


Name of Policy: <u>Student Code of Conduct</u> Policy Number: 3364-30-04 Approving Officer: President Responsible Agents: Associate Dean of Students & Director of Student Conduct and Community Standards Scope: All Students of the University of Toledo as set forth in this policy		 Revision Date: August 2017 Original Effective Date: August 1, 2011	
	New policy proposal		Minor/technical revision of existing policy
x	Major revision of existing policy		Reaffirmation of existing policy

The University of Toledo Student Code of Conduct

Table of Contents

- A. Policy Statement
- B. Purpose of the Policy
- C. Definitions
- D. Jurisdiction and Scope of the University Student Code of Conduct
- E. Violations of the Code of Student Conduct
- F. Interim Suspension
- G. Procedures
- H. Sanctions
- I. Appeals Grounds for the Student Conduct Process
- J. Student Conduct Records
- K. Holds
- L. Refund Policy
- M. Student Code of Conduct Review
- N. Acknowledgements

(A) Policy Statement

The University of Toledo is focused on the overall growth and development of its students in preparation for them to become global citizens. The Office of Student Conduct and Community Standards aims to educate students on the impact their personal and social choices, and behavior have on the community, and to assist them with making future decisions that lead to their professional success.

The University of Toledo (“University”) in promulgating the “Student Code of Conduct,” as required by Ohio Revised Code 3345.21, and as set forth below, takes into consideration the rights and responsibilities of the individual student(s), student groups, or student organizations, concurrently with university and community rights and responsibilities.

(B) Purpose of the Policy

The Student Code of Conduct articulates the University’s expectations of behavior for students, student groups, and student organizations and the potential outcomes to be imposed for inappropriate conduct. This policy explains the University’s requirements for notice, and the student, student groups, and student organizations opportunity to be heard with regard to alleged violation(s) of the Student Code of Conduct. The Student Code of Conduct is not intended to be exhaustive in terms of defining all acts of misconduct. The Student Code of Conduct specifies the rights and responsibilities of students, student groups, student organizations, the university, and the rights of other parties going through the Student Conduct Process.

Students, student groups, and student organizations are expected to engage in conduct that represents the mission, vision, and values of the university.

Sanctions implemented through the Student Conduct Process are designed to provide students, student groups, and student organizations with the opportunity to accept responsibility, provide accountability, reflect on their choices, challenge their decision-making processes, and assist them in changing their behavior to better align with the University’s expectations. Being a member of the UT Community is a privilege. Actions by students, student groups, or student organizations that interfere with the welfare and/or safety of the UT Community is not acceptable, and will not be tolerated.

(C) Definitions

- (1) Appellate Officer: University official authorized to unilaterally consider an appeal from the respondent and complainant.
- (2) Associate Dean of Students & Director of Student Conduct and Community Standards: The person designated by the Vice President of Student Affairs for daily operation of the Student Conduct Process.
- (3) Complainant: Person who was subject to alleged misconduct as described in the Student Code of Conduct. There may be more than one complainant for an incident. In certain circumstances, someone on behalf of the University may assume the role of the complainant.
- (4) Consent: Requires unambiguous communication and mutual agreement concerning the act in which the participants are engaging. Consent must be informed, freely given, mutual,

and can be withdrawn at any time. A person cannot give consent if he or she is mentally or physically incapacitated, or impaired such that the person cannot understand the fact, nature, or extent of the sexual situation; this includes impairment or incapacitation due to age, alcohol or drug consumption, or being asleep, or unconscious. Similarly, a person cannot give consent if force, expressed or implied, duress, intimidation, threats, or deception is used. Silence or the absence of resistance does not necessarily imply consent. Consent to some sexual acts does not imply consent to other acts, nor does prior consent to sexual activities imply ongoing future consent with that person or consent to that same sexual activity with another person. Consent must be mutual for each sexual act. Whether an individual has taken advantage of a position of influence, or authority over the complainant may be a factor in determining consent.

- (5) Disciplinary Hold: An administrative hold placed on a student's account by a member of the Office of Student Conduct and Community Standards that prevents the student from registering/unregistering from classes, and receiving a transcript.
- (6) Incapacitation: Occurs where a person is unable to give consent, such as due to the use of drugs or alcohol or a cognitive impairment. In considering whether a complainant is incapacitated due to the consumption of drugs or alcohol, the University will consider the circumstances, including factors such as whether there is evidence of slurred speech, vomiting, stumbling or the inability to walk, or periods of "blacking out." The presence of one of these factors, standing alone, may not be sufficient to establish incapacitation; the totality of the circumstances must be examined.
- (7) Investigator: Any university official gathering information for a hearing authority to determine whether a violation of the Student Code of Conduct has occurred.
- (8) Policy: Any written rule or regulation of the University as found in, but not limited to, the Student Code of Conduct, Residence Hall Living Guide, the University Policy Website, and Graduate/Undergraduate Catalogues.
- (9) Possession: Includes, but is not limited to, holding, no matter the duration, any prohibited item wherever located.
- (10) Respondent: Any student, student group, or student organization alleged to have committed a violation of the Student Code of Conduct. In cases of student groups or student organizations, the president (or a like position) will represent the organization in the Student Conduct Process.
- (11) University Conduct Board/Title IX Board: Person(s) authorized by the Office of Student Conduct and Community Standards to determine whether a student, student group, or student organization is responsible for violating the Student Code of Conduct, and recommending appropriate sanction(s) when a violation has occurred. The Associate Dean of Students & Director of Student Conduct and Community Standards (or designee) will select a Board Member to chair the hearing.
- (12) Student: All persons who have been notified of their acceptance, expressed intent to, and/or have registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction. This includes, but is not limited to all individuals taking classes in person or through distance learning, pursuing undergraduate or graduate degrees, or who reside in University-owned housing or who live off-campus, who are not enrolled

for the current term, but have a continuing relationship with the university. Student status ceases when an individual graduates, is not enrolled for two consecutive semesters, or an individual who is suspended, dismissed, or expelled for any reason.

