

# Shawnee State University

## Student Conduct Code

### **Statement of General Principles**

It is expected students will conduct their affairs with regard for the rights of others and the University. All members of the university community share a responsibility for maintaining an environment where actions are guided by mutual respect, civility, and integrity.

University regulations, local ordinances, and state and federal laws govern all members of the University. Individuals in violation of local, state and federal law are subject to prosecution by appropriate state and federal authorities regardless of whether the activity occurs on or off campus. In addition, the student may be subject to disciplinary action by the University pursuant to this Code.

In seeking to encourage responsible behaviors, the University places much reliance upon personal example, counseling, education, and admonition. In certain circumstances where these preferred means fail or are not appropriate to the situation, it must rely upon the rules and procedures described in this Code.

The version of the Code distributed by the Vice President for Student Affairs is the latest version, and supersedes all previous versions.

### **I. Jurisdiction**

- A. The Shawnee State University Student Conduct Code shall apply to the following: Students
- B. Registered student organizations.
  - 1. A student group or organization and its officers may be held collectively and individually responsible when violations of this *Code* by those associated with the group or organization have received the consent or encouragement of the group or organization or the group's or organization's leader or officers.
  - 2. The officers or leaders or any identifiable spokesperson for the student group or organization may be directed by the Vice President for Student Affairs or designee to take appropriate emergency or interim action designed to prevent or to end violations of this *Code* by the group or organization. Failure to make reasonable efforts to comply with the order shall be considered a violation of this *Code*, both by the officers, leaders, or spokesperson for the group or organization; and by the group or organization itself.
- C. The conduct code shall be applied in cases of inappropriate conduct:
  - 1. On-campus conduct occurring on university real property, including any leased property; or Involving university personal property wherever so located; or
  - 2. Off-campus conduct
    - a. Regardless of where it occurs, when occurring at activities pursued under the auspices of the University, including professional practices assignments, internships, field trips, international study, travel, sporting and/or athletic events of any sort or character, student teaching, and/or any activity supporting pursuit of a degree; or
    - b. Regardless of where it occurs, when clearly indicating that the presence of the student or organization at the University results in a substantial danger of physical harm to persons or property in the university community; or
    - c. Regardless of where it occurs, any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime.

### **II. Definitions**

- A. Property: Includes property held in any manner including, but not limited to, owned, rented, chartered, contracted, leased, or licensed.

- B. Activities pursued under the auspices of the University: Include any activities specifically sponsored or participated in by the University or by any University organization.
- C. Class Day: Any day that either classes or final exams are scheduled.
- D. Business Day: Any day the University is open and conducts business.
- E. Calendar Day: Any day of the calendar.
- F. Conduct Officer: Any person authorized by the University President (or designee) to function as an employee authorized to listen to alleged violations of this *Code*, make decisions regarding the responsibility of alleged violations of the *Code*, and/or make decisions regarding sanctions for violations.

### III. Violations

Violations include those activities which interfere with either the University's primary educational responsibility of ensuring the opportunity of all members of the university community to attain their educational objectives; or the University's commitments to community, maintaining and protecting property, keeping records, providing living accommodations and other services, and sponsoring non-classroom activities such as, but not limited to, lectures, concerts, athletic events, and social functions.

Upon satisfactory demonstration that a student or student organization has violated a University policy, rule, or regulation, the student and/or organization may be subject to disciplinary action. The violations listed below are considered in the context of the student's and/or organization's responsibility as a member of the academic community. The following violations indicate categories of inappropriate conduct or activity. Those listed have been delineated in such a way as to give reasonable notice to students that such conduct or attempted conduct is inappropriate. The following list of violations are general in nature and not intended to list every possible violation or behavioral concern which may be resolved through the conduct system.

"Intent to commit" any of these offenses is not a required element to prove the student and/or organization committed any of the offenses. There is no need to prove the student and/or organization "intended" to commit the violation. The fact the student and/or organization committed the act (whether or not they intended to) is sufficient to prove a violation of the *Code*. Whether a student and/or organization "intended" to commit the violation may be used when determining appropriate sanction(s); proof of "intent" in its use in determining an appropriate sanction will rest solely with the student and/or organization.

