Ohio University Student Code of Conduct – Policy Section

Section 1: Purpose
The university has a clear responsibility in the area of student conduct to protect and promote the pursuit of the Ohio University goals. In keeping with Ohio University's commitment to the intellectual and personal growth of students within a learning-centered community, students and student organizations are expected to be responsible members of the community by complying with federal, state, and local laws, and in addition, must abide by the rules and regulations of the university.

The Ohio University Student Code of Conduct sets forth community expectations for Ohio University students and student organizations as well as those behaviors, occurring both on or off campus, which constitute unacceptable conduct for graduate and undergraduate students of the university. Students and student organizations are responsible for conducting themselves in accordance with the student code of conduct at all times. The university does, in addition, reserve the right, for educational purposes, to review any action taken by civil authorities regarding students' behavior. All alleged violations of the student code of conduct may result in referral to the director of the Office of Community Standards and Student Responsibility.

The student code of conduct is rooted in the philosophy of educational discipline. The student conduct process is a learning experience that spans a continuum beginning with understanding community expectations, to being confronted for behaviors not in keeping with these expectations, through the formal adjudication of alleged violations, and, finally, through delivery and completion of sanctions as warranted. The university makes an effort to educate students and student organizations found in violation of the student code of conduct through a sanction while remaining at the university. However, when a student or student organization is assessed to be a danger to the university community or reputation of the university, or when a repetition of misconduct is likely to occur, the student or student organization will be treated the same as one who has failed academically and may be separated from the university.

Although the university will make every reasonable effort to make the published code of conduct available to students and student organizations, students and student organizations are equally responsible for becoming familiar with the expectations, policies, and procedures contained in the student code of conduct. Questions regarding the code of conduct can be addressed to:

The Office of Community Standards and Student Responsibility
T: (740) 593-2629
communitystandards@ohio.edu

Section 2: Community Expectations
Ohio University has long celebrated its commitment to being an academic community. This legacy includes care, cooperation, and an adherence to standards of behavior for all invited to be part of the community. In order for this community to flourish, the following expectations of behavior have been established:
1. Ohio University and surrounding communities bring educational activity and living arrangements together as a coherent whole. Given this close and constant interaction, Ohio University expects responsible conduct by students and student organizations both on and off the campus as a necessary condition for continued membership at Ohio University.

2. Students and student organizations are expected to be responsible members of a diverse community, and to honor and respect differences of culture, lifestyle, and religion. Academic integrity and honesty are basic values of the university. Students and student organizations are expected to follow student code of conduct standards of academic integrity and honesty.

3. The Ohio University community is an open forum involving the free exchange of ideas and opinions. For exchange to occur there must be a continuous acceptance of freedom of ideas and expression and civility in disagreement.

4. The Ohio University campus, its grounds, facilities, and equipment are provisions largely from the people of Ohio for students at Ohio University. Students and student organizations are expected to respect and use responsibly these resources of the library, residence halls, classroom buildings, laboratories, and the campus as a whole.

Section 3: Student Code of Conduct
The following acts are defined by The Ohio University Board of Trustees to be unacceptable.

A. Code A Offenses

1. **Academic Misconduct** - Dishonesty or deception in fulfilling academic requirements. If includes, but is not limited to: cheating, plagiarism, un-permitted collaboration, forged attendance (when attendance is required), fabrication (e.g., use of invented information or falsification of research or other findings), using advantages not approved by the instructor (e.g., unauthorized review of a copy of an exam ahead of time), knowingly permitting another student to plagiarize or cheat from one's work, or submitting the same assignment in different courses without consent of the instructor. Note: An instructor may impose a grade penalty for academic misconduct and/or file a disciplinary referral.

2. **Dishonesty** - Conduct covered by this offense includes but is not limited to:
   a. furnishing false information to the university by forgery, altercation or misuse of documents or records;
   b. furnishing to the university a written or oral false statement;
   c. furnishing false identification to a university or civic official.

3. **Mental or Bodily Harm to Self** - Conduct that causes harm or has the potential to harm one's self. Conduct covered by this offense includes but is not limited to:
   a. intentionally inflicting mental or bodily harm upon one's self;
   b. taking reckless, but not accidental, action from which mental or bodily harm could result to one's self (e.g., abuse or alcohol or other drugs).
4. **Bodily Harm to Others** - Conduct that causes bodily harm or has the potential to physically harm another. Conduct covered by this offense includes but is not limited to:
   a. intentionally inflicting bodily harm upon any person;
   b. attempting to inflict bodily harm upon another person;
   c. taking any reckless, but not accidental, action from which bodily harm could result to another person;
   d. causing any person to believe that the offender may cause bodily harm or engage in violence;
   e. sexual misconduct; Please see Ohio University Policy 03.004
   f. any act of discrimination or harassment that violates Ohio University Policy 40.001;
   g. coercing another to engage in an act of membership in a student organization that causes or creates a substantial risk of mental or physical harm to any person (e.g., hazing).

5. **Discrimination** - Civilly, criminally or administratively prohibited unequal treatment or a person on the base of race, age, gender, creed, religion, national origin, ability, veteran status or sexual orientation.

6. **Disruption/OBstruction** - Obstructing or interfering with university functions or any university activity.

7. **Civil Disturbance** - Conduct which involves disturbing the peace in conjunction with a civil disturbance. Disturbing the peace under such circumstances can be defined as, but is not limited to:
   a. disorderly conduct;
   b. failure to comply with the directives of law enforcement or university officials;
   c. failure to comply with an order of dispersal and other such conduct which can reasonable be construed to involve disturbing the peace and good order of the community during such an occurrence.