- (13) Student Group: A number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization (included, but not limited to athletic teams, clubs not registered as a student organization).
- (14) Student Organization: A number of persons who have registered with the University as a student organization, (including, but not limited to clubs, fraternities, and sororities).
- (15) University Community: Includes the university, any person who is a student, staff member, faculty member, employee, volunteer, patient, guest, invitee, or other person associated with the university.
- (16) University Official: Any person employed by the university, on a full-time, part-time, or temporary basis, performing assigned administrative or professional responsibilities.
- (17) University Premise: Includes all land, buildings, facilities, and other property in the possession of, or owned, leased, used, supervised, or controlled by the university.
- (18) Use: Includes, but is not limited to drinking, ingesting, or introducing any amount of substance into one's body.
- (19) Witness: Any person requested to participate in an investigation or a hearing due to information they may have about an incident of alleged misconduct. The complainant, respondent, and others may provide the University with witness names.

(D) Jurisdiction and Scope of the University Student Code of Conduct

- (1) The Student Code of Conduct applies to the conduct of all students, student groups, and student organizations on university premises. The code also applies to the off-campus conduct of students, student groups, and student organizations in direct connection with:
 - (a) Academic course requirements or any credit-bearing experiences, such as internships, clerkships, field trips, study abroad, or student teaching;
 - (b) Any activity supporting pursuit of a degree, such as research at another institution, or a professional practice assignment;
 - (c) Any activity sponsored, conducted, or authorized by the university, or by registered student organizations;
 - (d) Any activity that causes destruction of property belonging to the university, or members of the university community;
 - (e) Any activity that causes harm to the health or safety of members of the university community; or
 - (f) Any activity which a police report has been filed, and a summons or indictment has been issued, or an arrest has occurred for a crime.
- (2) Each student is responsible for his/her conduct from the time of acceptance to the university through the awarding of a degree, even though conduct may occur before classes begin, or after classes end, as well as during the academic year, and during periods between terms of actual enrollment, and even if the conduct is not discovered until after a degree is awarded. The Student Code of Conduct applies to a student's conduct, even if

the student withdraws from school while a conduct matter is pending.

- (3) Undergraduate and graduate students who violate the Student Code of Conduct are subject to appropriate conduct sanctions. Law, medical, nursing, and pharmacy students are subject to their College's written professional standards or Honor Codes for conduct covered under those standards or codes. Conduct not covered under those standards or codes is subject to the Student Code of Conduct. All other colleges with licensure or professional codes governing conduct must adhere to the procedural requirements of the Student Code of Conduct.
 - (4) The conduct of a student, student group, or student organization that violates the Nondiscrimination Policy or Title IX Policy of the University will be dealt with utilizing the appropriate policies. If the allegation is considered a violation of the Student Code of Conduct, the allegation will be investigated according to the policies mentioned above, and the behavior will be adjudicated using the Student Conduct Process.
- (E) **Violations of the Code of Student Conduct:** Any of the following actions, or attempts at the following actions, constitute conduct for which a student, student group, or a student organization may be subject to conduct action:
- (1) Physical or Other Harm to a Person
 - (a) Behavior causing physical injury/harm to others.
 - (b) Behavior that endangers the physical and mental health, or safety of any person.
 - (c) Behavior that is threatening or intimidating.
 - (2) Sexual Misconduct
 - (a) Sexual Misconduct: Includes sexual harassment, sexual violence, sexual assault, conduct that exploits another person in a sexual and non-consensual way (such as voyeurism and non-consensual recording), stalking, interpersonal relationship violence, and indecent exposure. Sexual misconduct may also be discrimination, harassment, or violence based on gender, sexual orientation, gender identity, or gender expression.
 - (b) Sexual Assault: Unwelcome physical conduct of a sexual nature, including unwanted kissing, touching, oral, vaginal, or anal sex, which occurs in the absence of consent. This includes penetration, no matter how slight, of the vagina or anus with any body part, or any object, or oral penetration by a sex organ of another person, without consent.
 - (c) Sexual Harassment: Unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment can occur as hostile environment or quid pro quo.
 - (i) Hostile Environment Sexual Harassment: Exists if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the University's program or an employee's ability to perform his or her job. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.
 - (ii) Quid Pro Quo Sexual Harassment: Occurs when participation in or receipt of a benefit of the University's program is made contingent on the provision of sexual favors for or by a person who has the authority to make decisions about participation or receipt of benefits or when the rejection of a sexual

