

An Overview of Codes of Conduct for Public Universities in the State of Ohio

This overview provides a summary of certain pertinent features of twelve of the Ohio Public University's codes of conduct. The information was compiled to provide The University of Akron Student Discipline and Law Enforcement Policy Review Commission with research support when consulting policies and procedures at other institutions. For the purposes of comparison, a review of the code of conduct from The University of Akron is provided as well. The focus of the review is on features typically examined in student codes of conduct and those issues that the Commission has determined to be of interest through its deliberations.

The overview consists of a code of conduct review chart (attached as Exhibit A) and a set of student code of conduct reviews that represents 12 of the State of Ohio Public Universities. The information contained in the individual reviews was obtained between April 17, 2006 and May 10, 2006. The material was derived from each institution's website. In particular, the universities' codes of conduct were typically found in the Student Judicial Affairs section or Student Life section on the website. The chart was produced with information taken from the reviews to be used as a quick guide to some of the more frequently discussed issues associated with the student codes of conduct.

University of Akron
Statement of Student Rights and Responsibilities

University students are both citizens and members of the University community. As citizens they enjoy the same rights and obligations as other citizens. As members of the University, community students are entitled to the privileges and subject to the responsibilities which accrue to them by virtue of this membership. University authority shall not be employed to inhibit the exercise of the rights of citizenship, either on or off campus, but neither do students have special rights when in violation of the law.

Conduct Regulated

The established standards of conduct apply to a student whenever they are on property owned, leased or operated by the University. Students shall recognize that while away from campus, or attending a University-associated event, their conduct may reflect upon the University as well as upon the individual.

Violation of Law and University Conduct Regulations

University students who violate the law may incur penalties prescribed by civil authorities. While University authority should not be used merely to duplicate the function of general laws, the University may assert its disciplinary authority over students in situations where the student's conduct off campus may be deemed by the University to affect the University or its students, faculty, academic officers, and staff. When the disciplinary authority of the University is so asserted, the student shall be provided with the procedural safeguards contained in the "student disciplinary procedures" Chapter 3359-41 of the Administrative Code. The student who incidentally violates University regulations in the course of off campus activity should be subject to no greater penalty than would normally be imposed had the action occurred on property owned, leased, or operated by the University. University action must be independent of community pressure.

Judicial Body

- 1. Fact-finding Meeting-** In all cases that are serious enough to warrant possible disciplinary action resulting in probation, suspension or dismissal, the incident shall be investigated by the Associate Vice President (AVP) and Dean of Student Life (DSL) or an agent. The student is requested to come to the office of the AVP and DSL or an agent, where he/she will be informed of the alleged violation and be asked to make a statement. Prior to the request the student will be informed that: they are not required to make the statement, any statement may be used later in a disciplinary hearing, and the student has a right to counsel. If the student denies the charges, the AVP and DSL or an agent may set the matter before a Hearing Board. The student shall be informed in writing of the time and place of the hearing, the rule violated, and the facts surrounding the violation. If the student accepts the charges, the AVP and DSL or an agent can recommend sanctions. The student may also request a hearing before the AVP and DSL or an agent.

If the student fails to respond to the summons to appear in AVP and DSL's office or an agent, and the investigation reveals there is probable cause that the student has in all likelihood violated the rules, the matter shall be referred to the Hearing Board.

2. **AVP-DSL Hearing-** A student may request a hearing by the AVP and DSL or an agent if the student admits responsibility for the charges and a University rule was broken. The AVP and DSL or an agent conduct the hearing as a counseling-type interview at which time the immediate welfare of the accused and the welfare of the University are preeminent. The rehabilitation of the accused is also of vital concern. The AVP and DSL or an agent shall then implement the disciplinary action that is appropriate to the circumstances.
3. **University Hearing Board-** Composed of five members, three faculty and two students. The three faculty members are appointed by the Vice President (VP) and DSL from a Hearing Board pool appointed by the President. The Dean of each academic college will nominate three full-time members of their college for a one-year renewable term. The two student members are appointed by the AVP and DSL from a Hearing Board pool of members. The student members apply to the Office of Student Development and are recommended by a majority vote of the student government. They are then appointed by the President for a renewable one-year term. Each Hearing Board selects its own presiding member. The members receive training prior to hearings. AVP and DSL or an agent shall attend all meetings of the Hearing Board. A majority vote is required for a finding of responsibility and sanctions. Hearing Board findings and recommendations are sent to the AVP and DSL and an agent who review them and forward recommendations to the VP for Student Affairs. The VP for Student Affairs and an agent then reviews them and unless a Presidential Review is requested, the student is notified of the decision.
4. **Appeals Board-**The Appeals Board meets in closed session to review records of the Hearing Board. It is composed of three faculty members and three students who are members of the Hearing Board pool who did not decide the case. The AVP and DSL or an agent shall have the right to attend all meetings as a nonparticipating member.
5. **Presidential Reviews-** The VP for Student Affairs may request a Presidential Review at the conclusion of either the University Hearing Board or the University Appeals Board. The President may uphold or reverse the finding of responsibility. The President may uphold, increase, or decrease the sanction. The President's decision is final.

Due Process

Student informed by certified mail or in person at last known address, to come to office of AVP or DSL or an agent to be informed of allegations. Whenever reasonably practicable the University shall seek to have the accused verify receipt thereof. Student shall be informed in writing of reasons for proposed disciplinary action with specific information and in sufficient time to ensure the student of opportunity to prepare for the hearing. The student may challenge any member of the Hearing Board for good cause.

Student has the opportunity to be heard in all forums. Student receives written notification of determination, including sanctions.

Hearings

- Advisors- Students shall have the right to an advisor of an choice present during the hearing under the following guidelines: to protect the rights of the student charged with misconduct, in anticipation of a criminal trial, for the purpose of gathering information for use before or during that trial, and to be present during the hearing (but only the student may speak). Should the advisor desire to object to the proceeding, or any other issue relevant thereto, he may raise a continuing objection once, that will be noted by the presiding member. During the recess, the student may request a recess that will be granted if the presiding member finds good cause exists. The presiding member is authorized to exclude from the hearing any members it deems disruptive.
- The Board may request advice from a University attorney when necessary, and when necessary one may be present at hearings. However, such a role will be as limited as that of a student's attorney.
- If the student fails to go before the Hearing Board, the student may be tried *in absentia* and a sanction imposed in accordance with the findings.
- The presiding member shall advise the student of the charge, after which inform the student that they may deny or admit, totally or in part, the charges levied against them.
- Exhibits- Allowed. May consist of oral testimony made truthfully and the introduction of any physical exhibits necessary to support the charge.
- Hearings held in private; at request of accused shall be open to public.
- Record- The presiding member of the Hearing Board shall be responsible for providing a tape recording of the hearing and supervising the preparation of a summary.
- Witnesses- Hearing Board members may ask questions of all witnesses. Cross-examination is allowed. The Hearing Board shall have the authority to call upon any member of the faculty or student body who, in its opinion, might have pertinent information. The presiding member shall exercise normal discretionary controls, prevent abusiveness, require relevance, and ensure the expeditious pursuit of information.

Standard of Proof

It is the responsibility of the University to present a substantial amount of evidence to prove the student has violated University rules. "Substantial evidence" is evidence affording a substantial basis of fact from which the fact in issue can be reasonably inferred.

Sanctions

- Sanctions are determined by the judicial body that made the determination of responsibility. Any student should be offered the opportunity to present evidence of character, scholarship, or previous record of good conduct bearing only upon the extent of the sanction to be assessed by the Hearing Board. The Hearing

Board findings and recommendations are sent to the AVP and DSL or an agent who reviews them and forward recommendations to the VP for Student Affairs. The VP for Student Affairs then reviews them. Unless a Presidential Review is requested, the student is notified of the decision.

- Academic and disciplinary records should be separate; only when required by law shall a notation of non-academic disciplinary action appear on the academic record.
- Interim Suspension- Pending action on the charges, the status of the student shall not be altered or their right to be present on campus and to attend classes suspended, except for reasons relating to their physical or emotional safety and well-being, or except that the President may suspend them immediately when the offense is one of the following: detaining, holding, intimidating, injuring, or threatening to injure by bodily harm any person on campus; if a felony or misdemeanor under Ohio Revised Code or City of Akron law has been committed; unauthorized entry or use of University facilities; obstruction of space that impedes the function of the University; and for failure to comply with directions of University officials. When it is the judgment of the President that the safety and well-being of the University is endangered, it shall be the duty of the VP of Student Affairs to convene the Hearing Board as soon as possible.

Appeals

An appeal must be filed in writing within seven days of notification of the decision. Appeals are limited to the verbatim record and supporting documents. The appeal may be denied and the Hearing Board decision upheld. If new evidence is the basis for the appeal, the decision may be remanded to a new hearing board. The Appeal Board may uphold, reduce or increase the sanction imposed by the Hearing Board. The decision of the Appeal Board is final subject only to VP for Student Affairs right to request a Presidential Review.

Interpretation and Review

The Board of Trustees may be approached with proposed changes and amendments through channels outlined in its bylaws.

Complete Student Code of Conduct

<http://www.uakron.edu/studentlife/sja/codecon.php>

Bowling Green State University
Academic and Student Codes of Conduct General Policies

This Code creates a set of expectations of student conduct, ensures a fair process for determining responsibility when student behavior may have deviated from those expectations, and provides appropriate sanctions when a student has violated the Code.

