Name of Policy: Student Code of Conduct
Policy Number: 3364-30-04
Approving Officer: President
Responsible Agents: Senior Vice President for the Student Affairs
Scope: All Students of The University of Toledo as set forth in this policy

Revision date: December 5, 2014
Effective Date: August 1, 2011

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(A) Policy statement

It is the responsibility of a university to be concerned with the overall development of its students. The emphasis in the administration of student conduct is placed upon treating behavioral problems in a manner that relates to the educational purposes of a university.

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

(B) Purpose of policy

The Student Code of Conduct gives general notice of prohibited conduct and the potential sanctions to be imposed for such conduct. This policy further sets for the requirements for notice and the opportunity to be heard with regard to allegations of violation of the Student Code of Conduct. The Student Code of Conduct should be read broadly, and is not designed to define misconduct in exhaustive terms. The Student Code of Conduct specifies the rights and responsibilities of the students, student organizations, the university and the rights of other parties to the procedure.

Students and student organizations are required to engage in responsible social conduct that reflects credit upon the university community and to model good citizenship in any community. Actions by students or student organizations which interfere with the orderly functions of the university or actions which endanger the health or safety of members of the university community will not be tolerated.
(C) **Jurisdiction and Scope of the University Student Code of Conduct**

(1) The Student Code of Conduct applies to the conduct of all students and student organizations on the university premises. The code also applies to the off-campus conduct of students 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 substantial destruction of property belonging to the university or members of the university community or causes serious harm to the health or safety of members of the university community; or

(e) Any activity in which a police report has been filed and a summons or indictment has been issued or an arrest has occurred for a crime of violence.

(2) Each student is responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The Student Code of Conduct applies to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending.

(3) This Student Code of Conduct prohibits cheating and plagiarism as defined in this policy but those allegations or charges will be handled through the college under its applicable policies and procedures for handling such allegations. A student will not be reviewed twice under separate policies and procedures for the same occurrences or omissions.

Undergraduate and graduate students who violate the Student Code of Conduct are subject to appropriate disciplinary 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 or Student Organization that violates the Equal Opportunity or Sexual and Other Harassment policies of the University will be handled as followed: if the allegation is a violation of the Student Code of Conduct set forth below, the allegation will be investigated according to the university’s policies for equal opportunity
or sexual and other harassment and then handled according to the procedures as set forth in section (E) below.

(D) Student Code of Conduct. Any student or student organization found to have committed or to have attempted to commit any of the following is subject to the disciplinary sanctions described in this Code:

(1) Violation of any federal, state or local law, regulation or act.

(2) Violation of any University policy, rule, regulation, requirement, directive or contract, whether published in hard copy or available electronically on the University policy website located at http://www.utoledo.edu/policies/.

(3) Disruption or Obstruction of Education includes but is not limited to disruption or obstruction of teaching, research, administration, disciplinary proceedings or other university activities, including its public service functions on or off campus, or of other authorized non-university activities when the conduct occurs on university premises. Disruption is an action or combination of actions by an individual or a group, which unreasonably interferes with, hinders, obstructs, or prevents the right of others to freely participate in its programs, services, or academic settings. This may include, but is not limited to a disruption by the use of pagers, cell phones or any other communication devices.

(4) Improper disclosure of confidential information. Other than public information, the disclosure of information that is privileged and/or confidential, including information pertaining to patients and their care, research subjects, or other students that is accessible to the student through association with The University of Toledo, its Medical Center, or clinical or affiliated sites.

(5) Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, retaliation, bullying, or other conduct which threatens or endangers the health or safety of any person.

(6) Discriminatory harassment or retaliation, verbal, physical or otherwise, based on sex, race, color, ancestry, national origin, religion, disability or handicap, age, military or veteran status, gender identity or expression, or sexual orientation, towards another person that has the purpose or effect of creating an offensive or intimidating living and learning environment, or interferes with the individual’s education or work environment or participation in or benefit from a University class, program, event or activity, or will cause physical or mental injury or any violation of University’s discrimination, harassment or retaliation policies 3364-50-01 or -02, as such may be amended from time to time.

