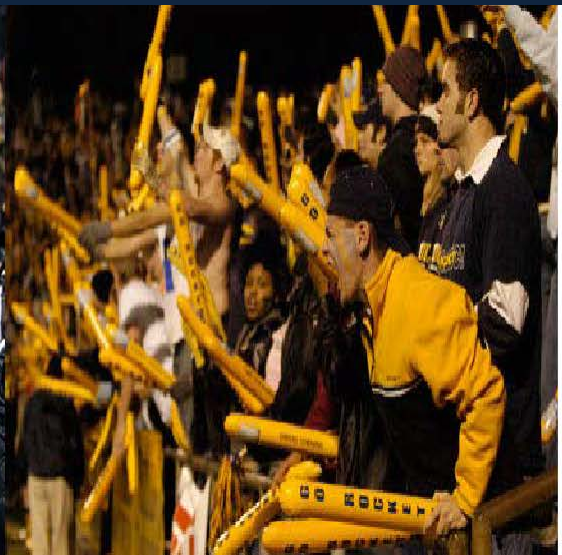




The University of Toledo Student Handbook 2015-2016



Letter from SVP for Student Affairs

Dear Student:

It's a pleasure to welcome you to The University of Toledo! We're glad that you're here.

Whether you're entering college for the first time, transferring from a community or other college, or returning after years of employment, we're pleased that you've chosen to continue your academic and personal development here at The University of Toledo.

We are a community in which the uniqueness of each person is honored, diversity is pursued, and individuals are accepted for who they are. Our commitment to you as a student is not limited to the classroom; we pride ourselves on being a student-centered university that offers an impressive student services and activities that run the spectrum — all are designed to enrich your university experience in and out of class.

In this handbook you'll find the policies, procedures and support services that are available to you as a UT student. I urge you to read this handbook carefully and refer to it frequently. If you find you have questions that occur to you, remember that everyone at The University of Toledo is here to help you, so don't hesitate to ask.

Best wishes for a great academic year!

Kaye Patten Wallace, PhD

Senior Vice President for Student Affairs

Frequently Called Numbers Extension Guide: “(419) 530-....”

Alumni Relations	2586
Athletics	4184
Bookstore, Barnes and Noble	2516
Campus Police	2600
Night Watch	3024
Parking Enforcement/Services	4100
Center for Women, Eberly	8570
Commuter Services	8521
Counseling Center	2426
Dean for the Student Experience, Office of	2471
Dining and Hospitality	2900
Experiential Learning and Career Services	4341
Financial Aid, Office of	8700
Graduation Information	4723
Information, Campus	4636
Information Technology Service Request Line	2400
Interfaith Center	4198
Law School	2882
Learning Enhancement Center	3105
Library, Carlson	2324
Main Campus Medical Center	3451
Military Service Center	1392
Multicultural Student Success, Office of	2261
President, Office of the	2211
Recreation Center, Student	3700
Registrar’s Office	4824
Registrar’s Office Health Science Campus	(419) 383-3600
Residence Life, Office of	2941
Rocket Solutions Central	8700
Rocket Card, Main Campus	4807
Rocket Card, Health Science Campus	3367
Senior VP Student Affairs, Office for the	2665

Student Disability Services, Office of	4981
Student Experience, Office for the	2471/2566
Student Involvement & Leadership, Office of	4944
Greek Life	4036
Student Conduct, Office of	5476
Student Government	4165
Student Legal Services	7230
Student Union Office	2931
UT Foundation	7730

Emergency Numbers

On Campus Resources:

For Immediate Emergency Assistance	(419) 530-2600
The University of Toledo Student Medical Center	(419) 530-3451
The University of Toledo Counseling Center	(419) 530-2426

Off-Campus Resources:

For Immediate Emergency Assistance	911
Local Ambulance Service	911
Fire Department	911
Fire Department (non-emergency)	(419) 936-3550
City of Toledo Police Department	(419) 245-3340
St. Anne's Hospital Emergency Room	(419) 407-1444
Toledo Hospital Emergency Room	(419) 291-4101
Rescue Mental Health Center	(419) 255-9585
Poison Control	(800) 222-1222

Table of Contents

Section:	Page
Student Directory Information	6
The University of Toledo Traditions	7
Division of Student Affairs Offices and Other University Services	9
The University of Toledo Police Department (UTPD)	14
Parking Regulations	18
Board of Trustees Approved Policies Pertaining to Students	19
(1) Academic Progress for Recipients of Federal Financial Aid	19
(2) Confidentiality of Student Records	22
(3) Student Code of Conduct	27
(4) Academic Grievance	45
(5) Due Process for the Student Athlete-Scholarship Appeal	49
(6) Alcoholic Beverages	50
(7) Alcohol and Substance Abuse	55
(8) Administrative Adjustment for Extenuating Circumstances	59
(9) Title IX	62
(10) Consensual Romantic and/or Sexual Relationships	80
(11) Nondiscrimination	82
(12) Responsible Use	89

Student Directory

About Privacy

Directory Information at the University of Toledo is defined as follows under the Family Education Rights and Privacy Act (FERPA) and may be released unless the student directs otherwise: student name; address and phone number; email address; college and major field of study; full-time or part-time status; class rank; dates of attendance; and degrees and awards received. Please keep in mind that if you decide to restrict your directory information, then any requests for such items as enrollment verifications, degree verifications, etc. will need your written permission before any of this information can be released to a third party, such as a health insurance company or prospective employer.

Changing, Updating or Removing Displayed Information

The Campus Directory student information defaults to include the following: last name, first name, local address, university email address and local phone number. Students may opt out of displaying their local address and phone number, or change what is displayed by visiting <http://myut.utoledo.edu> and selecting Update Directory Information/Release Status in My Toolkit on the Student tab.

Why Some Students are Not Displayed in the Directory

The University of Toledo Student Directory lists only those students who are currently enrolled and registered for classes. Additionally, students may not be listed in the directory for the following reasons:

- Student opted out of being displayed in the directory
- Student is not currently enrolled at UT
- Students enrolled but not signed up for classes, including summer breaks, are not displayed.

The Student Directory can be accessed at <http://www.utoledo.edu/edirectory/student.html>

University of Toledo Traditions

School Colors

Midnight Blue and Gold were selected as the school's official colors by the Varsity 'T' club, at its organizational meeting on December 1, 1919. Ten of the 14 football lettermen met to form the club and chose Ed Stader as the first president.

Nickname Origin

When The University of Toledo played then powerful Carnegie Tech in football in 1923, Pittsburgh sports writers were surprised to learn that UT did not have a nickname. Though an underdog, Toledo fought formidably recovering a series of embarrassing fumbles by favored Tech. Pittsburgh writers pressed James Neal, a UT student working in the press box, to come up with a nickname. Despite UT's 32-12 loss, the student labeled the team "Skyrockets," obviously impressed by his alma mater's flashy performance against a superior team. The sportswriters shortened the name to "Rockets," which has remained as UT's mascot to this day.

Many suggestions for UT's nickname have been considered through the years, including a Spanish theme of Toreadors or Bulls, in honor of Toledo's sister relationship with the city's namesake in Spain. Others included Commodores, Turtles, Bancroft Highwaymen and Jeeps. The nameless team was referred to as the Blue and Gold, Munies (for municipal university) and Dwyer's Boys (after head football coach James Dwyer) in sports stories prior to 1923. In 1961, the University of Toledo procured a genuine rocket from the U.S. Army missile program. The one ton rocket, which sits outside the Glass Bowl, carries two sets of fins and a propellant booster capable of guiding the missile to supersonic velocity. It was donated, in part, because of the University's affiliation with the Ordnance Corps of the U.S. Department of Army.

Fight Song and Alma Mater

The Fight Song Origin "U of Toledo" was written in 1932 by Dave Connelly, UT athletic director and baseball coach through much of the 1930s and 1940s. Connelly also coached football, track and boxing. He joined the UT staff as a professor in 1926, where he remained until his death in 1955. Connelly loved to sing, but had never studied music. Apparently, previous fight songs were no longer in use, so he wrote the words for "U of Toledo" and sang the melody to a family friend, Bernie Jones. Jones played it on the piano and put it to music. The tune remained largely unchanged until 1975, when UT associate professor of music David Jex arranged the current version.

“U of Toledo”

U of Toledo, we’ll fight for you

(Fight! Fight! Fight!)

U of Toledo, we love the Gold and Blue

(Let’s go Blue!)

Men of the Varsity, the enemy must yield,

We’ll fight just like our ancestors

And march right down the field!

T-O-L-E-D-O, Toledo!

“Fair Toledo” was selected from eight entries which were submitted in the UT Alma Mater Song Contest, sponsored jointly by the Student Senate and the Alumni Association in 1959. The competition was held to replace “Golden and Blue,” set to “Amici,” a tune used by various universities. While driving to work, Gilbert Mohr heard Jim Uebelhart announce the contest on the radio in January of that year. An amateur songwriter, Mohr began humming different tunes, and later with his wife, Jean Strout, wrote the lyrics. Their alma mater entry won the contest and the couple received a \$100 government bond. “Fair Toledo” debuted at halftime of the Marshall-Toledo basketball game on March 2, 1959.

“Fair Toledo”

In tower shadows voices now raising,

To alma mater Golden and Blue,

Fair Toledo praise to thee,

Portal of learning ever be,

Hallowed halls we shall revere,

Vow to keep thy memory dear.

Division of Student Affairs Offices & Other University Services

Office of the Dean for the Student Experience:

Student Union, #2521, Phone: (419) 530-2471 or 2256

The Office of the Dean for the Student Experience promotes student development by providing assistance for any question or concern. Services offered include crisis intervention, emergency services, Rocket Rapid Response, and Ask Rocky Information Center

Website: <https://www.utoledo.edu/studentaffairs/studentexperience/>

Office of Student Involvement & Leadership:

Student Union, #3504, Phone: (419) 530-4944

The Office of Student Involvement & Leadership plans and coordinates major programs and events on campus including First Week, Homecoming, and Parents & Family Weekend, while serving as a resource and point of contact for other programs, including Levis Leadership UT, Greek Life, Student Organization Assistance, and Commuter Student Services.

Website: <https://www.utoledo.edu/studentaffairs/osi/>

Greek Life:

Student Union, #3504, Phone: (419) 530-4944

Greek Life provides support services to the fraternity and sorority community in the development and improvement of leadership, scholarship, service to campus and community, and positive brotherhood and sisterhood relationships. They have an active role in advising all Greek boards and honorariums including Inter Fraternity Council (IFC), Panhellenic Council (Panhel or NPC), National Pan-Hellenic Council (NPHC), Greek Independent Board (GIB), Order of Omega, and Gamma Sigma Alpha, and all 30 fraternity and sorority chapters on campus. Additionally, they also host various workshops, retreats, programs and training on Greek life issues and leadership, coordinate the Annual Evaluation Program by compiling all related data posted through Greek Life and provide year-round support to recruitment efforts.

Website: <https://www.utoledo.edu/studentaffairs/osi/greek/>

Student Union:

Student Union, #2525, Phone: (419) 530-2931

The Student Union enhances the academic mission of the University by engaging students in educational experiences beyond the classroom and by linking them to a range of activities and out-of-class programs, learning experiences and opportunities for intellectual growth, to demonstrate ethical values, leadership, cultural and social skill development. The following services are facilitated by the Student Union:

- Facilities and program support for student organizations and the greater University community
- Student organization office space
- A variety of dining options
- Meeting facilities
- Personal banking/ATM services through Huntington Bank and UTMCO Federal Credit Union
- Student employment opportunities
- Photocopies, color printing, and thesis binding services via Rocket Copy and the University Copy Center
- TV viewing lounge & lounge facilities

Website: <http://www.utoledo.edu/studentaffairs/stunion/>

University Counseling Center:

Rocket Hall, #1810, Phone: (419) 530-2426

Counseling is appropriate for anyone who is troubled by a specific problem or has a general concern. The Counseling Center provides the following services:

- Counseling for personal growth, increased self-awareness, depression, anxiety, stress management, family and interpersonal issues, as well as for acute problems and crises
- Referrals for psychiatric consultation and/or evaluation are available through the counseling staff
- Outreach programs and consultation are available for campus organizations, residence life, faculty, and classes

Website: www.utoledo.edu/studentaffairs/counseling

Alcohol, Tobacco and Other Drug Prevention Program:

Rocket Hall, #1810, Phone: (419) 530-8436

The mission of the Alcohol, Tobacco and Other Drug Prevention Program is to reduce substance abuse among University of Toledo students through the creation of an environment that fosters student wellness and academic success by coordinating multidisciplinary prevention and treatment efforts. They provide a variety of educational and safety programs about alcohol, tobacco and other drugs and promote a healthy campus environment for all students through policy creation and implementation. They also serve as a campus resource for current factual information about Alcohol, Tobacco and Other Drugs.

Website: <http://www.utoledo.edu/studentaffairs/counseling/ATODPC/Welcome.html>

Sexual Assault Education and Prevention Program:

Rocket Hall, #1810, Phone: (419) 530-2426

The mission of the Sexual Assault Education and Prevention Program (SAEPP) is to create a campus community free of abuse, harassment, and other forms of sexual and intimate partner violence, in which students enjoy equitable, nonviolent relationships. SAEPP provides educational programming addressing the role that everyone can take in creating a violence-free UT. SAEPP is also dedicated to providing advocacy services to survivors of violence, including crisis intervention, assistance with medical, legal, academic, and personal issues, in addition to the following list of services:

- Confidential support and information for survivors of sexual and intimate partner violence, stalking, and sexual harassment.
- Accompaniment through the medical and legal process following an act of violence.
- Linkages to University and community services
- Help with the medical and criminal justice systems
- Information for friends and family members of survivors
- Assistance and referrals for stalking, sexual harassment, dating and domestic violence

Website: <http://www.utoledo.edu/studentaffairs/SAEPP/>

Office of Multicultural Student Services:

Student Union, #2500, Phone: (419) 530-2661

The mission of the Office of Multicultural Student Success (OMSS) is to create a supportive campus environment for students of various cultures and diverse backgrounds. In addition, we provide opportunities and avenues for college success for underrepresented students beginning in the eighth grade and continuing on through college graduation. Through its programs and services, OMSS will enhance the recruitment and retention efforts of the Division of Student Affairs and explore the indigenous roots of African American, Asian American, and Latino American, Native American and LGBTQA students.

