at this time.
  - (d) The Student Conduct Officer will then present any relevant witnesses or documentary information to the Student Conduct Board. The Student Conduct Board, respondent, and complainant (if applicable) will each in turn have the opportunity to ask questions regarding the information presented.
  - (e) The respondent will then present any relevant witnesses or documentary information to the Student Conduct Board. The Student Conduct Board and the Student Conduct Officer will each in turn have the opportunity to ask questions regarding the information presented.
  - (f) The Student Conduct Officer will have an opportunity to make a summary statement.
  - (g) The complainant, if applicable, will have an opportunity to make a summary statement.
  - (h) The respondent will have an opportunity to make a summary statement.
4. Deliberation and Finding
- (a) The Student Conduct Board will go into closed session to determine by the preponderance of evidence whether the respondent will be found in violation of the charges pending in this matter. Student Conduct Boards determine findings by majority vote.
  - (b) The hearing will re-convene for the announcement of the finding. If the respondent is not found responsible for the violation, the case will be dismissed. If the respondent is found responsible for a violation of one (1) or more of the pending charges, the hearing will proceed to sanctioning.
5. Sanctioning
- (a) The staff member from the Office of Student Conduct will give an overview of the respondent's disciplinary history, if any.
  - (b) If the respondent was presented with a possible sanction during their Student Conduct Conference, the staff member from the Office of Student Conduct will share that proposed sanction with the Student Conduct Board.
  - (c) The Student Conduct Board will consider the following in determining a sanction:
    - (i) statements and evidence presented at the hearing;
    - (ii) seriousness of the violation;
    - (iii) prior disciplinary record of the respondent; and
    - (iv) disciplinary precedent.
  - (d) The Student Conduct Board will go into closed session to determine a sanction.
  - (e) The hearing will reconvene for the announcement of the sanction. In Student Conduct hearings, the sanction is recommended to the Associate Vice President for Student Experience or designee, who will make the final decision. While normally the Board's recommendation will be the sanction imposed, the Associate Vice President for Student Experience or designee may impose a different sanction. The Associate Vice President for Student Experience or designee will send the student written notification of the decision including all parties involved.

## **Section E. Student Rights and Responsibilities**

The following rights and responsibilities apply to those involved in a matter being addressed by the Student Conduct Process.

1. Rights of Respondent – All respondents in the Student Conduct Process have the following rights:

- (a) Written notice of the charge(s) made against them and the basis of the allegation that led to the charge(s).
  - (b) In matters that could result in a sanction of suspension or expulsion, the above mentioned notification will alert the respondent to the possible severity of the outcome.
  - (c) The right to an advisor.
  - (d) To request reasonable accommodations due to disability.
  - (e) Reasonable access to inspect and review their own case file, which includes all information that would be used during the conduct process, to the extent permitted by confidentiality laws.
  - (f) Explanation of the resolution options available to them through the conduct process.
  - (g) To be presumed not responsible for a violation of prohibited conduct until found in violation by a preponderance of the evidence.
  - (h) To speak or not speak on their own behalf.
  - (i) The opportunity to respond to information used as part of the decision-making process.
  - (j) To deny responsibility for the charge(s) facing them and request a hearing.
  - (k) To question any witness that participates as part of a hearing.
  - (l) The right to appeal.
  - (m) To waive any of the above stated rights provided that the waiver is made freely and in writing.
2. Rights of the Complainant – All complainants in the Conduct Process have the following rights:
- (a) To pursue criminal or civil charges where a legal case exists (without University assistance).
  - (b) Explanation of the resolution options available to them through the Conduct Process.
  - (c) To be free from harassment and intimidation from respondents and others as they engage in this process.
  - (d) The right to an advisor.
  - (e) To request reasonable accommodations due to disability can be found under ARTICLE IV. Section F.
  - (f) To provide information for consideration during the Conduct Process, and to know the results of the process to the extent allowed under federal laws and University policies.
  - (g) The opportunity to appear at any hearing that may take place in order to provide relevant information.
  - (h) The opportunity to submit a written impact statement for use in a hearing, even if the complainant chooses not to attend the hearing.
3. Responsibilities of Respondents, Complainants, and Witnesses – All respondents, complainants, and witnesses in the Conduct Process have the following responsibilities:
- (a) To be honest and forthright in all information they provide during the Conduct Process. Presenting false and misleading information during this process is a violation of Prohibited Conduct as outlined in ARTICLE III.5.b.
  - (b) To attend all scheduled meetings, conferences, or hearings, unless alternate arrangements are made in advance.
  - (c) To refrain from disruption of the hearing process. Disruption of this process is a violation of Prohibited Conduct as outlined in ARTICLE III.6.
  - (d) Respondents have the responsibility to prepare and present their entire case as well as secure the presence of any witnesses who will speak on his/her behalf.

