

<p>Name of Policy: <u>The university student group/organization code of conduct</u></p> <p>Policy Number: 3364-30-07</p> <p>Approving Officer: President</p> <p>Responsible Agent: Director of Student Conduct and Community Standards (or Designee)</p> <p>Scope: All Student Groups and Student Organizations of the University of Toledo</p>	 <p>Effective date: March 8, 2024</p> <p>Original effective date: August 23, 2021</p>
<input type="checkbox"/> New policy proposal <input checked="" type="checkbox"/> Minor/technical revision of existing policy <input type="checkbox"/> Major revision of existing policy <input type="checkbox"/> Reaffirmation of existing policy	

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(A) **Policy statement**

The university of Toledo is focused on the overall growth and development of its students in preparation for them to become global citizens. The office of student conduct and community standards (OSC&CS) aims to educate students on the impact of their student group/ organization choices, social choices, and behavior have on the community, and to assist them with making future decisions that lead to their professional success.

The university in promulgating the “student code of conduct” and “student group/organization code of conduct”, as required by Chapter 3345.21 of the Revised Code, and as set forth below, takes into consideration the rights and responsibilities of the individual student(s), student groups, or student organizations, concurrently with university and community rights and responsibilities.

(B) **Purpose of the policy**

The code of student group/organization conduct articulates the university’s expectations of behavior for student groups/organizations and the potential outcomes for violations of policies or inappropriate conduct. This policy takes into consideration the unique needs of student groups/organizations through the code of student group/organization conduct process. This policy explains the university’s requirements for notice, and the student groups/organizations opportunity to be heard regarding alleged violation(s) of the code of student group/organization conduct. The code of student group/organization conduct is not intended to be exhaustive in terms of defining all acts of misconduct. The code of student group/organization conduct specifies the rights and responsibilities of student groups, student organizations, the university, and the rights of other parties going through the student conduct process.

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

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

(C) **Definitions**

- (1) Appeal officer: The university official(s) authorized to review and determine an appeal from the respondent and complainant (if applicable).

- (2) Business days: Monday through Friday, excluding Saturday, Sunday, recognized university holidays, and approved university breaks.
- (3) Complainant: The person, student, student group, or student organization who was subject to alleged misconduct as described in the student code of conduct. There may be more than one complainant in a case.
- (4) Director of student conduct and community standards (or designee): The person designated by the vice president of student affairs for daily operation of the student conduct process.
- (5) Disciplinary hold: An administrative hold placed on a student's account by a member of the office of student conduct and community standards that prevents the student from registering/unregistering from classes and receiving a transcript.
- (6) Exigent circumstances: Any situation that demands unusual or immediate action and thus allows for the circumvention of usual procedures. Examples include, but are not limited to, process delays due to parallel criminal proceedings, behaviors that present a threat to the health and safety of members of the campus community, a break in the academic calendar, etc.
- (7) Hearing officer: A hearing officer is the director of student conduct and community standards (or designee) or a person(s) or bodies assigned by the director of student conduct and community standards (or designee) to be the deciding body in a conduct case. The hearing officer will be a neutral and objective decision-maker properly trained in due process, student development theory and restorative justice practices. The hearing officer should not be the person who investigated the case and must not be involved in the appellate process.
- (8) 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.
- (9) Inter/national organizational governing body – Any known or designated association or body affiliated with any student group/organization. Examples may include national headquarters of Greek-letter organizations, national governing bodies of sports organizations, national honor societies, etc.
- (10) Investigator: The university official(s) gathering information for a hearing authority to determine whether a violation(s) of the student code of conduct has occurred.