Sponsored Programs include:

- Heritage Months: Black History Month, Hispanic Heritage Month, Asian Pacific Islander History Month, Women's, History Month, LGBTQA History Month, Filipino American Heritage Month, Native American History Month
- Graduation: African American Graduation, Rainbow Graduation
- Mentoring/Advising: Toledo Excel, Brothers on the Rise, TAWL, Success Advising, Peer Mentoring, PRIMOS
- M.O.R.E. (Multicultural Orientation Resources for Excellence): Early move-in, meet multicultural student leaders, meet multicultural faculty/staff, mentorship opportunities, development classes

Website: <http://www.utoledo.edu/studentaffairs/omss/index.html>

Office of Recreation:

Student Recreation Center, #2105, Phone: (419) 530-3700

The Office of Recreation offers the following services:

- Informal recreation- use the fitness center, gym courts and pools on your own
- Intramurals- team and individual sports competitions within the University community
- Sport Clubs- Non-intercollegiate competitive opportunities with other college, university and open division teams in a variety of team and individual activities
- Rocket Ex group exercise classes
- Safety Education courses- CPR, First Aid, Lifeguarding and Learn-to-Swim classes
- Challenge Programs- high ropes, low initiatives/team building programs and climbing wall
- Summer Day Camp for kids ages 5-12
- S.W.A.T.- (Student Wellness-Awareness Team) peer educators
- Life@College—freshman year issues of health and well being
- Student jobs in a variety of program areas
- Shared/Exclusive Rentals

Website: <http://www.utoledo.edu/studentaffairs/rec/>

Office of Residence Life:

Ottawa House West, Phone: (419) 530-2941

The mission of the Office of Residence Life is to foster academic and social success for our residents by providing a safe community, excellent housing facilities, education, and a culture of respect and the formation of lifelong relationships. They provide the following services:

- Assignment to on-campus University housing
- A variety of living spaces
- 24 hour live-in professional and paraprofessional staff
- Summer conference programs
- Living Learning Communities and Faculty in Residence
- Leadership Opportunities through Resident Student Association, National Residence Hall Honorary, Hall Councils and Staff Positions
- Summer School Housing
- 24 hour staff Information Desks
- Social and Educational programs
- Community Service Projects
- Recreational and Exercise Equipment in hall

Website: www.residencelife.utoledo.edu

Center for Experiential Learning & Career Services:

Student Union, #1533, Phone: (419) 530-4341

The Center for Experiential Learning and Career Services assists students and alumni with experiential learning, major and career exploration, resume development and employment opportunities. In addition, they also provide the following services:

- Service Learning opportunities
- Workshops and personal meetings to help with choosing a major, resume and cover letter writing, interviewing and salary negotiation
- Rocket Jobs & Student Employment for part-time, and full-time positions
- Community Work Study Program
- Job and Career Information Fairs with local, regional and national organizations

Website: <http://www.utoledo.edu/success/career/>

Main Campus Medical Center:

West Rocket Dr., Phone: (419) 530-3451

The Main Campus Medical Center provides primary and urgent care and promotes wellness and personal well-being. Additionally, they provide the following services:

- Medical illness and injury diagnosis, education, and treatment
- Pharmacy, laboratory, women's health, mental health services
- Allergy shots, immunizations, and confidential HIV/AIDS testing
- Student health insurance

Website: <http://www.utoledo.edu/healthservices/student/index.html>

Catharine S. Eberly Center for Women:

Tucker Hall, Phone: (419) 530-8570

The Catherine S Eberly Center for Women offers services to students, faculty, staff and campus community. Their mission is to support the advancement of women through education, empowerment and engagement. They offer the following services:

- Lecture and Film Series
- Personal and Professional Development Classes including the Women's Success Series
- Computer Classes
- Support Group for Women
- Computer Lab and Resource Room
- Quiet Room for Studying, Meditation and Breastfeeding
- Academic Scholarships
- Art Exhibition and Receptions

- Volunteer Opportunities

Website: <http://www.utoledo.edu/centers/eberly/index.html>

Office of Student Disability Services (Main Campus):

Rocket Hall #1820, Phone: (419) 530-4981

The Office of Student Disability Services provides support services to students with disabilities. Their services include:

- Adaptive technology
- Advocacy
- Assistive listening devices, Braille, captioning, e-text, and enlarged materials
- Exam accommodations, lab assistance, and note-taking,
- Para-transit, priority registration, readers
- Research assistants
- Speech-to-text transcription, scribes, and sign language interpreters.

Website: <http://www.utoledo.edu/utlc/accessibility/>

Students seeking accommodations/disability services on the Health Science Campus should contact the Academic Enrichment Center at (419) 383-427 or go to: <http://www.utoledo.edu/med/depts/aec/>.

The University of Toledo Police Department (UTPD)

The University of Toledo Police Department (UTPD) provides 24-hour uniformed police services to all three campuses, serving students, faculty, staff, employees, patients and visitors. All UT police officers are sworn by the State of Ohio as Peace Officers commissioned by the Ohio Peace Officer Training Academy.

Mission Statement:

The University of Toledo Police Department is a professional police agency dedicated to providing excellence in service and safety while promoting a rich educational experience.

Vision Statement:

The vision of The University of Toledo Police Department is to become a formative leader and innovator in campus safety and law enforcement.

To Protect and Serve:

UT Police officers enforce state and local laws along with University regulations. Officers are also responsible for public services, such as crime reports, medical and fire emergencies, traffic control, and traffic accidents.

Training Standards:

UT Police officers have met or exceeded the training standards of the Ohio Peace Officers Training Council. Officers receive annual in-service and specialized training in first aid, CPR, firearms, bike patrol, defensive tactics, nonviolent crisis intervention, human diversity, legal updates and other pertinent areas. Many are certified instructors.

Partners in Policing:

The UTPD has a close working relationship with local and federal law enforcement agencies. Information concerning crime, statistics, and trends are shared with local agencies as well as others in Northwest Ohio.

Sexual Assault Reporting:

The University is committed to creating a community free of violence, including sexual and intimate partner violence, sexual harassment, and stalking. Sexual violence is a violation of Ohio law, University policies, and the Student Code of Conduct and will not be tolerated. The UTPD is the lead law enforcement agency for the criminal investigation of any sexual assaults occurring on campus. The UTPD is committed to investigating sexual assault cases professionally and in full cooperation with the survivor.

Bureaus & Offices:

Field Operations- Responsible for the uniformed patrol of all campuses. Officers are deployed in vehicles, on foot, mountain bikes and ATVs.

Community Policing- The UTPD believes in a philosophy promoting partnerships between law enforcement and the community served. Officers are assigned specific areas of responsibility and spend time becoming familiar with the students and staff and the unique challenges found in the area. Officers attend meetings with students and staff and develop solutions to problems such as theft prevention methods, alcohol/drug awareness and sexual assault prevention. Solutions are also provided through community policing.

Investigation- Two full-time detectives are responsible for investigating serious crimes on campus. UT detectives also work with other area law enforcement agencies, including the Northwest Ohio Joint Terrorism Task Force, the U.S. Secret Service for dignitary visits, the FBI on cyber-crime cases, and work with Toledo Police, the Lucas County Sheriff's Office, and the Village of Ottawa Hills Police on various crimes related to the University.

Police Communications Center- Staffed with professional police dispatchers, the Communications Center serves as the central hub of all police and emergency communications on all three campuses. The office is the monitoring station for campus emergency phones, the CCTV network, and intrusion and fire alarms.

Special Events- The UTPD coordinates all security efforts for all on-campus events, including sporting matches, concerts and VIP visits.

Parking Enforcement/Key Control- The UTPD is responsible for following up on all UT parking citations, UT traffic tickets and key approval and dissemination.

Student Safety Services:

Night Watch Escort Service – A security service providing a safe and secure walk for anyone on The University of Toledo campus. Night Watch provides escorts to and from the parking lots, residence halls, campus buildings, classrooms, nearby houses and nearby campus community apartments.

Rocket Patrol- Student public safety workforce with the primary charge of patrolling the parking lots and enforcing the parking regulations. They also provide assistance to motorists and support during major campus events and activities.

Communications:

Public Address - The University of Toledo uses a state-of-the-art outdoor public address (PA) system to quickly inform the campus community of emergencies, including weather events such as a tornado or other dangerous situations. The PA system is operated by the UTPD.

UT Alert - A text messaging service allowing UT officials to quickly send notification about events that present an imminent/foreseeable danger to your personal safety on any University of Toledo campus. Students should go to the “Student Tab” of the myUT portal to sign up for UT Alert.

Text-a-tip - Have a crime tip or security concern and want to share it with UTPD? You can text-a-tip to UT Police by simply texting the keyword “utpd” and your message to 69050. Be sure to leave a space between the keyword and your message.

Emergency Phones - The University landscape is dotted with Code Blue emergency phones. The phones are highly visible, large blue towers that emit a blue light and provide direct communication with a campus dispatcher. To activate a Code Blue phone, simply press the red button and a call will immediately be placed to campus police.

Facebook – Follow UTPD on Facebook!

Crime Statistics:

Annual Report - A summation of the crime statistics for the past 3 years.

Daily Case Log Report – A log of all incidents (both criminal and non-criminal) reported to the UTPD.

Student Right to Know Daily Case Log Report – A log of incidents reported to the UTPD as outlined below in The Student Right to Know and Campus Security Act of 1990.

Timely Warning – A notice of serious crimes or incidents reported on campus.

Community Awareness Bulletins - Notices of off-campus crimes or incidents.

Crime Awareness Bulletins - Information on crime trends and active UTPD cases.

Services:

Fingerprinting - We offer Ohio BCI&I and FBI electronically through the National Webcheck program.

Motorist Assistance- Assistance with a dead battery or locked keys in car.

Night Watch- Provides students a safe escort to any parking lot or campus building.

Lost & Found- The UTPD serves as a repository of campus-wide lost and found items.

Closed Circuit Television

The University of Toledo deploys closed circuit television cameras in parking lots, buildings and other public areas. Cameras serve as a crime deterrent and provide an extra layer of security.

Websites:

UT POLICE: www.police.utoledo.edu

Anonymous Reporting: www.utoledo.edu/depts/police/Anonymous_Reporting.asp

Parking Enforcement (including online appeals): www.parkingenforcement.utoledo.edu

Anti-Bullying: www.utoledo.edu/TLC/bullying

Phone Numbers:

On-Campus Emergency: (419) 530-2600

Off-Campus emergency: 911

UT Police Non-emergency: (419) 530-2601

UT Police Administration: (419) 530-2222

Night Watch: (419) 530-3024

Fingerprinting: (419) 530-4439

Parking Enforcement/Key Control: (419) 530-4100

Parking Regulations:

1. It shall be unlawful for any person to operate a motor vehicle in excess of 20 miles per hour (or otherwise posted) on University roadways.
2. Operators of motor vehicles and bicycles shall yield the right of way to pedestrians in marked crosswalks. Pedestrians have the right of way in designated crosswalks at all times, except at signal-controlled intersections, where pedestrians shall comply with the signal.
3. Parking is prohibited at all times in all fire lanes and tow-away zones, including those around all residence halls, driveways both east and west of Carlson Library and the Student Union, in the Centennial Mall, and any other driveways. Where individual parking spaces are designated and marked on the parking surface, the vehicle shall be parked entirely within such individual parking space.
4. Motor vehicles shall be parked in areas specifically designated for two-wheeled vehicles.
5. No motor vehicles shall be driven or parked upon any sidewalk, grassed or landscaped area.
6. No motor vehicle shall be parking in a visitor, handicapped, loading, or otherwise reserved space without the proper permits.
7. Disabled or malfunctioning vehicles which are illegally parked, or which may be left unattended overnight on campus, should be reported immediately by the operator to the Campus Police Dispatcher.
8. It shall be unlawful to attach a two-wheeled vehicle, including bicycles, to any tree, shrub, stair railing, handicap railing or post, or to store such vehicles in any hallway, stairway or exit way. Bicycles found in violation of this rule will have their locking chains/cables cut at the owners'

expense and will be stored in a storage facility maintained by the Campus Police Department. Bicycles not claimed within 90 days from the date of seizure will be considered abandoned, and eligible for sale at auction.

Board of Trustees Approved Policies Pertaining to Students

1. Policy on Satisfactory Academic Progress for Recipients of Federal Financial Aid

(A) Policy Statement

Federal Regulations require that The University of Toledo review, at least annually, the academic progress of students who apply for and/or receive federal financial assistance. This regulation applies to all applicants whether or not financial aid has been received previously.

Programs Affected:

- Federal Pell Grant
- Federal Supplemental Educational Opportunity Grant (FSEOG)
- Federal Work Study
- Federal Teach Grant
- Federal Perkins Loan
- Federal Direct Stafford Loans, Subsidized & Unsubsidized
- Federal Direct PLUS Loan

(B) Purpose of Policy

The purpose of the policy for Satisfactory Academic Progress for Recipients of Federal Financial Aid provides the requirements for satisfactory academic progress for recipients of federal financial aid.

(C) Minimum Hours to be Completed

Every student must successfully complete a minimum of 67% of the hours attempted at the University. Summer credits will be added to the previous academic year's work. The total number of hours attempted will be determined as of the fifteenth day of class each semester.

A credit course is completed when a student earns a grade of A, B, C, D, PS, F, and NC. Grades of F, I, NC, W, IW, and PR do not indicate a successfully completed course. Students taking developmental courses only or a combination of developmental courses and regular courses may successfully complete 67% of the total class schedule. Only grades of PS are acceptable for developmental courses.

Federal financial aid will pay no more than 30 credit hours of developmental courses. Satisfactory academic progress reviews will normally be conducted at the end of the term. Federal aid is automatically suspended for students who earn no hours or GPA for an enrolled term.

The academic progress test required for the awarding of federal financial aid may differ from the University's definition of academic good standing. See policy 3364-71-01 Academic standing for additional information.

(D) Required Grade Point Average (GPA)

Your cumulative grade point average must be equal to, or higher than, the standards established by the University. These requirements are:

Baccalaureate degree-seeking students:

- Students who have attempted 0-29 credits must have a cumulative GPA of 1.50
- Students who have attempted 30-45 credits must have a cumulative GPA of 1.7
- Students who have attempted 46-59 credits must have a cumulative GPA of 1.80
- Students who have attempted 60+ credits must have a cumulative GPA of 2.00

Associate degree-seeking students:

- Students who have attempted 0-15 credits must have cumulative GPA of 1.00
- Students who have attempted 16-29 credits must have a cumulative GPA of 1.50
- Students who have attempted 30+ credits must have cumulative GPA of 2.00

(E) Graduate and College of Law Students

Students will generally remain eligible to receive financial aid as long as they are eligible to continue to register for classes. However, all students are expected to complete 67% of the credit hours they attempt in order to maintain eligibility.

(F) Calculating Remaining Eligibility

Each semester of attempted enrollment translates into a percentage:

Full Time = 100%

Three Quarter Time = 75%

Half Time = 50%

Less than Half Time = 25%

If you are accepted into a four-year baccalaureate degree program, you have the equivalent of 12 full-time semesters in which to complete your degree.

*All level-appropriate hours are reviewed. Federal law does not recognize academic forgiveness.

(G) Re-establishing Eligibility for Aid

Your progress will be checked after grades are posted each term. If you are determined to be out of compliance with one or more of the progress standards, you will be placed on a one-term warning status. You will still be eligible to receive aid for one term. Your grades will be checked the following term. If you have brought your academic standing into compliance with the policy, your aid will be reinstated. If you have met minimum requirements but are still not compliant, you will need to appeal for aid. If your appeal is approved, you will have one term in a probationary status. Once you have brought your record back into compliance, you may again appeal for reinstatement. Should you not meet the term standards moving you into or towards compliance, your federal aid will be terminated and require you to complete a minimum of two terms on your own, meeting the progress standards prior to further review for federal aid.