#### A. Interference with the Educational Mission

1. Violation of a published and/or distributed professional code of ethics to which the student is bound.
2. Violations of any policy, rule, or regulation governing University student residences, including, but not limited to, the Housing *Contract*, a roommate contract, or other official Housing obligations.
3. Unauthorized representation on behalf of and/or to the University, a university officer, or a university employee.
4. Tampering with and/or falsifying official records.
5. Acts of dishonesty, including, but not limited to, cheating, forgery, bribery, plagiarism, fabrication, falsification; misuse of any University document, record, or identification.
6. Disruption of a class and/or classroom activities. Management of the classroom environment rests with the faculty, who may direct a student to leave the class for the remainder of a class period. The student may be subjected to further academic sanctions outside the disciplinary process. Disciplinary sanctions (in addition to any academic sanctions) must be preceded by a disciplinary conference or hearing as set forth in this *Code*.

7. Failure to Comply or Identify. Failure to comply with directions of university officials, security, or any law enforcement officers acting in the performance of their duties and/or failure to identify one's self to these persons when requested to do so.
8. Intentionally and substantially interfering with the freedom of expression of others to the extent the affected person feels his/her freedom to express themselves is prevented or is otherwise subject to improper constraint.

## B. Offenses Harmful to the Safety and Environmental Health of Others

1. Physical assault or attempted physical assault.
2. Harassment, intimidation, or stalking.
3. False Report of Emergency. Causing, making, and/or circulating a false report or warning of fire, explosion, crime, flood, or other emergent circumstances.
4. Unauthorized use and/or possession of explosive components, chemicals, dangerous weapons, and similar; such as fireworks, firearms, weapons, explosives, gas or compressed air, knives, pellet guns, BB guns, stun or zip guns, paint ball guns, dangerous chemicals, and/or violation of regulations concerning possession of firearms and/or dangerous weapons. "Dangerous weapons" include those listed herein as well as those as may be defined under the laws of the State of Ohio and the United States.
5. Lewd, vulgar, and/or indecent behavior.
6. Disorderly conduct that interferes with University-authorized activities, including teaching, research, administration, and/or other activities conducted, sponsored, and/or permitted by the University.
7. Violations of alcoholic beverage regulations.
8. Possession, distribution, use, and/or sale of illegal drugs as defined by the laws of the State of Ohio, federal law and/or the SSU Drug Free Policy.
9. Creation of a fire hazard or other dangerous condition.
10. Restriction of normal traffic flow into and/or out of university facilities.
11. Hazing (as defined by law of the State of Ohio) to coerce and/or force another to do any act, for initiation into, and/or as a condition of participation in a student organization or activity, that causes and/or creates a substantial risk of causing mental and/or physical discomfort, embarrassment, harassment, and/or ridicule to any member and/or prospective member.
12. Placing a person or persons in reasonable fear of imminent physical harm.
13. Sexual harassment.
14. Sexual assault.
15. Communication of a threat (verbal abuse).
16. Committing or attempting to commit any misdemeanor or felony offense as defined under the laws of the jurisdiction wherein the event occurred and/or under the laws of the United States.

## C. Offenses Against Property

1. Theft or attempted theft and/or the unauthorized use or possession of university property and/or services and/or the property of others while on university premises.
2. Possession of Stolen Property. Possessing property known to be stolen that may be identified as property of the University and/or any other person or business.
3. Misuse, destruction, and/or defacement of university property as defined above, and/or that of other people, while located on university property.
4. Forcible Entry to Trespass. Forcible and/or unauthorized entry into any building, structure, or facility, or unauthorized entry to and/or use of university grounds.
5. Tampering with fire and safety equipment.
6. Misuse or Abuse of Computers. Misuse and/or abuse of any computer, computer system, service, program, data, network, cable television network, or communication network. Unauthorized access to University networks, theft and/or attempted theft and/or the unauthorized access, use and/or possession of University computers and/or other equipment, programs, or data. Violation of any part or parts of the University's regulations concerning computers and/or technology.
7. Attempting to commit any violations of the rules/regulations listed above.