- advance or request for sexual favors results in the denial of participation in or receipt of a benefit of the University's program.
- (d) **Interpersonal Relationship Violence:** Pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Interpersonal violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Interpersonal violence can occur in a domestic relationship or a dating relationship.
- (i) **Domestic Relationship:** Violence by a current spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the incident (crime) of violence was committed, or any other person against an adult or youth victim under the domestic or family violence laws of the jurisdiction in which the incident (crime) of violence occurred.
- (ii) **Dating Relationship:** Violence committed by a person who is, or has been in a social relationship of a romantic or intimate nature with the victim, or the existence of such a relationship shall be determined based on the reporting party's statement, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (e) **Indecent Exposure:** Recklessly exposing genitals in front of another person or engaging in masturbation or other sexual conduct in a place likely to be seen by other people.
- (f) **Non-Consensual Recording:** Sexual harassment by recording of a person while undressing, naked, or engaged in sexual behavior without their consent. Transmission of non-consensual recording will also be considered as a factor of sexual harassment.
- (g) **Sexual Voyeurism:** Spying on people engaged in intimate behaviors, such as undressing, sexual activity, or other actions usually considered to be of a private nature. The person accused of voyeurism does not have to directly interact with the subject of their interest. Voyeurism is frequently done secretly and may involve non-consensual recording or capturing of the intimate behaviors.
- (h) **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety, or the safety of others, or suffer substantial emotional distress. Stalking may be comprised of legal and illegal behaviors that occur over time, and are harassing in nature due to their content, frequency, and unwelcome nature.
- (i) **Retaliation:** A form of discrimination that occurs when an individual has engaged in a protected activity (such as filed a sexual misconduct complaint or participated in an investigation of alleged sexual misconduct) and adverse action is taken against the individual because of involvement in the protected activity. The person accused of committing the retaliation may or may not be the same as the respondent – the person accused of committing the retaliation may be acting on behalf of another with or without that person's consent. The complainant or someone acting on behalf of the complainant may be committing retaliation. Retaliation will be a separate investigation from the sexual misconduct investigation with its own finding.
- (3) **Harassment – Unwelcome conduct (verbal, written, or electronic) that is so severe,**

pervasive, and offensive, it substantially interferes with the ability of a person to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by the University. This violation will not be used to discipline a respondent for speech protected by the First Amendment of the United States Constitution.

- (4) Discriminatory Harassment – Unwelcome conduct (verbal, written, or electronic) against another individual based upon a protected category (defined in policies 3364-50-01, 3364-50-02, and 3364-50-03) that is so severe, pervasive, and offensive, it substantially interferes with the ability of a person to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by the University. This violation will not be used to discipline a respondent for speech protected by the First Amendment of the United States Constitution.
- (5) Hazing is any act or situation, which endangers the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership, regardless of one's willingness to participate. Hazing may occur if an individual or group:
 - (a) Causes or attempts to cause physical injury, or other harm to a person emotionally, or engages in conduct, which presents a threat to the person's health or safety.
 - (b) Engages in an action or activity, which is intended to demean, disgrace, humiliate, or degrade a person.
 - (c) Engages in conduct that by design or intent interferes with, or attempts to interfere with a person's academics.
 - (d) Causes, pressures, or requires a student to violate the law.
- (6) Weapons – Unauthorized use, storage, or possession of firearm(s), explosive device(s) of any kind, ammunition or anything used to threaten, harm, or disrupt the university community including, but not limited to, dangerous chemicals, switchblade knives, knives with blades three inches or more, or realistic replicas of weapons.
- (7) Fire Safety
 - (a) Failing to evacuate during a fire alarm.
 - (b) Falsely reporting a fire-related emergency.
 - (c) Tampering with, or improperly engaging a fire alarm, smoke detector, or sprinkler system.
 - (d) Improper use or possession of fire safety equipment.
 - (e) Intentionally or recklessly causing a fire, regardless of whether or not it damages property, or causes injury to another.
- (8) Controlled Substances/Drug Violations
 - (a) Possession, use, manufacture, cultivation, distribution, sale, and/or misuse of any controlled or illegal substance, designer drug, or synthetic drug.
 - (b) Possession or use of a prescription drug if the prescription was not issued to the person.
 - (c) Distribution/sale of a prescription drug to a person to whom the prescription was not originally issued.
 - (d) The possession and/or use of any drug paraphernalia, including, but not limited to bowls, hookah, pipes, bong, homemade smoking devices, and any other smoking device or smoking paraphernalia.
- (9) Alcohol Violations

- (a) Underage possession or consumption of alcoholic beverages by a person before his/her twenty-first birthday.
 - (b) Driving under the influence of alcohol and/or another substance – Operation of a motor vehicle while impaired, or with a blood alcohol or breath alcohol level at or above the legal limit.
 - (c) Distribution/sale of an alcoholic beverage to any person before his/her twenty-first birthday.
 - (d) Unapproved possession or use of kegs, mini kegs, beer balls, or other common source containers of alcoholic beverages such as trash cans, tubs, or similar containers of alcohol when the activity occurs on-campus, in the housing of any University of Toledo organization or group, or in connection with a University activity.
 - (e) Hosting or participating in any activity that promotes mass or excessive consumption of alcohol.
 - (f) Public intoxication.
- (10) Disruptive Conduct
- (a) Actions that interfere with the normal operations of the University and/or interfere with the rights of other members of the University community or visitors.
 - (b) Actions that interfere with, or obstruct the orderly conduct, processes, and functions in the classroom, or other instructional setting.
 - (c) Disorderly, lewd, or indecent behavior.
 - (d) Participating in, leading, or inciting others to disrupt scheduled and/or normal campus activities, events, and programs.
 - (e) Obstruction of the free flow of pedestrian or vehicular traffic on university premises, or at a university sponsored or supervised functions.
 - (f) Failure to comply with a directive of a University official or law enforcement officer acting within the scope of their duties.
 - (g) Failure to identify oneself to a University official or law enforcement officer when requested to do so.
- (11) Unauthorized Possession or Use of Property
- (a) Taking, without permission, the property or services of the University, another person, business, or organization.
 - (b) Possession of property, taken without permission from the University, another person, business, or organization.
 - (c) Conduct that damages, destroys, defaces, or alters the property of the University, or the property of another person or entity.
- (12) Theft Of/Abuse of Computer Facilities and Resources
- (a) Unauthorized entry into a file to use, read, or change the contents, or unauthorized transfer of materials.
 - (b) Use of another individual's identification or password.
 - (c) Use of computing facilities and resources to interfere with the work of another student, faculty member or university official, to send obscene or abusive messages, or to interfere with normal operation of the computing system.
 - (d) A violation of copyright law, including, but not limited to unauthorized downloading or facilitating others to download copyrighted music and films without appropriate authorization.
 - (e) Violation of any of the Information Technology Policies.
- (13) Unauthorized Entry to University Facilities