(1) The Higher Education Act of 1976, as amended, requires The University of Toledo to develop and apply a consistent and reasonable standard of academic progress for all students who receive federal financial aid in order for those students to continue to receive such assistance. This standard must contain all elements specified in the regulations and must be at least as strict as the policy used for all students who do not receive federal financial aid. "Satisfactory Academic Progress" is measured in terms of performance, through grade point average, and in terms of degree or program completion. The following programs are directly affected: Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, Federal Work-Study, Federal Teach Grant, Federal Perkins Loan, all William D. Ford Federal Direct Loans, and all Federal Family Education Loans. The Ohio College Opportunity Grant now follows the same federal financial aid academic progress testing standards for eligibility.

(2) Guidelines:

The University of Toledo has adopted standards with which the academic progress of financial aid recipients will be monitored. These standards ensure the proper distribution of financial aid to eligible students. All students are expected to complete 67% of the credit hours they attempt in order to maintain eligibility. For the purposes of this policy, grades of F, I, IN, NC, IW, W and PR indicate attempted courses that were not completed.

Baccalaureate degree-seeking students must complete their degree within enrollment in 124 credit hours. The University limits eligibility for financial aid to the first twelve

(12) semesters of full-time enrollment; the first eighteen (18) semesters of three-quarter time enrollment; or the first twenty-four (24) semesters of half-time enrollment or less.

Associate degree-seeking students must complete their degree within enrollment in 110 credit hours. The University limits eligibility for financial aid to the first six (6) semesters of full-time enrollment; the first nine (9) semesters of three-quarter time enrollment; or the first twelve (12) semesters of half-time enrollment or less.

The satisfactory academic progress standards for financial aid eligibility for Graduate and College of Law students are as follows: students will generally remain eligible to receive federal financial aid as long as they are eligible to continue to register for classes, as determined by their college. However, all students are expected to complete 67% of the credit hours they attempt in order to maintain eligibility.

A student may have financial aid reinstated if the academic record is brought back into compliance while the student pays for registration without financial aid. Once the academic record is in compliance, the student must provide the Office of Student Financial Aid with an unofficial grade transcript for review. Receipt of financial aid will be contingent upon the availability of funds at the time of reinstatement.

2. Policy on Confidentiality of Student Records

(A) Policy Statement

The University supports students' right to confidentiality of their records. The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, (the Act) is a federal law, which requires that a written institutional policy complying with the Act be established and that a statement of adopted procedures covering the privacy rights of students, be published. Reinforcing longstanding institutional policy, the Act and other laws require The University of Toledo to maintain the confidentiality of student educational records except as noted below. The University Registrar is primarily responsible for the administration of this policy at The University of Toledo. Notification of this policy, associated procedures, and students' rights under the Act are distributed annually to all enrolled students. This policy also conforms to the requirements of the Ohio Privacy Act, as amended.

(B) Purpose of Policy

The purpose of the policy for the Confidentiality of Student Records outlines the protection of the confidentiality of student records.

(C) Definitions

- (1) **Student:** Any individual currently or formerly enrolled in any University academic offering regardless of their age or status in regard to their parental dependency. FERPA rights begin once the student is enrolled at The University of Toledo. A student is considered enrolled once he/she has registered and attended his/her first class.
- (2) **Dependent Student:** The definition contained in the applicable provisions of the United States Internal Revenue Code of 1954, as amended, is adopted herein by reference. No student shall be presumed to be a dependent student.
- (3) **Student Educational Record:** All records maintained by the University concerning a student, including admissions, academic, financial, and placement records. Educational records include a University-maintained list of requests by persons and offices external to the University for Disclosure of educational records. The list will also indicate the basis upon which any disclosure is made. Educational records do not include:
 - (a) Records of instructional, administrative, and educational personnel, which are in the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute,
 - (b) The records of the department of campus security or law enforcement records,
 - (c) Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.
 - (d) Employment records, or
 - (e) Alumni records.
- (4) **Administrative Personnel:** Administrative personnel includes those persons with supervisory or staff responsibility charged with the management of the University, or a part thereof, as well as those staff members assigned to maintain student educational records.
- (5) **Academic Personnel:** Academic personnel includes those persons holding regular or adjunct appointments to the faculty of The University of Toledo.
- (6) **School Official:** School officials include administrative and academic personnel as defined in B4 and B5 as well as contractors, consultants, affiliates, and other external service providers used by, or acting on behalf of, The University of Toledo to perform institutional services and functions related to student educational records.
- (7) **Need to Know:** “Need to Know” outlines the necessity of knowing, due to a normal and customary need or function or pursuant to a University rule, regulation or authorized delegation of authority.

(8) *Directory Information*: Directory information consists of:

- (a) Student name
- (b) Local address and local phone number
- (c) College and major field of study
- (d) Class (freshman, sophomore, etc.)
- (e) University email address
- (f) Dates of attendance
- (g) Degrees, certificates, and awards received
- (h) Full or part-time status
- (i) Student photograph (College of Medicine only)
- (j) Graduate Medical Education placement (MD students only)

(D) Disclosure of Student Education Records

(1) External Disclosure of Educational Records:

No one external to the University shall have access to nor will the University disclose any information from students' education records without the written consent of students except as noted below.

- (a) In connection with a student's application for, or receipt of, financial aid;
- (b) To parents or legal guardians of dependent students;
- (c) To government officials, as required by statute, regulation, or rule;
- (d) To accrediting organizations;
- (e) Pursuant to a court subpoena after a reasonable attempt to notify the student of the disclosure;
- (f) In response to a request for internal disciplinary records;
- (g) To organizations/individuals conducting studies for/on behalf of, local and state educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction;
- (h) In any emergency to protect the health and safety of the student or other individuals.

(2) Internal Use of Educational Records:

Within The University of Toledo community, only school officials, individually or collectively, acting in the student's educational interest are allowed access to student educational records.

(3) Directory Information:

At its discretion the University may provide "directory information" upon inquiry in accordance with the provisions of the Act. Students may prohibit the release of "directory information" by notifying the Office of the Registrar in writing or by updating their 'Directory Information/Release Status' online in the myUT portal.

(E) Inspection and Challenge of Educational Records

Students have the right to inspect and review most information contained in their educational records, to challenge the contents of their educational records, to have a hearing of the outcome if the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panel to be unacceptable. The University Registrar at The University of Toledo is responsible for coordinating the inspection and review procedures for student educational records. Inquiries as to the extent and location of student educational records subject to inspection should be directed to the Office of the Registrar. Students wishing to review their educational records must make written requests to the University Registrar or a designee, listing the item or items of interest. Student educational records covered by the Act will be made available as soon as possible, but within forty-five days of the request.

(1) Inspection:

The right of inspection includes access to a University official capable of providing any necessary explanation or interpretation of the data contained in a student's educational record. The University may require that the inspection proceed in the presence of a University official. Students may have copies made of their educational records except that certified copies of transcripts shall be available only if their outstanding obligations to the University are paid or excused. Students may not inspect and review the following records:

- (a) Financial information submitted by their parents;
- (b) Confidential letters and recommendations placed in their files prior to January 1, 1975, provided these letters were collected under the established policies of confidentiality and were used only for the purpose for which they were collected.
- (c) Confidential letters and recommendations placed in their files after January 1, 1975, regarding which the student has waived his/her right to inspect and review and that are related to the student's admission, application for employment, or job placement, or receipt of honors.
- (d) Educational records containing information about more than one student, in which case the University will permit access only to that part of the record which pertains to the inquiring student.

(2) Challenge:

Students who believe that their educational records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights, may discuss their problems informally with the University Registrar or a designee. If such discussions result in a decision that is in agreement with a student's request, the University Registrar or a designee shall take steps to see that the appropriate records are amended. If not, the student will be notified within a reasonable period of time that the records will not be amended and the student will be informed by the University Registrar or a designee of the student's right to a formal hearing.

A request for a formal hearing must be made in writing to the University Registrar and must contain a statement of the dispute. The University Registrar, within a reasonable period of time after receiving such request, will inform the student of the date, place, and the time of the hearing. A student may present evidence relevant to the issues raised and may be assisted or represented at the hearing to resolve problems concerning student educational records. Transcripts of the hearing may be made at the requesting party's expense. A copy of any such transcript must be supplied to the hearing council before it renders its decision. The hearing panel that will adjudicate such challenges will be composed of no fewer than three senior academic officials who are impartial to the outcome of the hearing to ensure fair judgment. No one with prior involvement in the matter shall be designated.

Recommendations of the hearing panel will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reason for the decisions, and will be delivered to all parties concerned. The student's educational records will be corrected or amended in accordance with the recommendations of the hearing panel if the recommendations are in favor of the student.

If the decisions are unsatisfactory to the student, the student may place with the disputed education records a brief statement commenting on the information in the records, or a statement setting forth any reasons for disagreeing with the decisions of the hearing panel. The statement must be reasonably concise, normally not more than one hundred words, and will be maintained with the student's educational records, and released whenever the records in question are disclosed. At any time after a request for a formal hearing is made, a student may request in writing that the University Registrar furnish a copy of the student's statement of dispute or the resolution thereof to any person specifically designated by the student.

Students who believe that adjudication of their challenges is unfair, or not in keeping with the provisions of the Act, may request, in writing, assistance from the

senior academic administrator; however, if the incumbent of that office has served on the hearing panel in the matter, the request may be directed to the Office of the President of the University. Students who believe that their rights have been abridged, may file a complaint with the U.S. Department of Education's Family Policy Compliance Office concerning the alleged failures of The University of Toledo to comply with the Act.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

(3) Transcripts:

Students with outstanding obligations to the University will be unable to obtain their transcripts until the outstanding obligations have been resolved.

(F) **Rules**

The University Registrar may adopt such rules and procedures as are necessary to place this policy into effect.

3. Policy on Student Code of Conduct

(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 violates 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 suspension or expulsion from the university is a potential sanction;
 - ii. All evidence submitted including the incident report and the names of witnesses(if applicable); 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 within 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. 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 and/or staff 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 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. The 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.
- 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. Misconduct, other than constitutionally protected expression, motivated by bias based on any factors prohibited by university policy, including but not limited to race, color, religion, sex, age, national origin, sexual orientation, gender identity and expression, veteran status, the presence of a disability, familial status, political affiliation, or participation in protected activities, 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 purpose:

- i. To determine whether the students 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

- (1) "Respondent" means the student(s) or student organization(s) alleged to have violated this Student Code of Conduct.
- (2) "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.
- (3) "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.
- (4) "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.

- (5) "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.
- (6) "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.
- (7) "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.
- (8) "Student Conduct Board" means a person 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.
- (9) "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.
- (10) "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.
- (11) "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.

- (12) "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.
- (13) "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.
- (14) "University Official" includes any person employed by the university, performing assigned administrative or professional responsibilities.
- (15) "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.

4. Policy on Academic Grievance

(A) Policy Statement

The University recognizes a student's right to due process. This policy addresses academic grievances only. Academic grievances are complaints brought by students regarding the University's provision of education and academic services affecting their roles as students. Academic grievances must be based on a University rule, policy, or established practice claimed to be violated.

(B) Purpose of Policy

The purpose of the policy for Academic Grievance is to recognize the student's right to due process.

(C) Scope

This policy applies to all undergraduate students. Each college may publish detailed implementation strategies specific to that college.

(D) Procedure

- (1) To initiate resolution of an academic grievance, the student shall discuss the problem with the faculty member whom the student believes has taken improper action. If resolution is not achieved, the student shall discuss the problem with the chair of the faculty member's department. If resolution is still not achieved, the student may, if the

student wishes, seek informal counsel from the president of student government and shall then discuss the problem with the dean of the college or the college representative responsible for dealing with student academic grievances. If resolution is not achieved at the college level, the student shall file a grievance petition with the chair of the student grievance council [see (7)].

- (a) The student should discuss the student's grievance with the faculty member promptly, unless the student is enrolled in the faculty member's course and believes it prudent to approach the faculty member only after receiving a course grade. In any case, if the occasion for grievance occurs during the fall semester, a grievance petition must be filed with the chair of the student grievance council no later than the last day of classes in the next semester; if the occasion for grievance occurs during the spring semester, a grievance petition must be filed no later than the last day of classes in the final summer session; if the occasion for grievance occurs during a summer session, a grievance petition must be filed no later than the last day of classes in the fall semester.
- (b) If the student or the faculty member is a nonresident at the University during the semester in which a grievance petition must be filed and initial discussion between them is thus impossible, the student shall transmit a written statement of the grievance to the faculty member, either directly or through the chair of the faculty member's department. Such written statement shall have the same form as the grievance petition described in section B and be subject to the same deadlines.
- (c) To protect the faculty member and the student, it is crucial that tests, papers, and other such material (which were evaluated and were considered in arriving at the final grade but have not been returned to the student) be available for inspection by the student and by other persons (i.e., the departmental chair, the college dean or representative, and members of the student grievance council) involved in the grievance procedure. These materials should remain available for inspection until the last day of classes of the semester following the one in which the alleged grievance has occurred. Exceptions should be made for spring and summer semesters as provided for above.
- (d) All written materials submitted by the student in the course should be graded and made available to the student for inspection within a reasonable amount of time following their submission.
- (e) Since student evaluation includes the process by which a final grade is determined as well as the grades assigned to individual projects, a procedure similar to the one that applies to written materials submitted by the student should apply to calculations that enter into the determination of a final grade.

Presumably the grade book, or its equivalent, is a permanent record kept by the faculty member and filed in the departmental office when the faculty member leaves the University. This permanent record, however, does not necessarily make clear the nature of the process by which the final grade is determined. It is therefore

necessary for the faculty member to be able to explain this process, should the process by which a grade was assigned be the subject of the grievance.

- (2) An aggrieved student shall prepare, alone or with assistance from the president of Student Government, a written grievance petition with the student's name and Rocket number, specifying the action that the student believes to have been improper, the instructor, the course number, the section, and semester, and any other information needed to explain the circumstances. The petition shall be dated and signed by the student and sent, directly or through the president of Student Government, to the chair of the student grievance council. The petition may be supplemented by other documents and/or personal testimony.
- (3) The chair of the student grievance council shall supply copies of the grievance petition to members of the council, the faculty member whose action the student has questioned, the chair of the faculty member's department, and the dean of the college. Any member of the council who has a conflict of interest in a particular case shall be disqualified from council deliberations and action on that case. The Faculty Senate has provided for the selection of an alternate faculty member and an alternate student member to serve in the absence of regular members.
- (4) The council shall request the faculty member to reply to the council within a 10- school-day period with a written statement concerning the action referred to in the grievance petition. The statement may be supplemented by other documents and/or personal testimony. If the grievance refers to a course grade, the instructor should explain the components of the evaluation and their relative weight, supplying evidence such as papers and examinations if possible.
- (5) After an initial meeting to review the information presented, members of the student grievance council may ask the faculty member and/or the student to meet with the council for a confidential hearing. The council members may request testimony of other faculty and students. The chair of the student grievance council shall make a formal recommendation, copies of which shall be sent to the student who filed the grievance, the faculty member, the chair of the faculty member's department, and the dean of the college.
- (6) If the council members' recommendation includes a request for action by the faculty member, the faculty member shall, within a 10-school-day period, inform the student grievance council in writing of his or her response to that request. The chair of the council shall forward copies of the faculty member's response to each of the persons listed in section E above. If the faculty member does not implement the recommendations of the student grievance council, the chair shall direct the executive vice president for academic affairs to do so.
- (7) The Student Grievance Council:
 - (a) The student grievance council, a University committee appointed by the president or the president's designee, is charged with protecting students' rights of freedom of

expression and other rights in the classroom and against improper academic evaluation and improper disclosure. It does this by investigating and seeking to resolve academic grievances of individual students and by reporting to the Faculty Senate if any problem appears to require more than case-by-case action.