#### D. Conduct Code

1. Failure to comply with a sanction(s) imposed by the Conduct Officer or Conduct Committee.
2. Interference with an investigation and/or other procedures defined in this Code.
3. Continued infractions of this Code.
4. Knowingly assisting in the violation of any provisions of this Code and/or presence during any violation of this Code in such a way as to condone, support, or encourage such violation. Students who observe a violation of University policy are expected to remove themselves from participation and are encouraged to report the violation.
5. Falsification, distortion, and/or misrepresentation of information at any point during a judicial process.
6. Attempting to discourage an individual's participation in the judicial system, and/or attempting to influence the impartiality of a member of the judicial system prior to and/or during the course of the judicial process.
7. Influencing and/or attempting to influence another person to commit a violation of the *Code*.
8. Violations of other university policies, including, but not limited to, smoking regulations, recreational sports rules and regulations, and/or any other policy published by Shawnee State University.

#### IV. Sanctions

If a student or student organization admits to a violation of this Code to the Conduct Officer or the Conduct Committee (hereinafter referred to as "officer" or "committee," respectively); or upon determination by the officer or Conduct Committee that the student or organization has committed a violation of the Code, one or more of the following sanctions may be imposed in accordance with the provisions of this Code. "Progressive discipline" is a method of corrective action that may be used; however, Shawnee State University is not required to use "progressive discipline." The officer, committee, or University has broad authority for imposition of sanctions. The following sanctions may be imposed in any order and/or in any combination deemed appropriate by the University.

- A. **Dismissal.** Permanent separation from the University, and exclusion from University premises, privileges, events, and activities. This action will be recorded permanently on the student's academic transcript, but may be removed by the Vice President for Student Affairs after five years, for good cause. The burden of showing "good cause" rests with the student requesting relief from this provision. A student or student organization may be readmitted if, at some future time, it can be demonstrated that another opportunity is warranted. The burden of demonstrating that another opportunity is warranted rests with the student or student organization requesting re-admittance.
- B. **Suspension.** Separation from the University for a stated period of time and/or until stated condition(s) is (are) met, and exclusion from University premises, privileges, events, and activities. Suspended students or student organizations must petition Vice President for Student Affairs or designee for readmission. This action will be recorded on the student's academic transcript, but may be removed by the Vice President for Student Affairs after four years, for good cause. The burden of showing "good cause" for having the suspension removed, being readmitted or having the action removed from the student's academic transcript rests with the student and/or student organization requesting relief from this provision.
- C. **Deferred Suspension.** Suspension that is delayed or deferred, pending specified behavioral performance. A finite period of observation and review occurs during the deferred suspension. If a student or student organization is again found responsible for violations of the *Code*, or fails to meet the behavioral performance, the suspension will take place immediately without appeal.
- D. **Disciplinary Probation.** Exclusion from participation in extra-curricular institutional activities for a specified period of time; or from participation in specific institutional activities, events, or programs that may include representation of the University on athletic teams and/or holding leadership positions in any student club or organization. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this *Code* during the period of probation will normally result in suspension or dismissal from the University. Notice of this action will be recorded on the student's academic transcript, but may be removed by the Vice President for Student Affairs after two years, for good cause. The burden of showing "good cause" rests with the student requesting relief from this provision.
- E. **Official Censure.** A written reprimand to the student for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. Notice of this action may appear on the student's academic transcript, but may be removed by the Vice President for Student Affairs after one year, for good cause. The burden of showing "good cause" rests with the student requesting relief from this provision.
- F. **Official Warning.** Notice to the student, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional action.
- G. **Restitution.** Payment up to the replacement value of the items damaged (but not to exceed same), costs for cleaning, staff time, materials, supplies, and similar charges related to the violation and/or the adjudication of the violation.
- H. **Educational Sanction.** An order requiring the student or student organization to perform mandated service or to participate in educational programs or activities, including, but not limited to, educational seminars, research or educational projects, educational programs for alcohol or other drugs, treatment programs for alcohol or other drugs, psychological counseling, or any other programs, tasks, or events designed to assist the student in learning more about how their behavior(s) affect themselves and/or the community.
- I. **Other Action.** Such other action as the committee or officer, within reason, may deem appropriate (e.g., counseling assessment and compliance; fines; denial of financial assistance from programs funded by the University, removal from or reassignment of University housing; prohibition of contact with specified person(s); withholding of registration, diplomas, transcripts or other records; and payment of costs for educational programs).

