

Shawnee State University

Student Conduct Code

Statement of General Principles

It is expected students will conduct their affairs with proper 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*. The severity of the imposed sanctions will be appropriate to the violation.

In seeking to encourage responsible behaviors, the University places much reliance upon personal example, counseling, 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

The Shawnee State University Student Conduct Code shall apply to the following:

- A. Any person that has applied for admission or is enrolled in any course or program offered by the University at the time of the alleged violation.
- B. Any recognized student organization.
 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. Occurring on university real property, including any leased property; or
 2. Involving university personal property wherever so located; or
 3. 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
 4. 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
 5. 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.

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.

"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 State of Ohio and 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, including association with, and/or presence during, any violation of this Code.
 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.

V. **Procedures**

The Vice President for Student Affairs, or designee, shall perform the functions of Conduct Officer and s/he shall convene the Conduct Committee. The officer shall not be a voting member of a formal Conduct Committee hearing.

Administration and interpretation of the Student Conduct Code shall be solely within the jurisdiction of the Conduct Committee and the President or his/her designee, such interpretation being pursuant to the procedures of this *Code*. Ohio Rules of Evidence, as well as civil and criminal procedure, applicable to civil and criminal cases, shall not apply in any student conduct proceedings.

If the officer determines that the presence of the student or student organization at the University 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, the officer will refer the case to the Vice President for Student Affairs. The Vice President for Student Affairs may suspend a student or student organization for an interim period, pending disciplinary or criminal proceedings, or medical / psychological evaluation. The Vice President for Student Affairs may immediately suspend the student or student organization

until the committee convenes to hear the case. The maximum period of such an interim suspension prior to an interim suspension hearing shall normally be ten business days. 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 for 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. The student and/or organization may not be accompanied by legal counsel at this meeting. 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.

A. Responsibilities of Conduct Officer.

1. Investigation: The officer shall initiate, investigate, or supervise the investigation of alleged violations of this Code that are brought to his/her attention by university officials, faculty, employees, students, or members of the general public.
2. Informal Hearing: The Conduct Officer may attempt to informally resolve any disciplinary matters 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*. The student and/or organization will be presented with a written notice of resolution if an informal resolution is achieved with the student and/or organization. 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.
 - a. 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*.
 - b. 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.
3. Upon conclusion of the investigation, the officer shall notify the student 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.
 - a. This notice shall indicate if the hearing is to be before the officer or committee.
 - b. 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, such delivery acknowledged in writing by the Conduct Officer.
 - c. If the hearing is to be before the committee, this notice will afford the student the opportunity to meet with the officer at a designated time and place for a pre-hearing conference.

B. Administrative Hearing(s)

1. If a student fails to schedule or attend a hearing, the case will be heard in the student's absence and they will be informed of the decision in writing as set forth in this Code.
2. During administrative hearing(s) with the student, no party present shall be accompanied by legal counsel. The student may be accompanied by an advisor who may be a parent, legal guardian, another student, faculty, or staff member. If that person happens to be an attorney, that person may not act as attorney during the hearing.
 - a. Advisors may not directly participate in the hearing proceedings. 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.
3. 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.