- (a) Unauthorized access or entry, or attempted access or entry, into any University facility.
 - (b) Misuse or unauthorized use of any University facility.
 - (c) Unauthorized possession, duplication, or use of keys or access cards for any property.
- (14) Acts of Dishonesty
- (a) Furnishing false information to University officials or law enforcement officers acting within the scope of their duties.
 - (b) Forgery, alteration, or misuse of University documents and/or records.
 - (c) Possession, use and/or attempted use of false identification.
 - (d) Manufacture, distribution, or sale of false identification.
 - (e) Transferring, lending, borrowing, or altering the University identification card.
 - (f) Intentionally or knowingly helping another student violate any act prohibited by this code.
- (15) Unauthorized Electronic or Digital Recording – Making, using, disclosing, or distributing a recording of a person, in a location or situation in which that person has a reasonable expectation of privacy, and is unaware of the recording, or does not consent to it.
- (16) Abuse of the Student Conduct Process
- (a) Falsification, distortion, or misrepresentation of information during the Student Conduct Process, including, but not limited to, filing a false complaint against another person.
 - (b) Failing to provide, destroying, or concealing information during an investigation of an alleged policy violation.
 - (c) Attempting to discourage an individual's proper participation in, or use of, the Student Conduct Process.
 - (d) Failing to abide by the notice from a University official to appear for a student conduct meeting or hearing.
 - (e) Intimidation or retaliation in response to an individual's participation in, or use of, the Student Conduct Process.
 - (f) Influencing, or attempting to influence, another person to commit an abuse of the Student Conduct Process.
- (17) Gambling
- (a) Illegal gambling or wagering.
 - (b) Participation in games of chance on-campus for money, or other things of value, except as provided by law.
- (18) Violation of Residence Life Policies and Procedures – Violation of any published residence hall policy, rule, and/or regulation.
- (19) Violation of University Policy – Violation of any University policy, rule, regulation, requirement, directive or contract, whether published in hard copy or available electronically on the University Policy Website.
- (20) Violation of Law – Violation of any regulation, act, federal, state, or local law.

(F) Interim Suspension

- (1) Interim suspension is the immediate removal of a respondent from all University of Toledo premises.

- (2) The Vice President for Student Affairs (or designee) may impose an interim suspension after consultation with appropriate university officials.
- (3) A respondent may be placed on interim suspension to – Ensure the safety and well-being of the university community, ensure the respondent’s own physical or emotional safety and well-being, or to ensure the respondent does not pose an ongoing threat, disruption, or interference with normal university activity.
- (4) The interim suspension may be effective immediately without prior notice, and may provide for partial or complete exclusion from UT premises.
- (5) The respondent will be notified of the interim suspension in writing, and the reasons for the interim suspension.
- (6) The respondent will be given a date and time to meet with the Vice President for Student Affairs (or designee) to show cause why their continued presence on- campus does not constitute a threat.
- (7) After the meeting, the Vice President for Student Affairs (or designee) may retain or lift the interim suspension, and will communicate the decision and rationale in writing to the respondent. This decision is final, and no further appeal is available.
- (8) The Interim Suspension Process does not replace the regular Student Conduct Process.

(G) Procedures

- (1) Violation of Law and the Student Code of Conduct – The Student Conduct Process may be instituted against a respondent charged with conduct that potentially violates the Student Code of Conduct. Proceedings under this policy may be carried out prior to, or simultaneously with, any related criminal or civil matters. Determination of responsibility or sanctions imposed under the Student Code of Conduct will not change because criminal or civil charges arising out of the same facts giving rise to violation of university rules have been dismissed, reduced, or resolved in favor of, or against, a criminal or civil defendant.
- (2) Filing a Complaint
 - (a) Members of the University of Toledo community may file complaint(s) alleging a violation of the Student Code of Conduct against a student, student group, or student organization.
 - (b) The Office of Student Conduct and Community Standards may also receive complaints alleging a violation from external entities, including law enforcement agencies and members of the public.
 - (c) Complaints may be filed online at https://cm.maxient.com/reportingform.php?UnivofToledo&layout_id=1, via e-mail to the Student Conduct Email Account (StudentConduct@utoledo.edu), via telephone (419-530-1258 during business hours), or in person by coming to the Office of Student Conduct and Community Standards (2514 Lancelot Thompson Student Union during business hours).
 - (d) Upon receipt of the information, the Associate Dean of Students & Director of Student Conduct and Community Standards will review all relevant information, and consult with the appropriate parties regarding the alleged violation.
 - (e) It is the responsibility of the Associate Dean of Students & Director of Student Conduct and Community Standards to determine the appropriateness of the allegation, and how the behavior will be addressed.
- (3) Investigation
 - (a) There may be times when an investigation is necessary to determine if additional information is needed before addressing the student, student group, student

organization's behavior. In these cases, an investigator/team of investigators will interview the complainant, the respondent, and any relevant witnesses.