- (11) Policy: Any written rule or regulation of the university as found in, but not limited to, the student code of conduct, residence hall living guide, student organization manual, the university policy website and graduate/undergraduate catalogues.
- (12) Possession: Includes, but is not limited to, holding, no matter the duration, any prohibited item wherever located.
- (13) Preponderance of the evidence: Standard of review for alleged violation(s) of the student code of conduct. This standard requires that the information utilized shows that it is more likely than not that the alleged violation(s) or behavior(s) occurred.
- (14) Reasonable: An objective standard for evaluating appropriateness; having sound judgement; rational or sensible; not extreme or excessive.
- (15) Student organization: Any group that has registered and has been recognized by the university as a student organization or has applied for such recognition. This would include, but is not limited to, unchartered provisional chapters/interest groups.
- (16) Respondent: Any student group or student organization alleged to have committed a violation of the code of student group/organization conduct.
- (17) Student group/organization advisor: Any individual designated by the student group/organization as their advisor. If there is no student group/organization advisor designated by the student group/organization, the institution may choose a designee.
- (18) Student group/organization representative: The university will generally direct communication to the student on file with the university as the elected/appointed leader of the student group/organization (i.e. president or team captain). However, the student group/organization may choose any student member to serve as the official representative of the student group/organization at any time during the process as outlined in this code. If the individual designated is no longer eligible to serve in that role (e.g. the student withdraws from the university or is no longer a member of the student group/organization) or if the student group/organization dissolves prior to or during the investigation/adjudication process as outlined in this code, the university may designate a student group/organization representative of their choosing.
- (19) Sponsored event: Sponsored events, whether on or off-campus, include, but are not limited to:
 - (a) Any event that the student group/organization registers with the university or otherwise notifies the university that it is sponsoring/hosting;
 - (b) Any event that meets the criteria of an event that should be registered with the university or that the student group/organization should have otherwise notified the university;

- (c) Any event that the university determines may qualify as a sponsored event based on, but not limited to, the following factors: the nature of the event, the number of student group/organization members in attendance at the event, the level of organization/advertising undertaken by members of the student group/organization, etc.
- (20) Student group: A number of persons who are associated with the university and each other, but who have not registered, or are not required to register, as a student organization (including, but not limited to athletic teams and clubs not registered as student organizations).
- (21) University community: Includes the university, any person who is a student, staff member, faculty member, employee, volunteer, patient, guest, invitee, or other persons associated with the university.
- (22) University official: Any person employed by the university, on a full-time, part-time, or temporary basis, performing assigned administrative or professional responsibilities.
- (23) University premise: Includes all land, buildings, facilities, and other property in the possession of, or owned, leased, used, supervised, or controlled by the university.
- (24) Use: Includes, but is not limited to facilities, drinking, ingesting, or introducing any amount of substance into one's body.
- (25) Witness: Any person requested to participate in an investigation or a hearing due to relevant information they may have about an incident of alleged misconduct. The complainant, respondent, and others may provide the university with witness names.
- (26) Written notification: All correspondence will be sent to the student, student group, or student organization's assigned university email address. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in writing to the investigator and/or hearing authority).

(D) **Jurisdiction and scope of the university code of student group/organization conduct**

- (1) The code of student group/organization conduct and the student conduct process apply to the conduct of student groups/organizations
- (2) Student groups/organizations that have lost university recognition may still be subject to provisions in this code. Individual students who are members of a student group/organization are still subject as individuals to the code of student conduct and may be held individually accountable for behaviors also attributed to the student group/organization. Individuals who are members of a student group/organization may,

through their actions, subject the student group/organization to disciplinary action under this code, whether or not those individuals are also adjudicated under the code of student conduct.

- (3) Student groups/organizations may be held responsible for the behavior of their members and/or guests for behaviors including, but not limited to, the following:
- (a) Alleged violation of the [student code of conduct](#), university policy, or directive when multiple members are engaging in the behavior(s).
 - (b) The conduct is endorsed by the student group/organization or any of its officers including, but not limited to, active or passive consent or support, having prior knowledge that the conduct was likely to occur and not taking any substantive action to prevent it (e.g., canceling the event, notifying the office of student conduct or university or local police, etc.), or helping to plan, advertise or promote the conduct.
 - (c) The conduct is committed during an activity paid for by the student group/organization or paid for as a result of one or more members of the student group/organization contributing personal funds in lieu of organizational funds to support the activity or paid for by non-members/guest to the activity or conduct in question.
 - (d) The conduct occurred on property owned, controlled, rented, leased, or used (on or off campus) by the student group/organization or any of its members for an organizational event.
 - (e) The purpose of the activity was related to initiation or admission into, affiliation with, or as a condition for continued membership in the student group/organization and/or is a potential violation of policy 3364-30-20 policy on hazing.
 - (f) Non-members of the student group/organization learned of the activity through members, advertisements, or communications associated with the student group/organization or otherwise formed a reasonable belief that the conduct or activity was affiliated with or endorsed by the student group/organization.
 - (g) Members of the student group/organization attempted to conceal the activity of other members who were involved.