(7) Sexual misconduct that involves:
   (a) Deliberate touching of another’s sexual parts without consent or deliberate sexual misconduct of another without consent.
(b) Deliberate constraint or incapacitation of another without that person’s knowledge or consent so as to put another at substantially increased risk of sexual injury; or

(c) Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with or creates an intimidating, hostile, or demeaning environment for an individual’s academic pursuits, University employment, participation in activities sponsored by the University or organizations or groups related to the University, or opportunities to benefit from other aspects of University life.

(d) Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties. It should be noted that in some situations an individual’s ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, physically forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

(8) Unauthorized gambling for money or other items of value, including the unauthorized exchange of currency or items of value through betting or games.

(9) Hazing, defined as doing, requiring, or encouraging an act which endangers the mental or physical health or safety of a Student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts and are also violations in their own right.

(10) Failure to comply with University officials or law enforcement officers acting in the performance of their duties or failure to identify oneself to University officials or officers when requested to do so.

(11) Violation of the University’s alcohol policy, or use, possession, manufacturing or distribution of alcoholic beverages unless permitted by university regulation. Alcoholic beverages may not in any circumstance be used by, possessed by, or distributed to any person under twenty-one (21) years of age.

(12) Use, possession, manufacturing or distribution of marijuana, heroin, narcotics, drug paraphernalia, synthetic drugs or other controlled substances except as expressly permitted by law.

(13) Illegal or unauthorized possession, use or unauthorized storage of firearms, fireworks, ammunition, dangerous chemicals, switchblade knives, knives with
blades three inches or more, other weapons, or realistic replicas of weapons on university premises or use of any such item, even if it is legally possessed, in a manner that harms, threatens, or causes fear to others.

(14) Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the university or infringes on the rights of other members of the university community; leading or inciting others to disrupt scheduled or normal activities on university premises.

(15) Attempted or actual theft or destruction of or unauthorized use or possession of, or unauthorized exertion of control over property of any kind belonging to the university, a member of the university community, a campus visitor, or a person or agency participating in a university activity.

(16) Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting or procuring another person to breach the peace on university premises or at functions sponsored by, or participated in by, the university or members of the university community.

(17) Unauthorized possession, duplication or use of keys to any university premises or identification cards, or unauthorized entry to or use of university premises.

(18) Acts of dishonesty, including but not limited to:
   (a) Furnishing false information to any university official, faculty member, or office;
   (b) Forgery, alteration, destruction or misuse of any university document, record, or instrument of identification; or
   (c) Facilitation, intentionally or knowingly helping another student violate any code of conduct.

(19) Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at a university sponsored or supervised function.

(20) Unauthorized photography, audio recording or videotaping.

(21) Theft of or other abuse of computer facilities and resources, including but not limited to:
   (a) Violation of the university’s Responsible use policy, 3364-65-05;
   (b) Unauthorized entry into a file, to use, read, or change the contents, or unauthorized transfer;
   (c) Use of another individual’s identification or password;
   (d) 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 university computing system; or
   (e) Use of computing facilities and resources in violation of copyright laws.
(22) Abuse of the Student Conduct system, including but not limited to:
   (a) Failure to obey the notice from a Student Conduct Board or university
       official to appear for a meeting or hearing as a part of the Student
       Conduct System;
   (b) Falsification, distortion, or misrepresentation of information before a
       Student Conduct Board;
   (c) Disruption or interference with the orderly conduct of a Student
       Conduct Board proceeding;
   (d) Institution of a student conduct code proceeding in bad faith;
   (e) Attempting to discourage an individual’s participation in, or use of
       the Student conduct system;
   (f) Attempting to influence the impartiality of a member of a Student
       Conduct Board prior to, or during the course of the Student Conduct
       Board proceeding;
   (g) Harassment (verbal or physical) or intimidation of a member of a
       Student Conduct Board prior to, during, or after a Student Conduct Board
       proceeding;
   (h) Failure to comply with the sanctions imposed under the Student Code of
       Conduct; or
   (i) Influencing or attempting to influence another person to commit an
       abuse of the Student conduct code system.