Attempts to commit acts prohibited by this *Code* may be punished to the same extent as completed violations.

Any violation of this *Code* motivated by consideration of race, gender, color, religion, ancestry, national origin, age, disability, veteran status, sexual orientation, or other protected status under federal and/or state statutes and/or University policy may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation.

Students who fail to complete sanctions will have a disciplinary hold placed on their records, affecting their ability to perform registration, transcript, and other functions, and may receive additional judicial charges. Disciplinary holds will not be lifted until sanctions are completed. Unpaid fines, restitution, and other charges may be referred to the Ohio Attorney General for collection and prosecution.

The University reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious disciplinary violations committed by a student prior to the student's graduation.

### Fines for Violations of the Student Code of Conduct

Violation of the Student Code of Conduct/University Policies may also include assessment of fines. Fines are in addition to restitution, educational sanctions, community service, and/or any additional sanctions resulting from disciplinary action. The fines are designed to provide deterrents to prospective violators, and to assign accountability to actual violators. The violations in the following list represent behaviors that contradict the mission of the University and often result in damage to University property or hazards to individual safety. This list is not exhaustive, and may be amended at the discretion of the Vice President for Student Affairs.

- Moving a fire extinguisher or tampering with any safety related system, i.e. fire suppression system, sprinkler heads, smoke detectors, carbon monoxide detectors, etc. \$750.00.
- Discharging a fire extinguisher. \$750.00, plus costs for clean-up, repair, replacement, and/or refill.
- Creating a false fire alarm. \$1,000.00, plus restitution for all costs associated with the false alarm, including, but not limited to, costs of any municipal and/or county fire responses.
- Misuse of University telephone system (e.g. conducting private for profit business, unauthorized use of an access code, telephone harassment, obscene greetings or messages on voice mail, etc.). \$100.00.
- Misuse of University campus computer network (e.g. conducting private for-profit business(es) unauthorized use of passwords, e-mail harassment, unethical conduct, computer lab violations, etc.). \$100.00.
- Violation of cafeteria rules and regulations. \$100.00.
- Defacing University property (e.g. painting on walls, etc.). \$50.00 – \$400.00, plus costs for clean-up, repair, and/or replacement.
- Failure to follow proper residence hall check-in/check-out or room change procedures. \$150.00.
- Violation of residence hall visitation policy. \$25.00.
- Violation of alcohol policy. \$150.00 fine for first violation, in addition to the costs for educational programming. The fine increases by \$100.00 increments for each additional violation.
- Violation of noise policy. \$25.00 fine for first violation, increasing by \$50.00 increments for each additional violation. For noise violations in the residence halls, authorized full-time University staff may confiscate equipment or property interfering with the noise policy. The student may request the equipment or property be sent to a non-campus location at the sole cost and/or expense of the student.
- Pets in campus living units. \$35.00 (per day of violation), plus costs for clean-up, repair, replacement, infestation treatment, and/or other restitution. Use of guide animals shall be reviewed by appropriate university officials. Failure to ensure proper behavior of any guide animal, including, but not limited to, damage caused by the guide animal, interference with the orderly and safe operation of the university, infestation and clean-up, may result in the guide animal being banned from campus.
- Failure to properly dispose of trash inside living quarters or in the immediate outside area. \$25.00 – \$100.00

Fine amounts are subject to change with 14 day notice to students.

## v. Procedures

**Initiation** Person(s) witnessing or experiencing what they believe to be a possible code violation should provide an authorized university official with the information. Information and/or complaints about possible code violations occurring in residence halls should be provided to a Residence Advisor or the University Housing office in the Office of Student Affairs. Information and/or complaints about possible non-residence hall related code violations should be provided to the Dean of Students in the Office of Student Affairs. In cases where the alleged activity may involve a violation of criminal law in addition to a violation of the code, information and/or complaints should be provided to University security, Portsmouth police department or other appropriate law enforcement agency. The university will review all information and/or complaints received and may conduct a preliminary investigation of the alleged violation.