(b) Composition:

The council is composed of five faculty members and four student members, all voting members. Council members may be from the colleges with undergraduate programs and the University Libraries. Care should be taken when forming the council that a diversity of colleges is represented among its members.

(c) Appointments:

- i. Appointments shall be for two-year terms; all appointments are renewable.
- ii. Two faculty members and two student members will be appointed in even-numbered years, three faculty members and two student members will be appointed in odd-numbered years.
- iii. No member may serve more than two consecutive full terms on the council.
- iv. If any member has a conflict of interest in a particular grievance case, the member shall be recused and an alternate faculty or student member shall be immediately selected by the appointing body to serve in his or her absence for that particular case.

(d) Annual selection:

Appointments will be made at the beginning of the fall term except for appointments to fill vacancies. All vacancies will be filled as soon as possible by the appointing body.

(e) Initial meeting:

The initial meeting of the council shall address the following items:

- i. Election of a student grievance council chairperson from among the faculty members of the council.
- ii. Selection of two faculty and two student members to serve on the Athletic Review Panel.
- iii. Review of any grievances received by the previous council chair since the council met last.

- (f) Following the meeting, notification of the new chairperson of the student grievance council shall be communicated to the deans of each college with undergraduate programs, the president of student senate, and the Office for the Student Experience.

5. Policy on Due Process for the Student Athlete – Scholarship Appeal

(A) Policy Statement

The University of Toledo is committed to following all National Collegiate Athletic Association, Mid-American Conference, and institutional guidelines concerning athletically related financial aid.

This policy specifically applies to the athletics department's decision to reduce and cancel a student athlete's athletically related aid, and the process delineated under NCAA Bylaw 15 for student-athletes who wish to appeal such decisions.

(B) Purpose of Policy

NCAA Bylaws specifically provide student-athletes with an opportunity to appeal reductions or cancellations of athletically related financial aid during the period of the award, or reductions or non-renewals at the conclusion of the academic year.

(C) Procedure

Athletics awards are granted on a year-by-year basis by the athletics department, as determined by each team's head coach, and approved by the vice president for intercollegiate athletics. The offer of athletically related financial aid will emanate from the Office of Student Financial Aid. Likewise, the reduction or cancellation of said financial aid will be communicated by the Office of Student Financial Aid.

(1) During the academic year (i.e., fall and spring semesters), athletically related financial aid may be reduced or cancelled for any of the following reasons:

- (a) The student-athlete renders himself or herself ineligible for intercollegiate competition.
- (b) The student-athlete fraudulently misrepresents any information on an application, letter of intent, or financial aid agreement.
- (c) The student-athlete engages in serious misconduct warranting substantial disciplinary penalty.
- (d) The student-athlete voluntarily withdraws from the team.
- (e) The student-athlete violates University, athletics department, or team policies.

Athletically related financial aid may not be reduced or cancelled during the period of the award for any athletics reason.

(2) At the conclusion of the academic year, the athletics department may choose to renew, reduce, or cancel a student's athletically related financial aid. The institution is required to notify the student-athlete prior to July 1st following the conclusion of the academic year. This notification must come from the office of student financial aid.

(3) The notice of reduction or cancellation of athletically related financial aid shall be transmitted from the Office of Student Financial Aid to the student-athlete. Upon receipt of this notice, the student-athlete has 10 business days to notify the Office of Student Financial Aid that he or she intends to appeal the decision.

In the event that the student-athlete wishes to appeal the reduction or cancellation of athletically related financial aid, the institutional representative in the Office of Student Financial Aid shall organize a hearing, to be conducted at the earliest opportunity. All hearing documents shall be submitted to the student financial aid representative by both the student-athlete and athletics department. If the notice to reduce or cancel athletically related financial aid is executed during the academic year, the student-athlete will continue to receive such aid until he or she is provided with a hearing opportunity.

- (4) The hearing to review the reduction or cancellation of athletically related financial aid shall be conducted before the University's student grievance committee. The athletics compliance representative, as well as the institutional representative in the Office of Student Financial Aid, will serve as non-voting members of the appeal panel. The committee must have a quorum present in order to conduct the hearing.
 - (a) The student-athlete and head coach will attend the hearing. Each party is permitted to have an advisor present at the hearing, who may be an attorney. However, as this is not a legal proceeding, an attorney is not permitted to present or defend the appeal. The student-athlete will present his or her case first, and may have witnesses appear on his or her behalf. The head coach will present his or her case following the student-athlete's presentation. Likewise, the head coach may also be permitted to call witnesses. The committee is permitted to ask questions of both parties, as well as review any documentation that has been presented in the appeal.
 - (b) Following the presentations of the student-athlete and head coach, the committee will dismiss all parties, and deliberate the appeal.
 - (c) Upon completion of deliberations, the committee will render a decision. The director of student financial aid (or designee) will notify all parties of the appeal's outcome at the earliest opportunity.
 - (d) The decision of the committee will be final.

6. Policy on Alcoholic Beverages

(A) Policy Statement

The University of Toledo prohibits the use of alcohol, which is inconsistent with state, local or University regulations. It is the goal of The University of Toledo to establish and sustain an environment on campus that is conducive to the intellectual, emotional, and social growth of all the members of its community. The University is committed to the preservation of individual freedoms and the promotion of the health, safety, and welfare of the community. The following policy applies to the entire University of Toledo organization ("University"), including all campuses, student body, and The University of Toledo Medical Center ("UTMC") Hospital. This policy applies to both on campus and to University-sponsored activities, including field trips, athletic contests played off campus

and conferences attended by students, faculty and staff where the University reimburses travel expenses or registration fees. An official “Sponsored University Function” means one in which:

- (1) Institutional funds are being used for any part of the event; or
- (2) The University name and/or logo are being associated with the event; or
- (3) It is being advertised on campus by any means.

This policy does not apply to alcohol distribution with alcohol dispensed through the UTMC Hospital Pharmacy upon order of a physician. The Hospital Pharmacy is responsible for the policies and procedures related to physician prescribed alcohol.

(B) Purpose of Policy

The University of Toledo has established the following policy governing the possession, sale and consumption of alcoholic beverages on the University’s campuses. It is the University’s goal through these policies and programs to encourage members of its community to make responsible decisions and to promote safe, legal, and healthy patterns of social interaction.

(C) Compliance with State Laws

The University policies are consistent with the laws of the state of Ohio as stated in the Ohio Revised Code. It is the responsibility of each student, staff, and faculty member to familiarize himself or herself with the appropriate sections of the Ohio Revised Code and the provisions of this policy and to conduct one's self in a responsible manner.

The Ohio Revised Code includes the following statements:

- (1) It is unlawful for a person under 21 years of age to purchase, consume, possess or transport any intoxicating liquor.
- (2) It is unlawful to knowingly and falsely misrepresent one's age to obtain alcoholic beverages or to represent that another is of legal age for such purpose.
- (3) It is unlawful to have in one's possession in a public place an open container of beer or intoxicating liquor.
- (4) It is unlawful to consume any beer or intoxicating liquor in a motor vehicle.
- (5) No person shall furnish or buy or contribute money to the purchase of alcohol for an underage drinker; and it is illegal to use false identification or provide false identification in the purchase of alcoholic beverages.

(D) Regulations Governing Alcoholic Beverages

The University permits alcoholic beverages on campus as part of the operation of licensed University facilities and for some social events.

- (1) Facilities: Policies and procedures for specific University facilities may be in place. Such facilities include but are not limited to residence halls, the McComas Village, Student Union, Driscoll Alumni Center, Savage Hall, SeaGate Centre, the Glass Bowl,

Libbey Hall, Dana Conference Center, Academic Commons, Hotel at UTMC, Garden Café, Bryan Student Lounge, Mulford Library and Collier Building. Such policies must be consistent with the University policy.

- (2) Delivery: Delivery of any alcoholic beverages to any University property or facility, other than associated with the University's liquor license and catering operations, is strictly prohibited.
- (3) Independent Contractors/University Guests: Where the University is paying for or reimbursing expenses for consultants, contractors, or others doing business for the University, University shall not pay for or reimburse any alcoholic beverage purchases.
- (4) Sponsored University Functions: The use of alcohol at events held on The University of Toledo campuses is governed by the following rules:
 - (a) University funds may not be used to purchase alcoholic beverages.
 - (b) Alcoholic beverages will not be served free of charge at a campus event unless the event is approved in advance in writing by the vice president or a designee and the event is otherwise permitted by University policy.
 - (c) Unless otherwise approved in writing in advance by the vice president or a designee, alcoholic beverages must be sold by University dining services which are a licensed, insured vendor.
 - (d) The sponsoring organization, department, or approved user of facilities will oversee adherence to the alcohol policy, assume responsibility for the event and control and supervise the distribution of alcoholic beverages in accordance with all applicable laws, rules, and policies.
 - (e) Institutionally approved security must be present at all times during an event unless determined by the chief of University police to be unnecessary. All security costs will be the responsibility of the sponsoring organization.
 - (f) No one under the age of 21 is permitted to possess, serve, or consume any alcoholic beverage. At any event where alcoholic beverages are served and/or sold, approval for the event will be based upon the age of the event participants as well as the nature of the event. For example, an event at which the majority of participants are under the age of 21 will not have alcoholic beverages available for consumption. However, a designated, physically defined, monitored area may be utilized for those of age if approved in advance.
 - (g) All sale/use of alcoholic beverages on University property will be monitored by and subject to inspection by University officials.
 - (h) Although no person will possess or be served alcoholic beverages without proof of legal age, state law permits any individual 18 years or over to sell alcohol in a closed container, 19 years or older to serve an open container of alcohol and anyone over 21 to tend bar.
 - (i) No servers of alcohol may be permitted to consume alcoholic beverages while serving nor shall they be permitted to serve while intoxicated.
 - (j) Intoxicated people will not be served nor permitted to possess alcoholic beverages.

- (k) At all events where alcohol is used, served, and/or sold, non-alcoholic beverages and unsalted foods must be made available in quantity sufficient for the number of guests. All food should be visible and available.
- (l) Alcoholic beverages are not permitted to be sold or used prior to noon. For an event lasting three hours or more, sale or service must stop forty-five minutes prior to the end of the event. At no time may the sale/service of alcohol last more than three consecutive hours.
- (m) The minimum charge for twelve ounces of beer will be \$1.00. A lower price will be charged for the same amount of non-alcoholic beverage. Other alcoholic beverages should be priced so as not to promote excessive consumption.
- (n) Under no circumstances may any alcoholic beverage be permitted to leave the approved area of the event. No alcoholic beverages may be brought into the event by an individual when alcoholic beverages are being served, and/or sold by event organizers.

(E) Process to Obtain Permission for University Events Where Alcohol Will be Served

At events at which alcohol is served and in University facilities in which it is served, operators and event sponsors are responsible for complying with the laws of the state of Ohio, ordinances of the city of Toledo, and all policies of The University of Toledo.

An “F” permit is required for any events that serve alcoholic beverages on University property that are not covered by the University’s dining services liquor license. The administration for the Health Science Campus of the University does not review or approve “F” permits under any circumstance. All events must be conducted through the dining services liquor license. The University administration reserves the right in its sole discretion to refuse to sign any “F” permit for any reason whatsoever.

Depending on the associated division of the University, the following is the procedure for seeking approval of an “F” permit:

(1) Athletics

If an outside person or business would like to hold an athletics related event on University property, an “F” permit needs to be completed and given to the associate athletic director for development. The associate athletic director for development with the University’s administrator for risk management will determine if the University’s insurance will cover such event or the requesting party needs to obtain insurance and provide proof thereof before the “F” permit will be processed any further. Upon verification of insurance coverage for the event, the vice president/director of athletics will sign the “F” permit. It will then be forwarded to the chief of police who will sign that he has seen the “F” permit. The chief of police will then forward to the highest officer in finance at the vice presidential level for final sign off. The fully signed “F” permit will then be returned to the associate athletic director for development.

(2) Alumni

If an outside person or business would like to hold an alumni event on University property, an “F” permit needs to be completed and given to the associate vice president

of alumni relations. The associate vice president of alumni relations with the University's administrator for risk management will determine if the University's insurance will cover such event or the requesting party needs to obtain insurance and provide proof thereof before the "F" permit will be processed any further. Upon verification of insurance coverage for the event, the vice president of institutional advancement will sign the "F" permit. It will then be forwarded to the chief of police who will sign that he has seen the "F" permit. The chief of police will then forward to the highest officer in finance at the vice presidential level for final sign off. The fully signed "F" permit will then be returned to the associate vice president of alumni relations.

(3) Student Events

If an outside person or business (or student organization, when applicable) would like to hold an event for students on University property, an "F" permit needs to be completed and given to the dean for the student experience. The dean for the student experience with the University's administrator for risk management will determine if the University's insurance will cover such event or the requesting party needs to obtain insurance and provide proof thereof before the "F" permit will be processed any further. Upon verification of insurance coverage for the event, the vice president for the student experience will sign the "F" permit. It will then be forwarded to the chief of police who will sign that he has seen the "F" permit. The chief of police will then forward to the highest officer in finance at the vice presidential level for signature. The fully signed "F" permit will then be returned to the dean for the student experience.

(a) Students and student organization are also required to complete the necessary paperwork to host a social event. This information can be found through the Office of Student Involvement & Leadership, located in 3504 Student Union.

(b) The sponsoring organization will be prepared to provide, in writing, information pertaining to the purpose of the activity, number of participants, location, and whether the activity is public or private.

(F) Promotion of University Events Where Alcohol Will be Served

It is the position of the University that alcohol use will not be promoted. Consistent with this position, the University will neither solicit nor accept any form of alcoholic beverage advertising or sponsorship for any University publication or in/on any University-operated facility or property.

In addition, the following guidelines shall be adhered to:

(1) Events where alcoholic beverages are used, served and/or sold shall not have alcohol or the consumption of alcohol as a theme. No element of an event where alcohol will be used, served, and/or sold shall encourage, in any manner, the consumption of alcohol. No event where alcohol is used, served, and/or sold shall be sponsored, in any manner, by an alcohol manufacturer, distributor, or retailer.