### **Section F. Reasonable Accommodation for Students with Disabilities**

Any student with a disability involved in this process has the right to request reasonable accommodation in order to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to the Center for Student Progress (CSP) Disability

Services. Students do not have to disclose information about the complaint or charge to CSP Disability Services to request reasonable accommodation, except to the extent that it may assist in the determination of reasonable accommodations. Accommodations are determined on an individual basis by CSP Disabilities Services staff and implemented in consultation with the Office of Student Conduct. Examples of reasonable accommodation include but are not limited to sign language interpretation, real-time communication access during hearings, large print documents, extended time to review documents, or assistance with transcribing questions during interviews or hearings.

## **Section G. 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 email address. The decision of the Conduct Officer may be appealed according to Section I 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 Student Code of Conduct*. 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 notification statement that the student is violating or has violated *The Student Code of Conduct*. 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 (1) academic year.
  - (b) Conduct Probation: Notice in writing that the violation of *The Student Code of Conduct* 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 Student Code of Conduct* 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 (1) academic year). If the student is found in violation of any subsequent violations of *The Student Code of Conduct*, 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 (1) 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 (1) 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 awarding 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 the awarding of a degree otherwise earned until the completion of the process set forth in *The Student Code of Conduct*, including the completion of all sanctions imposed, if any.
  - (m) **Fines:** Fines for violations of *The Student Code of Conduct* will be assessed and charged to the student's account. A list of fines for all violations will be determined at the discretion of the Associate Vice President for Student Experience who will submit a list of the fines structure to the YSU Board of Trustees for approval on an annual basis. The fines structure must be included as a part of *The Student Code of Conduct* when published and presented to students.
2. More than one of the sanctions listed above may be imposed for any single violation.
  3. The following sanctions may be imposed upon groups or organizations:
    - (a) Those sanctions as outlined in Section G. 1. (a through m) of this article.
    - (b) **Deactivation:** Loss of all privileges, including University recognition, for a specified period of time.
  4. In each case in which a Student Conduct Body determines that a student and/or group/organization has violated *The Student Code of Conduct*, 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 the Hearing Panel and Conduct Officers are consistent with the violation and sanctions imposed for similar violations.

## **Section H. 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 *Revised Code*, Section 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 email 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 IV. Section D. 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 I. 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 (7) 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 Conduct. The letter of appeal should indicate the grounds on which the decision is being appealed referencing at least one (1) 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 (1) or more of the following grounds:
  - (a) A claim that the original hearing was conducted in violation of procedural requirements set forth in *The Student Code of Conduct*, 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 Student Code of Conduct* 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 Conduct.
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 (3) 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 (1) 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 Appellate Board may reverse the finding of responsibility, in whole or in part.
  - (c) The Appellate Board may uphold, reduce, or increase the sanctions.
  - (d) The Appellate Board may dismiss the appeal if the appeal is not based upon one (1) of the grounds listed above.
9. The decision of the Appellate Board or Student Conduct Administrator after an appellate review is final.