8. **False Report of Emergency** - Causing, making or circulating a false report or warning or fire, explosion, crime or other catastrophe.

9. **Destruction of Property** - Intentionally or recklessly, but not accidentally, damaging, destroying, defacing or tampering with university property or the property or any person or business.

10. **Theft or Possession or Stolen Property or Service** - Conduct covered by the offense includes but is not limited to:
    a. taking without consent the property or service of the university, another person, business or organization;
    b. possessing property that can reasonably be determined to have been stolen from the university, another person, business or organization.

11. **Trespassing** - Forcible or unauthorized entry into any university, public or private facility, room or grounds.
12. **Possession of Dangerous Weapons or Materials** - Unauthorized possession or a dangerous weapon or material, including, but not limited to firearms, compressed-air guns, pellet guns, BB guns, illegal knives, explosive devices, incendiary devices, fireworks, ammunition or any other dangerous ordnance as defined by Ohio law.

13. **Manufacture, Distribution, Sale, Offer for Sale, Possession or Misuse of Drugs or Narcotics**
- Conduct covered by this offense includes but is not limited to:
  a. manufacture, distribution, sale, offer for sale, possession, or use of any illegal drug or narcotic, including but not limited to barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin or marijuana except as defined by offense B-6;
  b. misuse or abuse of legal drugs or narcotics;
  c. possession of a device (drug paraphernalia) that has been used to ingest an illegal drug or narcotic, other than marijuana as defined in offense B-6.

14. **Violation of Criminal Law** - Alleged violation of any federal, state or local criminal law where the conduct of a student or student organization interferes with the university's exercise of its educational objectives or responsibilities.

15. **Misuse or Abuse or Computers or Computer Networks** - Misuse, alteration, tampering with or abuse of any computer, computer system, service, program, data, network, cable television network or communication network including telephone or computer lines and wireless networks. (See Ohio University Policy and Procedures 91.003: Computer and Network Use Policy.)

16. **Misuse of Safety Equipment** - Unauthorized use or alteration or firefighting equipment, safety devices or other emergency safety equipment.

17. **Aiding or Abetting** - Helping, procuring or encouraging another person to engage in the violation of a Code A offense.

18. **Violation of Disciplinary Probation** - Violation of the student code of conduct while on disciplinary probation or violation of the terms of one's probation.

B. **Code B Offenses**
A student or student organization found to have violated any of the following offenses will be subject to a sanction or reprimand or disciplinary probation. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the student code of conduct.

1. **Unauthorized Use of Property or Service** - Unauthorized use of property or service or unauthorized possession of university property or the property of any person, organization or business.

2. **Disturbing the Peace** - Disturbing the peace and good order of the university and surrounding communities.
3. **Failure to Comply** - Conduct covered by this offense includes but is not limited to:
   a. failure to comply with lawful directives of university officials (including residence life staff), law enforcement, or emergency personnel in the performance of their duties (e.g. failure to identify one's self when so requested);
   b. violation of the terms of a disciplinary reprimand.

4. **Unauthorized Use of University Keys or Other Access Devices** - Unauthorized use, distribution, duplication or possession of any key or other access device issued for any university building, structure, room or facility.

5. **Misuse of Identification** - Transferring, lending, borrowing or altering university identification.

6. **Possession or Use of Marijuana** - Conduct covered by this offense includes but is not limited to:
   a. possession of marijuana when such possession would constitute a minor misdemeanor;
   b. use of marijuana;
   c. possession of a device (drug paraphernalia) that has been used to ingest marijuana.

7. **Unauthorized Use or Alcoholic Beverages** - Violation or state law or university regulations in accordance with the use or sale of alcoholic beverages.

8. **Violation of Rules Regarding Residence Halls and Dining Facilities** - Violation or the Ohio University Housing Contract, Guide to Residential Living or other published rules and regulations of university residence halls and dining facilities.
   a. Noise
   b. Visitation Violation
   c. Illegal Items
   d. Dining Hall Violation
   e. Empty Alcohol Containers in an Underage Room
   f. Throwing Objects/Taking Screens Out of Windows
   g. Smoking
   h. Pet Visitation Policy
   i. Improper Room Change
   j. Other

9. **Aiding or Abetting** - Helping, procuring or encouraging another person to engage in a Code B offense.

**Section 4: Sanctions**
Students and student organizations of Ohio University accept the responsibility to abide by all Ohio University policies. Proven failure to meet these obligations will justify appropriate disciplinary sanctions. Disciplinary sanctions are defined as follows:

1. **Reprimand** is an official notification of unacceptable behavior and a violation of the student code of conduct. Any further misconduct may result in more serious disciplinary sanctions.
2. **Disciplinary Probation** is a conditional status imposed for a designated period of time. Further violation of the student code of conduct while on probation will be viewed not only as a violation based upon the act itself, but also as an A-18 (Violation of Disciplinary Probation) which may result in further action up to and including suspension or expulsion. Disciplinary probation may place specific restrictions on the student or student organization. These may vary with each case and may include restriction from participating in intercollegiate athletics, study abroad programs, extracurricular and/or Residential Housing activities.

3. **Suspension** is the loss of privileges of enrollment at Ohio University for a designated period of time and prohibits a student from being present without permission on the property of any campus of Ohio University. A student's suspension shall not exceed one calendar year following the effective date of the sanction.
   a. A student organization's suspension is a temporary revocation of university recognition. A student organization suspension will not exceed five years.
   b. Suspension may be considered for A level offenses.
   c. Please refer to the Suspension FAQ Sheet under "Forms and Handouts".