- (h) One or more officer(s) of the student group/organization had prior knowledge or reasonably should have known that the conduct would take place.
 - (4) The code of student group/organization conduct may be applied to behavior conducted online, via email or other electronic medium. Student group/organization members should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student group/organization to allegations of conduct violations if evidence of policy violations is posted online. The university does not regularly search for this information but may take action if and when such information is brought to the attention of university officials.
 - (5) The code of student group/organization conduct applies to guests of the student group/organization and the student group/organization may be held accountable for the misconduct of their guests. Visitors to and guests of the university may seek resolution of violations of the code of student group/organization conduct committed against them by a student group/organization and/or members of a student group/organization.
 - (6) Though anonymous complaints are permitted, doing so may limit the university ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the university and/or to campus police.
 - (7) A student group/organization facing an alleged violation of the code of student group/organization conduct is permitted to dissolve/surrender recognition during the investigation/adjudication process. However, the university may continue the investigation/adjudication process even after the student group/organization has been dissolved.
 - (8) University email is the university's primary means of communication with student group/organization representatives. Official university/ correspondence related to this code of student group/Organization conduct will be transmitted to the official university/ email address of the student group/organization representative. Student group/organization representatives are responsible for all communication delivered to their university email address. In addition, the university may notify the student group/organization advisor and/or any inter/national governing body associated with the student group/organization.
- (E) Violations of the code of student group/organization conduct: Any of the actions or attempted actions listed in [policy 3364-30-04 university of Toledo student code of conduct](#) constitute conduct for which a student group/organization may be subject to conduct action.
- (F) Procedures

- (1) Violation of law and the code of student group/organization conduct: The student group/organization conduct process may be instituted against a student group/organization charged with conduct that potentially violates the student code of conduct or the code of student group/organization conduct. Proceedings under this policy may be carried out prior to, or simultaneously with, any related criminal or civil matters. Determination of responsibility or sanctions imposed under the code of student group/organization conduct will not change because criminal or civil charges arising out of the same facts giving rise to violation of university rules have been dismissed, reduced, or resolved in favor of, or against, a criminal or civil defendant.
- (2) Filing a complaint
 - (a) Members of the university of Toledo community may file complaint(s) alleging a violation of the code of student group/organization conduct against a student group/organization.
 - (b) The office of student conduct and community standards may also receive complaints alleging a violation from external entities, including law enforcement agencies and members of the public.
 - (c) Complaints may be filed online at https://cm.maxient.com/reportingform.php?UnivofToledo&layout_id=1, via e-mail to the student conduct email account (cstudentConduct@utoledo.edu), via telephone (419-530-1258 during business hours), or in person by coming to the office of student conduct and community standards (2518 Lancelot Thompson Student Union during business hours).
 - (d) Upon receipt of the information, the director of student conduct and community standards (or designee) will review all relevant information and consult with the appropriate parties regarding the alleged violation.
 - (e) It is the responsibility of the director of student conduct and community standards (or designee) to determine the appropriateness of the allegation, and how the behavior will be addressed.
- (3) Self-reporting of individual misconduct and amnesty
 - (a) Student group/organization leadership are encouraged to immediately report any violations of the student code of conduct and/or code of student group/organization conduct committed by members of the student

group/organization to the office of student conduct and community standards. This report should provide the following information:

- (i) A detailed description of the events that transpired;
 - (ii) The names of any individuals involved; and
 - (iii) A description of any internal disciplinary actions taken by the student group/organization.
- (b) If a student group/organization chooses to self-report behavior in this manner, the director of student conduct and community standards (or designee) will only investigate the individual(s) who engaged in the behavior.
- (c) In the case that additional information is uncovered in the investigation that suggests that the student group/organization aided, approved, sanctioned, or organized the event, the director of student conduct and community standards (or designee) or designee may waive self-reporting amnesty and begin a formal investigation of the student group/organization.
- (d) The university reserves the right to follow up with any reporting party or other individual related to the reported concerns as appropriate in a non-disciplinary setting.
- (4) Investigation
- (a) There may be times when an investigation is necessary to determine if additional information is needed before addressing the student group/organization's behavior. In these cases, an investigator/team of investigators will interview the complainant, the respondent, and any relevant witnesses.
- (b) Once the investigation is complete, the investigator/team of investigators will submit a report to the director of student conduct and community standards (or designee). The director of student conduct and community standards (or designee) will review the report and determine appropriate next steps.
- (5) Student group/organization conduct hearing authorities – Hearing authorities are responsible for processing complaints of alleged violations of the code of student group/organization conduct. The director of student conduct and community standards (or designee) is responsible for determining the appropriate hearing authority for each conduct matter. The following are considered hearing authorities under the code of student group/organization conduct:

- (a) Office of student conduct and community standards (OSC&CS) staff members – Appropriate staff members from the OSC&CS are responsible for adjudicating matters involving alleged violations of the code of student group/organization conduct on and off-campus. They have authority to hold information meetings, serve as hearing authorities for administrative reviews and hearings, and serve as an advisor to the university conduct board and the sexual misconduct board. They have the authority to impose the full range of sanctions, up to, and including suspension and expulsion (university and residence halls).
- (b) Office of residence life (ORL) staff members – Appropriate staff members from the office of residence life are responsible for adjudicating matters involving alleged violations of the code of student group/organization conduct. They have authority to hold information meetings and serve as hearing authorities for administrative reviews and hearings. If the behavior of the respondent poses a health or safety risk to self or others, is repeated behavior, or may result in suspension or expulsion from the residence halls or university, the case may be referred to the OSC&CS.
- (c) The university conduct board (UCB) – The UCB is responsible for adjudicating matters involving alleged violations of the student code of conduct (excluding sexual misconduct violations). The UCB will be convened when the respondent, complainant (in instances where the complainant is harmed by the respondent's misconduct), or the OSC&CS selects the UCB as the resolution option. Quorum for the UCB is three trained faculty, staff, and/or student members. A board member selected by an OSC&CS staff member will chair the UCB hearings. All board members, including the chair, will have voting rights. The UCB is advised by an OSC&CS staff member, determines responsibility, and recommends sanction(s) to the director of student conduct and community standards (or designee). The director of student conduct and community standards (or designee) will review the sanction recommendation(s) and impose sanctions within a reasonable amount of time after the date of the hearing.
- (d) The sexual misconduct board (SMB) – The SMB is responsible for adjudicating matters involving sexual misconduct. The SMB will be convened when the respondent, the complainant, or the OSC&CS selects the SMB as the resolution option. Quorum for the SMB is three faculty and/or staff members. A board member selected by an OSC&CS staff member will chair the SMB hearings. All board members, including the chair, will have voting rights. The SMB is advised by an OSC&CS staff member, determines responsibility, and recommends sanction(s) to the director of student conduct and community standards (or designee). The director of student conduct and community standards (or designee) will review

the sanction recommendation(s) and impose sanctions within a reasonable amount of time after the date of the hearing.

(6) Pre-hearing process

- (a) Any student group/organization (referred to as respondent from this point forward) who has been charged with an alleged violation of the code of student group/organization conduct will have the opportunity to meet with a hearing authority from the OSC&CS or an investigator designated by the director of student conduct and community standards (or designee) as an Investigative authority.
- (b) The respondent will receive written notification via their assigned university email address with the date, time, and location of the information meeting. The written notification will provide the respondent with at least three business days' notice, except in situations where more urgent response is necessary due to health and/or safety concerns.
- (c) The written notification will also include a brief summary of the incident and/or a copy of the incident report (if applicable), a statement of rights and responsibilities, and if appropriate, a statement notifying the respondent that if found responsible for the alleged violation(s), they may face suspension or expulsion.
- (d) During this meeting, the hearing authority will review the party's rights and responsibilities and provide them with an opportunity to review the documentation and information received, notify the party of the charges of alleged policy violations, allow the party to accept or deny responsibility for the alleged violation(s), and, if appropriate, select a resolution option.
- (e) Should a party select a formal resolution (administrative hearing, UCB hearing, or SMB hearing), a pre-hearing meeting will be scheduled to review the information necessary in preparing for a hearing. This includes, but is not limited to date, time and location of the hearing, due dates for witness information, due dates for case information, the hearing process, the parties involved in the hearing, and any other relevant information. Whenever possible, this meeting will occur with a staff member other than the assigned hearing officer.
- (f) In cases involving sexual misconduct or retaliation based on sex discrimination:

- (i) The complainant and the respondent will each receive written notification via their assigned university email address of the complaint. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in writing to the investigator and/or hearing authority).
 - (ii) The complainant will have their own separate information meeting. This meeting will explain the remainder of the process and prepare the complainant for the hearing.
 - (iii) The respondent and complainant will both be given the opportunity to select their hearing authority. Their option is to have their case adjudicated by a single hearing authority from the OSC&CS or the SMB.
 - (iv) If the respondent and complainant select the same hearing authority, the case will be adjudicated by the hearing authority they selected.
 - (v) If the respondent and complainant select different hearing authorities, the case will automatically be referred to the SMB for adjudication.
 - (vi) The OSC&CS reserves the right to assign a hearing authority not selected by the complainant and respondent.
- (g) In cases where the respondent's behavior resulted in a complainant being harmed:
- (i) The complainant and the respondent will each receive written notification via their assigned university email address of the complaint. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in writing to the investigator and/or hearing authority).
 - (ii) The complainant will have their own separate information meeting. This meeting will explain the remainder of the process and prepare the complainant for the hearing.
 - (iii) The respondent and complainant will both be given the opportunity to select their hearing authority. Their option is to have their case adjudicated by a single hearing authority from the OSC&CS or the UCB.
 - (iv) If the respondent and complainant select the same hearing authority, the case will be adjudicated by the hearing authority they selected.
 - (v) If the respondent and complainant select different hearing authorities, the case will automatically be referred to the UCB for adjudication.
 - (vi) The OSC&CS reserves the right to assign a hearing authority not selected by the complainant and respondent.

- (7) Partnership process – In the partnership process, the student group/organization is given the opportunity to conduct an internal investigation. The partnership process will use the following procedures:
- (a) The hearing authority will, in consultation with the student group/organization representative and student group/organization advisor and other appropriate parties, develop an investigation scope and timeline based on the nature of the allegations.
 - (b) The student group/organization must conduct an investigation and submit a written investigative report within the agreed-upon timeline, barring exigent circumstances as determined by the director of student conduct and community standards (or designee), or as otherwise specified in writing by the university.
 - (c) The investigative report should be detailed and specific, including the names of specific individuals involved in the alleged violation, details about what occurred including a narrative of events, and any internal disciplinary action the student group/organization implemented relative to those individuals.
 - (d) The director of student conduct and community standards (or designee) will review the student group/organization's investigative report and will make one of the following determinations:
 - (i) The director of student conduct and community standards (or designee) agrees that the report is complete and will schedule a resolution meeting to discuss the report and findings and review next steps.
 - (ii) The director of student conduct and community standards (or designee) agrees that the report is complete, that the behavior in question is individual in nature, and the individuals implicated in the chapter report are forwarded for adjudication under the student code of conduct and the case involving the student group/organization is closed.
 - (iii) The director of student conduct and community standards (or designee) determines that the report is insufficient or incomplete, and provides feedback to the student group/organization and provides instruction for further investigation.
 - (iv) The director of student conduct and community standards (or designee) determines that the student group/organization has intentionally provided inaccurate or incomplete information, obstructed the process, or is otherwise non-compliant or uncooperative. The director of student conduct and community standards (or designee) will then determine

whether to move forward with investigation and adjudication of the allegations under the formal resolution process.

- (e) Once the director of student conduct and community standards (or designee) has determined that the report is complete, they will meet with the student group/organization representative and/or advisor (and other parties as appropriate i.e., inter/national governing body) and will determine one of the following:
 - (i) No policy violation: If the student group/organization report determines that no policies were violated by the student group/organization and the director of student conduct and community standards (or designee) accepts this determination, the process concludes for the student group/organization. Individuals implicated in the report may be forwarded for individual adjudication as outlined in the student code of conduct.
 - (ii) Responsibility fully accepted: If the student group/organization report determines that the student group/organization was responsible for all policy violation(s) that were alleged, and the director of student conduct and community standards (or designee) accepts this determination, the hearing authority will move forward with the partnership process resolution procedure.
 - (iii) Responsibility partially: If the student group/organization report determines that the student group/organization was responsible for some but not all, or for none of the policy violation(s) that were alleged, the director of student conduct and community standards (or designee) can either accept the determinations of the report generated by the student group/organization or may decline to accept the determinations and move forward with a formal investigation and adjudication process. If the director of student conduct and community standards (or designee) accepts a report indicating partial responsibility, the director of student conduct and community standards (or designee) will move forward with the partnership process resolution procedure.