### **Section J. Conduct Procedures for University Housing**

Deputy 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 *Resident Handbook*, is delegated by the Student Conduct Administrator 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 Deputy Conduct Officer will conduct an investigation to determine whether there is reasonable cause to believe that a violation of *The Student Code of Conduct* may have occurred. If so, the Conduct Officer will follow the procedures outlined in ARTICLE IV. Section D of *The Student Code of Conduct*.

### **Section K. Student Conduct Record**

The Student Conduct Officer 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. Student conduct records shall be expunged seven (7) years after final disposition of the case with the exception of residence hall expulsions, university suspension of a student, and revocation or withholding of a degree which shall be expunged fifteen (15) years after final disposition of the case. University expulsion and university suspension of a student organization conduct records shall be kept **indefinitely**. Upon graduation, the student may petition the Student Conduct Officer for removal of all files contained in his or her student conduct records. The student may appeal a negative response of the Student Conduct Officer and/or the Student Conduct Board to the Student Conduct Administrator.
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 L. 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 Student Code of Conduct* and shall ensure that all elements of procedural due process delineated in this article are observed.

## ARTICLE V. ACADEMIC DISHONESTY

### Section A. 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 (ARTICLE III. 1.).

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. 1. Cases of alleged academic dishonesty shall be resolved in the following manner:

#### 1. Identification of Academic Dishonesty

- (a) After the faculty member has gathered evidence supporting academic dishonesty, he/she shall notify the student within 48 hours in writing, via University email, of the allegations and invite the student to participate in an Academic Integrity Conference. The faculty member and student may hold the conference without written notification.
- (b) An Academic Integrity Conference to discuss the allegations shall occur within seven (7) working days of the written notification. If the student fails to attend a conference within seven (7) working days, the following will occur:
  - (i) The faculty member will complete the Academic Integrity Form (see Appendix A) and will forward this form (without the student's signature) to the departmental chairperson for signature. If the faculty member fails to submit the Academic Integrity Form, the claim of academic dishonesty will be dismissed.
  - (ii) The chairperson will then forward the form to the dean for their signature.
  - (iii) The dean will then forward the form to the Student Conduct Office to be placed in the student's file. The dean and chairperson have the option to submit written statements to be included with the Academic Integrity Form. The dean of the College of Graduate Studies will be notified and provided a copy of the form for cases involving graduate students.
  - (iv) The Conduct Office will forward the unsigned Academic Integrity Form along with supporting documents to the Judicial Chair of the Student Academic Grievance Subcommittee for further action.
- (c) During the Academic Integrity Conference, the faculty member shall discuss the allegations with the student and determine whether the student is responsible.
  - (i) If the faculty member determines that the student is not responsible, no further action is warranted.
  - (ii) If the faculty member concludes that the student is responsible, the faculty member shall determine the sanction to be imposed (ARTICLE V.3.) and complete the Academic Integrity Form (see Appendix A). While the student may sign the form immediately, he/she has up to three (3) University working days to do so. The student has the option to accept the charge

but contest the sanction or agree to both the charge and sanction. Once the form is signed, the decision is final and there is no appeal process.

- (iii) If the student signs the Academic Integrity Form, acknowledging the incident and the sanction, then no committee action is required unless the recommendation is suspension or expulsion.
  - (a) The student will return the form to the faculty member.
  - (b) In turn, the faculty member will forward the form to the departmental chairperson for signature acknowledging the case has been brought to the chair's attention.
  - (c) The chairperson will then forward the form to the dean for signature acknowledging the case has been brought to the dean's attention.
  - (d) The dean will then forward the form to the Student Conduct Office to be placed in the student's file. The dean and chairperson have the option to submit written statements to be included with the Academic Integrity Form. The dean of the College of Graduate Studies will be notified and provided a copy of the form for cases involving graduate students.
- (iv) Regardless of whether the Academic Integrity Form is signed, in situations where suspension or expulsion from the University is recommended by the faculty member, the case will immediately be sent to the Student Conduct Office and forwarded to the Judicial Chair to initiate a panel hearing. A representative from the Student Conduct Office must be present at all University suspension and expulsion hearings to serve in an advisory capacity.