(E) Procedures

(1) Violation of both law and the university Code of Conduct

University disciplinary proceedings 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. Serious offenses may require that the criminal or civil process be
resolved prior to beginning the procedures of the university set forth below. If the
procedures set forth below are held pending the finalization of a criminal or civil
proceeding against a respondent, the vice president for the student experience will
determine whether the student’s continued presence on university premises constitutes
a risk of harm or safety to the university community and may institute remedial
measures for the protection of the university community during the time in which the
criminal or civil charges are pending. Determinations made or sanctions imposed under
this Code of Conduct shall not be subject to change because criminal or civil charges
arising out of the same facts giving rise to violation of university rules were dismissed,
reduced or resolved in favor of or against a criminal or civil defendant.

(2) Allegations and investigation

(a) Any member of the university community may file allegations against a student
or student organization for violations of the Student Code of Conduct. The
member of the university community must complete an incident report form
regarding the allegations and submit it to the office of student conduct on any university campus. The university offices receiving the incident report(s) will notify the college of the report(s) and forward incident reports to the appropriate university office for resolution under this policy. Incident reports should be submitted by the member of the university community as soon as possible, but in no event later than 60 calendar days after the occurrence of the alleged event(s) leading the allegation of violation of the Code unless extenuating circumstances warrant as determined by the student conduct officer.

(b) All allegations that are moved forward will be presented to the respondent in written form which will include:

   (i) the specific allegations and charges with regard to violations of the Student Code of Conduct indicating whether expulsion from the university is a potential sanction;

   (ii) the nature of the evidence submitted, which may include the incident report as appropriate; and

   (iii) the time and place of any meetings with the student conduct officer.

(c) The written notice should indicate if expulsion from the university is a potential sanction. Written notice of the allegation(s) and any further correspondence with the respondent will be through official university email accounts. Notices can also be sent by first-class mail (not certified or registered) to the respondent’s address filed by the time of last registration.

(d) The student conduct administrator will conduct an investigation that will include interviews of the respondent and the complainant or others as necessary. Based on the investigation, the following may occur:

   (i) The student conduct administrator may determine that there is insufficient information to substantiate the allegations and the allegations may be dismissed (and no further appeal is permitted);

   (ii) The respondent admits responsibility for violation(s) of the code and the student conduct administrator determines the appropriate sanction(s);

   (iii) The respondent denies responsibility for violation(s) of the Code and therefore the student conduct officer or a student conduct administrator will move forward with a hearing;

   (iv) The respondent does not appear for the meeting with the student conduct administrator. The student conduct administrator will determine if a violation has occurred based upon the information collected and determine
appropriate sanctions at that time. (this determination is also not appealable); or

(v) The student conduct officer may determine that no material violation of the code occurred and may recommend resolution with the concurrence of the respondent and complainant (this determination is also not appealable).

(3) Hearing

(a) Under this subsection applies to matters in which there is an allegation of discriminatory harassment, retaliation, or sexual misconduct as defined in section (D)(6) or (D)(7) of this policy. If there is conflict between the provisions in this subsection and other parts of the Code of Conduct, this subsection will govern.

(i) The University is committed to preventing discriminatory harassment, retaliation, and sexual misconduct in its programs and activities. UT takes prompt and appropriate action to address such violations of the Code of Conduct, prevent their recurrence, and address any effects created.

(ii) Generally, adjudication of discriminatory harassment, retaliation, or sexual misconduct charges will not be delayed due to a pending or potential law enforcement process. The University respects the constitutional rights of the parties and ensures that its actions protect those rights.

(iii) Absent extenuating circumstances, allegations of discriminatory harassment, retaliation, or sexual misconduct may be filed no later than 300 days after the alleged event. Allegations should be filed with: Kevin West, Inclusion Officer, University Hall 4580C, 2801 W. Bancroft St. MS 939, kevin.west2@utoledo.edu, 419.530.4053.