(8) Resolution options and hearing types

The student group/organization will have the opportunity to select their resolution type when charges are being brought against the student group/organization. The director of student conduct and community standards (or designee) reserves the right to select a different resolution type if deemed necessary.

- (a) Informal resolution – The student group/organization may accept the findings of the investigation and determinations of the director of student conduct and community standards (or designee) based on an investigation. If this occurs, the director of student conduct and community standards (or designee) will determine and assign any appropriate sanctions.
- (b) Partnership process resolution procedure – The director of student conduct and community standards (or designee) may partially or totally accept the report submitted through the partnership process. If the report is accepted, the director of student conduct and community standards (or designee) will meet with the student group or student organization representative to discuss any appropriate sanctions. The director of student conduct and community standards (or designee) will have final decision in what sanctions are assigned.
- (c) Administrative hearing – A single hearing authority from the OSC&CS or the ORL adjudicates this formal resolution option utilized for mid to upper-level violation(s). Scheduled after the information meeting, the hearing authority and/or the respondent may involve complainant(s) and/or witnesses. If the respondent accepts responsibility for the alleged violation(s), a “sanctions only” hearing will occur. A “sanctions only” hearing will allow the respondent an opportunity to explain why they engaged in the behavior, what they have learned as a result of their participation in the student conduct process, how the situation has impacted them, and what they will do differently if placed in a same/similar situation. The complainant will be given the opportunity to share the same information with the hearing authority. A “sanctions only” hearing will not involve any witnesses as responsibility of the violation(s) has already been accepted and determined. If the respondent or complainant does not attend the hearing, or attends the hearing and chooses not to participate, the hearing authority will move forward with adjudicating the case in absentia. To move forward with a hearing where the respondent is facing suspension/expulsion, and/or there are allegations of sexual misconduct, the complainant will be expected to attend, participate, and be cross-examined by the respondent. To mitigate additional harm and/or trauma to the involved parties, cross examination may be conducted through the hearing authority.
- (d) The UCB/SMB – UCB/SMB hearings are presided over by a member of the board designated as chair and will occur after the information meeting. If the respondent accepts responsibility for the alleged violation(s), a “sanctions only” hearing will occur. A “sanctions only” hearing will allow the respondent an opportunity to explain why they engaged in the behavior, what they have learned as a result of their participation in the student conduct process, how the situation has impacted

them, and what they will do differently if placed in a same/similar situation. The complainant will be given the opportunity to share the same information with the board. A “sanctions only” hearing will not involve any witnesses as responsibility of the violation(s) has already been accepted and determined. If the respondent does not attend the hearing, or attends the hearing and chooses not to participate, the board will adjudicate the case in absentia. To move forward with a hearing where the respondent is facing suspension/expulsion, and/or there are allegations of sexual misconduct, the complainant will be expected to attend, participate, and be cross-examined by the respondent. To mitigate additional harm and/or trauma to the involved parties, cross examination may be conducted through the chair. Each UCB/SMB hearing will be assigned an OSC&CS staff member to oversee the process, suggest relevant questions, explain policy, answer questions about process/procedure, and provide information on precedent. The OSC&CS staff member is not a voting board member.

- (e) The hearing notification will include the date, time, and location of the hearing, the alleged violation(s), a statement of rights and responsibilities, and the name(s) of the hearing authority. The hearing notification will also provide the time and date for the pre-hearing meeting.
- (f) The hearing notification will provide the respondent with at least ten business days notice before the hearing.
- (g) In cases involving sexual misconduct, retaliation based on sex discrimination, or the complainant being harmed by the respondent’s behavior, both the respondent and complainant will receive written notification to their assigned university email address of the complaint. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in writing to the investigator and/or hearing authority).