**Review and Investigation of possible code violation** A designated employee from University Housing, the Dean of Students, other designated university personnel are authorized to investigate alleged student conduct violations. University security may also assist with an investigation. Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include, but is not limited to, taking no further action, deferring further action with or without conditions, or initiating charges.

**Notice of charges** Students shall be notified of the charge(s), the complaint(s), the date(s) of alleged occurrence(s), the Code section(s) which is (are) alleged to have been violated, the maximum possible sanction which may be imposed, date of hearing, and the student's rights of appeal.

This notice shall be given in writing to the student, mailed by way of U.S. mail or campus mail, to the last known address of the student as provided by the student to the University Registrar, or e-mailed to the student at the official University address. Delivery of the notice shall be deemed complete three (3) calendar days from the date of sending unless the student indicates receipt of the notice prior to the expiration of the three (3) calendar days. The student may be given the written notice by personal delivery, for signed receipt.

**Emergency Suspension, Interim Suspension** If the Vice President of Student Affairs or designee has reasonable cause to believe the presence of the student or student organization at the University could result in possible danger of physical harm or emotional safety and well-being to person, persons, or property at the University, or poses a threat to the stability and continuance of normal University functions, the Vice President of Student Affairs may immediately suspend a student or student organization for an interim period, pending disciplinary and/or criminal proceedings, medical / psychological evaluation, and/or substance abuse evaluation. A disciplinary hearing or decision will be made without undue delay.

An interim suspension shall be operative immediately upon receipt of notice (verbal or written) of the suspension and the reasons therefore. A student or student organization suspended on an interim basis shall be given a prompt opportunity to appear personally before the Vice President of Student Affairs or a designee for an interim suspension hearing to discuss the reliability of the information concerning the conduct, including the matter of identity; and/or whether the conduct and surrounding circumstances reasonably indicate the continued presence results in possible danger of physical harm or emotional safety and well-being to person, persons, or property at the University or poses a threat to the stability and continuance of normal University functions. It is within the discretion of the Vice President for Student Affairs or designee to allow a parent, legal guardian or other advisor to attend and/or to remain in the meeting with the student and/or organization.

If, after a hearing on the charges, the accused student is found not responsible for the charges, he/she will receive an excused absence for the interim suspension period.

## Hearing Procedures

The Dean of Students, shall perform the functions of Chief Conduct Officer and s/he shall convene the Conduct Committee. The Dean of Students shall not be a voting member of a formal Conduct Committee hearing. The Vice President of Student Affairs may designate the Associate Director of Student Housing and other Office of Student Affairs employees to serve as other conduct officers.

The Ohio Rules of Evidence, as well as rules of civil and criminal procedure, applicable to civil and criminal cases, shall not apply in any student conduct proceedings.

- A. Informal Hearing / Mediation: The Conduct Officer may attempt to informally resolve any disciplinary matters with the student and/or organization through informal hearings, mediation, or consultation with the student and/or organization. This can include, but is not limited to, imposition of any sanction or sanctions set forth in the Code. Once an informal resolution is reached, the student and/or organization will be presented with a written notice of resolution. The student and/or organization shall sign the written notice of resolution acknowledging acceptance of the terms and conditions therein. There is no appeal from any signed informal resolution.

The student and/or organization may refuse/decline an informal resolution prior to signature of the written informal resolution agreement. Upon refusing/declining informal resolution, the matter shall proceed in accordance with the processes set out in the *Code*.

The student and/or organization shall acknowledge in writing that they are refusing/declining informal resolution and that they waive any and all rights associated with Family Education Rights and Privacy Act (FERPA) and/or the Health Insurance Portability and Accountability Act (HIPAA) they may have during any formal hearing in this matter.

- B. Administrative Hearing

If a student fails to schedule or attend a hearing, the case will be heard in the student's absence and the student will be informed of the decision in writing as set forth in this Code.

The student may be accompanied by an advisor. Advisors may not directly participate in the hearing proceedings. If that person happens to be an attorney, that person may not act as attorney during the hearing. The Conduct Officer may order the removal of any person from the hearing, including, but not limited to, the student, advisors or any other person, who is disruptive during the hearing. "Disruptive" conduct may include, but is not limited to, continued interruption of the proceedings and/or attempts to participate in the hearing.