- a. In cases involving multiple students charged, information provided at one hearing may be used as relevant information in the related case(s).
 - b. 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.
 - c. In cases where information regarding an accused student may prejudice the other accused student(s), the case may be heard separately.
4. The officer shall summarize the information in writing; and
 - a. Dismiss the case, or
 - b. Impose appropriate sanctions. Sanctions shall become operative within five 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 Section C below), or
 - c. Conduct further investigation as may be necessary.
 - d. 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.
- C. Right of Appeal
1. Administrative Appeal: The student may appeal written decisions of any conduct officer to the senior conduct officer, the Vice President for Student Affairs, or designee.
 - a. The student and/or organization shall acknowledge in writing that they waive any and all rights associated with FERPA, and HIPAA (if psychological and/or mental health issues are involved).
 - b. Such appeal shall be submitted to the Vice President for Student Affairs in writing; shall state the specific ground(s) for the appeal; and shall request a review by the Vice President for Student Affairs. This written appeal must be received by the Vice President for Student Affairs 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.
 - c. The Vice President for Student Affairs will review the appeal request and determine whether or not to grant a hearing of the appeal.
 - d. Appeals to the Vice President for Student Affairs will be conducted with the same requirements as noted in V.B.
 2. Written decisions (hearings or appeals) from the Vice President for Student Affairs may be appealed to the Conduct Committee ("committee").
 - a. The student and/or organization shall acknowledge in writing that they waive any and all rights associated with FERPA and HIPAA (if psychological and/or mental health issues are involved).
 - b. Such appeal shall be submitted to the Conduct Officer in writing and shall state the specific ground(s) for the appeal and shall request a review by the committee. This written appeal must be received by the officer within five (5) business days after the student has received notice of the findings. The officer shall promptly forward the appeal to the committee. Unless extraordinary cause is shown, "notice" shall be deemed to have been received three (3) calendar days after the notice is mailed.
 - c. The committee will review the appeal request and determine whether or not to grant the appeal. Requests for appeals of suspension or dismissal actions by the Conduct Officer will automatically be granted by the committee.
- D. Formal Hearing(s) Before the Conduct Committee
1. After written notification from the officer, the Chairperson of the committee, or designee, shall, as soon as practicable:
 - a. Notify, in writing, the 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 for summer and/or winter breaks as appropriate.
 - 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 record 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 continued 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. If the case involves suspension or dismissal, the student may also have no more than one (1) legal counsel present. The student may have no more than one (1) advisor and one (1) legal counsel present at the hearing. If the student chooses to bring legal counsel to the hearing, the Conduct Officer shall be notified in writing at least 5 (five) business days prior to the hearing so that University legal counsel may be present at the hearing. Failure to notify the Conduct Officer in writing at least 5 (five) business days prior to the hearing that legal counsel for the student will be present at the hearing shall cause the exclusion of the student's legal counsel from the hearing. This rule shall apply if the "advisor" as defined above is also, incidentally, a lawyer. Failure to follow this rule shall not be "good cause" to continue the hearing.
 - i. "Legal counsel" must be licensed to practice law in the State of Ohio.
 - ii. The role of legal counsel and/or advisors is explained in V.D.4.g.
 - b. The hearing shall be open, except at the request of the accused student, or the complainant, to close the hearing. The committee Chairperson may close the hearing in order to protect complaining witnesses or other parties regardless of any request by any person. The advisor and/or legal counsel for the student may remain in the room if the hearing is closed.
 - c. 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. Legal counsel or 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 legal counsel or 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. Legal counsel or advisors may serve only in an advisory capacity to the accused student. Legal counsel or 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 legal counsel or 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 go into executive session 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.
 - (4) The student's right to appeal and a statement of the expiration date for the filing of that appeal.
- E. Right of Appeal Beyond Conduct Committee

In the event the committee approves a sanction of suspension or dismissal, the student may request review by the President or his/her designee. A request for review must be made within three (3) business days and delivered to the Conduct Officer. The student must include all relevant material for consideration in the appeal at the time the student files the request for review. The Conduct Officer may extend the time for appeal at his/her sole discretion, for a showing of good cause. The burden of showing "good cause" rests with the party requesting the extension.

The appeal shall be in writing and limited to:

1. Review of the procedures followed.
2. Appropriateness of the sanction.

The Conduct Officer shall send the request for review to the President or his/her designee within five (5) business days of receipt. The Conduct Officer may include whatever material appropriate for review by the President or his/her designee. Such included material shall be limited to evidence presented at the hearing, including a copy of the record of the proceedings. The Conduct Officer may also include any written rebuttal deemed necessary and/or appropriate. The student may not file any other material other than what was included in the request for review nor may the student file a response, written or otherwise, to the Conduct Officer's written rebuttal.

The President or her/his designee shall reach a decision on the appeal within a reasonable time defined as no later than sixty (60) business days from receipt of the appeal from the Conduct Officer. The student has no right to meet with the President or her/his designee regarding the request for review.