(9) Hearing information

- (a) The purpose of a hearing is to provide the respondent(s) an opportunity to have their case reviewed and decided upon using the preponderance of evidence standard (based on the information available, is it more likely than not that a violation occurred).
- (b) All hearings are closed to the public, with the exception of procedural advisors and/or support person for the respondent and complainant (if appropriate). Parties directly participating in the hearing (respondent, complainant, the OSC&CS

staff member, procedural advisor(s) and/or support person(s)), may remain in the hearing the entire time. Witness(es) will only be present when speaking to the hearing authority.

- (c) Cases involving sexual misconduct, retaliation based on sex discrimination, or the complainant being harmed by the respondent's behavior, are also closed to the public, except for procedural advisors and/or support person for the complainant and respondent (if appropriate). Parties directly participating in the hearing (respondent, complainant, the OSC&CS staff member, procedural advisor(s) and/or support person (s)), may remain in the hearing the entire time. Witness(es) will only be present when speaking to the hearing authority.
- (10) Procedural advisor and/or support person
- (a) The student group/organization may elect to have a procedural advisor throughout the student group/organization conduct process. This procedural advisor may only work directly with the student group/organization representative and may only advise in regards to the student group/organization case.
 - (b) The Procedural Advisor can assist the student group/organization with hearing preparations and provide them with quiet consultation during meetings and hearings.
 - (c) Individuals participating in the student group/student organization conduct process including the student group/organization representative may elect to have a support person throughout the student group/organization conduct process. The support person can provide the individual with emotional support throughout the student group/organization conduct process.
 - (d) If the procedural advisor and/or support person becomes disruptive after being warned by the hearing authority or the OSC&CS staff member, they will be asked to leave.
 - (e) Respondents and complainants whose procedural advisor is an attorney are required to notify the OSC&CS in writing at least ten business days before any meeting or hearing.
 - (f) Meetings, hearings, and any other parts of the student conduct process will not be rescheduled due to scheduling conflicts with an advisor or support person.

(G) **Sanctions**

- (1) Student groups/organizations found responsible for violating the code of student group/organization conduct will receive sanction(s). Sanctions are designed to educate the student group/organization on community expectations regarding appropriate behavior and protect the university community and its members. Sanctions also help the student group/organization repair the harm they caused the community.
- (2) When sanctioning a student group/organization, the hearing authority should consider the following:
 - (a) Statements and information presented at the review/hearing;
 - (b) Seriousness of the violation;
 - (c) How the behavior impacted the complainant and community;
 - (d) The student group/organization's prior conduct history;
 - (e) The student group/organization's intent and motivation;
 - (f) Conduct precedent (how the university has handled same/similar violation(s); and
 - (g) Credibility of the student group/organization, complainant, and witnesses.
- (3) Student groups/organizations may receive one or more of the following sanctions if found responsible for violating the code of student group/organization conduct:
 - (a) Written warning: Written notice to the student group/organization that their behavior has violated the code of student group/organization conduct, and that further violations may result in more severe sanction(s).
 - (b) Conduct Probation: The student group/organization is not in good standing with the university and is subject to more severe sanction(s), including suspension or expulsion if there are any further violations.
 - (c) Restriction of Privileges: Restrictions placed upon a student group/organization which limits university privileges for a specified period of time. These restrictions may include, but are not limited to: inability to represent the university in any capacity, inability to maintain an office or other assigned space on university property, inability to receive/retain university funds, inability to participate in

intramural sports, inability to sponsor, co-sponsor, and/or participate in any social event or other activity, inability to sponsor any speaker or guest on-campus, inability of rush or membership recruitment activities, inability of the use of university facilities, inability of the use of university vehicles, inability of advertising on-campus for organizational activities, and inability of soliciting and/or selling any items on-campus.

- (d) Suspension of student group/organization: The denial of privileges of a student group/organization for a designated period.
- (e) Expulsion of student group/student organization recognition: Permanently excludes the student group/organization from the university without any recourse to reapply for recognition.
- (f) Educational action: Action intended to educate the student group/organization on their choices and behaviors. Examples of educational actions include reflective essays, research papers, designing and/or attending programs, completion of community service, counseling center screenings, parent/guardian notification, etc.
- (g) Administrative fee(s)/fine(s): Imposed when a student group/organization is found responsible for violating the code of student group/organization conduct. Fee(s) and fine(s) assist with costs associated with educational workshops and programs offered by the office of student conduct and community standards.
- (h) Restitution: Compensation for the loss, damage, or injury caused by the student group/organization. Restitution may include one of the following: monetary or material replacement.
- (i) No contact directive: Written directive to refrain from intentional contact, direct or indirect, with one or more person(s), through any means.