- (b) Once the investigation is complete, the investigator/team of investigators will submit a report to the Associate Dean of Students & Director of Student Conduct and Community Standards. The Associate Dean of Students & Director of Student Conduct and Community Standards will review the report, and determine appropriate next steps.
- (4) Student Conduct Hearing Authorities – Hearing authorities are responsible for processing complaints of alleged violations of the Student Code of Conduct. The Associate Dean of Students & Director of Student Conduct and Community Standards is responsible for determining the appropriate hearing officer/body for each conduct matter. The following are considered Hearing Authorities under the Student Code of Conduct:
- (a) Office of Student Conduct and Community Standards (OSC&CS) Staff Members – Appropriate staff members from the OSC&CS are responsible for adjudicating matters involving alleged violations of the Student Code of Conduct. They have authority to hold Information Meetings, serve as Hearing Officers for Administrative Reviews and Hearings, and serve as an Advisor to the University Conduct Board and Title IX Board. They have the authority to impose the full range of sanctions, up to, and including suspension and expulsion (university and residence halls).
 - (b) Office of Residence Life (ORL) and Honors Academic Village (HAV) Staff Members – Appropriate staff members from the Office of Residence Life and Honors Academic Village are responsible for adjudicating matters involving alleged violations of the Student Code of Conduct in the residence halls. They have authority to hold Information Meetings, and serve as Hearing Officers for Administrative Reviews and Hearings. If the behavior of the respondent poses a health or safety risk to self or others, is repeated behavior, or may result in suspension or expulsion from the residence halls or university, the case will automatically be referred to the OSC&CS.
 - (c) The University Conduct Board (UCB) – The UCB is responsible for adjudicating matters involving alleged violations of the Student Code of Conduct (excluding sexual misconduct violations). UCB will be convened when the respondent, complainant (if appropriate), or University selects it as the resolution option. Quorum for UCB is two (2) students and one (1) Faculty/Staff member. A board member selected by an OSC&CS Staff Member will chair UCB Hearings. All board members, including the chair, will have voting rights. UCB is advised by an OSC&CS Staff Member, determines responsibility, and recommends sanction(s) to the Associate Dean of Students & Director of Student Conduct and Community Standards (designee). The Associate Dean of Students & Director of Student Conduct and Community Standards will impose sanctions.
 - (d) The Title IX Board (T9B) – The T9B is responsible for adjudicating matters involving sexual misconduct. Quorum for the T9B is three (3) Faculty and/or Staff members. A board member selected by an OSC&CS Staff Member will chair the T9B Hearings. All board members, including the chair, will have voting rights. The T9B is advised by an OSC&CS Staff Member, determines responsibility, and recommends sanction(s) to the Associate Dean of Students & Director of Student Conduct and Community Standards (or designee). The Associate Dean of Students & Director of Student Conduct and Community Standards will impose sanctions.

(5) Information Meeting

- (a) Any student, student organization, or student group (referred to as respondent from this point forward) who has been charged with an alleged violation of the Student Code of Conduct will have the opportunity to meet with a hearing authority from the OSC&CS, the ORL, or the HAV.
- (b) The respondent will receive written notification with the date, time, and location of the Information Meeting. The written notification will provide the respondent with at least three (3) business days notice.
- (c) The written notification will also include the alleged violation(s), a brief summary of the incident and/or a copy of the incident report (if applicable), a statement of rights and responsibilities, and if appropriate, a statement notifying the respondent that if found responsible for the alleged violation(s), they may face suspension or expulsion.
- (d) During this meeting, the hearing authority will review the parties rights and responsibilities, provide them with an opportunity to review the documentation and information received, accept or deny responsibility for the alleged violation(s), and, if appropriate, select a resolution option.
- (e) In cases involving sexual misconduct or retaliation based on sex discrimination –
 - (i) The complainant will be copied on the written notification to the respondent, and the respondent will be copied on the written notification to the complainant.
 - (ii) The complainant will have his or her own separate Information Meeting. This meeting will explain the remainder of the process, and prepare the complainant for the hearing.
 - (iii) The respondent and complainant will both be given the opportunity to select their hearing authority. Their option is to have their case adjudicated by a single hearing officer from the OSC&CS or the T9B.
 - (iv) If the respondent and complainant select the same hearing authority, the case will be adjudicated by the hearing authority they selected.
 - (v) If the respondent and complainant select different hearing authorities, the case will automatically be referred to the T9B for adjudication.
- (f) In cases that the respondent's behavior resulted in a complainant being harmed by the respondent's misconduct –
 - (i) The complainant will be copied on the written notification to the respondent, and the respondent will be copied on the written notification to the complainant.
 - (ii) The complainant will have his or her own separate Information Meeting. This meeting will explain the remainder of the process, and prepare the complainant for the hearing.
 - (iii) The respondent and complainant will both be given the opportunity to select their hearing authority. Their option is to have their case adjudicated by a single hearing officer from the OSC&CS or the UCB.
 - (iv) If the respondent and complainant select the same hearing authority, the case will be adjudicated by the hearing authority they selected.
 - (v) If the respondent and complainant select different hearing authorities, the case will automatically be referred to the UCB for adjudication.

(6) Types of Hearings

- (a) Administrative Review – This is an informal resolution option utilized for minor violations. An Administrative Review may take place immediately following the Information Meeting, or can be scheduled for a date and time that is convenient for

both the hearing authority and the respondent. This meeting is a discussion between the respondent and the hearing authority about the respondent's behavior, decision making, and choices. Following this meeting, the hearing authority may contact other parties who may have knowledge of the incident in order to make a decision about whether the respondent is responsible for alleged violation(s), and determine sanction(s) if applicable. During an Administrative Review, the respondent will not be allowed to call witnesses or bring forth additional information. Because of this, this meeting option is not available for respondents who are facing suspension and expulsion (university and residence halls). Administrative Reviews are not recorded. If the respondent does not attend, or attends the hearing and chooses not to participate, the hearing authority will adjudicate the case in absentia.