Conduct Regulated

Conduct which occurs on University premises or which occurs off University premises and adversely affects the University community and/or the pursuit of its objectives.

Violation of Law and University Conduct Regulations

A complaint may be filed against a student or organization charged with violation of a law that is also a violation of the Code if both violations result from the same factual situation, without regard to any pending civil litigation or criminal arrest and prosecution. Proceedings under the Code may be carried out prior to, simultaneous with, or following civil and criminal proceedings.

Judicial Body

- 1. Associate Dean of Students-Disciplinary Meeting** - Students not subject to expulsion and those not disputing the complaint are entitled to a disciplinary meeting. Students will receive written notice, access to the complaint, access to an advisor at their own expense, opportunity to respond and present witnesses and written notice of the determination.
- 2. University Discipline Committee (UDC)** - Students subject to expulsion and those who dispute facts of the complaint are entitled to a hearing before the UDC. The UDC is composed of three faculty, six students, three administrative/staff who serve a one-year term. Associate Dean of students shall chair all UDC hearings and only votes if there's a tie.
- 3. Alternative Resolution Board (ARB)** - Respondents subject to expulsion, those who refute the complaint, and those who have caused serious disruptions to the community, may be assigned to the ARB for resolution of the case. Members: Director of Counseling Center, Director of Student Health Service, Assistant Vice President for Student Affairs, Director of Residence Life and University Dining Services and the Associate Dean of Students.

Due Process

Students shall receive a written notice of discovery meeting within 3 days and a UDC hearing date within 7 days prior to hearing. Student may challenge UDC member on grounds of conflict of interest that might affect impartial consideration of the complaint. The student has the opportunity to be heard in all forums. Students receive written notification of determination, including sanctions.

Hearings

- **Advisor-** The parties may be assisted by an advisor of their own choice at their own expense. Advisors are not permitted to speak or participate in a hearing. If an attorney is chosen, parties shall notify the Associate Dean of Students of advisor's name and phone number three days prior to hearing. Advisors may not appear in lieu of party, however, they may consult with the student during the hearing and assist with preparation for the hearing.
In the event the University decides to proceed through legal counsel, the student will be notified three days prior to hearing and also have the right to proceed through legal counsel.
- **Evidence-** Prior to hearing the parties will submit a list of any documents they intend to present at the hearing.
- **Record-** The hearing will be tape-recorded and the recording will remain the property of the University.
- **Witnesses-** Prior to the hearing the parties will submit a list of the witnesses they intend to call and a summary of information each is expected to provide. Witnesses will be excluded during testimony of other witnesses. Cross-examination will be allowed.

Standard of Proof

The standard of proof to determine whether a student has violated the Code shall be based on a preponderance of evidence.

Sanctions

- Sanctions are determined by the UDC. Supplemental deliberations will occur to determine the appropriate sanctions. Both parties may submit relevant evidence to be considered by the UDC prior to the supplemental deliberation. The student's prior disciplinary record may be considered only to recommend an appropriate sanction.
- More than one sanction may be imposed for any single crime.
- **Interim Suspension-** Interim suspension may be imposed prior to a disciplinary hearing or meeting: to ensure the safety and well-being of members of the University community; to ensure preservation of University property; if the student or organization poses a definite threat or disruption or interference with the normal operations of the University; or if the student is charged with one of a number of violent offenses listed in the Code. During interim suspension, the student is denied access to the campus including Residence Halls. Sanctions become part of a student's disciplinary record not academic record.

Appeal

Appeals of Associate Dean of Student Affairs shall be made to the Associate Vice President for Student Affairs and Dean of Students. Appeals of formal decisions (UDC) shall be made to the VP of Student Affairs. Both appeals shall be in writing, stating grounds for appeal, and within five days of receipt of decision. An appeal of an ARP decision should be made in writing to the VP for Student Affairs, within three days of

receipt of decision letter, stating the grounds for the appeal. A decision upon appellate review is final.

Interpretation and Review

The Code shall be reviewed annually under the direction of the Vice President for Student Affairs. Additionally, the Faculty Senate Student Affairs Advisory Board shall conduct an annual review and make recommendations.

Complete Student Code of Conduct

<http://bgsu.edu/offices/sa/studentdiscipline/page13617.html>

Central State University ***Student Judicial Code***

The University disciplinary process is not analogous to, is not equivalent to, does not conform to, criminal law processes. The discipline of students in the educational community is a part of the teaching process and as such, its focus shall be educational. This includes the possible use of expulsion or suspension as disciplinary measures as they may prove an invaluable tool in the education of the University community.

Conduct Regulated

Generally discipline is limited to conduct which occurs on University premises. The University may take action for off-campus conduct if it threatens the health, safety or property of members of the community, or any activity which adversely affects the University and its objectives.

Violation of Law and University Conduct Regulations

The University reserves the right to review any action taken by civil or judicial authorities regarding Central State students. Disciplinary proceedings may be instituted against a student charged with violation of the law which is also a violation of the Code. Proceedings under the Code may be carried out prior to, simultaneous with, or following off-campus proceedings. Disciplinary proceedings are carried out independent of off-campus proceedings. The University will not request special consideration for a student because of their status as a student if the student has broken the law.

Judicial Bodies

- 1. Preliminary Conference-** Allows Coordinator to discuss alleged allegations with student. Student is given a copy of Code. If complainant is University and violation could not result in suspension or expulsion and accused accepts responsibility, sanction may be imposed by Coordinator. Sanction is final with no right of appeal. Preliminary conference may be conducted in writing.
- 2. Administrative Hearing-** Dean of Students may conduct hearing to determine if charges have merit or may be resolved administratively. Only accused, complainant and Dean of Students are present. Accused student has a right to an Administrative Hearing. The results are final with no right of appeal.
- 3. Judicial Board-** Conducts disciplinary hearings. Quorum is three members one of whom must be a student. Determinations are by a majority vote.

Due Process

Charges shall be brought as soon as possible, preferably within five days after event takes place. All charges are presented to accused in written form. Students have an opportunity to be heard at all hearings. Student shall receive notification of decision in writing following the Judicial Board or Administrative Hearing.

Hearings

- **Advisors-** Students may be assisted by an advisor of their own choosing at their own expense. Advisors are not permitted to speak or participate directly in a

- hearing. Parties shall provide the Judicial Board the advisor's name two days prior to hearing.
- Closed to the public. Admission of any person is at the discretion of the Dean of Students.
 - Evidence- Pertinent records, exhibits, and written statements may be accepted as evidence at the discretion of the Dean of Students. Formal rules of evidence shall not apply.
 - Failure of student to appear shall not preclude hearing from proceeding and sanctions being determined.
 - Procedural questions are subject to the final decision of the Dean of Students.
 - Record- A single verbatim record, such as a tape recording, notes, or video shall be made of all hearings before a judicial body. The record shall be the property of the University.
 - Witnesses- Students shall provide the Judicial Board a witness list two days before the hearing. Witnesses are subject to questioning by all parties and Judicial Board in an appropriate manner.

Standard of Proof

Clear and Convincing

Sanctions

- Sanctions shall be imposed by the Dean of Students. In cases where persons other than, or in addition to, the Dean of Students, have been authorized to serve as the judicial body, the recommendation of all members of the judicial body shall be considered by the Dean in imposing sanctions. The Dean is not limited to sanctions recommended by members of the judicial body. Following the hearing the Dean shall advise the student in writing of the sanction imposed, if any. More than one sanction may be imposed for any single violation. Sanction determination shall be based on: the severity of the current offense, and/or previous offenses; current disciplinary status of student; threat to the health and safety of any person; and any other reasonable factor. Where there is reason to believe that the student has intentionally selected persons to victimize or property to damage, or violated other provisions of the Code because of the personal characteristics or status of a person or personal characteristics or status of the owner of any property, sanctions may be increased. Intent shall be determined by consideration of all the relevant circumstances.
- Interim Suspension- Interim suspension from the University or residence Hall may be imposed by the VP of Enrollment Management or Dean of Students prior to the hearing. Students are entitled to a hearing on the suspension within seven days of receipt of request for such hearing. A student who remains on campus once the interim suspension notice is delivered is considered to be trespassing and is subject to arrest.

Appeal

Appeal of Judicial Board decisions must be made within seven days of mailing date of decision. Appeals are made to the VP of Enrollment Management. Appeals are a formal

request and must contain the student's name, date of decision, University action taken, name of student's advisor, and a clear statement as to the basis of the appeal. Appeals may be: upheld including sanction; upheld imposing different sanction; resubmit case to judicial committee for new hearing or with specific instructions; or agree there was not sufficient evidence and overturn decision.

Interpretation and Revision

Any question for interpretation regarding the Code shall be referred to the Dean of Students for final determination. The Code shall be reviewed every three years or sooner if deemed necessary.

Complete Student Code of Conduct

<http://www.centralstate.edu/Students/dean/StudentJudicialCode.htm>

Cleveland State University
The Code of Student Conduct

Conduct Regulated

Violations can occur on “University premises” which means any University owned or controlled property or non-University property when it is used for University functions. University premises do not include off-campus property used for student organization events or activities.

Violation of Law and University Regulations

When a student is charged in a criminal or civil action with committing an act that also violates the Code, the University reserves the right to proceed with disciplinary actions regardless of the criminal or civil outcomes. In criminal or civil cases involving certain offenses of violence, a student faces possible immediate suspension or probation and ultimate dismissal.