(iv) With respect to charges of discriminatory harassment, retaliation, or sexual misconduct, the Complainant and Respondent will be treated equally throughout the process: rights provided to the Respondent will be provided to the Complainant and rights provided to the Complainant will be provided to the Respondent. For example, with respect to those charges, both will receive similar and timely notices and information, and have an equal opportunity to have an advisor of their choice, present witnesses and evidence, review evidence from the investigation, attend and participate in the hearing, and appeal the outcome. The Complainant and Respondent will receive concurrent written notice of the outcome of the discriminatory harassment, retaliation, or sexual misconduct charge, consistent with federal and state law.

(v) The process explained in (E)(2)(d) will apply with the following modifications to charges of discriminatory harassment, retaliation, or sexual misconduct: A decision made under (E)(2)(d)(i) or (E)(2)(d)(ii) is appealable by either Complainant or Respondent in accordance with the appeal procedures set forth in this Code of Conduct; a decision made under (E)(2)(d)(iii) or (E)(2)(d)(iv) is not appealable by either party; and
(E)(2)(d)(v) is not applicable with respect to charges of discriminatory harassment, retaliation, or sexual misconduct.

(vi) The University does not use mediation in cases involving allegations of sexual misconduct.

(vii) Charges of discriminatory harassment, retaliation, or sexual misconduct will be heard by a Title IX Adjudication Panel that consists of five trained faculty or staff members. That panel may also hear and determine any other Code of Conduct charges that relate to the discriminatory harassment, retaliation, or sexual misconduct charge. Except as explained here, the Title IX Adjudication Panel follows the same procedures and provisions of this policy as the Student Conduct Hearing Board. Parties who believe that a member of the Title IX Adjudication Panel has a conflict of interest that would affect the adjudication of their case may contact the student conduct officer.

(viii) In matters involving allegations of discriminatory harassment, retaliation, or sexual misconduct, the Complainant and Respondent are not permitted to directly cross examine each other. All questions must be posed through the Title IX Adjudication Panel. The Title IX Adjudication Panel will present the question to the opposing party. The Title IX Adjudication Panel generally may not ask a Complainant or Respondent about his or her sexual history with anyone other than the Complainant or Respondent. The Title IX Adjudication Panel may also decline to present questions to a Complainant or Respondent that are in the Title IX Adjudication Panel’s discretion not reasonably calculated to lead to relevant evidence.

(ix) If an appeal is filed by Complainant or Respondent relating to a charge of discriminatory harassment, retaliation, or sexual misconduct, the other party will be notified of the appeal and of the outcome of the appeal.

(x) Allegations of discriminatory harassment, retaliation, or sexual misconduct generally will be resolved with 60 days of the filing of the complaint. Under certain circumstances (e.g., cases involving complex allegations or intervening school breaks), it may take longer than 60 days to conclude the investigation and adjudication of a complaint. In such instances, the University will update the parties regularly regarding the status of the case.

(xi) The University provides interim remedies to individuals who allege and are affected by discriminatory harassment, retaliation, or sexual misconduct. For more information about how to obtain interim remedies and related resources, please contact the Inclusion Officer listed in (3) above. In addition to the range of sanctions set forth in the Code of Conduct, the University provides remedies to complainants and the campus community, as appropriate, following a finding that discriminatory harassment, retaliation, or sexual misconduct has occurred.

(xii) Records of this process will be maintained in accordance with the University’s records retention schedule for student disciplinary files. The
University will comply with FERPA with respect to the records.

(b) The student conduct officer or a student conduct administrator will schedule a hearing with the student conduct board in no less than five (5) days and no more than fifteen (15) business days from the date of the submission of the incident report describing the allegations. This time can be extended by the student conduct officer or a student conduct administrator when reasonably necessary and the respondent must be notified of the reason for the delay.