- (2) No advertising for events where alcohol is used, served, and/or sold shall refer to alcohol in any manner other than "legal beverages available" or "beer available." Advertising for "F" permit events cannot include the sale price of alcoholic beverages nor can it refer to the price advantage or amount available.

(G) Violations/Sanctions

Violation of University policies may result in disciplinary action. In addition, such matters may be reported by the University to appropriate law enforcement authorities. Violators will be subject to penalties, which may include separation from the University or mandatory referral for treatment. The University shall implement and enforce the laws of the State of Ohio as stated in the Ohio Revised Code. It is the responsibility of each student, staff, and faculty member to familiarize him or herself with the appropriate sections of the Ohio Revised Code and the provisions of the policy and to conduct one's self in a responsible and prudent manner.

- (1) Violation of University policies by students will be addressed by the Student Code of Conduct.

7. Policy on Alcohol and Substance Abuse

(A) Policy Statement

The University of Toledo is committed to promoting and maintaining a work and academic environment that is free from illegal use of alcohol and drug use/abuse, in accordance with all federal, state, and local laws as well as the federal drug free schools and campus regulations. The abuse of alcohol and use of illicit drugs also poses a health risk to members of the University community (see section E of this policy for more information).

(B) Purpose of Policy

The policy for alcohol and substance abuse is designed to inform University faculty, staff and students about the University's commitment to maintaining an alcohol and drug free work and academic environment.

(C) Standards of Conduct/Violations

The University of Toledo prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or part of any of its activities. Employees, students, and campus visitors age 21 years or older, consuming alcohol at University functions or while on University business where such use is approved, are expected to use alcohol responsibly and not engage in illegal, unprofessional or disruptive behavior.

When there has been a violation of the standards of conduct, the University shall initiate appropriate measures, which may include disciplinary action. Such action may result in

sanctions up to and including suspension or separation from the University. Violations may be reported by the University to appropriate law enforcement authorities. Those referred to law enforcement authorities are subject to prosecution.

(D) Services for Treatment and Referral

Students, faculty and staff who violate this policy or encounter difficulties with alcohol and/or drugs shall be informed about and referred to the following University and campus resources for support and assistance.

(1) University Services:

Resource information (booklets, brochures, pamphlets, videos, etc.) regarding health and safety concerns from substance use and/or alcohol abuse and information regarding campus and community services are available through a variety of University services, including:

- Main Campus Medical Center: (419) 530-3451
- The Counseling Center:– Sexual Assault Education Prevention and Alcohol and Other Drug Prevention: (419) 530-2426
- Alcohol and Other Drug Prevention: (419) 530-8436
- Sexual Assault Education Prevention: (419) 530-3431
- Campus Police – Emergency: (419) 530-2600
- Campus Police – Non-emergency: (419) 530-2601

(2) Community Resources:

There are many community resources that also provide support, information, and treatment:

- (a) Al-Anon/Al-Ateen - (419)537-7500
Self-help group for persons who are close to an alcoholic (no fee)
- (b) Alcoholics Anonymous - (419) 380-9862
Self-help group for alcoholics (no fee)
- (c) Compass, Inc. - (419)241-8827
Substance abuse treatment, detoxification, and after care (sliding fee schedule based on ability to pay)
- (d) First Call for Help - (800) 468-4357
For referral and information about self-help groups
- (e) FOCUS - (419)244-2175
Assessments (no charge), inpatient detox, hospitalization, partial hospitalization, and medication management.
- (f) Harbor Behavioral Healthcare - (419) 475-4449

Education services (sliding fee scheduled based on ability to pay)

- (g) RESCUE CRISIS - (419) 255-9585
24-hour emergency hotline
- (h) ProMedica Alcohol and Drug Treatment, Bixby Medical Center - (517) 265-0411
- (i) Outpatient Behavioral Health/Herrick Medical Center - (517) 423-3887
Free assessments, treatment center for substance abusers, after care.
- (j) Urban Minority Alcoholism & Drug Abuse Outreach Program - (419) 255-4444
Prevention, intervention, and relapse prevention. Program targeted for minorities
(no fee)

(E) Health Risks

There are many health risks in using alcohol and drugs; they are as follows:

(1) Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses impair judgment and coordination and increase the incidence of aggressive behavior. Very high doses can cause respiratory depression and death. Alcohol intoxication is equivalent to a drug overdose. Repeated use of alcohol can lead to a change in tolerance and dependence.

Cessation of alcohol intake, amount individuals suffering from addiction, can produce withdrawal symptoms, including tremors, hallucinations, convulsions, and death. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver. Women who drink even small amounts of alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. Children of alcoholic parents have a 40 percent greater risk of developing alcoholism than those children of non-alcoholic parents.

(2) Marijuana

The mood-altering effects of marijuana are the result of a chemical delta-9 tetrahydrocannabinol (THC). THC is fat-soluble and remains in the body up to four weeks after smoking one marijuana cigarette. Consequently, even the occasional user can be detected through urinalysis. Research indicates that regular use may have long-term effects on the user's brain, heart, and reproductive organs. The numerous carcinogenic chemicals found in marijuana smoke make it particularly harmful to the lungs.

(3) Depressants

The use of depressants can result in a change in tolerance and physical as well as psychological dependency. The combining of multiple depressants (e.g. Xanax and alcohol) will intensify the depressant effects, exacerbating the health risk. Withdrawal symptoms include anxiety, vomiting, acute psychotic episodes, seizures, coma and death.

(4) Stimulants

High doses of stimulant drugs result in intense personality disturbances, including visual and auditory hallucinations, delusions, and paranoia. Tolerance develops rapidly. Cross-tolerance does develop among stimulant drugs (e.g. methamphetamines and cocaine). The use of cocaine can cause death by cardiac arrest or respiratory failure. Stimulants are addictive and withdrawal from them may cause depression and suicidal ideation with some individuals.

(5) Narcotics

Tolerance, especially to the euphoric effects of narcotics, and physical dependence develop rapidly. In order to avoid intense drug cravings, the addict becomes preoccupied with acquiring the drug. Withdrawal symptoms are extremely uncomfortable; however, they are seldom life-threatening.

(6) Hallucinogens

Large doses of Phencyclidine (PCP) may result in convulsive seizure, coma, and death. Mood disorders occur and the user may become violent, irrational, and potentially harmful to self and others. Lysergic acid (LSD), mescaline, and psilocybin cause sensations and feelings to change rapidly. The user may experience panic, confusion, anxiety, and depersonalization; spontaneous reappearance e.g., flashback of the drug experience after use has ceased may occur.

(7) Anabolic-Androgenic Steroids

Steroid users can experience serious cardiovascular, liver, central nervous system, gastrointestinal, and reproductive disorders. In males, use can result in testicular atrophy, sterility, impotence, and arrested growth. Irreversible masculinization and sterility can result when women use steroids. Psychological impairments include mood swings, depression, and very aggressive behavior.

(8) Bath Salts

Bath salts is the street name for a group of new drugs on the illicit market, so the full effects of using bath salts is not fully known. Bath salts effects tend to last about three or four hours, but rapid heartbeat, increased blood pressure and other effects of a stimulant may last longer.

High doses have caused intense and extended panic attacks in some people. Since this drug is a stimulant, it tends to disrupt sleep. A person who takes the drug frequently may suffer from sleep-deprivation psychosis. Addiction is also a very likely effect.

The more serious effects include fits, hallucinations, aggression, suicidal thoughts or attempts and psychotic delusions. Physically, a person can experience liver failure, kidney failure, loss of bowel control and rhabdomyolysis, a spontaneous breakdown of muscle fiber that can lead to death.

8. Policy on Administrative Adjustment for Extenuating Circumstances

(A) Policy Statement

In certain extenuating circumstances that occur outside the normal policies and deadlines of the University, discretionary academic adjustments (course drop, withdrawal, or schedule change), medical adjustments, and/or financial adjustments may be granted.

(B) Purpose of Policy

The purpose of the policy for administrative adjustment for extenuating circumstances is to provide students who experience unavoidable, extenuating circumstances or catastrophic illness the opportunity to petition the University for an administrative adjustment. This policy is for extenuating circumstances and does not supersede the missed class policy.

Extenuating circumstances are defined as situations that significantly interfere with the student's academic work and/or ability to attend classes that arise during the semester, and are beyond the student's control. Serious injuries or illnesses, death of an immediate family member, or a military call to active duty are examples of circumstances that might be regarded as extenuating.

(C) Scope

This policy applies to all undergraduate students. Each college may publish detailed implementation strategies specific to that college.

(D) Outcomes of Approved Adjustments

Regardless of the circumstances, a student withdrawal from most or all classes may affect the student's financial aid and/or satisfactory academic progress.

An official withdrawal results in a grade of "W" recorded on the student's transcript for courses in session on the date of withdrawal. No credit is earned. The student's grade-point average is not affected.

The date used to determine eligibility for financial adjustments shall be the date the student stopped attending as verified by the instructors as a result of the extenuating circumstances. The financial adjustments are based on the policies of The University of Toledo. It is the student's responsibility to read and understand the policies on student fees and accounts as published and posted at http://www.utoledo.edu/offices/treasurer/finance_brochures.html and important registration dates for each semester as published and posted at http://www.utoledo.edu/offices/registrar/main_campus/registration_dates.html.

(E) Policy Coverage

This comprehensive policy will cover petitions based on both academic and medical circumstances. Financial adjustments may be granted in certain situations.

- (1) Academic adjustment refers to discretionary drop/withdrawal/schedule adjustments due to extenuating circumstances. A course "drop" will only be considered in the first 15 calendar days of the term pro-rated for summer and parts of term less than full term.

After the fifteenth calendar day (pro-rated for summer and parts of term less than full term), a withdrawal may be processed.

- (2) Medical adjustment refers to medical circumstances that interfere with the student's ability to participate in academic activities. A medical adjustment approval can be made for all or some of the courses in the term for which the adjustment is requested. Medical requests must indicate when and how the student's condition prevented class attendance and include documentation from a licensed healthcare provider.

It is important to note that if a medical adjustment is approved, a medical registration hold is placed on the student's record by the Registrar's Office, and the student will be blocked from all future registration until the hold is removed. The removal of the medical hold will only be processed after the student's documented healthcare provider supplies verification that the student's condition is resolved with a minimum of a good prognosis to return to the University. In addition to a medical hold, any other registration holds must be resolved through the appropriate offices prior to registering for subsequent terms. If the student is registered for future terms, those courses will be dropped by the Registrar's Office.

(F) Procedure

The Petition for Administrative Adjustment can be found on the Web at <http://registrar.utoledo.edu/Forms/AdminAdjustment.pdf> or in the Registrar's Office. Students must complete the petition for administrative adjustment and attach their written statement and supporting documentation or the petition will be denied. A student must submit all the appropriate documents/forms to the Registrar's Office within twelve calendar months of the last day of classes for the term for which the adjustment is requested.

Student Responsibilities:

- (1) Consider alternatives to an administrative adjustment (i.e., schedule adjustment, incomplete grade, support services, GPA Recalculation Policy for Repeated Courses).
 - (a) Students with a diagnosis/disability requiring accommodations are encouraged to notify the Office of Student Disability Services at (419) 530-4981 or <http://www.utoledo.edu/offices/student-disability-services/index.html>
- (2) Consult with instructors, academic advisor, and/or the financial aid office to explore your options and the consequences of an approved or denied Petition for Administrative Adjustment.
 - (a) Financial aid recipients who subsequently withdraw or change enrollment status may jeopardize their financial aid depending on the withdrawal date and the type of aid. An approved adjustment can result in federal grants and/or loans being returned to the Department of Education. A reduction of the load obligation could cause a balance due on The University of Toledo student account.

- (b) Fee adjustments to parking, meal plan, residence life, or health insurance must be made by student who initiated contact with the appropriate office.
- (3) Complete the Petition for Administrative Adjustment – including all of the following:
- (a) A written “reason/explanation” statement detailing the extenuating circumstances, how the unavoidable circumstances interfered with academic progress, the action that is being requested, and the reason why the petition for an administrative adjustment should be granted.
 - (b) Indicate the term for the request including the dates of attendance and/or the last date attended. Medical requests must also list the date of the onset of the illness, when and how the impairment interfered with academic progress, the date(s) professional care was obtained for the medical request and the date(s) of hospitalization (if appropriate).
 - (c) Attach supporting documentation and/or verification documents on official letterhead pertaining to the extenuating circumstances. Students petitioning for medical requests must contact the Registrar’s Office (registrar@utoledo.edu or (419) 530-4845) for an initial consult and to obtain additional application materials to be included with the Petition for Administrative Adjustment, including a signed “Physicians’ Verification of Medical Circumstances” form.
 - (d) Sign and Date the Petition
 - (e) Submit the completed petition to the Registrar’s Office within twelve calendar months of the last day of classes for the term for which the adjustment is requested. Petitions for administrative adjustment will not be accepted during final exam week or later.
- (4) Students will be notified in writing of the decision of the request for an adjustment. Do not assume the petition for extenuating circumstances has automatically been approved. Students should monitor their student account for fee adjustments at <http://myut.utoledo.edu/>.
- (5) In the event of a denied petition for an administrative adjustment, the student has the right to appeal, with the final authority being the Administrative Adjustment Review Committee. Appeals are limited to those situations where additional relevant information is provided by the student that was not included in the original Petition for Administrative Adjustment. Appeals must be submitted to the Registrar’s Office in written format within 30 calendar days of the denial letter. Petitions submitted late are not appealable decisions.

Related policies: 3364-71-14 Missed class policy, 3364-81-04-014-02 leave of absence

9. **Title IX Policy**

(A) Policy Statement

Title IX Notice of Non-Discrimination

The University of Toledo (“University”) is committed to educational and working environments that are free from sex discrimination (including sexual harassment, sexual assault) or retaliation. Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits sex discrimination. This policy is consistent with the requirements of Title IX, Title VII, as well as relevant state laws.

The University encourages the reporting of sexual misconduct or retaliation that may occur in its programs or activities, to ensure that the University has an opportunity to address prohibited conduct. Reports may be made online on the University’s website or by contacting one of the individuals identified below.

Sexual misconduct includes sex discrimination, 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, dating violence, domestic violence, and indecent exposure.