4. **Expulsion** is the permanent loss of privileges of enrollment at Ohio University and prohibits a student from ever being present without permission on the property of any campus of Ohio University. Expulsion will be noted on the student's permanent record. A student organization expulsion is the permanent revocation of university recognition of that organization.
   a. Expulsion may be considered for A level offenses.
   b. The sanction of expulsion is the only disciplinary sanction reflected on a student's official academic transcript.

Note: Other areas of the university, such as academic units, student employment, and student activities, may place specific restrictions on students or student organizations who are on disciplinary sanctions. Notification of a sanction will be made in accordance with Ohio University Student Code of Conduct Section 12: Release of Disciplinary Records.

Please also view our Sanctioning Guidelines for Drug and Alcohol Offenses and our Sanctioning Guidelines for Sexual Assault under "Sanctioning Guidelines".

**Section 5: Conditions of Sanction**
As a component of a disciplinary sanction, hearing authorities may impose conditions that are educational in nature and reflect the nature and gravity of the offense. Conditions of a sanction may include, but are not limited to:
1. Educational seminars;
2. University based intervention programs for alcohol and other drugs;
3. Reflective essays;
4. Restrictions on right of access to campus facilities and programs;
5. Restitution for damage;
6. Community restitution (community service);
7. Room changes, and/or;
8. Other sanctions that are educational in nature.

**Alcohol and Drug Education Courses**

**Prime for Life**

Prime for Life is a 5 hour risk reduction program based on the Lifestyle Risk-Reduction Model. The first goal is to help each participant reduce risk for any type of alcohol problem. The second goal is to help participants understand and accept the need to make change to protect the things most valuable in their lives.

This is an educational program for students who have been sanctioned by the Office of Community Standards and is accepted as a court-ordered educational program within the State of Ohio. Classes are offered several times per quarter. If students are required to complete the Prime for Life alcohol education course as a condition of judicial sanction, students must register for the next available class by the date and time provided by the Community Standards hearing officer. Failure to do so will be considered a violation of disciplinary probation and will result in additional conduct charges and possible suspension from Ohio University.

Students will need to come to the Office of Community Standards & Student Responsibility, Baker University Center 349, between 8 a.m. and 5 p.m., Monday through Friday, to register for Prime for Life using this waiver.

Once officially registered for the next available class, there is a $100 fee to reschedule this class. This re-registration fee applies both for rescheduling an upcoming class or rescheduling a class missed. Exemptions to the $100 rescheduling fee are rare. If an exemption is requested, students must provide proof based on the following criteria:

1. Death in the family (students must provide a dated obituary or program from the funeral).
2. Medical emergency (students must provide dated proof of services received from a healthcare provider).
3. Unique extenuating circumstances (students must contact the Director of Community Standards to explain why the situation is unique at least one week prior to the scheduled Prime for Life class. Corroborating documentation of this circumstance must be provided. If an exemption is made, students will be required to register for the next scheduled Prime for Life class).

**BASICS**

BASICS is a two-session program, consisting of an initial two-hour assessment session, followed by a two-week period of self-monitoring, and finalized in a one-hour feedback session. It typically takes 4 weeks for the entire process. The BASICS Program provides:
1. A confidential, safe setting for students to openly explore their alcohol and other drug involvement.
3. A letter of completion/incompletion to the Office of Community Standards, or court, or probation officer regarding a student's participation in BASICS.

The BASICS Program DOES NOT:
1. Conduct a comprehensive biopsychosocial assessment of alcohol and drug use.
2. Transmit personal information or details about a student's participation in the program to outside referral sources. This creates a level of safety that most students need in order to honestly assess their alcohol use problems.
3. Result in treatment recommendations or diagnosis that might be required by your court or probation officer; you will need to seek this type of service elsewhere.

More information regarding BASICS can be located on the Counseling and Psychological Services webpage. Students may sign up on the 3rd floor of Hudson Health Center, Monday through Friday between 8am and 4pm using this waiver.

Section 6: Statement of Concern
Hearing authorities may issue a statement of concern for alleged violations of the student code of conduct in lieu of filing a formal student conduct referral. A student or student organization has the right to respond in writing to the statement of concern. Such statements will be placed in the student or student organization's disciplinary file and may be a basis for further disciplinary referrals.

Section 7: Presidential Interim Suspension
When the actions of a student threaten the good order and discipline of the university, the president may interimly suspend the student, pursuant to Section 3345.24(B) of the Ohio Revised Code, pending a prompt hearing by a University Hearing Board or an Administrative Hearing as requested by the student. The president will also determine whether the interimly suspended student may or may not remain on university property pending the completion of the hearing process. In the event the president is away from campus or otherwise unavailable, the provost (or vice president for finance and administration in the absence of the provost) may impose a presidential interim suspension consistent with the following procedure:

1. The vice president for student affairs initiates a presidential interim suspension by providing the president with information of:
   a. the events causing the threat to exist;
   b. the name of the student and actions allegedly violating university regulations; and,
   c. a statement of the university regulations allegedly violated by the student.

2. If the president suspends a student, the director of the Office of Community Standards and Student Responsibility immediately notifies the student of the interim suspension and an
upcoming procedural interview. The Student Conduct process shall occur expeditiously in accordance with the Ohio University Code of Conduct Procedures.

3. If the final decision is to suspend or expel the student, the sanction takes effect from the date of the presidential interim suspension. If the decision is a reprimand or disciplinary probation, or if the charges are not proven, for purposes of the record, the interim suspension will be deemed not to have occurred. The student has the right to appeal the final decision in accordance with the Ohio University Student Code of Conduct Procedure Section 7: Appeals.