(c) The student conduct board for each hearing will be composed of 3 Students, and 2 faculty members. All students, faculty and staff appointed to the student conduct board will be selected from the student conduct panel. The student conduct panel is selected by the vice president for the student experience and all will be trained in student conduct hearings. Students on the student conduct panel must be in good academic standing with no serious conduct violations at the university. Members on the student conduct panel may be appointed to one-year renewable terms and. Vacancies on the student conduct panel may be filled at any time.

(d) The student conduct board will be selected and convened by the student conduct officer or a student conduct administrator.

(e) Student conduct board hearings will be conducted according to the following procedures:

(i) Student conduct board hearings will be conducted in private.

(ii) The complainant and the respondent have the right to be assisted by an advisor of their choosing. The advisors must be a member of the university community and may not be acting as an attorney for the respondent or complainant. Advisors are not permitted to speak or to participate directly in any student conduct hearing before a student conduct board, unless permitted by the chairperson. A respondent or complainant should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the student conduct board hearing because delays will not be allowed due to the scheduling conflicts of an advisor.

(iii) The complainant, respondent and respective advisors will be allowed to attend the entire portion of the student conduct board hearing at which information is received, excluding deliberations. Admission of any other person to the student conduct board hearing will be at the discretion of the student conduct board. If the hearing involves
more than one respondent, the student conduct officer may permit each respondent’s hearing to be conducted separately. Separate findings will be made for each respondent if the hearing is held jointly. Matters regarding a student organization will be conducted within one hearing.

(iv) The complainant, the respondent and the student conduct administrator or student conduct officer may arrange for witnesses to present pertinent information to the student conduct board. The witnesses will only attend the portion of the hearing for which they are presenting information. A list of witnesses will be exchanged by the complainant, respondent and student conduct officer or student conduct administrator at least two business days prior to the hearing. Only witnesses included in this exchange may be called at the hearing.

(a) The University will invite possible witnesses who are members of the university community, if reasonably possible, and who are identified to the student conduct administrator or student conduct officer by the complainant and/or accused at least two business days prior to the student conduct board hearing.

(v) On behalf of the university, the student conduct officer or designee will first present the case before the student conduct board. The respondent will then have an opportunity to present a defense or explanation to the student conduct board.

(vi) Pertinent records, exhibits, and written statements previously received by all parties (excluding student impact statements) may be submitted to the student conduct board during the hearing. Acceptance of the records, exhibits, and written statements is at the discretion of the chairperson.

(vii) Formal rules of process, procedure, or technical rules of evidence, such as are applied in a court of law, do not apply in Student Code of Conduct proceedings and any basic procedural issues must be raised at the hearing and are subject to the final decision of the chairperson of the student conduct board.

(viii) There will be a single verbatim record, such as a tape recording or court reporter recording of all student conduct board hearings (not including deliberations). Deliberations will not be recorded. The record is the property of the university.

(ix) If a respondent is notified according to this policy and respondent fails to appear at the scheduled time and place, the information in support of the allegations will be presented and considered even if though not present.
Respondents who fail to attend a hearing will forfeit any right to appeal, unless circumstances warrant, per the discretion of the vice president for the student experience.

(x) The student conduct board may accommodate concerns for the personal safety, well-being or fears of confrontation of the complainant, respondent or other witnesses during the hearing by providing separate facilities, by using a visual screen, or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the student conduct officer to be appropriate. Requests for this type of accommodation must be made no less than 2 business days prior to the hearing to the student conduct officer or student conduct administrator responsible for the hearing.

(xi) After the parties have presented to the student conduct board and submitted evidence, the student conduct board will determine by majority vote whether the respondent has violated each section of the Code which the respondent is charged with violating. The student conduct board’s determination will be made on the basis of whether it is more likely than not that the respondent violated the Code.

(xii) In each case in which a student conduct board determines that a student or student organization has violated the Student Code of Conduct, sanctions recommended by the student conduct board will be considered by the student conduct officer in determining and imposing the sanctions. The student conduct officer is not limited to sanctions recommended by the members of the student conduct board. Following the student conduct board hearing, the student conduct officer will advise the accused student(s), or student organization, the college under which the student(s) belong and the complainant in writing of the determination and of the sanctions imposed, if any.