The following individual has been designated to handle inquiries and reports concerning Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex (including gender identity or expression):

Jovita Thomas-Williams
Vice President & Chief Human Resources Officer Acting Title IX Coordinator
Academic Services Center Room 2050D
(419) 530-1439
Email: Jovita.Thomas-Williams@utoledo.edu
Mail Stop: 405

Or

Dr. Kaye Patten-Wallace
Senior Vice President for Student Affairs
University Hall 3630
(419) 530-2665
Email: Kaye.Patten-Wallace@utoledo.edu
Mail Stop: 963

The Title IX Coordinator is assisted by three Deputy Title IX Coordinators:

Kevin West
Senior Director for Faculty Relations / Inclusion Officer Deputy Title IX Coordinator

University Hall, Room 4580 Phone: (419) 530-4017
Email: kevin.west2@utoledo.edu
Mail Stop: 939

Mary Martinez
Student Conduct Officer/Deputy Title IX Coordinator Ottawa West, Room 1015
Phone: 419-530-8585
Fax: 419-530-1338
Email: Mary.Martinez@utoledo.edu
Mail Stop: 514

Melissa Auberle
Sr. Compliance Specialist/Deputy Title IX Coordinator Academic Services Center, Room 1300
Phone: 419-530-1464
Fax: 419-530-1490
Email: Melissa.Auberle@utoledo.edu
Mail Stop: 405

The Deputy Title IX Coordinators investigate allegations of sexual misconduct, assist individuals who may require interim measures following a report of sexual misconduct, and provide information and resources to the campus community.

Inquiries regarding sex discrimination also may be directed to:

Office for Civil Rights
U.S. Department of Education 1350 Euclid Avenue, Suite 325 Cleveland, OH 441155
Telephone: (216) 522-4970 TDD: (800) 877-8339
Email: OCR.Cleveland@ed.gov

Anti-Discrimination/Anti-Harassment Statement

The University of Toledo is strongly committed to maintaining a safe campus and preventing unlawful discrimination and harassment in its programs and activities. Upon notice of possible sex discrimination, sexual harassment, or sexual violence (collectively referred to as “sexual misconduct”) the University takes prompt and appropriate steps to determine what occurred, end a hostile environment if one has been created, and prevent the recurrence of a hostile environment. The University ensures that it utilizes fair and impartial processes that are mindful of the rights of individuals accused of sexual misconduct, while taking steps to ensure equal treatment of complainants and provide necessary interim or protective measures. If the University finds that sexual misconduct in violation of this policy has occurred, it imposes robust disciplinary sanctions and provides remedies to complainants and the campus community, as appropriate. The University does not tolerate unlawful retaliation, including retaliatory harassment, in its programs and activities.

(B) Purpose

The University seeks, through this policy, to acknowledge and comply with its duties under federal and state laws and set forth a comprehensive framework for receiving, processing, investigating, and resolving complaints of sexual misconduct. This policy also provides the University community with necessary information regarding how to make complaints, receive assistance and support, and what to expect from the investigation process.

(C) Scope

This policy applies to all faculty, staff, students, student organizations, and third parties (i.e., individuals such as vendors and visitors), regardless of sexual orientation or gender identity. The policy covers sexual misconduct or retaliation that occurs in University programs and activities, that is, on University property or at University sponsored events. This includes instances where sexual misconduct or retaliation occurs off-campus but has an effect on-campus, on University property, or at a University-sponsored event.

All reports of alleged sexual misconduct in a University program or activity -- that is, any reports regarding sexual misconduct on any campus or within any department or college or athletic program -- will be investigated in the manner set forth in this Policy. No other policy's sexual misconduct investigatory process may take the place of the Title IX Coordinator's investigation process.

Claims that allege both "sexual misconduct" as defined by this policy and other unlawful discrimination or harassment covered by Policy 3364-50-02 will be addressed under this policy.

The University upholds the requirements of the Constitution of the United States of America. This policy will not be interpreted to impinge upon any constitutionally protected rights or privileges, including under the First or Fifth Amendments. This policy will not be used to impose discipline for speech that is protected by the First Amendment.

(D) Definitions and Examples

(Additional relevant definitions and examples, including state law definitions, are set forth in Appendices B and C to this policy.)

Complainant: The individual alleged to have experienced sexual misconduct or retaliation. In certain circumstances, the University may assume the role of the complainant.

Consent: 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 are used on the accuser. 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.

Whether an individual has taken advantage of a position of influence or authority over an accuser may be a factor in determining consent.

Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes sexual or physical abuse or the threat of such abuse.

Days: In this policy, “days” refers to calendar days.

Domestic violence: Domestic violence is violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Ohio.

Incapacitation: 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.

Respondent: The individual alleged to have engaged in sexual misconduct or retaliation.

Retaliation: Retaliation is a form of discrimination. It 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.

Example: A student files a sexual misconduct complaint against a professor. The professor gives the student a poor grade because the professor is upset that the student filed a complaint.

Example: A student files a complaint alleging sexual misconduct. The respondent’s friends follow the student around campus every day and make verbal threats because the student filed a complaint.

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 object, or oral penetration by a sex organ of another person, without consent.

Sex discrimination: Negative or adverse treatment sex.

Sexual harassment: Sexual harassment is 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. A single instance of rape is sufficiently severe to create a hostile environment. Sexual harassment can occur in one of two forms:

Hostile environment: This 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.

Quid pro quo: This 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.

Examples of sexual harassment:

- 1) A student is sexually assaulted by another student;
- 2) A professor repeatedly asks a student to have sex with in order to get a better grade;
- 3) Students in a residence hall target another student by writing unwelcome sex-based comments on the student's door; making negative, sex-based comments to the student in class, and threatening physical harm to the student.

When the facts establish that an institutional power differential existed within the relationship and an allegation of sexual harassment results, the University will closely scrutinize a defense that the relationship was consensual.

Sexual misconduct: 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, dating violence, domestic violence, and indecent exposure. Sexual misconduct may also be discrimination, harassment, or violence based on sexual orientation, gender identity, or gender expression.

Sexual violence: Sexual violence is physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (for example, due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking: Stalking means engaging in a course of conduct directed at a specific person that would: (1) cause a reasonable person to fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

(E) Making a Report

(1) Where and how to file a complaint.

Timeframe for filing. Complaints of sexual misconduct must be filed within 300 days of the last act of alleged discrimination. Individuals who file complaints after this timeframe may request a waiver, in writing, to the Title IX Coordinator. The request for a waiver should set forth the reason that the complaint was not filed earlier. The University encourages timely reporting of complaints as delays in filing may impair the University's ability to respond fully to the complaint. For example, memories fade over time and evidence may be lost, which may hamper an investigation.

Where to file. A complaint can be made by completing a Complaint Form available on the University's website at https://publicdocs.maxient.com/reportingform.php?UnivofToledo&layout_id=7. The completed form also may be hand delivered, faxed, emailed, or mailed to the Title IX Coordinator or any of the Title IX deputies listed above.

Anonymous complaints. Persons may also make anonymous complaints by calling the toll-free Compliance Concepts hotline at 1-888-416-1308.

(2) Confidentiality

The University takes seriously the need to respect the privacy of the parties in responding to reports and complaints of sexual misconduct. The University shares information on a limited, "need to know" basis, in accordance with federal and state privacy laws and the Ohio Public Records Act.

In some instances, complainants may request that the University handle their complaints in a confidential manner. The University generally will respect a complainant's request for confidentiality; however, in some instances, the University may not be able to honor such a request. The University's Title IX Coordinator reviews requests for confidentiality, taking into account factors including whether the safety of others or the campus is at issue and the number of complaints against a respondent. The complainant will be notified of the determination regarding the request for confidentiality as soon as possible.

The University is required to share with the University's Police Department information regarding certain conduct (e.g., reports of sexual assault, dating violence, domestic violence, and stalking), unless the reports are made exclusively to confidential sources. To maintain the confidentiality of a report of sexual misconduct, complainants should utilize the University's Counseling Center, University's Psychology Clinic or the off

campus resources identified below. Contact information for confidential reporting resources is provided below in Appendix A.

(3) Student Amnesty

The University encourages the reporting of incidents of sexual misconduct and recognizes that some students may be reluctant to make reports or respond fully in an investigation as a result of their conduct at the time of the incident. Students involved in the Title IX process as complainants, respondents, or witnesses generally will not be subject to disciplinary action as a result of their personal consumption of drugs or alcohol at the time of the incident, as long as their conduct did not pose a threat to the health and safety of others. Complainants, respondents, and witnesses who engaged in other Student Code of Conduct violations at the time of the incident also may not be subject to disciplinary action, at the University's discretion, if those violations are non-violent and non-discriminatory in nature. The University may nevertheless impose educational remedies related to the use of drugs or alcohol or participation in non-violent and non-discriminatory Student Code of Conduct violations.

(4) Mandatory reporting

Who must report? Responsible employees are required to immediately report to the Title IX Coordinator incidents of sexual misconduct in University programs and activities of which they are aware. Reports should be sent via email to the Title IX Coordinator as soon as they are received, but in no event should the report be sent later than 48 hours after receipt.

A responsible employee includes any employee: who has the authority to take action to redress sexual misconduct; who has been given the duty of reporting incidents of sexual misconduct or any other misconduct by students or employees to the Title IX coordinator or other appropriate school designee; or whom a student or employee could reasonably believe has this authority or duty.

At the University of Toledo, all employees are responsible employees. This designation is consistent with certain state law requirements, including Ohio Revised Code sec. 2921.22, which, with certain exceptions, provides that "no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities."

What must be reported? When making a report of sexual misconduct, responsible employees must report to the Title IX Coordinator the details of the incident of which they are aware. This may include information such as the names of the complainant and respondent; the date, time, and location of the incident; and the nature of the incident, including available facts about what occurred. Responsible employees should not independently investigate or conduct an inquiry into incidents of sexual misconduct.

(5) The University's Police Department and Local Law Enforcement Making reports to law enforcement. The University is committed to working cooperatively with the

University's Police Department, as well as local law enforcement agencies. Individuals who experience sexual misconduct may choose to make a report to the University's Police Department, 419.530.2600, or the applicable local law enforcement agency. Complainants may choose to report to both the University's Police Department and the Title IX Coordinator.

The University notes that reports of sexual misconduct made to the University's Police Department will be shared with the Title IX Coordinator. In turn, the Title IX Coordinator shares with the University's Police Department information regarding sexual misconduct cases to ensure compliance with the Clery Act and to maintain a safe campus environment.

Coordination with law enforcement. In cases where a complainant makes a simultaneous report to law enforcement, the University will coordinate with law enforcement, as needed, to ensure that law enforcement has a reasonable time to complete its evidence gathering. The University will promptly resume its investigation after a reasonable time.

Obtaining protective measures from law enforcement. In addition to the interim remedies specified below, a complainant may be able to obtain protective measures, such as civil protection orders through local courts. The University is not involved in such proceedings; however, information about interim remedies available through the University is provided below.

Considerations in filing a report with law enforcement. Individuals who experience sexual assault are encouraged to seek immediate medical attention. A complainant may wish to request a forensic examination from a Sexual Assault Nurse Examiner (SANE) at the University of Toledo Medical Center or other area hospitals. Complainants who choose to obtain a forensic examination should take a change of clothing and try not to shower, drink, eat, douche, brush teeth or hair, or change clothes prior to the exam as this may help preserve evidence in the evidence of a criminal complaint. Free, emergency contraception is available through SANE nurses.

(F) Interim measures

Interim measures are available to complainants who report alleged sexual misconduct. Interim measures will be coordinated by a Deputy Title IX Coordinator, who may consult with the Title IX Coordinator regarding appropriate interim measures. Interim measures may include, but are not limited to, no contact orders, changes to academic and living situations, as appropriate, and counseling services. For employees, interim measures may include no contact orders, reassignment, leave, modification to the place or manner of performing one's position, or other actions. The University administers interim measures in a manner that minimizes the burden on the complainant, while taking into account due process considerations with regard to the respondent and others, as appropriate.

Respondents or others who participate in the investigation of a complaint under this policy may contact the Title IX Coordinator if they need assistance prior to the completion of the adjudicatory process.

(G) Complaint Investigation and Resolution Procedures

- (1) Standard of Review. The University uses the preponderance of the evidence or “more likely than not” standard in the investigation and resolution of complaints of sexual misconduct.
- (2) Title IX Coordinator’s evaluation of the report. Within 7 days of receiving a report of alleged sexual misconduct, the Title IX Coordinator will determine the appropriate response to the report. If the complainant wishes to proceed with an investigation or an investigation is otherwise necessary, the Title IX Coordinator will assign the case to an appropriate Deputy Title IX Coordinator or designee expeditiously, but no later than 7 days after receiving the report of alleged sexual misconduct. In certain circumstances, the Title IX Coordinator may appoint an external investigator. The Title IX Coordinator will document this step of the process in writing.
- (3) Deputy Title IX Coordinator’s response. Within 7 days of the University’s receipt of a report of alleged sexual misconduct, the Deputy Title IX Coordinator or designee will contact the complainant and respondent to schedule in-person or telephonic interviews. Within this timeframe, the Deputy Title IX Coordinator or designee will provide the parties with written information about the process, available resources, interim measures, and how to raise and resolve concerns about interim measures or conflicts of interest in the process. University-provided email will be the primary means of communication used, and complainants and respondents are advised to regularly check their University-provided email regularly. The University will take appropriate action to address alleged sexual misconduct, including in instances where a party does not respond to communication from the University. This may include moving forward with the disciplinary process if it does not receive a response from either party within a reasonable time period.
 - (a) As part of the investigation, the Deputy Title IX Coordinator or designee will interview witnesses and review available evidence, as appropriate.
 - (b) The Deputy Title IX Coordinator’s or designee’s investigation generally will be concluded by 30 days after the complaint was received. This timeframe may be extended if circumstances warrant, such as during school breaks. The Deputy Title IX Coordinator or designee will notify the parties of any delays and the reasons for the delays.
 - (c) At the conclusion of the investigation, the Deputy Title IX Coordinator or designee will prepare a concise, written investigatory report that summarizes the factual findings. The complainant and respondent, will have similar, timely notice of the outcome of the investigation. The report will be shared with the Title IX Coordinator, the adjudicators assigned to the case, and relevant

University administrators. If there is insufficient evidence to support a finding that the conduct at issue was based on sex or of a sexual nature, the report will include that finding, and no appeal is permitted.

(4) Adjudication/Resolution.

The University generally will conclude the investigation and adjudication/resolution processes within 60 days of receiving a complaint of sexual misconduct.

- (a) Cases where the respondent is a student. The adjudicatory process set forth in the Student Code of Conduct, Policy 3364-30-04 applies. However, if at the conclusion of the investigation, if the respondent chooses to accept responsibility for the alleged violation, the parties will be offered the option to resolve the complaint administratively. If both parties agree to resolve the complaint administratively, the case will be referred to the Sexual Misconduct Adjudication Panel for sanctioning. The parties will not provide testimony to the adjudicatory panel under this option and the sanctioning decision will be based on consideration of the investigatory report, the respondent's acceptance of responsibility, and other relevant factors. The sanctioning decision will be made within 60 days of the University's receipt of the complaint, at which time the parties will receive concurrent written notice of the outcome.
- (b) Cases where the respondent is an employee. The disciplinary process outlined in the applicable collective bargaining agreement or applicable policy will be followed, subject to (e) below.
- (c) Cases where the respondent is a third party. Within 14 days of the conclusion of the investigation, the Title IX Coordinator or designee will review the investigatory report and determine the appropriate outcome. Where the respondent is not a University student or employee, the range of sanctions available to the University may be limited. However, the University may impose sanctions such as restrictions on contact with the complainant and may provide remedies to the complainant (e.g., academic accommodations), as appropriate.
- (d) Written notice of the outcome. The complainant and respondent will receive concurrent written notice of the outcome of the adjudication or resolution process. Such notice will be provided within 5 days of the conclusion of the applicable process.
- (e) Regular employee disciplinary policies or procedures provide the procedures that will be followed for disciplinary matters, however all applicable Title IX requirements outlined in this section ((G)(1), (5)(d), (6), (7), (8), (9), (10), (11), (12), (13)) will be followed during any disciplinary process relating to allegations of sexual misconduct. Employee discipline will be pursued if the administrator with authority over the accused and the assigned deputy Title IX Coordinator conclude that disciplinary action is necessary. Should a decision not to move forward with disciplinary action be reached, the complainant and respondent

will be notified of that decision in writing by the assigned deputy Title IX Coordinator.