Judicial Body

- 1. Judicial Affairs Officer (JAO)-** Charges filed with JAO will be reviewed in consultation with the Dean of Student Life and Chairperson of Student Life Committee to decide if charge is to be referred to the Student Life Committee or processed through University judicial procedures. If the JAO files a charge and will be a witness in the proceeding, the VP for Student Affairs and Minority Affairs will appoint a temporary replacement to serve as the JAO on that matter. A student responding to the JAO officer with admission of guilt may waive formal hearing and JAO may apply sanctions.
- 2. University Judicial Board-** Administrative hearing board that hears violations of the Code and cases referred by the Faculty Senate or Faculty Senate Student Life Committee. Composed of seven student members and two faculty members. Students are elected in an all-campus student election. Must be full-time students with a 2.5 GPA. Student members serve a one-year term. Faculty members are appointed by a steering committee of the Faculty Senate. Faculty members serve a two-year term. The Board will elect a student as chair and vice chairpersons. A quorum consists of four students and one faculty member. If a member has a conflict of interest they shall not participate. Student members shall be compensated in accordance with the school’s stipend policy. Members are required to attend training and orientation programs.
- 3. Appeals Board-** The Chairperson of the Student Life Committee of the Faculty Senate, the Editor-in-Chief of the Law Review, the VP for Student Affairs and Minority Affairs shall convene the Appeals Board with two student representatives from the Board of Trustees. Three members must be present to hear an appeal.

Due Process

The JAO shall send written notification of the charge, the name of the charging party, the violation, the right to chose between a hearing board hearing and an administrative hearing before a Student Conduct Officer, to charged student at last known address on

file with Registrar. Student has five days to respond or matter will be referred to judicial board. Hearing will be set within 15 days after receipt of notice of charge. Notice of the hearing will be sent at least 10 days prior to hearing. Parties have an opportunity to be heard at all hearings. Written notification of decision will be given within 10 days of completion of hearing.

Hearings

- Advisors- Parties have a right to seek assistance from members of the University community and have them present at the hearing. Only the charged student or the advisor of the charged student shall be permitted to make any presentations at the hearing.
- Evidence- Three days prior to the hearing the parties will provide copies of any materials that will be presented. All parties shall receive copies of materials from the JAO 24 hours before the hearing.
- Hearings are closed. The names of any community members who will be attending must be submitted to JAO no later than 5 p.m. three days before the scheduled hearing.
- If either party fails to appear, the hearing will be held in their absence and a decision made based on the materials submitted.
- The JAO, in consultation with University legal counsel, may require limiting and/or postponing actions or activities to prevent danger to health or safety of persons or property, or the disruption of the educational process until the administrative hearing decision is reached.
- Record- Hearing shall be tape recorded to provide an accurate record of the proceeding.
- All materials related to the hearing, including the tape recording, will be secured in the Dept. of Student Life, Office of Judicial Affairs.
- Witnesses- Parties must notify the JAO three days prior to hearing, and no later than 5:00 p.m. of witnesses and any other parties who will be attending. Witnesses will be only allowed in the hearing room when making presentation.

Standard of Proof

Not Specified

Sanctions

- Within 10 days of completion of hearing, the JAO will forward the decision and any sanction to the appropriate University official, notify all parties of the decision and discuss the appeal process with them.
- Interim Suspension- Prior to a hearing by the Judicial Board or SCO, the status within the University of a student should not be altered except in extreme circumstances. If a student is suspended in this situation, within 24 hours of suspension, or as soon as possible, the President shall cause notice of suspension to be mailed to student. Within three days the Appeal Board will decide if the suspension will remain in effect until the hearing.

Appeals

Notice of appeal must be submitted in writing, within 10 days of receipt of the decision. Appeal Board members review all materials of the hearing including the tape recording. The tape is released only to the Board. It may be released to a party on appeal, under supervision of the JAO. It is up to the UAB whether the hearing is closed. The UAB may dismiss the appeal, affirm or reverse on which the decision is based, or alter the sanction imposed. UAB decisions must be presented in writing within 15 days of the receipt of notice of appeal. The UAB decision may be appealed to the University President.

Interpretation and Review

- The Code may be amended at any time by the Board of Trustees.
- Any member of the University community may propose amendments and revisions and submit them to the Student Life Committee of the Faculty Senate, who shall review them and may accept, reject or amend them. It will then send its proposed amendments to the Student Senate for their advice within 30 days. Any approved amendment then goes to the Faculty Senate where, upon their approval, it is submitted to the President for referral to the Board of Trustees. The Board reviews all proposed amendments and revisions submitted. If approved, the amendment becomes effective. If rejected, it is returned to the President. The community is promptly informed of any new amendments or revisions. The Conduct Code shall supersede any existing policies or procedures that are inconsistent with this document.

Complete Student Code of Conduct

<http://www.csuohio.edu/studentlife/conduct/index.html>

Kent State University

University Policy Regarding Administration of Student Conduct and Operational Procedures Regarding Administration of Student Conduct

- The judicial process is built on the concept of educational discipline. Educational discipline focuses on promoting responsible conduct, providing opportunities for growth and development, holding students accountable for their behavior, and teaching about the consequences of misconduct on individuals and the community.
- Formal disciplinary action shall be instituted against a student only after a designated university official has determined that such action, rather than medical or counseling, or mediation referral, is appropriate.

Conduct Regulated

The rules listed in the Administrative Code provide guidance for campus conduct.

Judicial Boards

1. **Conduct Officer-** The person responsible for directing the student conduct program. The Conduct Officer provides the training to the hearing officers and boards. If a student admits, in writing, all of the facts in a complaint and if strict disciplinary probation is a maximum sanction, the student may waive the required appearance before a hearing officer or hearing board by requesting, in writing, that a conduct officer be permitted to impose any sanction, stipulation, cost or penalty as provided by the Code. This decision is not subject to appeal. If the student does not choose to have a conduct officer impose sanctions, the student shall be advised in writing of the time and place to appear before a hearing officer or the hearing board for the receipt of any sanctions
2. **Residence Halls-** Offenses occurring within residence halls should be reported to the resident director or staff member on duty. The director will attempt to solve the problem within three days, assuring the information is accurate and complete, discussing the incident with the parties, then issuing a copy of the incident report to the charged student and documenting any additional recommendations on a separate form. If the student charged is unavailable for discussion, a copy of the report will be mailed to them at the address of record. If the director determines the behavior can be corrected, and all parties agree, the director may administer alternative discipline. If formal discipline is required, the incident report and recommendations are forwarded to the residence services office within 24 hours. A staff member confers with the resident director on the completeness of the case and within 48 hours the incident report is forwarded to the judicial affairs office.
3. **Fraternity and Sorority Houses-** Violations occurring here shall be reported to the officer in the chapter. If the chapter decides to bring charges it will be reported to the campus life staff person responsible for fraternity affairs. This person holds an interview to determine if disciplinary action is warranted. If formal action is warranted, the case is referred to the student conduct office.

4. **All-University Hearing Board-** All-University Hearing Boards are established by the Conduct Officer. These Boards are composed of three students (two undergrads, one graduate student) and three faculty members. Undergraduate members are chosen by the undergraduate student government. A graduate student member shall be appointed by graduate student government to serve on one of the hearing boards. Faculty members shall be chosen by the Faculty Senate. The Conduct Officer shall select students to chair each board. A quorum consists of three members with at least one student and one faculty member. All decisions require a majority vote. Consideration of information presented is conducted in closed session.
5. **Hearing Officers-** President appoints them for one-year terms. Hearing officers shall be utilized during times that a hearing board cannot be convened.

Due Process

Offenses occurring in residence halls should be reported within three days of the violation. Offenses occurring at other locations should be reported within seven days of the violation. Students will be informed in writing at least 72 hours in advance, excluding weekends, of the complaint and the time, place, and circumstances of the hearing. Students are entitled to know the nature and source of evidence. Either of the parties appearing at the hearing may question a member of the hearing board regarding their ability to participate fairly in the hearing. The questions are directed to the chair who will make the determination on whether a member will be dismissed. If the ruling goes against the student, the hearing begins immediately. No counter-charges regarding the same incident shall be permitted to be filed pending final disposition of the original charge. Students have the opportunity to be heard in all forums. Written notification of the findings, including the procedures for appeal, shall be given to the student.

Hearings-

- **Advisors-** Students are offered the opportunity to appear at the hearing alone or with another person who may serve in an advisory capacity. Advisors may not participate directly or address the board on behalf of the student unless, in the discretion of the board officer, there exists a communication difficulty sufficiently severe as to prevent a fair hearing.
- **Evidence-** allowed.
- **Hearings are open to the public.** This serves the school's goal of informing the community of the fairness of the conduct policy; however, if student fails to appear, hearing will be closed. Consideration will also be given to witnesses and victims to make sure opening the hearings would not be hurtful to them.
- **Record-** All hearings are tape recorded. The recording is used by the hearing board official in the deliberation portion of the proceedings. Tapes are kept for the deliberation portion of the appeal period. Tapes may be listened to by students wishing to appeal a decision and will be provided to a student only at a student's expense. Records of all cases shall be kept on forms provided by the student conduct office including notice of charges, notice of hearing and a report of the hearing. They are the official record of the case.