Section 8: State of Emergency

Pursuant to section 3345.26 of the Ohio Revised Code:

1. The board of trustees or president of a college or university which receives any state funds in support thereof, may declare a state of emergency when there is a clear and present danger or the orderly conduct of lawful activities at such college or university through riot, mob action or other substantial disorder, and may do one or more of the following, as are necessary to preserve order and discipline at such college or university during such emergency:
   a. Limit access to university property and facilities by any person or persons;
   b. Impose a curfew;
   c. Restrict the right of assembly by groups of five or more persons;
   d. Provide reasonable measures to enforce limitations of access, a curfew and restrictions on the rights of assembly imposed pursuant to this section.

2. Notice of action taken pursuant to Division 1 of this section shall be posted or published in such manner as is reasonably calculated to reach all persons affected.

3. Division of 1.A and 1.B of this section shall not be construed to limit the authority of the board of trustees, president or other proper official of a college or university to impose reasonable restrictions on use of and access to, and the hours and use and access to university property and facilities, for purpose of regulating the proper operation of such university, and regardless of whether any emergency exists.

Section 9: Amendments to the Student Code of Conduct Policy

Any member of the Ohio University community may propose amendments to the student code of conduct. Proposed amendments shall be reviewed by the Student Code of Conduct: Review and Standards Committee in a timely manner. Amendments approved by the committee will be submitted annually to the vice president for student affairs for consideration and recommendation to the president. Any proposed change in code policy is subject to presidential approval and formal action by the board of trustees.
Ohio University Student Code of Conduct-Procedure Section

Section 1: Purpose
Ohio University’s Student Conduct procedure ensures the orderly administration of the Ohio University Student Code of Conduct consistent with the principles of due process of law applicable to state universities. The Student Conduct system is the responsibility of the vice president for student affairs, is administered by the Office of Community Standards and Student Responsibility and is under the general oversight of the Vice President for Student Affairs. The Student Code of Conduct: Review and Standards Committee advises the vice president for student affairs on the university disciplinary system and the code of conduct.

Section 2: Judicial Referrals
Members of the Ohio University community (students, faculty and staff) may file a student conduct referral charging a student or a student organization with an offense of the student code of conduct. It is the responsibility of the director of the Office of Community Standards and Student Responsibility to determine the appropriateness of a conduct referral. Case Referral Forms are available from the Office of Community Standards & Student Responsibility, each of the Residential Housing green offices, and online.

Section 3: Hearing Authorities
Hearing authorities are responsible for hearing cases involving alleged violations of the Ohio University Student Code of Conduct. The following are hearing authorities:

A. The Office of Community Standards & Student Responsibility Director, Assistant Directors and Hearing Officers
The director, assistant directors, and hearing officers of the Office of Community Standards and Student Responsibility are responsible for hearing cases involving alleged violations of Code A and B offenses and serve as advisor to both the complainant and the accused regarding procedures relating to the code of conduct. They have the authority to conduct procedural interviews and administrative hearings and to serve as advisors to university hearing boards.

B. Residential Housing Hearing Officers
Residential Housing hearing officers are responsible for hearing cases involving alleged violations of Code B offenses which occur on residential greens. Residential Housing hearing officers include assistant directors of Residential Housing, Residential Coordinators, and Resident Directors. Residential housing hearing officers have the authority to conduct procedural interviews and administrative hearings.

C. University Hearing Board
The University Hearing Board is responsible for hearing cases of alleged Code A violations when the director, assistant director, or hearing officer of the Office of Community Standards and Student Responsibility has determined that suspension or expulsion may be the sanction if the charge is substantiated. A hearing board is composed of either: a) three students, one faculty member and one administrator, or b) two students and one faculty member or administrator.
D. University Appeal Board

The University Appeal Board is responsible for deciding appeals regarding decisions made by any hearing authority. An appeal board is composed of one student, one faculty member and one administrator, selected from a pool of hearing board members who did not participate in the original hearing.

Section 4: Rights and Options

A. Rights of the Complainant

In filing a student conduct referral against a student or student organization for an alleged violation of the Ohio University Student Code of Conduct, the complainant has the right to:

1. Have a referral handled in a forthright and timely manner;
2. Be accompanied throughout the conduct process by another member of the university community (an Ohio University employee or student). This advisor may: a) Advise and assist the complainant in the preparation of the case; b) Accompany the complainant through all disciplinary proceedings; and c) Speak on behalf of the complainant;
3. Designate another member of the university community to present his or her case;
4. Have unrelated behavior excluded from the judicial process;
5. Submit an oral statement (during an open hearing) or written statement (during a closed hearing) about the impact of an offense to be considered in the determination of a disciplinary sanction.

B. Rights of the Accused

Throughout the university student conduct process, a student or student organization accused of an alleged violation of the Ohio University Student Code of Conduct is provided the following rights and options:

1. A letter from the Student Code of Conduct: Review and Standards Committee explaining procedures, rights, and options open to the accused;
2. A copy of the referral containing a description of the alleged violation;
3. The opportunity to discuss the entire matter with a hearing authority at a Procedural Interview.
   a. For Alleged Code A Violations:
      If, during the Procedural Interview, the potential sanction is described by the hearing authority as suspension or expulsion, the accused has the right to: 1) admit the charge and be sanctioned by the hearing authority, or 2) deny the charge and request either an administrative hearing or a university hearing board to further explore the facts and circumstances of the alleged violation. A date for a hearing will be determined within a reasonable period of time after the procedural interview.

   If the potential sanction described by the hearing authority is not suspension or expulsion, the accused will be given the right to: 1) admit the charge and be sanctioned by the hearing authority, or 2) deny the charge and request an administrative hearing to further explore the facts and
circumstances of the alleged violation. A date for a hearing will be determined within a reasonable period of time after the procedural interview.

b. For Alleged Code B Violations:
During the Procedural Interview, the accused will be given the right to: 1) admit the charge and be sanctioned by the hearing authority, or 2) deny the charge and request an administrative hearing to further explore the facts and circumstances of the alleged violation. A date for a hearing will be determined within a reasonable period of time after the procedural interview.