- (b) Administrative Hearing – A single hearing officer from the OSC&CS, the ORL, or HAV adjudicates this formal resolution option. Scheduled after the Information Meeting, the hearing authority and/or the respondent may involve complainant(s) and/or witnesses. If the respondent does not attend the hearing, or attends the hearing and chooses not to participate, the presiding hearing authority will move forward with adjudicating the case.
 - (c) The UCB/T9B – UCB/T9B Hearings are presided over by a member of the board designated as Chair. If the respondent does not attend the hearing, or attends the hearing and chooses not to participate, the board will adjudicate the case in absentia. Each Board Hearing will be assigned an OSC&CS Staff Member to oversee the process, suggest relevant questions, rephrase questions as necessary, explain policy, answer questions about process/procedure, and provide information on precedent. The OSC&CS Staff Member is not a voting board member.
 - (d) The hearing notification for an Administrative Hearing, the UCB, or the T9B will be sent no more than thirty (30) business days after the Information Meeting in writing.
 - (e) The hearing notification will include the date, time, and location of the hearing, the alleged violation(s), a statement of rights and responsibilities, and the name(s) of the hearing authority.
 - (f) The hearing notification will provide the respondent with at least seven business days notice.
 - (g) In cases involving sexual misconduct, retaliation based on sex discrimination, or behavior resulting in a complainant being harmed by the respondent's misconduct, both the respondent and complainant will receive written notification to their UT E-mail accounts.
- (7) Hearing Information
- (a) The purpose of a hearing is to provide respondent(s) an opportunity to have their case reviewed and decided upon using the preponderance of evidence standard (is it more likely than not that a violation occurred).
 - (b) All hearings are closed to the public, with the exception of Advisors for the respondent and complainant (if appropriate). Parties directly participating in the hearing (respondent, complainant, OSC&CS Staff Member), may remain in the hearing the entire time. Witness(es) will only be present when speaking to the hearing authority.
 - (c) Cases involving sexual misconduct, retaliation based on sex discrimination, or behavior resulting in a complainant being harmed by the respondent's misconduct, are also closed to the public, with the exception of Advisors for the complainant and respondent. Parties directly participating in the hearing (respondent, complainant, OSC&CS) may remain in the hearing the entire time. The witness(es) will only be present when speaking to the hearing authority.

- (8) Advisors
- (a) Respondents and complainants may elect to have an Advisor throughout the Student Conduct Process. The Advisor can assist the respondent and complainant with hearing preparations, and can accompany them to all Information Meetings/Hearings.
 - (b) The Advisor may not speak or participate in Information Meetings or Hearings. Advisors may consult with their respective advisee(s) verbally or in writing in a quiet, non-disruptive manner. If the Advisor(s) becomes disruptive after being warned two times by the Hearing Authority, they will be asked to leave.
 - (c) Respondents and complainants whose Advisors are attorneys are required to notify the OSC&CS at least three business days before the Information Meetings or hearing.
- (9) Witnesses, Documentary Information, and Safety Concerns
- (a) Witnesses – The respondent and complainant are able to request a reasonable number of witnesses to present pertinent information and answer questions. Names, e-mail addresses, mobile phone numbers, and a brief explanation of why they are being requested to serve as a witness must be sent to the hearing authority for review and approval at least four (4) business days before the hearing. The hearing authority will review the list of witnesses, and inform the parties if the witnesses are allowed to participate, and the rationale for the decision if they are not. Character witnesses are not allowed to present during a hearing, but may submit a written statement on the behalf of the respondent and complainant to be used during sanctioning if found responsible. In cases where the hearing authority is UCB or the T9B, the OSC&CS will review the list and respond on behalf of the board.
 - (b) Pertinent Information – The respondent and complainant are able to submit pertinent information to the hearing authority. The information and a brief explanation of why the information is being submitted must be sent to the hearing authority for review and approval at least four (4) business days before the hearing. The hearing authority will review the information, and inform the respondent and complainant if it is allowed, and the rationale for the decision if it is not allowed. In cases where the hearing authority is UCB or the T9B, the OSC&CS will review the list and respond on behalf of the board.
 - (c) The Hearing Authority may accommodate safety concerns during the hearing by providing appropriate accommodations for the respondent, complainant, or witnesses. Requests for these accommodations must be submitted to the OSC&CS via e-mail (StudentConduct@utoledo.edu) at least four (4) business days before the hearing. The OSC&CS will work with the hearing authority to address and accommodate the safety concerns.
- (10) Hearing Authority Bias – The respondent or complainant may challenge a hearing authority on the grounds of bias. Challenges must be submitted in writing at least four (4) business days to the OSC&CS (StudentConduct@utoledo.edu), and must specify information to support a bias. If the challenge has merit, the OSC&CS will assign a new hearing authority.
- (11) Hearing Procedures
- (a) The Hearing Authority will record Administrative Hearings, UCB Hearings, and T9B Hearings. The recording will be turned on at the start of the hearing, and turned off before deliberation. This record will be the property of the university.
 - (b) In cases involving sexual misconduct, retaliation based on sex discrimination, or

behavior resulting in a complainant being harmed by the respondent's misconduct, the Hearing Authority may have the respondent and complainant submit questions for each other in writing before they are asked. The Hearing Authority (or OSC&CS Staff Member in UCB and T9B Hearings) may rephrase submitted questions, and/or refrain from asking repetitive or irrelevant questions.