- Witnesses- Witnesses are allowed. Cross-examination of witnesses is allowed. Witnesses are only present in the courtroom when they are testifying.
- Upon conclusion of the party's presentation of their evidence, after deliberation in closed session, the decision and reasons for the decision are announced in the presence of the student charged.

Standard of Proof

Preponderance of the evidence. The hearing officer shall evaluate the points of view presented by the parties in conflict and shall determine which is the more convincing, more credible, and of greater weight.

Sanctions

- Whichever judicial body determined there was a violation. After the decision has been announced to the parties, if needed the hearing board or hearing officer then conducts a presanction hearing, asking first if there is a request for the hearing to be open. The student's historical record is considered, the student is asked to make a statement, and the student, complaining party or witnesses may be questioned. The hearing board then deliberates in closed session. After deliberation, the sanction and reasons for sanction are announced in the presence of the student charged. Subsequent requests for reduction of sanctions will be considered if submitted in writing with supporting documents. A record of the decision shall not appear on the student's official transcript.
- Interim Suspension- The President may impose interim suspension if a student is arrested and there is a basis to believe the student would commit further acts of similar character.

Appeals

Appeals of decisions of the hearing boards or hearing officers are made to the Vice President for Enrollment Management and Student Affairs. No additional appeal will be heard. They must be in writing and within seven days of the decision being appealed. If decision is not affirmed on appeal, it may be reversed or returned to original hearing board or officer for further consideration consistent with appellate judge's directions but may not increase the severity of the sanction. It may not be conducted as a new hearing but only as a review of what occurred at the original hearing. It is up to the VP for Enrollment Management and Student Affairs to determine if the parties will be present for the appeal.

Interpretation and Review

The Vice President for Enrollment Management and Student Affairs may establish such administrative procedures as are necessary to fulfill the intent of this policy. These administrative procedures shall be in writing and published in conjunction with this policy. All amendments to this policy must be approved by the Board of Trustees. It is the duty of the Office of Counsel to oversee and maintain the official University Policy Register.

The Student Rights and Standards Committee- This committee reviews University policy related to student behavior, recommends amendments to the Code and holds open hearings on all such amendments. The Committee is composed of two faculty members, one administrator, one Judicial Affairs staff member, four undergraduate students and one graduate student. Members serve a two-year term.

Complete Student Code of Conduct

<http://imagine.kent.edu/policyreg/archive.asp?ChapterID=5>

and

<http://imagine.kent.edu/policyreg/view.asp?BackURL=/policyreg/archive.asp?ChapterID=5&Table=Archive&ID=548>

Miami University *Code of Student Conduct*

Conduct Regulated

On-campus conduct and off-campus conduct when the behavior or the presence of the student impairs, obstructs, or interferes with the mission, process, or functions of Miami University. Miami University reserves the right to review and take disciplinary action based on conduct occurring off campus or between academic periods.

Violation of Law and University Regulations

If a student breaks a law and also violates the Code, that student may be held accountable by both civil authorities and the University. The University may elect to pursue disciplinary action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are not complete, have been dismissed, or were reduced.

Judicial Body

Office of Judicial Affairs- Reviews complaints not originating in residence halls and may initiate the disciplinary process by giving a student written notice of alleged violations.

1. **Office of Residential Life & New Student Programs-** Reviews complaints originating in residence halls and may initiate the disciplinary process by giving a student written notice of alleged violation.
2. **Procedural Review-** The purpose of the procedural review is to review the charges, provide an explanation of the disciplinary process, discuss the student's options and advise the student of potential sanctions. The review shall be held by a judicial staff member who will determine if the violation will result in suspension or dismissal, and advise the student of this determination during the review. If the student fails to appear or to schedule the review, a hearing may be scheduled. Within two days of the review, a student must notify the hearing officer who conducted the procedural review of one of the following: student admits the charges and agrees to imposition of sanctions by Judicial Affairs office, student requests an administrative hearing, student requests a hearing before student court (dismissal and suspension not potential sanction), or student requests a hearing before Disciplinary Board. If the student fails to give timely notification of their selected option, a hearing will be scheduled.
3. **Administrative Hearing-** Administrative Hearing Officer will schedule and conduct the hearing, and determine from the weight and credibility of the statements whether the student has violated the Code. If the Administrative Hearing Officer determines that a violation has occurred, sanctions will be imposed. If the student fails to appear, and the absence is not excused, the hearing may proceed. Hearings may be rescheduled at the discretion of the hearing officer. The Dir. of Residence Life submits a list of persons authorized to conduct administrative hearings to Dir. of Judicial Affairs. Dir. of Judicial Affairs may conduct Administrative Hearings and impose sanctions.
4. **Disciplinary Board Hearings-** The Board is composed of ten faculty members, eight undergrads, and two graduate students. Chairs and Co-chairs will be

members of the faculty and serve three-year terms; other members serve one-year terms. A quorum is three faculty and two students. (If accused student is a graduate student, one of the two students shall be a graduate student.) The Board deliberates in private. If there is a tie vote, the report will be that no judgment was rendered. Judicial Affairs may then refer case to another Disciplinary Board. The Office of Judicial Affairs shall schedule a hearing no sooner than three days after a request for a hearing is made.

5. **Student Court Hearings-** Hears all cases sent to it by the Office of Judicial Affairs (cases where dismissal or suspension are not potential sanctions). Follows the same procedures as disciplinary hearings. Composed of 15 undergraduates with two alternates. One-year terms. A quorum is five students. If the accused is a graduate student one of the five students shall be a graduate student.

Due Process

Notice of alleged violations shall be sent to the student at the mailing address or e-mail address listed with University information system, or the address on the complaint. Notice may also be delivered in person by police or University personnel/staff. Notice will describe alleged violation and inform student about reported circumstances underlying alleged violation. Student will also be given notice of whom to contact if student requests an Administrative Hearing. Notice will give date, time, and place of Procedural Review. Student will also receive notice after matter has been referred to Judicial Affairs. Student shall receive notice of decision of Hearing Board and appeals decision in writing. Parties have an opportunity to be heard at all hearings.

Hearings

- **Advisors-** Students allowed to be advised by another person of their choice. Attorneys allowed at student's expense. Attorney may act as advisor subject to constraints imposed by the Hearing Officer. The University may elect to present the case on behalf of complainant; if it uses an attorney to do so, the accused shall be given notice and an opportunity to hire an attorney at the student's expense.
- **Evidence-** Hearing officer shall determine admissibility of testimony and evidence and may place time limits on testimony.
- **Hearing closed to public** (parties allowed to bring two family members).
- **Record-** Hearing shall be tape recorded. Either party may pay for a stenographer or they may share the costs.
- **Student allowed to file a written response to the charges 24 hours prior to the hearing.**
- **Witnesses-** Cross-examination is allowed. Character witnesses may be called prior to recommendation of sanctions. Written statements of witnesses may be admissible; identity and full disclosure of statements shall be made to the other side. Parties shall have an opportunity to respond to these statements. Witnesses present only when giving testimony.

Standard of Proof

Preponderance of the evidence.

Sanctions

- Sanctions are determined by the hearing body that made the determination of violation. Office of Judicial Affairs will notify the student of the outcome of the hearing and sanction imposed. More than one sanction may be imposed for a single violation.
- Summary Suspension- The President may suspend a student prior to a disciplinary hearing, prohibiting student from University premises, if the student poses substantial risk of serious harm to the health and safety of students and/or property. A student may also be subject to summary suspension pending adjudication of felony criminal charges. Prior to this determination the student will have an opportunity to respond to reasons for summary suspension. If the President determines the risk posed is a result of a medical or mental health condition, the President will also determine whether the risk may be eliminated or reduced through reasonable accommodation. If student does not comply with examination of condition, President may proceed with summary suspension.

Appeals

Filed in writing within five days of written notification of decision imposing sanctions. Notice shall have all supporting documentation attached. Appeals from Residence Life hearing officers are decided by Assoc. Dir. of Residence Life. Appeals from Office of Judicial Affairs administrative officers shall be decided by the Dean of Students. The decision on appeal is final.

Interpretation and Review

The Rules Review Committee is composed of a representative from Assoc. Student Govt., Dean of Students and Assist. VP for Student Affairs (as consultants), a student representative from Student Affairs Council, a faculty representative from Student Affairs Council, two faculty members, and another person appointed by the Chair. The Committee annually reviews the student conduct and student life regulations and policies, and recommends to the Student Affairs Council appropriate revisions.

Complete Student Code of Conduct

http://www.miami.muohio.edu/documents_and_policies/handbook/conduct/conduct.cfm

Ohio State University Code of Student Conduct

Conduct Regulated

The Code applies to on-campus conduct of all students. It applies to off-campus conduct of students in direct connections with the following: professional practice assignments, academic course requirements, an activity supporting pursuit of a degree, an activity sponsored by the university, an activity that causes substantial destruction of property belonging to the university or members of the university community, an activity that causes serious harm to the health or safety of members of the university community, an activity in which a police report has been filed and a summons has been issued and an activity where an arrest has occurred for a crime of violence.

Violation of Law and University Conduct Regulations

Students may violate the Code when they violate a city, state, or federal law. When this happens the University may proceed with disciplinary action under the Code independently of any criminal proceeding involving the same conduct, and may impose sanctions for violation of the Code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.