4. In the event of a disciplinary hearing, the accused has the right to:
   a. Speak or not speak during the hearing process. Choosing not to speak will not be inferred by the hearing authority that the accused is in violation of the charge;
   b. Question the complainant and all witnesses who testify against the accused at a hearing;
   c. Examine all written materials;
   d. Rebut any statements made or materials presented during a hearing;
   e. Present written or verbal statements by character witnesses before a sanction is imposed;
   f. Request the removal of any University Hearing Board member by showing written or verbal evidence of bias against the accused;
   g. Be accompanied by an advisor who must be a member of the University community (an Ohio University employee or student). This advisor may: 1) advise and assist the accused in the preparation of the case; 2) accompany the accused through all disciplinary proceedings; 3) speak on behalf of the accused; and 4) advise and assist the accused in the preparation of appeals;
   h. Be accompanied by an attorney in cases where criminal charges are pending or likely to be pending. The policy "Hearing Board Guidelines for Lawyers" is available from the Office of Community Standards;
   i. File a written appeal to a University Appeal Board; and
   j. File a written appeal to the Vice President for Student Affairs if a University Appeal Board denies the appeal.

Section 5: The Procedural Interview
Any student or student organization charged with an offense of the student code of conduct will first be scheduled a Procedural Interview with a hearing authority to review the allegation. The accused will be notified in writing of the alleged violation and the date and time of the Procedural Interview. Written notification will include: a) a letter from the Student Code of Conduct: Review and Standards Committee explaining procedures and rights and options open to the accused and b) a copy of the referral, which contains a description of the alleged violation.

The purpose of the Procedural Interview is to provide the accused with the opportunity to discuss the allegations that led to the referral. The hearing authority will clarify the rights and options available, as well as describe a range of potential sanctions for the violation in question. The accused will have an opportunity to admit or deny the charge during the Procedural Interview.
In alleged Code A violations where the hearing authority has informed the accused that a potential sanction may result in suspension or expulsion, the accused may: a) admit the charge and be sanctioned by the hearing authority or b) deny the charge and request either an administrative hearing or a University Hearing Board to further explore the facts and circumstances of the alleged violation.

In alleged Code A or Code B violations where the hearing authority has informed the accused that a potential sanction would not result in suspension or expulsion, the accused may: a) admit the charge and be sanctioned by the hearing authority; or b) deny the charge and request an administrative hearing to further explore the facts and circumstances of the alleged violation.

The accused must attend the Procedural Interview. If the accused fails to appear for a scheduled Procedural Interview and the absence is not excused, a hearing may still be scheduled.

Section 6: Hearing Procedures
The purpose of a hearing is to provide an equitable forum for the complainant and the accused to present their case regarding the alleged misconduct. The hearing authority will decide by the preponderance of evidence whether or not the charge is proven.

A. Standard of Proof
   The standard of proof is preponderance of the evidence. Preponderance of the evidence is defined as the greater weight of the evidence; that is evidence that outweighs or overbalances the evidence opposed to it. A preponderance means evidence that is more probable or more persuasive. It is the quality of evidence that is weighed. Quality may or may not be identical with quantity. If the weight of the evidence is equally balanced, the complainant has not proven the charge. The burden for proving an alleged violation rests with the complainant.

B. Types of Hearings
   1. Administrative Hearing
      In cases where the accused denies a Code A or B offense and requests an administrative hearing, generally the hearing authority that conducted the procedural interview will conduct the administrative hearing. A date for an administrative hearing will be determined within a reasonable period of time after the procedural interview.

      If the accused fails to appear at a scheduled administrative hearing and the absence is not excused, the hearing may proceed in the accused’s absence or may be rescheduled.

   2. University Hearing Board
      In cases where the director; assistant director, or hearing officer of the Office of Community Standards and Student Responsibility has determined that the alleged Code A offense may warrant suspension or expulsion from the university, the accused may opt to have a University Hearing Board hear the case. A date for a University Hearing Board will be determined within a reasonable period of time after the procedural interview.
If the accused fails to appear at a scheduled Hearing Board and the absence is not excused, the hearing may proceed in the accused’s absence or may be rescheduled. The hearing board advisor (either the director, assistant director, or hearing officer of the Office of Community Standards and Student Responsibility) may be present at each university hearing board hearing. The role of the hearing board advisor is to ensure that the student code of conduct procedures are followed.

The hearing board advisor will answer procedural questions asked by the board, complainant, or accused. The hearing board advisor will also keep the proceedings focused on issues relevant to the specific allegations. The hearing board advisor will not participate in a determination of a finding or sanction. However, the board advisor may be summoned by a deliberating board to answer questions regarding the conduct process.