(4) Sanctions

(a) Sanctions should be commensurate with the violation(s) that occurred. When imposing sanctions, consideration should be given to any mitigating or aggravating circumstances. These circumstances include, but are not limited to: provocation by the subject of the conduct; past misconduct; failure of the respondent to comply with previous sanctions; actual and potential harm caused; degree of intent and motivation of the respondent in committing the violation; severity and pervasiveness of the conduct that constituted the violation; if any.
may be considered an aggravating factor. Impairment caused by alcohol is considered as an aggravating, not a mitigating, factor.

(b) One or more of the following sanctions may be imposed upon any student or student organization found to have violated one or more provisions of the Code:

(i) Warning - A notice in writing to the student or student organization of a past or current violation of this Code.
(ii) Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time, during this probationary period, if the student or student organization is found to violate any policy additional more severe sanctions will result. Probation may include mandatory conditions.
(iii) Loss of Privilege - Denial of specified privileges for a designated period of time.
(iv) Fines - Previously established and published fines may be imposed.
(v) Restitution - Compensation for loss, damage or injury caused by the conduct. This may include one or more of the following: appropriate service, monetary, or material replacement.
(vi) Discretionary Sanctions - Work assignments, essays, service to the university or community, or other related assignments
(vii) Residence Hall Suspension - Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
(viii) Residence Hall Expulsion - Permanent separation of the Student from the residence halls.
(ix) Suspension - Separation of the Student from the University for a definite period of time, after which the Student is eligible to return. Conditions for readmission may be specified.
(x) Expulsion - Permanent separation of the student from the university.
(xi) 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 obtaining the degree, or for other serious violations committed by a Student prior to graduation.
(xii) Withholding Degree - The university may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

(c) Disciplinary sanctions will become part of the student’s disciplinary record. University suspension, university expulsion, transcript forgery, or revocation or withholding of a degree, will be a permanent part of a student’s academic record. Sanctions involving the imposition of sanctions other than university suspension, university expulsion, or revocation or withholding of a degree will be removed from the student’s confidential disciplinary record in compliance with the university records and retention policies (six years) and applicable state or federal laws after final disposition of the case. All student disciplinary records will be maintained by the office of student conduct or
office of dean of students.

(5) Interim Suspension

Interim suspension is the immediate removal of a student from university premises. Interim suspension may be imposed by the vice president of the student experience upon consultation with appropriate university officials, in order to: a) Ensure the safety and well-being of members of the university community or preservation of university property; b) ensure the student(s) own physical or emotional safety and well-being; or c) If the student(s) or student organization poses an ongoing threat of disruption of, or interference with, the normal operations of the university.

(a) The interim suspension may be made immediately effective, without prior notice and may provide for complete exclusion from university premises. The student(s) or student organization affected will be notified in writing of the interim suspension and the reasons for the suspension. The notice should include the time, date, and place of the student conduct board hearing at which the student(s) or student organization may show cause why his/her continued presence on campus does not constitute a threat (and at which they may contest whether a campus rule was violated).

(b) The interim suspension does not replace the regular process, which will proceed without undue delay.

(c) After the interim suspension, but before the hearing on the underlying charge(s), the student(s) or student organization may choose to appear personally before the vice president for the student experience. The vice president for the student experience’s decision on whether to retain or lift the interim suspension is final and no further appeal is available.

(6) Appeals

(a) Reasons for appeal

Except as required to explain the basis of new information, an appeal is to be limited to a review of the verbatim record of the student conduct board hearing and supporting documents submitted at the hearing for one or more of the following purposes:

(i) To determine whether the student conduct board hearing was conducted fairly in light of the allegations and information presented, and in conformity with prescribed procedures giving the respondent a reasonable opportunity to prepare and present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

(ii) To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct which the respondent was
found to have committed.

(iii) To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information or facts were not available at the time of the original student conduct board hearing.