During the hearing(s), the officer may hear and consider any relevant information. The determination of what is and is not relevant rests solely with the Conduct Officer. In cases involving multiple students charged, information provided at one hearing may be used as relevant information in the related case(s). When two or more individual cases stem from the same incident, those cases may be heard jointly. Information relevant to one case may be used in other related cases, whether or not heard jointly. In cases where information regarding an accused student may prejudice the other accused student(s), the case may be heard separately.

The conduct officer shall summarize the information in writing, and either dismiss the case, or impose appropriate sanctions. Sanctions shall become operative within five (5) business days after notice (verbal or written) thereof has been given to the student. Sanctions shall be stayed in the event the student appeals in accordance with this *Code* (See *Right of Appeal*), or the conduct officer decides further investigation is warranted.

A written decision and notification letter will be sent to the student via postal mail or e-mail within ten (10) business days from the conclusion of the hearing to the last known address of the student as provided by the student to the University Registrar. This time limit may be extended if necessary at the discretion of the hearing officer but without undue delay.

### C. Right of Appeal

The student may appeal written decisions of the Conduct Officer or the Dean of Students (Chief Conduct Officer) by notifying the Office of the Vice President of Student Affairs. All appeals must be in writing and must state the specific ground(s) for the appeal.

This written appeal must be received within five (5) business days after the student has received notice of the findings. Unless extraordinary cause is shown, "notice" shall be deemed to have been received three (3) calendar days after the notice is mailed.

#### Appropriate Appeal Officers and Conduct Committee

An appeal from a decision from a regular conduct officer will be reviewed by the Dean of Students or designee. The appeal may be decided upon a review of the record. The Dean of Students may also request additional written information or an oral presentation from any relevant person prior to making a decision.

An appeal from a decision of the Dean of Students will initially be reviewed by the Vice President of Student Affairs or designee and may be directed to the Conduct Committee for a full hearing. The student may specifically request that the appeal be heard before the Conduct Committee. If the appeal includes a sanction of suspension or dismissal the request for an appeal to the Conduct committee will be granted. Otherwise the Conduct Committee's decision to grant a hearing is discretionary. Appeals reviewed by the Vice President of Student Affairs or designee will follow the same process as appeals conducted by the Dean of Students.

The student is limited to one appeal and the decision of the appeal officer or appeal committee (conduct committee) is final.

#### Conduct Committee Hearing

1. After written notification from the Office of Student Affairs, the Chairperson of the Conduct Committee, or designee, shall, as soon as practicable:
  - a. Notify, in writing, the conduct officer and the student of a date, place, and time for hearing with the hearing normally to be held not earlier than three (3) class days, no later than seven (7) class days after issuance of notification by the committee. This time period may be extended as reasonably necessary .
  - b. List the names of members of the committee in the notice to the student.
  - c. Make arrangements for the keeping of a record of the proceedings of the committee hearing.
    - i. At the sole discretion of the Chairperson of the Committee, the proceedings may be tape recorded. Tape recording of the meeting shall be deemed a sufficient record of the proceedings of the committee hearing. The student may request a copy of the tape recording of the proceedings at the University's costs, payable prior to delivery of the record to the student.
    - ii. If the student or advisor(s) records the meeting, a true copy shall be provided to the University.
2. Composition of Committee
  - a. The committee shall consist of five members: two faculty members and one alternate faculty member appointed by the Committee on Committees of the University Faculty Senate; two student members and one alternate student member appointed by the Student Government Association; and one administrative staff member and one alternate administrative staff member appointed by the University Administrative Assembly.
    - i. The President of the University, or designee, will select one of the faculty members to serve as Chairperson of the Committee. The President or designee will select a vice-Chairperson to serve in the absence of the Chairperson. At least one (1) student and two (2) of the other four (4) members must be present to hear a case.