- (5) Witnesses and evidence. The parties have an equal opportunity to present witnesses and evidence during the investigation and adjudication of sexual misconduct complaints. The sexual history of the complainant with anyone other than the respondent generally will not be considered.
- (6) Participation of advisors. The parties may each bring one advisor of each party's choice to meetings and hearings during this process. If either party's advisor is an attorney, the Title IX Coordinator or designee handling the meeting or hearing must be notified at least 24 hours prior to the meeting or hearing that the attorney advisor will attend, and the name of the attorney advisor. Advisors may be present during meetings and hearings but may not speak, interrupt, or participate in the process. Advisors who do not comply will be asked to leave. Advisors are expected to make themselves available on the dates and times that meetings and hearings are scheduled; meetings and hearings will not be rescheduled due to unavailability of any party's advisor. The parties and their advisors are not permitted to record, photograph, or audio record meetings or proceedings.
- (7) Advocates (for complainants) and advisors (for respondents) within the University community. The University has advocates and advisors who are available to assist complainants and respondents during sexual misconduct investigations. To utilize an advocate or advisor, parties should contact the Title IX Coordinator.
- (8) Timeframes. The investigation and adjudication of the complaint generally will be completed within 60 days, absent extenuating circumstances. The Deputy Title IX Coordinator, or designee, will provide the parties with updates regarding the status of the case at regular intervals.
- (9) Conflicts of interest and fairness of process. This procedure provides for the prompt, reliable, impartial investigation and adjudication of complaints of sexual misconduct. The parties will receive similar, timely access to information throughout the process. Any concerns regarding real or perceived conflicts of interest regarding the participation of anyone in the process should immediately be brought to the attention of the Title IX Coordinator or one of the Title IX deputies who have not been involved in the investigation at issue.
- (10) Mediation. Mediation will not be used in cases where sexual violence has been alleged, or in cases where the accused is in a position of authority over the accuser. In these cases, a complainant will not be required to work out an issue directly with a respondent, even on a voluntary basis.
- (11) Recordkeeping. The University maintains records related to sexual misconduct proceedings in accordance with federal and state law requirements.

(12) Training. The Title IX Coordinator, Deputy Title IX Coordinators, adjudicators, and any administrators with responsibilities under this policy will receive training, on at least an annual basis.

(H) Sanctions and Remedies

The sanctions and remedies that may be imposed or available depend on the nature of the party's relationship to the University. Students found responsible for sexual misconduct can be subject discipline as explained in the Student Code of Conduct, ranging from written warning up to and including expulsion. Employees found to have committed sexual misconduct can be subject to as explained in the applicable collective bargaining agreement, University policy, or state law, ranging from an oral or written reprimand up to and including termination.

The University provides remedies to individuals who experience sexual misconduct and the campus community, as appropriate. Remedies may include educational programming, changes to policies and procedures, counseling, and opportunities to change educational, work, or living situations.

(I) Appeal Process

Both the complainant and respondent will be given equitable appeal rights, consistent with applicable policy or collective bargaining agreements.

For students, the appeal process is set forth in the Student Code of Conduct.

For employees, the bases for appeal are set forth in the applicable collective bargaining agreement or policy. In cases involving a respondent who is an employee, a decision not to move forward with disciplinary action may be appealed by either party. The appeal must be made in writing, to the Title IX Coordinator or designee, within 3 days of the date of the written notification of the outcome. The Title IX Coordinator or designee will reach a final determination on the appeal and notify both the complainant and respondent of the final determination on whether to move forward with disciplinary action.

(J) Resources

A list of University and local resources for those who have experienced sexual misconduct is found at <http://www.utoledo.edu/offices/oid/title-ix/index.html> and in Appendix A to this policy.

(K) Prevention and Awareness Programs

All members of the university community play a role in preventing sexual misconduct. The university is committed to delivering annual sexual misconduct primary prevention and awareness training to all new students and employees. These programs specifically address sexual assault, dating violence, domestic violence, and stalking, among other topics.

Information about the University's Sexual Assault Education and Prevention Program may be found at <http://www.utoledo.edu/studentaffairs/SAEPP/>.

And any other policies or portions of policies which include definitions, procedures, or other provisions that conflict with this policy. **

Appendix A

Resources – The following is a list of some of the resources available following an incident of sexual misconduct. A more comprehensive list is available at:

<http://www.utoledo.edu/offices/oid/title-ix/index.html>.

A. On campus resources

1. The Sexual Assault Education and Prevention Program (SAEPP)

The University currently has trained sexual assault advocates. Advocates are available to meet with any student who has suffered sexual violence of any kind to provide support and to help the survivor explore available resources. An advocate is available 24 hours a day and 7 days a week to accompany a survivor for medical attention, to explain available resources, and to be supportive. <http://www.utoledo.edu/studentaffairs/saep/SAEPP>, Rocket Hall 1810419.530.3431 24 hours a day

2. University Counseling Center

The University Counseling Center is a confidential reporting location for Title IX complaints. It provides free and confidential counseling services to enrolled students. Our counselors serve students presenting with a number of emotional concerns including the traumatic effects of sexual assault. Counselors are available Monday through Friday during regular office hours, as well as after-hours for emergency situations. Counselors can provide individual screening for services, on-going individual or group counseling, crisis intervention, and consultation services.

http://www.utoledo.edu/studentaffairs/counseling/about_us.html, University Counseling Center, Rocket Hall 1810, 419.530.2426

3. Employee Assistance Program

University of Toledo makes available to employees the IMPACT Employee Assistance Program (EAP), offering confidential support for employees and their household members, dependents living away from home, and parents & parents-in-law.

Professional phone support is available around-the-clock, on an unlimited basis, offering someone to talk to, 24 hours a day, 365 days a year. Face-to-face counseling is also available, with up to 5 sessions included per problem occurrence.

<http://www.myimpactsolution.com/> Employee Assistance Program 1.800.277.6007

B. Off campus confidential support

1. YWCA H.O.P.E. Center 24-hour Rape Crisis Hotline 419.241.7273

Appendix B

The University is making these definitions and terms available pursuant to the Violence Against Women Act Amendments to the Clery Act

1. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.
2. **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape-** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - **Fondling –** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest –** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape –** Sexual intercourse with a person who is under the statutory age of consent.
3. **Domestic Violence:** A felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
4. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - The existence of such a relationship 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.

- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
 - Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
5. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
- Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress. For the purposes of this definition:
 - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
6. Programs to prevent dating violence, domestic violence, sexual assault, and stalking: Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:
- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
 - Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

7. Awareness programs: Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration

8. Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking

Bystander intervention includes:

- Recognizing situations of potential harm
 - Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene
9. Ongoing prevention and awareness campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution
 10. Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.
 11. Risk reduction: Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
 12. Prompt, fair, and impartial proceeding: A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused;
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused
13. Advisor: Any individual who provides the accuser or accused support, guidance, or advice

14. Proceeding: All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.
15. Result: Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result includes any sanctions imposed by the University.

Appendix C

The University is making the following state law definitions available pursuant to the Violence Against Women Act amendments to the Clery Act.

State law definitions as of March 2015

(State law definitions may be revised periodically. Please consult <http://codes.ohio.gov/orc/> to determine whether there have been updates to the definitions below)

Section 2907.03 of the Revised Code: Sexual battery.

(A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply: (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution. (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired. (3) The offender knows that the other person submits because the other person is unaware that the act is being committed. (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse. (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person. (6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person. (7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school. (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution. (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person. (10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes. (11) The other person is confined in a detention facility, and the offender is an employee of that detention facility. (12) The other person is a minor, the offender is a cleric, and the other person is

a member of, or attends, the church or congregation served by the cleric. (13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

Ohio Rev. Code Ann. § 2907.03 (available at <http://codes.ohio.gov/orc/2907>).

Section 2907.02 of the Revised Code: Rape.

(A) (1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies: (a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception. (b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person. (c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age. (2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

Ohio Rev. Code Ann. § 2907.02 (available at <http://codes.ohio.gov/orc/2907>).

Section 2903.11 of the Revised Code: Felonious assault.

(A) No person shall knowingly do either of the following: (1) Cause serious physical harm to another or to another's unborn; (2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following: (1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct; (2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome; (3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

Ohio Rev. Code Ann. § 2903.11 (available at <http://codes.ohio.gov/orc/2903.11>).

Section 3113.31 of the Revised Code: Domestic violence definitions - hearings.

(A) As used in this section: (1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member: (a) Attempting to cause or recklessly causing bodily injury; (b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code; (c)

Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code; (d) Committing a sexually oriented offense.

Ohio Rev. Code Ann. § 3113.31 (available at <http://codes.ohio.gov/orc/3113.31v2>).

Section 2903.211 of the Revised Code: Menacing by stalking.

(A) (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's mental distress, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs. (2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section. (3) No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.

Ohio Rev. Code Ann. § 3113.31 (available at <http://codes.ohio.gov/orc/2903.211>).

10. Consensual Romantic and/or Sexual Relationships

(A) Policy Statement

The University seeks to ensure that consensual romantic and/or sexual relationships between and among faculty, staff, students, residents, interns, and fellows do not interfere with the operations of the University or compliance with the law.

(B) Purpose

To explain the University's position on consensual romantic and/or sexual relationships among and between its faculty, staff, students, residents, interns, and fellows.

(C) Scope

This policy covers all University faculty, staff, students, residents, interns, and fellows.

(D) Policy

(1) Romantic and/or sexual relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationship may constitute a conflict of interest. Faculty/Staff and other regular employment appointments within the University of Toledo have an inherent institutional power which can differ in instances involving students. The person in the position of higher institutional authority has the

responsibility to eliminate the conflict of interest. The conflict of interest must be eliminated in a way which minimizes potential for harming the person with lower institutional authority.

- (2) Recognizing the spontaneity with which consensual relationships may develop, the timing of remedial action must demonstrate compliance with the intent of this paragraph.
- (3) When the facts establish that an institutional power differential existed within the relationship and an allegation of sexual harassment results, the University will closely scrutinize a defense that the relationship was consensual.

(E) Prohibited relationships

- (1) Involving students, residents, interns, and fellows

Romantic and/or sexual relationships are prohibited whenever there are supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities between: 1) administrators, faculty, staff, graduate or undergraduate teaching assistants and students; 2) Attending physicians and medical residents, interns, or fellows or 3) medical residents and medical students. Alternative academic and/or supervisory arrangements must be made to avoid being in a prohibited relationship; if alternative arrangements are not feasible, the relationship cannot continue.

- (2) Involving employees

Romantic and/or sexual relationships between supervisor and employee are prohibited. No person involved in a romantic and/or sexual relationship will have direct responsibility for evaluating the performance or for making decisions regarding the hiring, promotion, tenure, compensation, discipline, or termination of the other party to the relationship. Supervisors, including faculty supervisors, must take immediate steps to make alternative arrangements regarding their supervisory responsibility for the other party to avoid a conflict of interest. If alternative arrangements are not feasible, the relationship cannot continue.

(F) Alternative arrangements

Alternative arrangements include removing any supervisory, teaching, evaluation, advising, coaching, or mentoring relationships between the person with institutional power and the student or employee. The alternative arrangements should avoid negative consequences for the student or employee. If alternative arrangements are not feasible, the relationship cannot continue.

(G) Important advisory statement on romantic/sexual relationships

Even if the relationship is not prohibited by the above provisions, individuals in positions of power should be aware that romantic or sexual relationships with students or

employees pose a legal risk to both the individual and the institution and may result in either disciplinary action up to or including termination or removal.

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power. These relationships may be subject to concerns about the validity of consent and unfair treatment of other students or employees. Such and the employment relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to a complaint of sexual harassment. Even when both parties consented at the outset to a romantic or sexual involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

For all of these reasons, the University discourages all romantic and/or sexual relationships between faculty and students, even when those relationships do not officially violate this policy.

11. Nondiscrimination Policy

(A) Policy statement

The University of Toledo does not discriminate on the basis of race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity and expression, military or veteran status, the presence of a disability, genetic information, familial status, political affiliation, or participation in protected activities in its provision of employment and educational opportunities.

Discrimination, including discriminatory harassment, on any of those bases is strictly prohibited. Upon notice of possible discrimination, the University takes prompt and appropriate steps to determine what occurred, end a discriminatory practice or hostile environment if one has been created, and prevent its recurrence. Retaliation against anyone because he or she has made a complaint or served as a witness or otherwise engaged in activity protected by this policy is also strictly prohibited by this policy.

The University encourages anyone who believes he or she has been subjected to conduct in violation of this policy to file a complaint under this policy to ensure that the University has an opportunity to address prohibited conduct.

(B) Purpose

Through this and related policies, the University acknowledges and complies with its duties under Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, as amended, as well as relevant state and local

laws, by setting forth comprehensive frameworks for receiving, processing, investigating, and resolving complaints.

This policy also provides the University community with necessary information regarding how to make complaints of alleged violations of this policy and what to expect from the investigation and resolution process.

(C) Scope

This policy applies to all faculty, staff, students, student organizations, and third parties (for example, vendors and visitors), and covers conduct that occurs in University programs and activities, on University property or at University sponsored events.

This policy addresses the reporting and processing of complaints alleging discrimination, including discriminatory harassment, based on race, color, religion, age, national origin, ancestry, military or veteran status, genetic information, familial status, and political affiliation, as well as complaints alleging retaliation for participation in activities protected under this policy.

Sex discrimination, sexual harassment, sexual violence, and discrimination or harassment based on sexual orientation, gender identity, or gender expression is also prohibited. However, the reporting and processing of complaints alleging sex discrimination, sexual harassment, sexual violence or other sexual misconduct (including such misconduct based on sexual orientation, gender identity, or gender expression) are addressed in a separate policy (3364-50-01), as are complaints alleging retaliation for participation in activities protected under that policy.

Discrimination or harassment based on disability is also prohibited. However, the reporting and processing of complaints alleging discrimination and discriminatory harassment based on disability are addressed in a separate policy (3364-50-03), as are complaints alleging retaliation for participation in activities protected under that policy.

The reporting and processing of complaints alleging discrimination, discriminatory harassment, or retaliation on multiple bases covered by two or more of these policies shall be handled under the Title IX policy (3364-50-01) if one of the bases alleged is covered by the Title IX policy, and under this policy if none of the bases alleged is covered by the Title IX policy.