C. Guidelines for Hearings
1. Introduction
   a. The hearing authority will explain the accused’s rights and options and assure that fairness and due process will be observed throughout the hearing.
   b. Hearings are closed to the public unless specifically requested in writing to be open by the accused.
   c. The accused or the complainant may ask for the removal of a hearing authority, prior to a hearing, by showing written or verbal evidence of bias.
      i. In cases before a hearing board, the charge of bias is made to the chairperson who will determine whether it is valid. If bias is shown, the chairperson will excuse the hearing board member. If the charge of bias is against the chairperson, the hearing board advisor shall decide whether it is valid. If bias is found, the chairperson will be excused and the board advisor will appoint a remaining member of the board as chairperson or reschedule the hearing.
      ii. In an administrative hearing, the charge of bias against the hearing authority can be made to the director of the Office of Community Standards and Student Responsibility prior to the hearing. The director will decide if the charge is valid. If bias is found, the director will assign a new hearing authority to conduct the hearing.
   d. The hearing authority may exclude persons from the hearing if they are disruptive, or postpone the hearing because of disruptive behavior of participants or observers.
2. Case Presentation
   a. Both the complainant and accused will be given the opportunity to make an opening statement highlighting the main points of their case.
   b. The complainant will then present his or her side of the case followed by a presentation by the accused. Case presentations may include testimony, evidence, and witnesses.
   c. Both sides will be questioned by the hearing authority and will have an opportunity to question one another and witnesses.
   d. Following case presentations, the complainant and then the accused may summarize their case.
   e. In a closed hearing, the complainant will be given the opportunity to submit a sealed, written statement of impact to be considered in the event the accused is found in violation of the offense and then will be excused from the hearing prior to deliberation.
3. Deliberation and Finding
   a. The hearing authority will go into closed session to determine by the preponderance of evidence whether the accused will be found in violation of the code of conduct. Hearing boards determine findings by majority vote.
   b. The hearing will re-convene for the announcement of the finding. If the accused is not found in violation, the case will be dismissed. If the accused is found in violation, the hearing will proceed to sanctioning.

4. Sanctioning
   a. The accused will be offered an opportunity to speak on his or her behalf and to present character witnesses or written references for consideration in determining a sanction.
   b. In an open hearing, the complainant will be given the opportunity to present an oral or written statement of impact. In a closed hearing, the sealed, written statement of impact will be read aloud by the hearing authority.
   c. The hearing authority will consider the following in determining a sanction: a) statements and evidence presented at the hearing; b) seriousness of the violation; c) the complainant’s oral or written statement of impact; d) the accused’s character information; e) prior disciplinary record of the accused; and f) disciplinary precedent.
   d. The hearing authority will go into closed session to determine a sanction.
   e. The hearing will reconvene for the announcement of the sanction. In the case of a hearing board, the sanction is recommended to the Dean of Students who will make the final decision. While normally the board’s recommendation will be the sanction imposed, the Dean of Students may impose a different sanction for cause. In the event of a tie vote by a hearing board regarding the sanction to be imposed, all sanctions considered by the hearing board will be referred to the Dean of Students for final decision. The Dean of Students will send the student written notification of the decision.

5. Presenting a Case Using University Legal Counsel
   In rare instances, the University may decide to formally present a student conduct case using legal counsel. In such cases, the accused will be given adequate notice in order to seek legal counsel, if so desired. In these instances, the case will be heard by a university hearing board and the director of Legal Affairs (or designate) will serve as a non-voting member of the hearing board.

Section 7: Appeals
A. University Appeal Board
   1. The accused has the right to file a written appeal to a University Appeal Board within three business days after the receipt of written notification* detailing the decision of the case. Upon reasonable request, the three business day deadline may be extended by the director of the Office of Community Standards and Student Responsibility.
   2. Appeals may be filed for the following reasons:
      a. inappropriate sanction;
      b. procedural defect in the original hearing; and/or
c. new evidence--evidence which was not available at the time of the original hearing and is found to be substantial enough to have changed the outcome of the hearing.

3. An appeal board, meeting in closed session, within a reasonable period of time, will either grant or deny the appeal by a majority vote. If the appeal is granted, the sanction may be changed or a new hearing ordered.
   a. In considering the change the appeal board will do so only in the clear abuse of discretion by the hearing authority.
   b. In considering appeals based on a procedural defect, the board will order a new hearing only if the defect is found to be substantial enough to have changed the outcome of the hearing.
   c. In considering appeals based on new evidence, the board will order a new hearing only if the new evidence was not available at the time of the original hearing and is found to be substantial enough to change the outcome of the original hearing.

4. The person filing the appeal will be notified in writing of the decision by the director of the Office of Community Standards and Student Responsibility within a reasonable period of time.*Written notification includes receipt of a copy of a completed case disposition form on the day of the procedural interview or hearing. The student may be provided this form of notification in person by the hearing authority. B. Vice Presidential Review

B. Vice Presidential Appeal
The accused may request the Vice President of Student Affairs of Ohio University to review an appeal board decision if the appeal board denies the appeal. An appeal to the vice president must be presented to the Office of the Vice President of Student Affairs in writing with all supporting documents within three business days after the receipt of written notification of the appeal board decision.

Requests for a vice presidential review may be filed for the following reasons:
1. inappropriate sanction
2. procedural defect in the original hearing; and/or
3. new evidence--evidence which was not available at the time of the original hearing and is found to be substantial enough to have changed the outcome of the hearing).

The vice president may or may not elect to review a decision. The student or student organization requesting a review will be notified of the decision of the vice president within a reasonable period of time. In cases where the vice president of student affairs elects to review a decision, the vice president may change the sanction, order a new hearing, or uphold the decision of the appeal board.

1. In considering the change of sanction, the vice president will do so only in the clear abuse of discretion by the hearing authority.
2. In considering appeals based on procedural defect, the vice president may order a new hearing only if the defect is found to be substantial enough to have changed the outcome of the hearing.
3. In considering appeals based on new evidence, the vice president will order a new hearing only if the new evidence was not available at the time of the original hearing and is found to be substantial enough to change the outcome of the hearing.

The decision of the vice president to change a sanction is final. The result of a new hearing ordered by the vice president may be appealed as detailed in Section 7.