- A. The student and/or organization accused of the violation may waive the requirement for the presence of the student representative, as long as at least three (3) members of the committee are present.
      - B. If the student member of the committee is not present and the student and/or organization accused of violation does not waive the presence of the student representative, the hearing will be rescheduled to a new date with appropriate consideration to established timelines.
    - ii. Each committee member will serve a two-year term commencing at the time of appointment. If an alternate member permanently replaces a member of the committee, he/she shall serve the remaining unexpired term.
  - b. The student accused of the violation, the officer, and the complaining witness have the right to challenge for cause any member of the committee by submitting to the committee Chairperson a written memorandum stating the grounds for this challenge at least two (2) days prior to the scheduled meeting. Removal of members for cause shall be within the authority and at the discretion of the Chairperson of the committee or the vice Chairperson if the Chairperson is unable to exercise that function or is challenged for cause. The decision to grant or not grant the request for removal of a hearing committee member or Chair may not be appealed.
3. Hearing Preliminaries
  - a. At any proceeding before the committee, the officer, the student, or other party to the hearing may have the assistance of no more than one (1) advisor.
  - b. If the student or the charging party (either the officer or a complaining witness) is not present at the time appointed for the hearing, the committee shall first attempt to determine the reason for that person's absence. The committee may proceed in a normal manner or may continue the hearing to a later date. The committee may not consider the absence of a party as relevant to whether the accused committed the alleged violation of the Code.
    - i. The advisor for the student present at the hearing in the absence of the student shall not participate in the hearing other than to explain why the student is not present.
    - ii. All rules applicable to the advisor as set forth in the Code shall apply in these circumstances, regardless of whether or not the committee proceeds with the hearing.
4. Hearing Procedures
  - a. The responsibility for recognizing and calling persons to speak lies solely with the Chairperson. Upon request of the student or the Conduct Officer, all witnesses shall be excluded from the hearing except during their particular testimony. The witness(es) shall be admonished by the Chair to not discuss their testimony with any other witness, the student or the Conduct Officer until after the hearing.
  - b. Persons unruly or disruptive to any stage of the hearing may be removed at the discretion of the Chairperson.
  - c. The Conduct Officer shall first present the results of the investigation and/or the charges against the student. Under such conditions, the person may be subject to additional charges for violations of this Code related to behavior during the hearing process.
  - d. The officer and/or the complaining witness may present oral testimony and/or written statements from any person, including the accused student.
  - e. The student may then present a written documentation or oral testimony from the student and/or other witnesses.
  - f. At any time during the proceedings, members of the Conduct Committee may question witnesses or parties to the proceeding; witnesses or parties may ask questions at the discretion of the Chairperson.
  - g. Advisors may serve only in an advisory capacity to the accused student. Advisors may not speak on behalf of the student or otherwise participate directly in the proceedings. Failure to adhere to this rule may cause the exclusion of the advisor.
  - h. After the presentation of all the information to the committee, each party may present statements to the Committee on the applicability of this Code or the interpretation of any sections herein. At this time, the officer and/or the student may make recommendations to the committee as to the appropriate sanctions should a violation(s) be found to have been committed.
  - i. During the hearing the Committee may consider any relevant information, shall not be bound by the strict rules of legal evidence, and may take into account any information which is of value in determining the issues involved. Efforts will be made to obtain the most reliable information available.

- j. After all parties present their respective information, the committee shall separately convene to determine whether the student has committed the alleged violation and, if so, the sanction(s) to be imposed. A member should vote against the accused student only if convinced by the preponderance of the information presented that the accused student has committed the act(s) as charged. A majority vote of the committee members present and voting shall prevail. The committee Chairperson is entitled to a vote.
- k. Within three (3) business days after the hearing is closed the committee shall inform the student and the Conduct Officer in writing of the decision. The written decision may be sent to the student by mail by the Conduct Officer. The written decision shall be deemed received by the student three (3) calendar days from the date the written decision was mailed to the student. Any disciplinary sanctions imposed by the committee shall be operative immediately unless otherwise specified.
- l. The written notice to the student of the finding of the committee shall include:
  - (1) The facts found to be true.
  - (2) The section of this Code found to have been violated.
  - (3) The disciplinary sanction imposed or other sanction to be taken.

There is no appeal route beyond the Conduct Committee. Decisions of the Conduct Committee are final.