- (c) The Hearing Authority will begin the hearing by reading a procedural statement.
 - (d) Each party in the hearing will introduce themselves, and their role in the hearing.
 - (e) The Hearing Authority will review the alleged violation(s), and the respondent will indicate acceptance or denial of responsibility.
 - (f) The investigator(s) (if applicable) will present a summary of the investigation to the hearing authority. The hearing authority, the complainant, and the respondent will ask questions of the investigator.
 - (g) The complainant (if applicable) will provide the hearing authority with a summary of their role, and a statement of what happened from their perspective. The hearing authority and respondent will ask questions of the complainant.
 - (h) Relevant witnesses from the university, complainant (if applicable), and respondent will each have an opportunity to share information with the hearing authority concerning the alleged violation(s). Each witness will be questioned by the hearing authority, the complainant (if applicable), and the respondent. Witnesses are not allowed to stay for the entire hearing, and will depart after they have shared their information, and answered questions by the parties listed above.
 - (i) The respondent will provide the hearing authority with a summary of what happened from their perspective. The hearing authority and complainant (if applicable) will ask questions of the respondent.
 - (j) The complainant (if applicable) and respondent will each have the opportunity to make closing comments before the hearing authority begins deliberation.
 - (k) Deliberation is closed, and is not recorded. The hearing authority will determine, using the preponderance of evidence standard, if the respondent is responsible for the alleged violation(s). If the hearing authority determines the respondent is responsible for the alleged violation(s), the respondent will receive sanction(s). When the hearing authority is UCB or the T9B, determinations of responsibility and recommendations regarding sanctions are made by a majority vote.
- (12) Conflict Resolution Options
- (a) Based on the nature of the incident, and the willingness of the complainant/harmed party and the respondent, the Associate Dean of Students & Director of Student Conduct and Community Standards may recommend that an incident be handled using a conflict resolution option (mediation, conflict coaching, facilitated dialogue, restorative justice). A person chosen by the OSC&CS who has been trained appropriately will conduct the conflict resolution options.
 - (b) Conflict resolution options will not be utilized unless both the respondent and complainant/harmed party have attended a consultation meeting to discuss the incident, learned about the selected conflict resolution option, and have agreed to participate. A conflict resolution option that is unsuccessful may be forwarded back to the Student Conduct Process for resolution.
 - (c) Conflict Resolution Options will not be utilized when addressing sexual misconduct cases and/or complaints of violence.
 - (d) The Associate Dean of Students & Director of Student Conduct and Community Standards may also suggest that complaints that do not involve a violation of the Student Code of Conduct utilize a Conflict Resolution Option.

- (13) **Medical Amnesty:** The University strives to maintain a balance between student support and accountability. The University believes in addressing student health concerns directly, and confronting dangerous behaviors. The University also encourages students to seek help in situations where their own, or another student's health, is endangered. The University's first priority in these cases is to encourage student safety and healthier behaviors. As such, a student who seeks medical attention on behalf of themselves, another student, or a friend experiencing an alcohol and/or drug related emergency, will not be subject to conduct action under the Student Code of Conduct. UT Students who receive Medical Amnesty will have to meet with an OSC&CS Staff Member, who may ask the student to complete an assessment or counseling center screening, but the incident will not go on either student's educational record. The Associate Dean of Students & Director of Student Conduct and Community Standards will make decisions regarding Medical Amnesty eligibility.

(H) Sanctions

- (1) Respondents found responsible for violating the Student Code of Conduct will receive sanction(s). Sanctions are designed to educate the respondent on community expectations regarding appropriate behavior, and protect the UT Community and its members. Sanctions also help the respondent repair the harm they caused the community.
- (2) When sanctioning a respondent, the hearing authority should consider the following:
- Statements and information presented at the hearing;
 - Seriousness of the violation;
 - How the behavior impacted the complainant and community;
 - The respondent's prior conduct history;
 - The respondent's intent and motivation; and
 - Conduct precedent (how the university has handled same/similar violation(s)).
- (3) Respondents may receive one or more of the following sanctions if found responsible for violating the Student Code of Conduct:
- Written Warning – Written notice to the respondent that their behavior has violated the Student Code of Conduct, and that further violations may result in more severe sanction(s).
 - Conduct Probation Without Restrictions – The respondent is not in good standing with the university, and is subject to more severe sanction(s), including suspension or expulsion if there are any further violations.
 - Conduct Probation With Restrictions – The respondent is not in good standing with the university, and is subject to more severe sanction(s), including suspension or expulsion if there are any further violations. The respondent may also receive any of the following restrictions, including, but not limited to: not representing the university on any athletic team other than intermurals, hold an office in any registered student organization, represent the university in any extracurricular activity or official function, or participate in the study abroad program.
 - Social Suspension – The respondent's loss of specified university privilege(s) or extracurricular institutional activity for a designated period of time, except for attendance in classes in which officially enrolled and privileges that are necessary or required (e.g. libraries, extracurricular lectures, work-study).
 - Conduct Suspension – Separation of the respondent from the university for a definitive period of time, after which the respondent is eligible to return. Conditions for readmission are specified.
 - Conduct Expulsion – Permanent separation of the respondent from the university.

- (g) Revocation of a Registered Student Group or Organization Status – Designated period in which a registered student group or organization is not recognized by UT, and does not receive designated privileges.
- (h) Residence Hall Transfer – The respondent is required to transfer residence halls.
- (i) Residence Life Suspension – Separation of the respondent from residence life facilities for a set period after which the respondent may be eligible to return. Conditions for return may be specified.
- (j) Residence Life Expulsion – Permanent separation of the respondent from all residence life facilities.
- (k) Educational Action – Action intended to educate the respondent on their choices and behaviors. Examples of educational actions include reflective essays, research papers, designing and/or attending programs, completion of community service, counseling center screenings, parent/guardian notification, etc.
- (l) Restitution – Compensation for the loss, damage, or injury caused by the respondent. Restitution may include one of the following: Monetary or material replacement.
- (m) No Contact Order – Written directive to refrain from intentional contact, direct or indirect, with one or more person(s), through any means.
- (n) Loss of Privilege – Denial of specified privileges for a designated period.
- (o) Revocation of Admission or Degree – Admission to, or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violation of university standards in gaining admission or obtaining the degree, or for other serious violations committed by a student prior to graduation.
- (p) Withholding Degree - The University may withhold a respondent's earned degree until the completion of the student conduct process, including the completion of all sanction(s).