## 2. Academic Integrity Hearing Panel Structure.

- (a) Judicial Chair: Associate Provost for Academic Administration or designee appointed by the Provost.
- (b) Faculty members are appointed by the Academic Senate and serve a two (2) year term. One (1) faculty member shall be selected from each of the six (6) colleges. At least three (3) of these appointees will have graduate faculty status. A seventh faculty member shall be selected by the graduate council to represent the graduate college.
- (c) Student members are appointed by the Associate Vice President for Student Experiences and serve a two (2) year term. Graduate students may be appointed to a one (1) year term.
  - (i) Students must complete an application available at the Student Experiences office.
  - (ii) Two (2) student members, one (1) undergraduate and one (1) graduate, are selected from each of the six (6) Colleges.
  - (iii) Students must have a minimum GPA of 2.5 for undergraduate students and 3.0 for graduate students.
  - (iv) Students must not have a previous judicial record.
  - (v) Students should be sophomore status or above.
  - (vi) A graduate student shall be appointed by the dean of the Graduate College.

## 3. Sanctions

If the faculty member concludes the student was responsible, they may impose a sanction which may include, but is not limited to one (1) of the following:

- (a) warn the student;
- (b) lower the grade on the exam, paper, and/or assignment related to the incident;
- (c) lower the final grade for the course; and/or
- (d) request additional action from the Student Academic Grievance Subcommittee, such as removal from a course, University suspension, or expulsion.

## 4. Role of the Student Conduct Administrator (SCA) in matters of Academic Dishonesty

- (a) To create/maintain a student conduct file containing the completed Academic Integrity Form and supporting documents.
  - (b) To expunge all records, with the exception of expulsion, after seven (7) years. Please note that if within seven (7) years another institution, as a result of the student transferring or applying to graduate school, requests a copy of the student disciplinary record, these records may be revealed.
  - (c) In instances where the Academic Integrity Form is signed, the SCA will acknowledge receipt of this form by emailing the student, faculty member, chairperson, and dean.
  - (d) In instances where the student already has one (1) prior academic dishonesty offense, any additional offenses will constitute a violation of *The Student Code of Conduct* and will require the student to undergo a Student Code of Conduct Hearing through the Office of Student Conduct.
5. Academic Integrity Hearing Proceedings
- (a) In cases where the Academic Integrity Form was not signed and/or was not returned to the faculty member, or the faculty member recommended University suspension or expulsion, a hearing of the Academic Grievance Subcommittee is initiated.
  - (b) Within five (5) University working days of receiving the Academic Integrity Form and any supporting evidence from the faculty member, the Judicial Chair shall contact the student involved and request a statement and any evidence they would like to be considered in the case. The student will have five (5) University working days to submit the statement and evidence to the Judicial Chair.
  - (c) Within two (2) University working days of receiving the statement and evidence, the Judicial Chair shall distribute copies of the Academic Integrity Form and any evidence produced by the student and/or faculty member to the Academic Grievance Subcommittee, the student, faculty member, department chairperson, and appropriate dean. The Academic Integrity Form, course syllabus (submitted by the faculty member, student, or both), and any evidence produced by the student and/or faculty member, chairperson or dean combined are considered to be the Academic Integrity Packet.
  - (d) A hearing date, time, and location for the Academic Integrity Hearing will be established by the Judicial Chair. Academic Grievance Subcommittee members shall have a minimum of three (3) days to review all written materials in the Academic Integrity Packet submitted by the affected parties. The Academic Integrity Hearing notice shall be sent to the parties directly involved in the grievance procedure, except advisors and witnesses. Parties directly involved in the Academic Integrity procedure.
    - (i) Faculty/Student: The party who files the Academic Integrity Form and the party against whom the claim of Academic Dishonesty is filed. If either party cannot or refuses to attend the hearing, they may provide written statements to be submitted for evidence. Faculty members are permitted to have a substitute who will exercise all the rights and responsibilities of the absent faculty member.
    - (ii) Department Chairperson: The chairperson of the department in which the faculty member resides. The chairperson's attendance is optional. If the chairperson is in attendance, they will be brought in to speak during the grievance hearing but will not remain in the room throughout the hearing.
    - (iii) Dean: The dean of the college in which the faculty member's department is housed. The dean's attendance is optional. If the dean is in attendance, they will be brought in to speak during the grievance hearing but will not remain in the room throughout the hearing.
    - (iv) Academic Integrity Hearing Panel: Derived from the membership of the Student Academic Grievance Subcommittee of the Academic Senate. At minimum, it consists of three (3)