C. Sexual Misconduct Appeal Process
On April 4, 2011 the Department of Education's Office of Civil Rights (OCR) provided all secondary and post-secondary institutions with written guidance regarding institutional response to incidents of sexual harassment and sexual violence under Title IX. The guidance or "Dear Colleague Letter," stated that institutions must provide equitable grievance procedures including equal opportunity to present witnesses, evidence and the same appeal rights.

For further information regarding the Sexual Misconduct Appeal Process, please refer to Sexual Misconduct, Relationship Violence, & Stalking Process and Procedures.

Section 8: Conduct of Student Organizations
When a report of misconduct against a student organization is filed with the Office of Community Standards and Student Responsibility, the director of the Office of Community Standards and Student Responsibility will consult with the Assistant Dean of Students/Director of the Campus Involvement Center and the president of the Student Senate before determining whether the organization, an individual(s), or both will be charged with an alleged offense of the code of conduct.

When a report of misconduct against a social Greek organization is filed with the Office of Community Standards and Student Responsibility the director of the Office of Community Standards and Student Responsibility will consult with the associate director of the Campus Involvement Center for Greek Life and Leadership, the president of Student Senate, and the chairperson of the Greek Life Committee before determining whether the organization, an individual(s), or both, will be charged with an alleged offense of the code of conduct.

Student organizations in violation of the Student Code of Conduct will be subject to the full range of disciplinary sanctions. A disciplinary sanction less than disciplinary expulsion may place specific restrictions and additional requirements on a student organization. These conditions will vary with each case and may include but are not limited to the restriction or suspension of the use of facilities and services of the university; the suspension of the privilege to sponsor fund-raising activities; the suspension of the privilege to recruit new members; the suspension of the parietal exemption; the suspension of participation in university activities; the loss of funds allocated by the university; and the restitution for damage. The sanction of disciplinary suspension for a student organization may be imposed for a period not to exceed five calendar years.

Section 9: Statement on Emotional Stability Relating to Conduct
A student who has violated the Student Code of Conduct and is regarded as evidencing psychological instability which interferes with his or her normal functioning may be recommended by the director of the Office of Community Standards and Student Responsibility for an evaluation by a psychologist in the Center for Counseling and Psychological Services. Recommendation for such evaluation will be made to assist in determining sanction. If the student accepts the recommendation, he or she will be informed that an oral report will be made by the psychologist to the director of the Office of Community Standards and Student Responsibility only if a release of information is authorized. If the student refuses the recommendation, the hearing process will continue as if no recommendation were made. When a student's emotional instability, as evaluated by the psychologist, is considered an important contributing factor to the act(s) leading to a suspension, a medical hold, independent of the suspension, will be placed on the student's academic record. The medical hold will be released if the student demonstrates to a psychologist in the Center for Counseling and Psychological Services that the emotional instability has been sufficiently resolved.

Section 10: Official Withdrawal from the University
Should an accused student be academically dismissed or leave Ohio University before pending disciplinary charges have been resolved, the director of the Office of Community Standards and Student Responsibility may proceed with the disciplinary process and/or place a disciplinary hold on the student's academic records.

Section 11: Reenrollment after Suspension
Undergraduate students who have been suspended from the university must petition for reenrollment through the director of the Office of Community Standards and Student Responsibility. Reenrollment may be granted, with further probationary status, at the discretion of the director. Students enrolled in post-baccalaureate programs who have been suspended must petition for reenrollment through the director of the Office of Community Standards and Student Responsibility. Reenrollment under such circumstances will be determined by the director of the Office of Community Standards and Student Responsibility and the college or department in which the student was enrolled.

If a condition of your reenrollment is to complete an assessment by a licensed mental health professional for alcohol or other drug use, anger management, etc. you must have the mental health professional submit the Provider Report Form. For eligibility for reenrollment, the mental health professional must indicate the following on the Provider Report Form:

1. You completed all recommendations by the mental health professional for education, counseling, and/or treatment; and
2. You have sufficiently resolved the problem that led to your misconduct to function as a student at Ohio University.

Section 12: Release of Disciplinary Records
A. General Policy
Student disciplinary records are defined as educational records by the Family Educational Rights and Privacy Act (FERPA). As educational records, disciplinary records are not subject to release without written authorization by the student. However, under certain circumstances, FERPA and Ohio University's Students Records Policy (Policy 12.020) permit the University to release
disciplinary records without written authorization by the student. These circumstances include
without limitation, but are not limited to, the following:

1. A parent or guardian may request access to a student's disciplinary records if the parent or
   guardian claims the student as a dependent according to the IRS tax code;
2. Victims of an alleged perpetrator of a crime of violence or a non-forcible sex offense may
   access the final results* of the disciplinary proceeding conducted by the University with
   respect to that alleged crime or offense regardless of whether or not the University concludes
   that a violation was committed;
3. Anyone may access the final results of a disciplinary proceeding in which a student is an
   alleged perpetrator of a crime of violence or non-forcible sex offense and, with respect to the
   allegation made against him or her, that student is found to have committed a violation of the
   Student Code of Conduct.
4. Education records will be released in compliance with a judicial order, or pursuant to any
   lawfully issued subpoena, upon condition that the university makes a reasonable effort to
   notify the student of all such orders or subpoenas in advance of the compliance therewith by
   the university unless the court or issuing agency has ordered that the existence or the contents
   of the subpoena or the information furnished in response to the subpoena not be disclosed. In
   addition, if a student initiates legal action against the university, the university may, without a
   subpoena or court order, disclose to the court the student's education records that are relevant
   for the university to defend itself.
5. Records or information from records containing personally identifiable information may be
   made available, upon request, to officials of other schools or school systems in which the
   student seeks or intends to enroll, upon condition that the student, upon request, receives a
   copy of the records and be given an opportunity for a hearing to challenge the content of the
   record.
6. University officials demonstrating a legitimate educational interest may have access to
   student education records protected by FERPA. A university official is a person employed by
   the university in an administrative, supervisory, academic, research, or support staff position
   (including law enforcement unit personnel and health staff); a person or company with whom
   the university has contracted to perform a service on behalf of the university; a person serving
   on the Board of Trustees; or a student serving on an official committee, such as a disciplinary
   or grievance committee, or assisting another university official in performing his or her tasks.
   A university official has a legitimate educational interest if the official needs to review an
   educational record in order to fulfill his or her professional responsibility.