(b) Process for appeals

A decision reached by the student conduct board or a sanction imposed by the student conduct officer or a student conduct administrator may be appealed by the respondent within 5 business days of the decision. Any appeal must be in writing and state the reason(s) for appeal and include a statement of facts supporting the reason(s) for the appeal. The appeal must be delivered to the student conduct officer within 5 business days of the decision.

All requests for appeal will be reviewed within 10 business days of receipt, to determine if the respondent has clearly outlined one or more acceptable grounds for appeal and included a statement of facts supporting the ground(s) for appeal.

An appeal that fails to outline acceptable grounds or fails to include a statement of facts supporting the ground(s) for appeal will be dismissed. Appeals that identify acceptable grounds and a statement of supporting facts will be forwarded as follows:

(i) All appeals from residence hall hearings other than contract terminations, shall be submitted to the director of residence life or designee.

(ii) All appeals where the sanction imposed by the residence hall hearing is contract termination shall be submitted to the vice president for the student experience.

(iii) Appeals from non residence hall hearings, not involving suspension or expulsion shall be submitted to the dean of students or designee.

(iv) Appeals where the sanction imposed is suspension or expulsion shall be submitted to the vice president for the student experience or designee.

(v) The reviewer may affirm, reverse or modify the decision or sanction, or in unusual circumstances, may send the matter back to the original student conduct board.

(vi) The respondent will be notified of the decision, in writing, within five (5) business days of the appeal decision. The decision of the reviewer is final.

(F) Definitions

(4) "Respondent" means the student(s) or student organization(s) alleged to have violated this Student Code of Conduct.
(5) "Cheating" includes but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the university faculty or staff.

(6) "Complainant" means any person who submits a charge alleging that a student violated this Student Code of Conduct. When an individual has been a victim of another student's misconduct, the victim will have the same rights under this student code of conduct as are provided to the complainant (excluding the right to appeal), even if another member of the university community submitted the charge itself.

(7) "Faculty member" means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

(8) "Plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(9) "Policy" means the written policies, rules, and regulations of the university as found in, but not limited to, the Student Code of Conduct, residence hall living guides, syllabi, the university policy web site, the University web page and computer use policy, and Graduate/Undergraduate catalogues.

(10) "Student Conduct Administrator(s)" means the university official(s) authorized by a student conduct officer to determine whether a student has violated the student code of conduct and impose sanctions when a violation has been committed.

(11) "Student Conduct Board" means persons authorized by a student conduct officer to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed when a violation has been committed. The chair of the student conduct board will be appointed by the student conduct officer or student conduct administrator.

(12) "Student Conduct Officer(s)" are those person(s) designated to administer the Student Code of Conduct. The vice president for the student experience will appoint a student conduct officer for all Students. The student conduct officer designates and trains those that can serve as student conduct administrators including themselves.

(13) "Student Conduct Panel" is the list of students, faculty and staff who have been
trained and are eligible to serve on a student conduct board.

(14) "Student" means an individual who has paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction. It also includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the university. Each student is responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, and even if the conduct is not discovered until after a degree is awarded. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the university or who have been notified of their acceptance for admission (including orientation) are considered students as well as persons who are living in university residence halls, although not enrolled in the institution.

(15) "Student Organization" means any number of persons who have formed a group and complied with the university's formal requirements for registration with the university as a student organization.

(16) "University Community" includes the university, any person who is a student, faculty member, employee, volunteer, patient, guest, invitee or other person associated with the university.

(17) "University Official" includes any person employed by the university, performing assigned administrative or professional responsibilities.

(18) "University Premise" means and includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, supervised, or controlled by the university including adjacent streets and sidewalks.

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<tr>
<td>Nagi G. Naganathan, Ph.D.</td>
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<tr>
<td>Interim President</td>
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<td>Dec 10, 2014</td>
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<th>Policies Superseded by This Policy:</th>
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Initial effective date: August 1, 2011
Review/Revision Date: December 5, 2014
Next review date: December 5, 2017

Review/Revision Completed by:
Senior Vice President for Student Affairs, Office of Legal Affairs