Judicial Body

1. Preliminary Investigations- When violations are reported to the appropriate administrator, a preliminary investigation is conducted. The student will be sent a letter describing the alleged violation, and requesting they make an appointment to discuss the matter. The letter specifies a date by which the appointment must be made. Anyone with information about the matter will also be contacted and requested to arrange an appointment to discuss the matter. Failure to make or keep an appointment will result in a disciplinary hold on student's registration and/or initiation of charges for judicial system abuse. After the investigation, a decision may be made to take no further action, or defer further action with or without conditions, or initiate charges with the appropriate university judicial body.
2. Residence Halls- Violations occurring in residence hall are reported to the Residence Hall Director.
3. Director of Student Judicial Affairs (DSJA)- All complaints originating on campus not in dorms and not a violation of criminal law should be reported to DSJA.
4. Ohio State University Police- Information on violations of law and Code should be reported to Ohio State University Police.
5. Administrative Hearing- In all cases students have a right to a hearing. When students admit violations in writing, the student may request, in writing, to have a decision made administratively by a Hearing Officer, rather than be referred for a hearing. Here the student waives the right to a hearing and the procedural guarantees provided by a hearing officer, panel or commission hearing. Following the administrative decision, the student retains the right to appeal, but only upon the grounds the sanction is grossly disproportionate to the offense committed.

6. Residence Hall Living Unit Commissions- Only hear cases referred by a Residence Hall Hearing Officer that are Code violations occurring within the residence halls. Commissions are composed of students living within each living unit and may initiate any sanction except suspension or dismissal. If it appears during a hearing that the case is that serious, the commission will adjourn and refer it to the Office of Student Affairs.
7. University Judicial Panel- Adjudicates allegations of non-academic misconduct referred by the Dir. of Student Judicial Affairs. Panel consists of 15 faculty/administrative members recommended by Student Judicial Affairs to the VP for Student Affairs for three-year terms; 12 undergraduate student members appointed by the VP of Undergraduate of Student Government; six graduate students appointed by the Pres. Of Council of Grad. Students; two professional student members; and the Director of Student Judicial Affairs. A quorum for a hearing is no fewer than four members which shall include two student members. Student appointments shall be for one-year terms. Students must possess a 2.5 GPA and be under no disciplinary sanction.

Due Process

A complaint must be filed within six months of identification of the student allegedly committing the violation. The University must initiate charges within one year of filing the complaint. The student shall be notified of the charges in writing, unless a more effective form is deemed appropriate. Charges may be presented in person by placement in residence hall mailbox, or by mail to student's local address on file with registrar. In all cases students have a right to a hearing. Student may submit a written statement at the hearing. A written notice of the decision, and if found in violation, information regarding appeal procedures will be provided to the accused student.

Hearings

- Advisor- Accused student may have an advisor throughout the hearing. The advisor may only counsel the student and may not actively participate unless clarification is needed as determined by the Hearing Officer or panel.
- Attendance- Only those directly involved or requested by the Hearing Officer or panel may attend.
- Consultants- May be appointed by the panel in cases requiring special expertise to provide information to the panel during the hearing but they will not vote.
- If the accused fails to attend the trial, the trial will be held on the basis of the information available and a decision made. No decision shall be based solely on the failure of the accused to attend the hearing or answer the charges.
- Record- A single record, consisting of written notes, tape recording, or other method selected by the Hearing Panel. It will remain the property of the University but made available to the accused during the appeal process.
- Witnesses- Allowed. Cross-examination allowed. Student will be notified of witnesses to be called. If witnesses are not available they may submit written statements that must be notarized absent other clear evidence of authenticity. The University may present witnesses as well.

Standard of Proof

“Students are entitled to a presumption of innocence. Therefore a student will not be found in violation unless: ...clear and convincing evidence supports the charges.” (Non-academic violations).

Sanctions

- Sanctions are determined by the judicial body that made that determination of a violation. The mitigating factors that should be taken into account when determining sanctions are: any provocation by the subject of the conduct that constituted the violation, any past misconduct by the student, any failure of the student to comply fully with previous sanctions, the actual and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation. Impairment from alcohol will be an aggravating not mitigating factor.
- Interim Suspension- When the V.P. for Student Affairs has reasonable cause to believe that a student’s presence on the University’s premises poses a risk of substantial harm to the health and safety of others or property, the student can be immediately suspended. This will be confirmed in writing and remain in effect until the conclusion of a full hearing or administrative decision without undue delay. The student may within three days petition for reinstatement, on which a hearing will be conducted by the V.P. for Student Affairs.

Appeals

Appeals must be filed in writing within ten days of decision. Each student is limited to one appeal. The decision of the appeal officer is final. The Appeal Officer may decide the appeal from the record or request additional written material or an oral presentation from any relevant person, and then decide the appeal based upon the enhanced record. The Appeal Officer may uphold the sanction, dismiss it or impose a lesser sanction. The officer may also refer it back to the original or a new hearing body to be reheard. If the case is reheard, the new sanction imposed may be greater than the original.

Interpretation and Review

The Code is an official publication of the Board of Trustees. All petitions for revision and amendment of the Code should be submitted through the Office of the VP for Student Affairs. Proposed revisions shall be reviewed by the Office of the President, the Office of Academic Affairs, and the steering committee of the University Senate before being presented for approval to the University Senate by the Council on Student Affairs. No revision is effective until approved by the Board of Trustees and until printed, and notice is made available to students.

Complete Student Code of Conduct

http://studentaffairs.osu.edu/resource_csc.asp

Ohio University ***Student Code of Conduct***

The Ohio University Student Code is rooted in the philosophy of educational discipline. The judicial process is a learning experience that spans a continuum—from community expectations to sanctions, as warranted, if found in violation of these expectations. The University makes an effort to educate students found in violation of the Code through a sanction while remaining at the University. However, when a student is assessed to be a danger to the University community or reputation of the University, or when a repetition of misconduct is likely to occur, the student will be treated the same as one who has failed academically and may be separated from the University.

Conduct Regulated

Violation of Law and University Conduct - Regulations Off-Campus Misconduct. In keeping with Ohio University's commitment to educate our students in becoming responsible community citizens, the university routinely addresses off-campus student misconduct. This includes any arrests or citations made by non-university law enforcement agencies. The following represents the university's general response to alleged off-campus misconduct. The university may elect to respond differently dependent upon the circumstances and the gravity of the alleged reported misconduct.

University Judiciaries routinely receives from the Athens City Police the names and offenses of Ohio University students arrested or cited. A letter is sent from University Judiciaries to the students informing them that the university is aware of the incident and will be monitoring its progress through the criminal process. The director of University Judiciaries reviews each case and determines if a university judicial referral will be issued.

Note: This process can apply to any non-university law enforcement agency that notifies University Judiciaries of Ohio University students that were arrested or cited.

- Students with no prior judicial record who plead guilty or no contest, are found guilty, or enter a diversion program for off-campus offenses are sent written notice of the university's awareness of the off-campus case. This notice serves to advise students that a written record of the incident is being maintained on file in University Judiciaries and that subsequent citations may result in formal university judicial action.
- Students with prior judicial records who plead guilty or no contest, are found guilty, or enter a diversion program for off-campus offenses are charged formally through the university judicial process.
- Students arrested or cited for serious acts of off-campus misconduct are routinely charged with an offense under the university's code of conduct. Examples of such behavior include, but are not limited to, violence, drugs, sexual assault, and civil disturbance. In such cases, the university judicial referral can be issued prior to the resolution of the criminal case.

Judicial Bodies

1. University Judiciaries Director, Assistant Directors, Hearing Officers- Hear cases involving alleged violations of Code A and Code B offenses. Serve as advisor to both complainant and accused regarding procedures relating to the Code. May conduct procedural interviews and administrative hearings and serve as advisors to hearing boards.
2. Residence Life Hearing Officers- Responsible for Hearing Cases involving Violations of Code B offenses occurring on residential greens. They include Assistant Dir. Of Res. Life, Assistant Green Coordinator, Resident Dir., and Assistant Res. Dir. They have the authority to conduct procedural interviews and administrative hearings.
3. Procedural Interviews- Any student charged with a violation of the Code will first be scheduled a Procedural Interview to review and discuss the allegations. The hearing authority will make sure the student knows their rights and options available and range of potential sanctions for the alleged violation. The student can admit or deny the charge. For a Code A violation which will result in expulsion or suspension, the student may admit the charge and be sanctioned or deny the charge and go to a hearing board. For a Code A or B violation that won't result in expulsion or suspension, the student may admit the charge and be sanctioned, or deny the charge and go before an Administrative Hearing Board for further investigation. If the accused doesn't attend the Procedural Hearing, a hearing may still be scheduled.
4. Administrative Hearing- Cases when the accused denies a Code A or B offense and requests an Administrative hearing. Generally, the authority that conducted the Procedural Interview will conduct this hearing, and it will be within a reasonable time after the interview. If accused fails to appear, without good cause, it may proceed in his absence or be rescheduled.
5. University Hearing Board- Hears cases of alleged Code A violations when Dir., Assistant Dir., or Hearing Officer has determined suspension or expulsion may result. Will occur within a reasonable amount of time after Procedural Interview. Composed of either: a) three students, one faculty and one administrator, or (b) two students and one faculty or administrator. The Hearing Board Advisor (from Office of Univ. Judiciaries) may be present at each hearing to: ensure that the Code procedures are followed, answer procedural questions asked by any party member, keep proceeding focused on issues relevant to case, and may be summoned by a deliberating board to answer procedural questions. The Board will deliberate the case in closed session. Findings are determined by a majority vote. In case of a tie, a new hearing will be scheduled. The hearing reconvenes for the announcement of the findings. If found in violation the hearing proceeds to sanctions.
6. University Appeal Board- Responsible for deciding appeals regarding decisions made by any hearing authority. Composed of one student, one faculty member, and one administrator, selected from hearing board pool who didn't participate in original hearing.