For more information, see http://www.ohio.edu/policy/12-020.html

*For purposes of this section, "final results" means the name of the student who committed the violation,
the violation committed, and any sanction imposed by the University against the student. The university
will not disclose the name of any other student, including a victim or witness, without the prior written
consent of the other student. Student disciplinary records are retained on file by the Office of Community
Standards and Student Responsibility or seven years past the date of the last incident.
B. Parental Notification
It has been a long standing goal of Ohio University to address the societal problem of alcohol and other drug abuse through education and enforcement. Therefore, as permitted by FERPA and Ohio University's Student Records Policy, when a student, who is under the age of twenty-one and has less than 90 credit hours, is found responsible for a alcohol or other drug related offense, the Office of Community Standards and Student Responsibility will send written notice of the student's substantiated alcohol or other drug offense to parents/guardians.

C. Notification of Academic Colleges
In accordance with the Family Educational Rights and Privacy Act (FERPA) and Ohio University's Student Records Policy (Policy 12.020), which provides for the University to share student records with members of the faculty and staff having a legitimate educational interest, the Office of Community Standards and Student Responsibility will notify the academic college in which a student is enrolled when the student is found in violation of an offense of the student code of conduct. Informing academic colleges of students' progress as community members assists the colleges in their work with students.

Section 13: Student Code of Conduct: Review and Standards Committee
A. The committee will be a university committee advising the vice president for student affairs on the university student conduct system and the Ohio University Student Code of Conduct. It will periodically review the goals of educational discipline and effectiveness of disciplinary sanctions, advise on the appointments to hearing boards, and recommend changes in the code and university student conduct policies and procedures. Further, it maintains responsibility for developing detailed procedures to be followed in the hearing process, including:

1. Developing appropriate communication materials to be used in notifying students who have allegedly violated the code of conduct, and;

2. Developing a Student Rights and Options Guide for students accused of violating the code of conduct.

B. The committee will be appointed each year by the Faculty Senate and will include the following persons:
   a. Vice President for Student Affairs, or designee chairperson;
   b. Director of Legal Affairs, or designee, advisor;
   c. Director of the Office of Community Standards & Student Responsibility;
   d. Executive Director of Residential Housing, or designee;
   e. Paraprofessional Residential Housing Staff Member (e.g., resident assistant; security aide);
   f. Director of Students Defending Students, or designee;
   g. President of the Graduate Student Senate, or designee;
   h. Two members of the University Hearing Board (one student and one faculty member);
   i. Representative of the Resident's Action Council (other than a paraprofessional staff member);
   j. Off-campus student representative; and Greek organization representative.
Section 14: Amendments to the Student Code of Conduct Procedure
Any member of the Ohio University community may propose amendments to the student code of conduct. Proposed amendments shall be reviewed by the Student Code of Conduct: Review and Standards Committee in a timely manner. Amendments approved by the committee will be submitted annually to the vice president for student affairs for consideration and recommendation to the president. Any proposed change in code policy is subject to presidential approval and formal action by the board of trustees.

Section 15: Ohio Revised Code Section 3333.38 (House Bill 95)
A. Pursuant to Ohio Revised Code Section 3333.38(C), Ohio University must immediately dismiss an individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for a violation of Ohio Revised Code Section 2917.02 (aggravated riot) or Ohio Revised Code Section 2917.03 (riot). Pursuant to Ohio Revised Code Section 3333.38(B), an individual who is convicted of, pleads guilty to, or adjudicated a delinquent child for any of the following offenses shall be ineligible to receive any student financial assistance supported by state funds for two calendar years from the time the individual applies for such assistance:

1. a violation of Ohio Revised Code Section 2917.02 (aggravated riot) or Ohio Revised Code Section 2917.03 (riot),

2. a violation of Ohio Revised Code Section 2917.04 (failure to disperse) that is a misdemeanor of the fourth degree

3. a violation of Ohio Revised Code Section 2917.13 (misconduct at emergency) that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of Ohio Revised Code Section 2917.11 (disorderly conduct).

B. The student financial assistance programs supported by state funds includes any post-secondary student financial assistance supported by state funds, including assistance granted under Ohio Revised Code Sections:

3315.33 Ohio Scholarship Fund for Teacher Trainees
3333.12 Ohio Instructional Grant Program and Part-time Ohio Instructional Grant Program
3333.21 Ohio Academic Scholarship Program
3333.26 Tuition Waiver for Child or Spouse of Public Service Officer Killed in Line of Duty
3333.27 Student Choice Grant Program
3333.28 Nurse Education Assistance Program
3333.29 Student Workforce Development Grant Program
3333.372 Ohio Outstanding Scholarship and Ohio Priority Needs Fellowship
5910.03 Scholarship for Children of Deceased or Disabled Veterans of the Armed Services of the United States
5910.032 Children of Persons Declared Prisoner of War or Missing in Action
5919.34 National Guard Scholarship Program

C. The provisions of Ohio Revised Code Section 3333.38(B) and (C) are separate and distinct from Ohio University’s Student Code of Conduct and do not limit or affect the ability of Ohio University to suspend or otherwise discipline its students.