(H) Appeals procedures for the student organization conduct process

- (1) Grounds for appeal – The only permissible grounds for appeals are as follows:
 - (a) To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal.

- (b) A procedural error or omission occurred that significantly impacted the outcome of the hearing.
- (2) Appeals process
- (a) The respondent may appeal a decision or sanction made by the hearing authority within five business days of the decision. Appeals must be submitted online at https://cm.maxient.com/reportingform.php?UnivofToledo&layout_id=10.
 - (b) Letters of support/disagreement of the hearing outcome will not be accepted and will not be considered a part of the appeal.
 - (c) In cases involving sexual misconduct, retaliation based on sex discrimination, or the complainant being harmed by the respondent's behavior, the party's appeal will be shared with the opposing party, who will be given five business days from notification of the appeal, to submit a response in writing to the OSC&CS at studentconduct@utoledo.edu.
- (3) Respondents and complainants who fail to attend their information meeting, administrative review, and/or hearing forfeit their right to appeal and/or respond to an opposing party's appeal. In such cases, the decision and sanction(s) made by the hearing authority are final.
- (4) Determinations of responsibility through the partnership process are final and may not be appealed. Sanctions assigned through the partnership process may be appealed.
- (5) The OSC&CS will review all requests for appeal within five business days of receipt to determine if the appeal has been submitted in the appropriate timeframe, the respondent or complainant has clearly outlined one or more acceptable grounds for appeal and included a statement of facts supporting the ground(s) for appeal.
- (6) Any appeal that is submitted outside of the timeframe outlined above, fails to outline acceptable grounds, or fails to include a statement of facts supporting the ground(s) for appeal will be dismissed.
- (7) Appeals that are submitted within the appropriate time frame, identify acceptable grounds, and a statement of supporting facts will be forwarded to the appeals officer for review. Appeals of decisions made by hearing authorities in the OSC&CS will be directed to the associate vice president and dean of students (or designee) for review and decision.

- (8) Conduct sanction(s) will be effective immediately unless otherwise specified. This decision will be made on a case-by-case basis by the director of student conduct and community standards (or designee) in consultation with appropriate university officials.
 - (9) In considering an appeal, the appeals officer will conduct a review of the existing materials, including:
 - (a) The hearing file;
 - (b) The hearing recording;
 - (c) The appeals form;
 - (d) Written response from the hearing authority (if applicable);
 - (e) Written response from the complainant (if applicable);
 - (f) Written response from the respondent (if applicable).
 - (10) The appeals officer may uphold the original sanction and/or decision, modify and/or eliminate the sanction(s), or refer the case back to the original hearing authority due to procedural error or information not available at the time of the hearing. The appeals officer will state, in writing, the rationale for their decision. This response will be emailed to the respondent, complaint, and original hearing authority's assigned university email address.
 - (11) The respondent and complainant will be notified of the outcome of the appeal via their assigned university email address within ten business days. The decision of the appeals officer is final.
- (I) Student group/organization code of conduct review: The student group/organization code of conduct will be reviewed annually under the leadership and direction of the director of student conduct and community standards (or designee).
- (J) Acknowledgements. The university of Toledo's code of student group/organization conduct is adapted from the Dyad strategies model code of student group/organization conduct and is used here with permission.

<p>Approved by:</p> <p><u>/s/</u></p> <p>Gregory C. Postel, M.D. President</p> <p><u>March 8, 2024</u></p> <p>Date</p> <p><i>Review/Revision Completed by:</i> <i>Office of Student Conduct and Community Standards</i> <i>Office of Legal Affairs</i> <i>Senior Leadership Team</i></p>	<p>Policies Superseded by This Policy: <i>None</i></p> <p>Initial effective date: August 23, 2021</p> <p>Review/revision date: March 8, 2024</p> <p>Next review date: March 8, 2027</p>
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