Due Process

Accused student shall be sent a letter from The Student Code of Conduct: Review and Standards Committee explaining: procedures, rights, and options open to the accused; a copy of the referral containing the alleged violation; and the opportunity to discuss the matter with a hearing authority at a procedural interview. Hearing dates are within a reasonable time after the procedural interview. The student may request the removal of any University Hearing Board member by showing written or verbal evidence of bias against the accused. Students have an opportunity to be heard at all hearings. If students did not receive notification of determination at the hearing, students will receive written notification after the hearing.

Hearings

- **Advisors-** Advisors must be a member of the University community (employee or student). Advisors may: 1) advise and assist in preparation of the case; 2) accompany the accused through all disciplinary proceedings; 3) speak on behalf of the accused; and 4) advise and assist the accused in the preparation of appeals. Where criminal charges are pending or are likely, the student may be represented by an attorney. Attorney must follow the policy “Hearing Board Guidelines for Lawyers” available from University Judiciaries.
In rare cases the University may decide to use legal counsel; if so, the student will be given adequate notice to arrange for legal counsel if they so desire. Also, these cases will be heard by a University Hearing Board and the Director of Legal Affairs will serve as a non-voting member of the Hearing Board.
- **Closed-** Hearings are closed to the public unless requested in writing to be open by the accused. The hearing authority may exclude persons from the hearing if they are disruptive, or postpone the hearing because of disruptive behavior of participants or observers.
- **Evidence-** The accused may present evidence. The accused may examine all written materials, rebut any statements made, or materials presented during a hearing.
- **Witnesses-** Witnesses are allowed. The accused may question the complainant and cross-examine witnesses.

Standard of Proof

The standard of proof for determining whether the student violated the Code shall be by a preponderance of the evidence. “A preponderance means evidence that is more probable or more persuasive. ...If the weight of the evidence is equally balanced, the complainant has not proven the charge. The burden for proving an alleged violation rests with the complainant.”

Sanctions

The accused is offered an opportunity to speak on their own behalf and to present character witnesses or written references for consideration in determining a sanction. In open hearing, the complainant will be able to present an oral or written statement of impact. In closed hearing, the sealed written statement of the complainant will be read aloud. The following will be considered when determining a sanction: statement and

evidence presented at hearing, seriousness of violation, complainant's oral or written statement, student's character information, student's prior disciplinary record, and disciplinary precedent. Hearing authority determines sanctions in closed session then reconvenes for announcement of sanction. If authority is a hearing board, the sanction is recommended to the Director of Legal Affairs who then makes the final decision. Normally the board's sanction is imposed; however, the Director may enter another sanction "for cause." If the board's vote is a tie, the Director will make the final decision. The Director will send the student written notification of the decision. Statements of Emotional Stability- Students who have violated the Code and are evidencing psychological instability may be recommended for an evaluation by a psychologist in the Center for Counseling. These recommendations will assist in determining sanctions.

Appeals

Filed within seven days of receipt of decision. (Upon reasonable request deadline may be extended.) Appeals Board, within reasonable time, will either grant or deny the appeal by a majority vote. If granted, sanction may be changed or new hearing ordered. Student will be notified of decision within a reasonable period of time.

Presidential Review

The accused may request the President review an Appeal Board decision. This request must be presented in writing with all supporting documents, within seven days after receipt of decision on appeal. The President may or may not elect to review a decision. The student will be notified within a reasonable period of time of the President's decision. When a Presidential review is conducted the decision and/or the sanction may be changed, a new hearing ordered, or the Appeals Board decision may be upheld. .

Interpretation and Review

The Student Code of Conduct Review and Standards Committee will periodically review the goals of educational discipline and effectiveness of disciplinary sanctions, advise on the appointments to hearing boards, and recommend changes in the Code and University judicial policies and procedures. The Committee is appointed each year by the Faculty Senate and will include: VP for Student Affairs, Dir. of Legal Affairs, Dir. of Judiciaries, Dir. of Residence Life, Paraprofessional Residence Life Staff Member, Chair of Students Defending Students, and Pres. of Student Senate, two members of Univ. Hearing Board, Rep of a Resident's Action Council, Off-Campus Student Rep, and Greek Organization Representative. Any member of the Ohio University community may propose amendments to the Code. They shall be reviewed by the Student Code of Conduct Review and Standards Committee in a timely fashion or at least once per quarter. If approved, they will be submitted annually to the VP for Student Affairs for consideration and recommendation to the President.

Complete Student Code of Conduct

http://www.ohio.edu/judiciaries/conduct_policy.cfm

University of Cincinnati
University of Cincinnati Student Code of Conduct

The Code shall emphasize specific student responsibilities: (1) Recognize that the intellectual and educational climate of the University shall be maintained as the University's highest priority, (2) protect the opportunity for each student to attain their educational objectives, (3) protect the physical and mental health, safety and welfare of each member of the University community, (4) protect the property rights of all and (5) promote the human rights of all members of the University community.

Conduct Regulated

The University will take all reasonable action to prevent conduct that undermines, interferes with, or obstructs the safety and security of the University community or that adversely affects the integrity or interests of the educational mission or functions of the University. It applies to conduct on campus or on University owned, leased, or controlled premises. It applies to off-campus conduct when the student is on academic assignment, attending a University event or an event of a registered student group, or acting as a representative of the University at an off-campus event. Also, students are subject to disciplinary action for misconduct resulting in a police report being filed, which occurred within 2600 feet of the University campus. The University also reserves the right to take action beyond the 2600 feet boundary when the student, in the University's judgment, poses an obvious threat of serious harm to a member of the University community.

Violation of Law and University Conduct Regulations

The University may proceed through the disciplinary process regardless of any action by other authorities (e.g., city/state police, local/state/federal courts) under the laws of any jurisdiction.

Judicial Body

1. Procedural Review- The purpose of the review is to review the charges, explain the disciplinary process, discuss the student's options and advise the student of possible sanctions. It is conducted by a hearing administrator. Three days later student must choose whether: to admit responsibility and accept sanctions, admit responsibility but dispute sanctions, or deny responsibility and request a hearing before Administrative Review Committee (ARC). If student fails to appear, an ARC hearing may be scheduled.
2. Administrative Review Committee- The committee is made up of the Hearing Administrator, two faculty/staff members, and either four undergraduates or two graduate students. The ARC shall deliberate privately to determine whether there was a Code violation. They will seek to reach consensus, in the event there is not consensus, a majority vote will determine the outcome. The Hearing Administrator only votes in case of tie. Committee recommendations are sent to the Associate VP for Student Life (AVP) within 10 days after the hearing. Within 10 day the AVP must either: concur, modify sanction, or send it back for further review and recommendation. The student has 10 days to appeal the decision or the AVP decision shall be in effect.

Due Process

All instances of alleged misconduct shall be reported without unnecessary delay from the date of discovery of the alleged offense. The student will receive written notice at the student's current local address on record with the University, by U.S. or campus mail, by electronic messaging, or to the student in person, of all hearings, charges, decisions and sanctions. Notice will describe the day, time, and location of alleged violation and inform student about reported circumstances underlying alleged violation. Such notice shall be deemed adequate unless the student shows just cause why the receipt of notice substantially impaired student's ability to prepare for any hearing. Any student may challenge participation of an ARC committee member on grounds of conflict of interest. Students have the opportunity to be heard at the ARC Hearing.

Hearings

- Advisor- The complainant and accused may elect to have an advisor present who may counsel, but not actively participate, as a spokesperson or vocal advocate in the hearing. Students are required to notify the college hearing committee chair 24 hours prior to the hearing if the advisor is an attorney.
- Closed to the public.
- Closing Arguments- Closing arguments are strongly encouraged. The Chairperson may place time limits on them.
- Evidence- The Chair shall have the right to determine the acceptability of evidence during the hearing.
- The University Ombuds may be present as an observer.
- If either party chooses not to attend, their written statements shall be reviewed and evaluated based on the information available.
- Record- Hearings shall be tape-recorded. Any recording shall remain the property of the University. Either party may have post-hearing access to the audiotape. Copies not permitted.
- Witnesses- Witnesses are strongly encouraged. If they are unable to attend, notarized statements may be submitted. If a notarized statement is accepted in lieu of in-person testimony, the identity of the witness and their statement shall be fully disclosed, with an opportunity to respond thereto. The acceptability of a witness' testimony and evidence is at the discretion of the ARC Chairperson. The parties shall have a right to submit questions to be asked of all adverse witnesses. The ARC will review the questions and decide which ones will be asked. The Chairperson may place time limits on testimony and limit the number of witnesses. Witnesses are present only when giving testimony.

Standard of Proof

The standard of proof used to determine whether a student has violated the Code shall be based on a preponderance of the evidence.