- faculty members, three (3) students, and the Judicial Chair. For the case of a hearing involving a graduate student, the graduate college representatives shall be included as members of this panel. This panel conducts the formal hearing and renders a decision.
- (v) **Advisors:** The student and the faculty member may avail themselves of the services of an advisor throughout the Academic Integrity process. Such an advisor may be drawn from within or outside the University community. Advisors may not present testimony or speak on behalf of the respondent. They are permitted, however, to give notes or whisper instructions/advice to the student or faculty member involved. Examples of advisors include a parent, attorney, clergy, other faculty member, or coach. The advisor may not be the chairperson or dean for the faculty member or student. In situations where a graduate assistant is considered the instructor of record, the chairperson may serve as an advisor and stay throughout the hearing.
  - (vi) **Witness(es):** Witnesses who have something to add to the hearing either in support of the faculty member or student are permitted. While the number of witnesses is not limited, the number that present repetitive testimony may be limited.
  - (vii) No member of an Academic Integrity Hearing Panel will hear a case directly involving him/her.
- (e) **During the Hearing**
- (i) The following rights are guaranteed to the student and the faculty member:
    - (a) the right to be present; the right to be accompanied by an advisor of their choice;
    - (b) the right to speak in support of their argument;
    - (c) the right to bring witnesses in support of their case;
    - (d) the right to present information directly supporting their written items in the Academic Integrity Packet, including oral testimony; and
    - (e) the right to refute information presented.
  - (ii) The Judicial Chair has the right to limit the amount of time testimony is presented by any given individual; remove disruptive individuals from the room; ensure that only the members of the Academic Integrity Hearing Panel, student, and faculty member are present in the room; ensure that all witnesses remain outside the hearing room and are brought in and dismissed after their testimony is presented.
- (f) **After the Hearing**
- (i) The Academic Integrity Hearing Panel shall meet in closed session to review the information presented and reach a decision. The Panel shall vote using secret ballots tallied by the Judicial Chair. The Judicial Chair will only vote in circumstances of a tie among the Panel.
  - (ii) If the Academic Integrity Hearing Panel determines that the student is guilty of Academic Dishonesty, the panel may consider previous resolved cases (on file with the Student Conduct Office) involving the student when assigning an appropriate sanction.
- (g) **Documentation of Academic Integrity Hearing Panel's Decision**
- (i) Both parties shall be informed of the Academic Integrity Hearing Panel's decision in writing as soon as reasonably possible. This statement shall be prepared and signed by the Judicial Chair and forwarded to the Office of Student Conduct, Graduate School Dean when appropriate, Provost and all parties directly involved in the Academic Integrity procedure, except advisors and witnesses within three (3) University working days.
  - (ii) The forwarding of the written statement of the Academic Integrity Hearing Panel's decision ends the Student Academic Grievance Subcommittee's involvement in the disposition of the violation.