This policy should not be interpreted to impinge upon any constitutionally protected rights or privileges, and will not be used to impose discipline for speech that is protected by the First Amendment.

(D) Definitions

Complainant: The individual alleged to have experienced discrimination, harassment, or retaliation in violation of this policy. In certain circumstances, the University may assume the role of the complainant.

Days: Calendar days.

Discrimination: Negative or adverse treatment based on race, color, religion, age, national origin, ancestry, military or veteran status, genetic information, familial status, or political affiliation. (Sex discrimination, sexual harassment, and sexual violence, or other sexual misconduct, is discrimination but is addressed instead under the University's Title IX policy (3364-50-01).)

Harassment: Physical, verbal, or non-verbal conduct of an offensive, intimidating or threatening nature based on an individual's race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity and expression, military or veteran status, genetic information, familial status, or political affiliation that is sufficiently serious to deny or limit the individual's ability to participate in the University's educational program or working environment. Harassment is a form of discrimination. (Unwelcome conduct of a sexual nature is addressed instead under the University's Title IX policy (3364-50-01).)

Respondent: The individual alleged to have engaged in discrimination, harassment or retaliation in violation of this policy.

Retaliation: Adverse action taken against an individual because the individual has engaged in a protected activity (such as filing a discrimination complaint or participating in an investigation of a violation of law or policy). The adverse action can be tangible (such as the giving of a lower grade or unjustified discipline) or intangible (such as the making of verbal threats).

Sexual misconduct: Sexual misconduct is covered by policy 3364-50-01 and 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, dating violence, domestic violence, and indecent exposure. Sexual misconduct may also be discrimination, harassment, or violence based on sexual orientation, gender identity, or gender expression.

(E) Reporting alleged violations of this policy

(1) The Equal Opportunity Coordinator and Deputy Equal Opportunity Coordinators and their designees are the only members of the University community who are authorized to act upon, investigate, and recommend sanctions or discipline for violations of this policy. Other faculty or staff receiving complaints of discrimination prohibited by this policy must immediately forward them to the Equal Opportunity Coordinator.

(2) Where and how to file a complaint

Time for filing. Complaints should be reported timely to assure an effective investigation unhampered by faded memories or lost evidence, but in any event not later than 300 days after the last act of alleged discrimination. Individuals who file

complaints after this time may request a waiver, in writing, to the Equal Opportunity Coordinator, setting forth the reason the complaint was not filed earlier.

Where to file. A complaint can be made by completing a Complaint Form available on the University's website at <http://www.utoledo.edu/offices/oid/title-ix/index.html>. The completed form also may be hand delivered, faxed, emailed, or mailed to the Equal Opportunity Coordinator or any Equal Opportunity Deputy Coordinator.

Anonymous complaints. Anonymous complaints may be made to the toll-free Compliance Concepts hotline at 1-888-416-1308.

(3) Confidentiality

The University respects the privacy of the parties in responding to reports and complaints of discrimination and harassment, and shares information only on a limited, "need to know" basis, in accordance with federal and state privacy laws and the Ohio Public Records Act. Absolute confidentiality cannot be guaranteed, however.

(F) **Interim measures**

Appropriate interim measures coordinated by the Equal Opportunity Coordinator or Deputy Equal Opportunity Coordinators may be available to a complainant who makes a report of alleged discrimination. Interim measures for students may include no-contact orders, changes to academic and living situations as appropriate, counseling, or other actions. Interim measures for employees may include no-contact orders, reassignment, leave, modification to the place or manner of performing one's position, or other actions. The University administers interim measures in a manner that minimizes the burden on the complainant, while taking into account due process considerations with regard to the respondent and others, as appropriate.

Respondents or others who participate in the investigation of a complaint may contact the Equal Opportunity Coordinator if they need assistance prior to the completion of the investigation or resolution procedures.

(G) **Investigation procedures**

(1) The Equal Opportunity Coordinator will expeditiously, and in no event later than 7 days after receiving a report of alleged discrimination, assign the case to an appropriate Deputy Equal Opportunity Coordinator for investigation. The Equal Opportunity Coordinator will document this step of the process in writing.

(2) Within 7 days of receiving the case assignment, the Deputy Equal Opportunity Coordinator or designee will contact the complainant and respondent to schedule in-person or telephonic interviews. University-provided email will be the primary means

of communication used, and complainants and respondents are advised to check their University-provided email regularly.

- (a) As part of the investigation, the Deputy Equal Opportunity Coordinator and/or designee will interview witnesses and review available evidence, as appropriate. The parties have an equal opportunity to present witnesses and evidence during the investigation and resolution processes.
- (b) The investigation generally will be concluded within 45 days after the complaint was received by the Deputy Equal Opportunity Coordinator or designee. This timeframe may be extended if circumstances warrant, such as during school breaks. The Deputy Equal Opportunity Coordinator or designee will notify the parties of any delays and the reasons for the delays.
- (c) Complainants, respondents or witnesses may bring one non-attorney of their choice to their investigatory interviews. Advisors may be present during investigatory interviews but may not speak, interrupt, or participate in the process, and will be asked to leave if they fail to comply. A bargaining unit representative will be permitted to attend and to participate in an interview of a bargaining unit member that may lead to disciplinary action if the bargaining unit member requests. Advisors are expected to make themselves available when meetings are scheduled; meetings will not be rescheduled due to the unavailability of anyone's advisor. The parties and their advisors are not permitted to record, photograph, or audio record meetings or proceedings.
- (d) At the investigation's conclusion, the Deputy Equal Opportunity Coordinator or designee will prepare a concise, written investigatory report that summarizes the factual findings, and will share the report with the Equal Opportunity Coordinator and relevant University administrators.
- (e) The University uses the preponderance of the evidence or "more likely than not" standard in the investigation and resolution of complaints under this policy.
- (f) The Deputy Equal Opportunity Coordinator and/or designee will inform the complainant and the respondent in writing of the results of the investigation.

(H) Resolution

- (1) If the Equal Opportunity Coordinator and Deputy Equal Opportunity Coordinator and/or designee conclude after investigation there is no reasonable cause to believe any University policy has been violated, the investigation ends.

- (2) If the Equal Opportunity Coordinator and Deputy Equal Opportunity Coordinator and/or designee conclude after investigation that there is reasonable cause to believe a University policy has been violated, the case will be referred for further action as described below.
- (a) Where the respondent is a student, the matter will be referred to the Student Conduct Officer for appropriate corrective action or disciplinary proceedings under the Student Code of Conduct, Policy 3364-30-04.
 - (b) Where the respondent is an employee covered by a collective bargaining agreement, the matter will be referred to the Human Resources and Talent Development Department for appropriate corrective action or disciplinary proceedings under the applicable collective bargaining agreement.
 - (c) Where the respondent is an employee not covered by a collective bargaining agreement, the matter will be referred to the Human Resources and Talent Development Department and the administrator with authority over the respondent for appropriate corrective action or disciplinary proceedings under the applicable policy.
 - (d) Where the respondent is not a University student or employee, the Equal Opportunity Coordinator will determine the appropriate remedial actions.
- (3) The investigation and resolution of the complaint generally will be completed within 60 days, absent extenuating circumstances. The Deputy Equal Opportunity Coordinator or designee will provide the parties with updates regarding the status of the case at regular intervals.
- (4) This policy provides for the prompt, reliable, impartial investigation and resolution of discrimination complaints. Any concerns regarding possible conflicts of interest of anyone in the process should immediately be brought to the attention of the Equal Opportunity Coordinator or one of the Deputy Equal Opportunity Coordinators not involved in the investigation.

(I) Sanctions and remedies

The sanctions and remedies that may be imposed or available depend on the nature of the party's relationship to the University. Students found responsible for discrimination can be subject to discipline as explained in the Student Code of Conduct, ranging from written assignments up to and including expulsion. Employees found to have committed

discrimination can be subject to discipline as explained in the applicable collective bargaining agreement or University policy, ranging from an oral or written reprimand up to and including termination.

The University provides remedies to individuals who experience discrimination and to the campus community, as appropriate. Remedies may include educational programming, changes to policies and procedures, counseling, and opportunities to change educational, work, or living situations.

(J) Appeals

Any appeal rights and grounds for appeal shall be governed by the Student Code of Conduct policy for students, the Corrective Action policy for non-bargaining unit employees, and the applicable collective bargaining agreement for bargaining unit employees.

Appendix

The University has designated the following individual to handle inquiries and reports concerning Titles VI and VII of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of race, color, religion, age, sex (including gender identity or expression), and national origin:

Jovita Thomas-Williams, Vice President & Chief Human Resources Officer
Acting Equal Opportunity Coordinator
Academic Services Center Room 2050D
Phone: (419) 530-1439
Email: Jovita.Thomas-Williams@utoledo.edu
Mail Stop: 405

The Equal Opportunity Coordinator is assisted by a Deputy Equal Opportunity Coordinator:

Melissa Auberle, Senior Human Resources Compliance Specialist
Academic Services Center, Room 1300
Phone: 419-530-1464
Fax: 419-530-1490
Melissa.Auberle@utoledo.edu
Mail Stop: 405

The Deputy Equal Opportunity/Title IX Coordinators investigate allegations of discrimination under this policy, assist individuals who may require interim measures following a report of alleged discrimination, and provide information and resources to the campus community.

The University has designated the following individual to handle inquiries and reports concerning the Americans with Disabilities Act and the Rehabilitation Act, which prohibits discrimination on the basis of disability, and provides for reasonable accommodation:

Enjie Hall, ADA/504 Compliance Officer

Learning Resources Center Room 3600

Office Phone: 419-530-5792

Office Fax: 419-530-3035

Email: Enjie.hall@utoledo.edu

Mail Stop: 463

Inquiries regarding race, color, religion, sex, national origin, disability, and age discrimination also may be directed to:

Office for Civil Rights

U.S. Department of Education

1350 Euclid Avenue, Suite 325

Cleveland, OH 441155

Telephone: (216) 522-4970

TDD: (800) 877-8339

Email: OCR.Cleveland@ed.gov

12. Responsible Use Policy

(A) Policy statement

The principles of academic freedom and freedom of expression apply to the use of University computing resources. So, too, however, do the responsibilities and limitations associated with those principles. Like the use of any other University-provided resource and like any other University-related activity, the use of computing resources is subject to the requirements of legal and ethical behavior within the University community. The legitimate use of a computer, computer system or network does not extend to whatever is technically possible. Although some limitations are built into computer operating systems and networks, those limitations are not the sole restrictions on what is permissible. Users of University computing resources shall comply with the "Responsible Use Standards" identified in this policy.

(B) Purpose

This policy establishes standards for the responsible use of University computing resources, identifies security enforcement measures, and potential consequences for violations.

(C) Scope

This policy applies to all users of University computing resources, whether affiliated with the University or not, and to all uses of those resources, whether on campus or from remote locations. Additional policies may apply to specific computers, computer systems or networks provided or operated by specific units of the University. Consult the operators or managers of the specific computer, computer system or network in which you are interested for further information.

(D) Responsible Use Standards

All users of University computing resources must:

- (1) Comply with all federal, Ohio and other applicable law, all generally applicable University rules and policies, and all applicable contracts and licenses. Examples of such laws, rules, policies, contracts and licenses include the laws of libel, privacy, copyright, trademark, obscenity and child pornography; the Health Insurance Portability and Accountability Act; the Family Educational Rights and Privacy Act; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit "hacking," "cracking," and similar activities; the University's Code of Conduct; University policy 3364-50-01 Sexual harassment and other forms of harassment; and all applicable software licenses. Users who engage in electronic communications with persons in other states or countries or on other systems or networks should be aware that they may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding and complying with the laws, rules, policies, contracts and licenses applicable to their particular uses.
- (2) Use only those computing resources that they are authorized to use and use them only in the manner and to the extent authorized. Ability to access computing resources does not, by itself, imply authorization to do so. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding. Accounts and passwords may not, under any circumstances, be shared with, or used by, persons other than those to whom they have been assigned by the University.
- (3) Respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected. Again, ability to access other persons' accounts does not, by itself, imply authorization to do so. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding.
- (4) Respect the finite capacity of those resources and limit use so as not to consume an unreasonable amount of those resources or to interfere unreasonably with the activity of other users. Although there is no set bandwidth, disk space, CPU time or other limit applicable to all uses of University computing resources, the University may require

users of those resources to limit or refrain from specific uses in accordance with this principle. The reasonableness of any particular use will be judged in the context of all of the relevant circumstances.

- (5) Refrain from using those resources for personal commercial purposes or for personal financial or other gain. Personal use of University computing resources for other purposes is permitted when it does not consume a significant amount of those resources, does not interfere with the performance of the user's job or other University responsibilities, and is otherwise in compliance with this policy.

Further limits may be imposed upon personal use in accordance with normal supervisory procedures.

- (6) Refrain from stating or implying that they speak on behalf of the university and from using University trademarks and logos without authorization to do so. Affiliation with the University does not, by itself, imply authorization to speak on behalf of the University. Authorization to use University trademarks and logos on University computing resources may be granted only by the senior director of University marketing. The use of appropriate disclaimers is encouraged.

(E) Security Enforcement and Privacy

The University employs various measures to protect the security of its computing resources and of their users' accounts. Users should be aware, however, that the University cannot guarantee such security. Users should therefore engage in "safe computing" practices by establishing appropriate access restrictions for their accounts, guarding their passwords and changing them regularly.

Users should also be aware that their uses of University computing resources are not completely private. While the University does not routinely monitor individual usage of its computing resources, the normal operation and maintenance of the University's computing resources require the backup and caching of data and communications, the logging of activity, the monitoring of general usage patterns, and other such activities that are necessary for the rendering of service. The University may also specifically monitor the activity and accounts of individual users of University computing resources, including individual log in sessions and communications without notice.

The University, in its discretion, may disclose the results of any such general or individual monitoring, including the contents and records of individual communications, to appropriate University personnel or law enforcement agencies and may use those results in appropriate University disciplinary proceedings. Communications made by means of University computing resources are also generally subject to Ohio's Public Records statute to the same extent as they would be if made on paper.

(F) Violations

Users who violate this policy may be denied access to University computing resources and may be subject to other penalties and disciplinary action, both within and outside of the University. Violations will normally be handled through the University disciplinary procedures applicable to the relevant user. For examples, alleged violations by students will normally be investigated, and any penalties or other discipline will normally be imposed, by the Office of Student Conduct. However, the University may temporarily suspend or block access to an account, prior to the initiation or completion of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, security or functionality of University or other computing resources or to protect the University from liability. The University may also refer suspect violations of applicable law to appropriate law enforcement agencies.

(G) Education for Responsible Use

Use of information technology resources is subject to the user's agreement to adhere to the standards outlined in this policy. Upon assignment of a network password, each user will electronically accept that users have received and read the responsible use policy. The responsible use policy will be posted to the campus website to increase the ability of campus users to reflect on and consult the policy.