Sanctions

- Sanctions are imposed according to the severity of the misconduct. Multiple sanctions may be imposed should the behavior call for the imposition of a more

- severe penalty. In all cases the University reserves the right to require counseling and/or testing of students as deemed appropriate. Disciplinary records are maintained separate from student's academic records.
- Interim Restrictions- The University may impose interim restrictions to protect the rights and ensure the safety or address the concerns of students, staff, faculty, and the University community.
 - Interim/Emergency Suspension- Effective immediately, designed to prohibit presence of the student on campus until the disciplinary case can be resolved. The action shall be taken where reasonable cause exists that the student's presence on University property poses a substantial harm to the health or safety of others or to property.

Appeals

- Appeals must be submitted in writing within 10 days of receipt of a sanction letter. The appeal is then sent to the University Appeals Hearing Chair (UAHC), along with the student's file. The UAHC will review the appeal, and reject and return any appeal deemed groundless. That decision is final.
- If the UAHC finds grounds for the appeal, the Administrative Review Committee is charged to hold a limited hearing on the appeal. The appropriate VP shall review all sanctions of suspension or dismissal, and shall issue a final decision, which may concur with, modify, or reject any recommended sanction and shall notify all parties in writing. The appropriate Dean shall review all matters, and issue a final decision, which may concur with, modify, or reject any recommendation.

Interpretation and Review

The Code is approved by the Board of Trustees. The Code is subject to periodic review and revision. The University reserves the right to change the Code at any time during the student's term of enrollment.

Complete Student Code of Conduct

<http://www.uc.edu/studentlife/conduct/conduct.html>

The University of Toledo
The University of Toledo Board of Trustee Approved Policies Pertaining to Students

In developing responsible conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. Still, institutions have a duty, and corollary disciplinary powers to protect their educational mission, through the setting of standards of conduct and scholarship for students, and through the regulation of the use of their facilities.

Conduct Regulated

Actions which interfere with the orderly functions of the University or actions which endanger the health or safety of members of the University community on or off campus. Standards of conduct published in the Code and any acts enumerated therein. Category A Offenses: Minor, 1st offenses; administrative Hearing. Category B Offenses: Major, repeat offenses; hearing before Judicial Board.

Violation of Law and University Conduct Regulations

If student's conduct violates law, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. These students may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where an institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. Institutional action should be independent of community pressure. University students who violate law off campus may be subject to University disciplinary procedures if the behavior is a direct threat to the security of persons or operations of the University. Proceedings under the Code may be carried out prior to, simultaneously with, or following off campus proceedings.

Judicial Body

A judicial body may serve as arbiter of disputes within student community that do not involve a violation of the Code. All parties must agree, they are then bound by the decision with no right of appeal.

1. Conduct Officer- May conduct an investigation to determine if the complaint has merit and can be resolved by mutual consent, on a basis acceptable to the Conduct Officer. Such a disposition is final with no subsequent proceedings. If the charges can't be disposed of by mutual consent the matter will be set for a hearing before the University Student Judicial Board (USJB). The Conduct Officer may hold an administrative hearing if students are charged with a category A offense. The Conduct Officer may render a decision on a category B offense if the student waives the right to have the case heard by USJB. The Conduct Officer shall be a member of the Division of Student Services administrative staff.
2. University Student Judicial Board- Has original jurisdiction over alleged category B violations of the Code. The Board is composed of 12 students; 5 students constitute a hearing panel. Members serve for a one- year term.
3. University Discipline Appeals Board (UDAB) - Considers appeals from findings of the Conduct Officer and USJB. Serves as court of original jurisdiction for cases

involving summary suspension and those initiated by a staff or faculty member. The Board is composed of seven members; three students, and three faculty members who are not members of other discipline boards. The non-voting chair of the board will be the Dean of Students, who casts the deciding vote in case of a tie. Members will serve a three-year term.

4. Director of Student Affairs- Is the liaison with students who have been separated from the University and is responsible for informing the student of the procedure for reinstatement.

Mediation Service

Director of Student Judicial Affairs may serve to mediate disputes in the student community. All parties must agree to mediation; the agreement obligates parties to one meeting to attempt resolution. The Student Conduct Officer will enforce any resolution reached.

Due Process

Complaints must be filed in writing as soon as possible after the event takes place, preferably within 30 days. All charges shall be presented to the accused in written form. Hearings shall be set within 5-15 days of notification of the charges. Students have the opportunity to be heard in all forums. Students receive written notification of the determination of violation and sanction imposed, if any.

Hearings

- Advisors- Advisors are allowed. They must be a member of the University community (faculty, staff, and student). Advisors may assist students in presenting their case, but only students speak. Attorneys may not serve as advisors but they may be present to consult with accused. Attorneys may not question witnesses, introduce evidence or argue on behalf of the accused.
- Conduct Officer- May conduct an investigation to determine if complaint has merit or can be resolved by mutual consent. If not resolved, it will be set for a hearing before the Judicial Board.
- Hearings held in private. At the request of accused, and subject to the discretion of the Chairperson, it may be open. Admission of persons to the hearing is at the discretion of the judicial body.
- Hearings shall not be restricted unduly by rules of evidence and procedure.
- Evidence- Pertinent records, exhibits, and written statements may be accepted at the discretion of the chairperson of the USJB.
- No student shall be found guilty solely for failure to appear before a judicial body.
- On behalf of the University, or at the request of the University, the Director of Student Judicial Affairs may present a case before the USJB.
- Record- A single verbatim record of the hearing, such as a tape recording, that is the property of the University.
- Student may choose not to contest the charges, waive the hearing, and request the appropriate sanction.
- Witnesses- Allowed. Cross-examination is allowed

Standard of Proof

The standard of proof used to determine whether a student has violated the Code shall be based on a preponderance of the evidence.

Sanctions

- Sanctions are determined by the judicial body that made the determination of responsibility. When determining sanctions the judicial body may consider the past record of the student, and may seek a recommendation from the Director of Student Judicial Affairs. More than one sanction may be imposed for any single violation. Disciplinary records are maintained separate from a student's academic record.
- Summary Suspension- May be exercised where there is reasonable cause to believe a student's behavior is of such a nature as to pose an immediate and clear threat of harm to persons and /or damage to property, or reasonable cause to believe that a significant obstruction to the operation of the University exists if the student remains on campus. Summary suspension requires the student remove himself/herself from the premises.

Appeals

Appeals must be filed in writing within 72 hours of notification of the sanction. Appeals are limited to a review of the initial hearing and supporting documents. When an appeal is heard by the UDAB both the student and the Director of Student Judicial Affairs will be given an opportunity to present their respective positions. The appellate review may affirm, reduce, or reverse a decision; any other action must remand case back to original hearing body. The decision of the Appeals Board is final.

Interpretation and Review

Director of Student Judicial Affairs shall interpret any questions regarding the Code. The Code shall be reviewed yearly. Any recommendations for changes shall be submitted to V. P. for Student Life for final review.

**** There is a separate section entitled **Due Process for the Student Athlete**.

Complete Student Code of Conduct

<http://studentactivities.utoledo.edu/studentconduct/brochure/codeofconductrules.html>

Wright State University ***Code of Conduct***

Conduct Regulated

The Code addresses conduct that takes place on University premises and off-campus conduct when the behavior may have or had an adverse impact upon the University community. The Code also applies to University sponsored events which occurred off-campus.

Violation of law and University Regulations

A student who violates the Code and breaks the law is subject to University, civil, and/or criminal authorities. The University may pursue disciplinary action against a student while the student is also subject to criminal proceedings. The University reserves this right even if criminal charges are pending, reduced, or dismissed.

Judicial Body

1. **Conduct Officer-** Upon receipt of a complaint the Conduct Officer will review the report to determine if a violation has occurred and what type it may be. If based on this review, the Conduct Officer finds there is insufficient evidence to substantiate the complaint, the complaint will be dismissed. If the Conduct Officer finds there is enough evidence for a category A violation, will schedule a meeting with the student to investigate the incident. After investigating the incident, the Conduct Officer will either provide the student with notice of the alleged violation or dismiss the case. Violations will be presented in written form and a conduct conference scheduled with advance notice of at least three days. The Student can waive the right to timely notice if an earlier conference can be scheduled. If the student fails to attend the initial meeting, a determination of whether to dismiss the complaint or proceed will be made in the student's absence.
2. **Conduct Conference-** The student may call witnesses at the conference. If the student admits responsibility, the Conduct Officer will determine sanctions and the incident will be considered resolved. If student denies the violation, the Conduct Officer based on a preponderance of the evidence, will either dismiss the case, or hold the student responsible and assign an appropriate sanction.
3. **Director of Student Judicial Services-** If a Category "B" violation is alleged the case is processed by the Director of Student Judicial Affairs. The Dir. will investigate the incident and schedule a meeting with the student. Upon discussing it with the student and reviewing all information, the Dir. will provide the student with notice of alleged violation or dismiss the case. All violations will be presented to the student in written form. Student may then waive the right to a hearing and request the Dir. adjudicate the case, or request a hearing. The Dir. has the right to refer any case and all materials to the Judicial Review Panel. If the student fails to attend the initial meeting, a determination whether to proceed or dismiss the complaint will be made in his absence. The student will usually have three days notice of the Judicial Review Panel hearing, but this right may be waived.