### *Academic Misconduct*

Academic misconduct is defined as any activity that tends to compromise the academic integrity of the institution or subvert the education process.

Examples of academic misconduct include, but are not limited to:

1. Violation of course rules as contained in the course syllabus or other information provided the student;
2. Providing or receiving information through whatever source during exams and quizzes or providing or using unauthorized assistance in the laboratory, at the computer terminal, or on fieldwork;
3. Plagiarism, whether it occurs in the classroom (i.e., through the use of term papers or laboratory reports from any source other than the student's own work) or anywhere else within the Shawnee State community;
4. Serving as, or enlisting the assistance of, a "ringer" or substitute for a student in the taking of examinations;
5. Alteration of grades or marks by the student in an effort to change the earned grade or credit;
6. Alteration of university forms used to drop or add courses to a program or unauthorized use of those forms; and
7. Failure to report incidents of academic misconduct.

When a faculty member decides to bring a charge of academic misconduct, the faculty member shall notify the Chairperson of his/her department, or if no Chairperson exists, his/her Dean, before entering the charge against the student. Such Chairperson or Dean shall be available to consult with and advise the faculty member throughout the subsequent proceedings. The faculty member will meet with the student and inform the student of the allegations. The faculty member will listen to the student and will fairly consider the information provided by the student. After consideration, the faculty member will determine the sanction. Academic misconduct may result in dismissal from a class with appropriate grades or a major program depending on the individual case and the decision of the faculty member. The faculty member must document the meeting and decision to the department Chairperson and/or the Dean.

A student charged with academic misconduct may appeal the decision of the faculty member to an appeals committee. The appeals committee is composed of five voting faculty members representing the College of Arts and Sciences and the College of Professional Studies and the Provost (or designee) who will act as Chairperson. Three faculty members will represent the college in which the student is enrolled and two committee members represent the remaining college. The decision of the academic appeals committee is final.

Any charge of academic misconduct outside the classroom may be brought by the administrator, faculty advisor, or faculty representative affiliated or otherwise involved with the organization or activity within which the misconduct allegedly took place.

Additional sanctions as set forth in this Code may be imposed on the student.

### *Parent and Guardian Notification*

In fall, 1998, Congress created the Higher Education Amendments of 1998 which amended the Family Rights and Privacy Act of 1974 to allow colleges and universities the option to inform parents/guardians of alcohol and drug offenses committed by their students who are under the age of 21. In an effort to form a partnership with parents in supporting development and responsible behavior and to discourage inappropriate behavior, especially concerning alcohol and drug abuse problems, Shawnee State University has developed the following guidelines in regard to parental notification.

#### *Alcohol Violations*

Parental notification may occur in the following instances involving students under the age of 21:

- Any violation of alcohol policy, based on the decision of the housing officer.
- Medical attention to any person, including the student, is required as a result of the student's alcohol-related behavior.
- Student demonstrates reckless disregard for his or her own personal safety or the safety of others.
- The incident involves non-university authorities brought to campus.
- Behavior of the student or the student's guest requires a significant response from university staff.
- Student or guests are uncooperative or combative with University personnel.
- Student's alcohol-related behavior negatively impacts the learning environment.

#### *Drugs/Illegal Substances Violations*

Parental notification may occur in any instances where students under the age of 21, or students over the age of 21 are found responsible for the use, sale, or possession of drugs or illegal substances.

#### *Procedure*

Parental notification shall take place at the time and manner determined by the Conduct Officer. Often, notification occurs in the form of a letter stating that their student has been found in violation of an alcohol or drug policy. No specific information regarding the incident will be reported in the letter. The parent may discuss the situation with their student and request further details from the University if necessary. Letters will be sent to the permanent address on file in the Office of the Registrar. The Hearing Officer may also call the parent to provide parental notification. Often, this is done with the student in the office with the Hearing Officer.

#### *Danger to self or others; exigent circumstances*

The University reserves the right to contact the parent(s) and/or guardian(s) of any student (of any age) if the University believes the student represents a danger to self or others, or if the student is involved in a situation (such as hospitalization) where there is a belief exigent circumstances indicate contact is necessary.