- (iii) A file of all pertinent documents for all Academic Integrity hearings shall be kept by the Office of the Provost and the Office of Student Conduct.
  - (iv) Any change of grade as a result of the Committee ruling should be made by the faculty member and signed by the respective chairperson and/or dean within five (5) University working days. If the faculty member, chairperson and/or dean refuse to sign, then the Provost will sign off on the grade change form.
- (h) At the discretion of the Judicial Chair, the timeline stated under ARTICLE V.1. (a. through c) may be extended.
- (i) Appeals
- (i) Only students may appeal the decision of the Academic Integrity Hearing Panel regarding academic dishonesty. The appeal can only be based on procedural violations and must be submitted within five (5) University working days from the date the Academic Integrity Hearing Panel's decision was made. The request for an appeal is submitted in writing to the Judicial Chair.
  - (ii) The Judicial Chair will forward the written appeal to the Academic Senate Executive Committee within two (2) University working days.
    - (a) If the Academic Senate Executive Committee determines that no procedural violations occurred, or that any procedural violations were minor and did not affect the Academic Integrity Hearing Panel's decision, the decision of the Academic Integrity Hearing Panel is upheld and the matter is closed.
    - (b) If the Academic Senate Executive Committee determines that procedural violations may have occurred and were potentially substantive, the case will be referred to a three-person committee made of one (1) student and two (2) faculty members to hear the case. This will take place within twelve (12) University working days of receipt of the written appeal. The decision reached by this committee is final and may not be appealed.
  - (iii) Appeal Panel
    - (a) No member of the Appeal Panel will hear a case directly affecting him/her.
    - (b) Prior to the appeals review, members of the Appeal Panel shall review all submitted materials.
    - (c) The chair of the Appeal Panel shall inform both parties of the decision as soon as reasonably possible.
    - (d) A written statement of the decision shall be prepared and signed by the chair of the Panel, forwarded to the student and faculty member and to the Student Conduct Office and/or Office of the Provost within five (5) working days of the decision using University email address.
    - (e) A file of all pertinent documents for all appeals shall be kept by the Student Conduct Office and/or Office of the Provost.
    - (f) The decision reached by the Appeal Panel is final and may not be appealed.
  - (iv) At the discretion of the chair of the Appeal Panel, the timeline under the appeal process may be extended.
  - (v) If the appeal results in a grade change, the grade change form should be completed by the faculty member and signed by the respective chairperson and/or dean within three (3) University working days. If the faculty member, chairperson and/or dean refuse to sign, then the Provost will sign off on the grade change form.<sup>3</sup>

## ARTICLE VI. OHIO REVISED CODE SECTION 3345.22: 1219 HEARING PROCESS

### **Section A. 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.

### **Section B. Definition of a Crime of Violence**

There are over 30 crimes of violence that would be 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.

### **Section C. Jurisdiction of the “1219” Hearing**

1. If a student is arrested for a crime of violence listed in the law, he/she may be temporarily suspended from the University according to *The Student Code of Conduct*, ARTICLE IV Section H, which is referred to as an Interim Suspension. The Interim 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.
2. 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.
3. 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.
4. Following the “1219” hearing, the criminal case outcome will determine the student’s status under Revised Code 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.
5. 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.

6. 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.
7. 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*.

#### **Section D. “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:

1. Be represented by an attorney.
2. To cross-examine witnesses called by the State.
3. Call upon his/her own witnesses.
4. To present evidence.
5. 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.

#### **Section E. 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.

### **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.

## ARTICLE VIII. INTERPRETATION AND REVISION

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.

*The Student Code of Conduct* was adopted by the YSU Board of Trustees on \_\_\_\_\_.

## Glossary of Terms

When used in *The Student Code of Conduct*:

1. The term “accused student” or “respondent” shall mean any student accused of violating *The Student Code of 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 Student Code of Conduct* or from the sanctions imposed by the Student Conduct body.
3. The terms “can,” “may,” or “should” specify a discretionary provision of *The Student Code of Conduct*.
4. The term “complainant” shall mean any person who submits a referral alleging that a student violated *The Student Code of 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” 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.
10. 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*.
11. 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*.
10. The term “Student Conduct Administrator” is the Associate Vice President for Student Experience, or designee, who shall be responsible for the administration of *The Student Code of Conduct* and the University student conduct process.

11. 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.
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 Student Code of Conduct*.
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 Student Code of Conduct*, *Resident Handbook*, *Penguin Student Handbook*, 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 Student Code of Conduct*.
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.