4. Judicial Review Panel Hearing- Composed of five members of community, including one faculty, one staff, and three students. Quorum consists of at least one faculty or staff and two students. Decisions are determined by a majority vote. One-year term. May assign any sanction provided for in the Code.
5. Appeals Panel- Composed of two faculty, and one student member. Serves as main appellate body and determines if fundamental fairness was followed. Verifies decisions were adequately supported by documentation, witnesses, etc.
6. They serve a one-year term.

Due Process

All complaints should be submitted as soon as possible after the event takes place. When a student is directed to participate in a hearing or conduct conference, a date and time will be set as soon as possible and will receive notice of such hearings. Students have the right to challenge the objectivity or fairness of any of the persons serving on a hearing panel. Student will receive notification of the Code allegedly violated. Upon request, students have the right to notification of the name of each person expected to testify at any conference or hearing. Students have the right to be heard at all hearings. Students who fail to appear for a hearing may have a \$25 nonappearance fine imposed upon them. In hearings/conferences involving nonresidential students it shall be presumed that notice of the hearing has been received if: it is sent by regular, registered or electronic mail to the local address provided by the student to the Office of Student Judicial Services or that is on record in the Registrar's Office. In hearings/conferences involving residential students, it shall be presumed that the notice of a hearing and/or conference has been received if the notice is furnished in one of the following ways: notice is delivered in person, placed in the student's mailbox, signed for by a roommate, or delivered underneath the entrance door to the residence. Notice may also be sent by regular, registered, or electronic mail to the address provided by the student to the Office of Student Judicial Services or that is on record in the Registrar's Office. Students have the right to request postponement of a hearing for good cause shown; in most cases it is only granted due to an academically related commitment.

Hearings

- Admission of any person to the hearing at the discretion of the conduct officer or judicial body.
- Advisor- Accused has right to consult advisor of choice before, during, and after any conference, hearing, or appeal.
- Evidence- Pertinent records, exhibits, and written statements may be accepted as information for consideration.
- If student fails to appear, the information in support of the charges shall be presented and considered.
- Not restricted unduly by rules of evidence and procedure.
- Record- There will be a single verbatim record, such as a tape recording of all hearings. The record shall be the property of the University. Conduct conference records may be written or recorded at the discretion of the conduct officer.

- Witnesses- Allowed. Cross-examination allowed. Parties must provide the names of witnesses two days prior to any conference or hearing to Conduct Officer or Director.

Standard of Proof

Preponderance of the evidence.

Sanctions

Sanctions are determined by the judicial body that made the determination of a violation of the Code. The student's past judicial history will be considered when determining sanctions. The director or designee is the liaison to students who have been placed on probation or separated from the University and is responsible for informing the student of the procedure for reinstatement. The director or designee has the authority to place holds on registration and transcripts of students as a result of disciplinary action.

Summary Suspension

In certain circumstances, the VP of Student Affairs and Enrollment Services can summarily suspend a student prior to a hearing to ensure the safety and well-being of members and/or property of the University, ensure the student's safety and protect the community.

Appeals

The appellate process is designed to ensure the integrity of the deliberations and decisions of the university hearing panels and/or the decisions of a conduct officer. A detailed written appeal must be submitted within five business days after decision has been made. The Appeals Board may approve the decision, return the matter to the panel for further action, or reduce or dismiss the charge against the student. If the Appeals Board finds no substantive errors, the original decision of the panel shall stand. The Appeals Board does not consider evidence not previously considered by the hearing body unless the appeal is based on new evidence. The Board may, however, permit the student who has appealed and the conduct officer to make oral arguments and answer questions posed by the Board. Appeal hearings are closed unless student specifically requests an open hearing. After arguments, the Board will meet in closed session to determine if any procedural and substantive errors were made which would have significantly affected the outcome of the hearing. If not, the decision of the hearing panel will be upheld. If there were procedural and substantive errors that significantly affected the outcome of the hearing, the Board may remand the case to the Hearing Panel for appropriate action or dismiss the complaint against the student. The findings of the Board are mailed to the student. The hearing shall be recorded and will be the property of the University. The decision of the Appeals Board is final.

Mental Health Conduct Conference

The Dean may require the student to participate in a mental health conduct conference when a violation of the Code has occurred in which the student has demonstrated evidence of physical or emotional condition which would preclude effective resolution

through the judicial process. Students who participate in these conferences are entitled to the same rights provided for in other judicial hearings.

Interpretation and Review

The Judicial Advisory Board shall review the Code at least every three years.

Complete Student Code of Conduct

<http://www.wright.edu/students/judicial/conduct.html>

YOUNGSTOWN STATE UNIVERSITY
The Code of Student Rights, Responsibilities, and Conduct

The judicial process at Youngstown State University is intended to be part of the educational process. It provides a forum for the impartial and expedient resolution of misconduct and encourages students to live responsibly and be accountable for their actions.

Conduct Regulated

Any conduct that adversely affects the community or interferes with the pursuit of its mission or educational objectives and programs on or off campus.

Violation of Law and University Conduct Regulations

If a student violates the law but is not in violation of the Code, action may result and sanctions may be imposed for the misconduct if it adversely affects the University. Institutional proceedings may also be instituted for actions that are violations of both law and Code that arise from the same factual situation, without regard to the outside litigation. Code proceedings may be carried out prior to, simultaneous with, or following the civil or criminal proceedings. When charged with a violation of federal, state, or local law the institution will not request special consideration for the student because of his status as a student. Students may request a delay in the university proceedings if they can demonstrate how their rights would be infringed by proceeding. The University proceeding does not constitute double jeopardy as it is not applicable to the University judicial process.

Judicial Body

1. Judicial Conference- Students not subject to suspension or expulsion will be initially scheduled for review through a judicial conference. At the conference the students: will receive written notice, will discuss the nature of the alleged charges with the Judicial Administrator, shall be given an opportunity to present information, shall be given an opportunity to accept or deny the charges, shall be given an opportunity to resolve the charges either with a Judicial Conference or a Hearing Panel, and shall receive written notice of the determination.
2. Hearing Panel- The panel is composed of three members of the Judicial Board and one faculty/staff member. If the Judicial Administrator determines the charges will result in suspension or expulsion, student is entitled to a hearing before a hearing panel. If the student does not respond, the administrator may proceed to conclude the case. The hearing panel also hears cases not resolved in a Judicial Conference
3. Judicial Board- Appointed annually by the Judicial Administrator (VP for Student Affairs), composed of students, faculty and administrators. Chaired by a faculty/staff member. Charged annually with reviewing the Code and judicial policies, and recommending any changes deemed necessary. Members serve on hearing panels, conduct appeal hearings, and review decisions of hearing panels.

Due Process

Complaint must be in writing, presented to Judicial Administrator within 30 days following alleged event (exception-sexual assault). Charges are delivered in writing to accused in person or by certified mail. Written notification of date, time, location of hearing and information about procedure is provided 5-15 days prior to hearing. Complainant in case will be afforded right of questioning of a judicial board member's ability to participate fairly in a hearing, and rejecting any board member when just cause has been demonstrated. Student has the opportunity to be heard in all forums. Students receive written notification of determination, including sanctions.

Hearings

- **Advisors-** The parties have the right to be assisted by any advisor they choose, at their own expense, and the advisor may be an attorney. Students present their case; advisors do not speak or participate directly in the hearing. If an attorney is chosen, parties shall notify the Judicial Administrator of the advisor's name and phone number, three days prior to the hearing. Advisors may not appear in lieu of the student.
- **Deliberation-** Closed-session. Majority vote. Decision announced immediately after conclusion of hearing, later confirmed in writing
- **Evidence-** Accepted at the discretion of the Chairperson of the Judicial Body.
- **Hearings** held in private; at request of accused may be open to public.
- No student shall be found guilty for failure to appear before a hearing board.
- **Record-** A single verbatim record of the hearing, such as, a tape recording, that is the property of the University.
- **Witnesses-** Allowed. Cross-examination allowed. Will be separated from the hearing during other witness testimony.

Standard of Proof

The standard of proof used to determine whether a student has violated the Code shall be based on a preponderance of evidence. "In other words, the information on which the charges are based must be more than 50% convincing that a conduct regulation was violated." (p.3) *University Judicial Process Information for Advisors, Office of Student Life, Student Judicial Affairs, Youngstown State University.*

Sanctions

- Determined by the judicial body that decided student violated the Code. The Judicial Administrator is responsible for recommending sanctions to the hearing panels and ensuring sanctions imposed by the panels are consistent with the violation, and consistent with sanctions imposed for similar violations. More than one may be imposed for the same violation. Other than expulsion, sanctions are not part of a student's permanent record.
- **Interim Suspension-** May be imposed prior to hearing: to ensure safety and well-being of members of the community, to ensure preservation of property, to ensure student's physical safety or emotional well-being, or if student is charged with

- offense under Ohio Revised Code 2901.01. During interim suspension, student shall be denied access to all housing and to the campus.
- Sanctions become part of a student's disciplinary record, not academic record.

Appeal

The appeal must be filed within five days of the decision. Appeals are limited to a review of the verbatim record and supporting documents. Upheld appeals are remanded back to the original hearing body for reconsideration of original determination. The decision upon appellate review is final.

Interpretation and Review

The Judicial Administrator shall interpret any questions. Any member of the University may recommend a change to the Code.

Complete Student Code of Conduct

<http://www.yzu.edu/thecode.pdf>