(I) Appeals Process for the Student Conduct Process

- (1) Grounds for Appeal – The only permissible grounds for appeals are as follows:
 - (a) To consider new evidence, unavailable during the original hearing or investigation, that could substantially alter the original finding or sanction. A summary of this new evidence and its potential impact must be included.
 - (b) A procedural error occurred that significantly impacted the outcome of the hearing.
 - (c) The sanction(s) imposed are substantially disproportionate to the severity of the violation.
- (2) The Appeals Process
 - (a) The respondent may appeal a decision or sanction made by the hearing authority within five (5) business days of the decision. Appeals must be submitted online at https://cm.maxient.com/reportingform.php?UnivofToledo&layout_id=10.
 - (b) In cases involving sexual misconduct or behavior resulting in a complainant being harmed by the respondent's misconduct, the party's appeal will be shared with the opposing party, who will be given five (5) business days from notification of the appeal, to submit a response in writing to the OSC&CS at StudentConduct@utoledo.edu.
- (3) Respondents and complainants who fail to attend their Information Meeting, Administrative Review, and/or Hearing forfeit their right to appeal. In such case, the decision and sanction(s) made by the hearing authority are final.
- (4) The OSC&CS will review all requests for appeal within five (5) business days of receipt to determine if the appeal has been submitted in the appropriate timeframe, the respondent or

complainant has clearly outlined one or more acceptable grounds for appeal, and included a statement of facts supporting the ground(s) for appeal.

- (5) Any appeal that is submitted outside of the timeframe outlined above, fails to outline acceptable grounds, or fails to include a statement of facts supporting the ground(s) for appeal will be dismissed.
- (6) Appeals that are submitted within the appropriate time frame, identify acceptable grounds, and a statement of supporting facts will be forwarded to the Appeals Officer for review:
 - (a) Appeals of decisions made by hearing authorities in the ORL or HAV will be directed to the Associate Dean of Students & Director of Student Conduct and Community Standards (or designee) for review and decision.
 - (b) Appeals of decisions made by hearing authorities in the OSC&CS will be directed to the Associate Vice President and Dean of Students (or designee) for review and decision.
- (7) Conduct sanctions that may result in limits being placed on activities and/or restrictions will be effective immediately. Other sanctions will not take effect until completion of the appeals process.
- (8) In considering an appeal, the Appeals Officer will conduct a review of the existing materials, including, but not limited to:
 - (a) The hearing file;
 - (b) The hearing recording;
 - (c) The appeals form;
 - (d) Written response from the complainant (if applicable);
 - (e) Written response from the respondent (if applicable).
- (9) The Appeals Officer may uphold the original sanction and/or decision, modify and/or eliminate the sanction(s), or refer the case back to the original hearing authority due to procedural error or information not available at the time of the hearing. The Appeals Officer will state, in writing, the rationale for their decision. This response will be e-mailed to the respondent, complaint, and original hearing officer.
- (10) The respondent and complainant will be notified of the outcome of the appeal within ten (10) business days following receipt of all written materials. The decision of the Appeals Officer is final.

(J) Student Conduct Records

- (1) Student Conduct information will become a part of the respondent's educational record per The Family Education Rights and Privacy Act.
- (2) Conduct Sanctions, with the exception of Expulsion (Conduct and Residence Hall), Suspension (Conduct and Residence Hall), or revocation of admissions/degree will be removed from the respondent's conduct record seven (7) years from the year in which the offense occurred.
- (3) The Office of Student Conduct and Community Standards will maintain the respondent's Student Conduct record.

(K) Holds

- (1) The Associate Dean of Students & Director of Student Conduct and Community Standards (designee) may place a Disciplinary Hold on a student's conduct record when

a student –

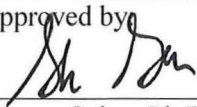
- (a) Is not presently enrolled at UT, and an Information Meeting, Administrative Review, and/or Hearing is pending;
- (b) Has a pending conduct case that must be resolved prior to graduation;
- (c) Has a pending investigation (Title IX or Student Conduct);
- (d) Has failed to complete sanction(s) by the assigned deadlines;
- (e) Is placed on Interim Suspension from UT;
- (f) Is suspended or expelled from UT; or
- (g) Engages in behavior that puts themselves, or other members of the UT Community at risk.

(L) Refund Policy

- (1) In the event of a conduct suspension or conduct expulsion, the OSC&CS will follow the regular tuition and meal plan refund schedule outlined by the Office of the Treasurer and the Office of Dining and Hospitality.
- (2) In the event of a residence hall suspension or residence hall expulsion, the OSC&CS will follow the terms of the University Housing Contract/HAV Lease by the ORL or HAV.

(M) Student Code of Conduct Review – The Student Code of Conduct will be reviewed annually under the leadership and direction of the Associate Dean of Students & Director of Student Conduct and Community Standards.

(N) Acknowledgements – Parts of the University of Toledo Student Code of Conduct are adapted from The National Center for Higher Education Risk Management (NCHERM) Group Model Developmental Code of Student Conduct, and are used here with their permission. The Office of Student Conduct and Community Standards wishes to acknowledge the following institutions for their example in crafting this document – Bowling Green State University, Ohio University, The Ohio State University, The University of Cincinnati, The University of Florida, and The University of Kentucky.

<p>Approved by  <hr/> Sharon Gaber, Ph.D. President</p> <p>Date 9/5/17 <hr/></p> <p><i>Review/Revision Completed By:</i> The Office of Student Conduct and Community Standards; The Office of Legal Affairs; Internal Audit and Compliance</p>	<p>Policies Superseded By This Policy: <i>Previous 3364-30-04, Effective Date 8/1/11</i></p> <p>Original Effective Date: August 1, 2011 Review/Revision Date: August 2017 Next Review Date: August 2018</p>
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