# Appendix A.

# YOUNGSTOWN STATE UNIVERSITY ACADEMIC INTEGRITY FORM

FACULTY NAME/DEPT \_\_\_\_\_ DATE \_\_\_\_\_

I voluntarily admit that I have violated the Academic Dishonesty policy as listed in *The Student Code of Conduct* by doing the following (please attach statement):

I agree to accept the following sanctions:

\_\_\_\_\_ Warning \_\_\_\_\_

\_\_\_\_\_ Lowering the grade on the exam, paper, or assignment \_\_\_\_\_

\_\_\_\_\_ Lowering the final grade \_\_\_\_\_

\_\_\_\_\_ Request additional action from the Student Academic Grievance Subcommittee, such as removal from a course, University suspension, or expulsion \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_ Due Date: \_\_\_\_\_

## By Signing this form, I

- Acknowledge that the conduct process and my rights within that process have been reviewed with me including that while I have three University working days to sign this form, that once I do, the decision is final and there are no appeals.
- Have the option to meet with my Departmental Chairperson and College Dean prior to signing this form.
- Acknowledge that I was given the ability to inspect and review all relevant information regarding the violations(s) in question.
- Voluntarily waive my right to a hearing regarding these charges and accept this agreement as final resolution of this matter.
- Understand that if I fail to meet any of the conditions listed above, I may be subject to further disciplinary action and/or an administrative hold may be placed on my account.

I agree to the charge:

_____ Student's Name	_____ Student's Signature	_____ Date
-------------------------	------------------------------	---------------

I agree to the sanction:

_____ Student's Name	_____ Student's Signature	_____ Date
-------------------------	------------------------------	---------------

_____ Faculty Member's Name	_____ Faculty Member's Signature	_____ Date
--------------------------------	-------------------------------------	---------------

_____ Chairperson's Name	_____ Chairperson's Signature	_____ Date
-----------------------------	----------------------------------	---------------

_____ Dean's Name	_____ Dean's Signature	_____ Date
----------------------	---------------------------	---------------

**A letter will be emailed to your YSU email address that will serve as the formal acknowledgement of this agreement. Failure to sign this form or return it within three University working days will result in the case going before the Student Academic Grievance Subcommittee and may result in a different sanction.**

## **Appendix B.**

# YOUNGSTOWN STATE UNIVERSITY STUDENT CONDUCT AGREEMENT FORM

CASE# \_\_\_\_\_

I voluntarily admit that I have violated the following rule(s) as listed in *The Student Code of Conduct*:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

I agree to accept the following sanctions:

\_\_\_\_\_ Warning until: \_\_\_\_\_

\_\_\_\_\_ Conduct Probation until: \_\_\_\_\_

Restrictions (if applicable): \_\_\_\_\_

\_\_\_\_\_ Developmental Sanction: \_\_\_\_\_

Due Date: \_\_\_\_\_

Minimum Length/Hours: \_\_\_\_\_

\_\_\_\_\_ Developmental Sanction: \_\_\_\_\_

Due Date: \_\_\_\_\_

Minimum Length/Hours: \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

Due Date: \_\_\_\_\_

## By Signing this form, I

- Acknowledge that the conduct process and my rights within that process have been reviewed with me.
- Acknowledge that I was given the ability to inspect and review all relevant information regarding the violations(s) in question.
- Voluntarily waive my right to a hearing regarding these charges and accept this agreement as final resolution of this matter.
- Understand that if I fail to meet any of the conditions listed above, I may be subject to further disciplinary action and/or an administrative hold may be placed on my account.

\_\_\_\_\_  
Student's Name

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Y Number

\_\_\_\_\_  
Local Address

\_\_\_\_\_  
Staff Member's Name

\_\_\_\_\_  
Staff Member's Signature

\_\_\_\_\_  
Date

*A letter will be emailed to your YSU email address that will serve as the formal acknowledgement of this agreement.*