The President or her/his designee may, in the alternative, or in any combination:

- a. Uphold the sanction imposed;
- b. Reduce the sanction imposed;
- c. Increase the sanction imposed;
- d. Dismiss the action;
- e. Send the action back for further investigation; or,
- f. Send the action back with instructions

The decision of the President or his/her designee shall be final and shall be communicated to the student in writing to the last known address of the student as provided by the student to the University Registrar.

Student Rights at Formal Hearings

The purpose of formal campus hearings before the campus Conduct Committee is to provide a fair evaluation of the student's responsibility for violating University regulations. Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student respondent or the University may result. The student shall be afforded the following protections:

- a. The student shall be presumed not responsible until proven responsible by a preponderance of the information.
- b. The accused student has the right to have an advisor with him/her, but such advisor may not be a person other than a parent or guardian, a full-time student at SSU, or a member of the faculty or staff of SSU, and legal counsel if the case involves suspension or dismissal.
- c. The accused student shall be entitled to be present throughout the presentation of information and presentation of testimony of witnesses unless removed by the Hearing Officer or Committee Chair for disruptive behavior. Those affected by a violation of any offense are entitled to be present at all proceedings unless removed by the Hearing Officer or Committee Chair for disruptive behavior.
- d. The accused student shall not be required to speak. The student's exercise of this right shall not be held against the student.
- e. The accused student shall have the right to present witnesses and information in his/her behalf. Such witnesses and information shall be relevant to the charges before the Conduct Officer or hearing committee.
- f. The accused student shall have the right to review all information that will be presented at the hearing at least three (3) calendar days prior to the hearing. The material shall be available for review during normal business hours at the office of the Conduct Officer or at any other place at the University as designated by the Conduct Officer. The student may request in writing and at the student's expense, copies of the material that will be presented at the hearing at least three (3) days prior to the hearing. The student shall provide to the Conduct Officer a list of the material the student may present at the hearing at least one (1) business day prior to the hearing.
 - i. The Conduct Officer and the student shall exchange the names of all witnesses that shall present testimony at the hearing at least two (2) days prior to the hearing. This exchange may be done in writing or by e-mail to the last known e-mail address of the student.
 - ii. Except for rebuttal witnesses and other material, failure to provide the names of the witness(es) and/or material may result in such being excluded from being presented at the hearing. Material that could reasonably be considered to be in the possession of the student need not be provided to the student by the Conduct Officer.
- g. In cases involving the appeal of the sanctions of suspension or dismissal, the student has the right to have legal counsel present at the hearing within the parameters set forth in the *Code*. Students retain attorneys in such cases at their own expense and shall not be reimbursed for such expense regardless of the outcome of the matter.
- h. The student shall be entitled to an expeditious hearing of the case taking into consideration all circumstances relevant to the matter. The student and/or the Conduct Officer may request extensions of time for any process under the *Code* upon request of the other.
- i. No accuser will be permitted to participate in a judicial body that is hearing a case except as a witness.
- j. Recommendations and actions of the Conduct Officer or the Conduct Committee must be placed in the mail to the student and the Vice President for Student Affairs no later than three (3) business days after the hearing.
- k. The student may challenge the participation of the Conduct Officer for good cause. Merely disagreeing with current or past disciplinary matters conducted by the Conduct Officer shall not be deemed good cause. The challenge shall be filed with the Chair of the Conduct Committee who shall render a decision within two (2)

business days of receipt of the challenge. The decision of the Chair shall be communicated in writing to the student and the Conduct Officer and shall be final.

- i. If the Conduct Officer is removed for cause, the Vice President (or President if the Vice President is the Conduct Officer removed) shall appoint a new Conduct Officer. All time lines set forth herein shall be reset as if the matter was starting over from the beginning.

Complainant Rights at Formal Hearings

The hearing shall be held in compliance with the guidelines in the Student Conduct Code. The complainant shall be guaranteed the following rights/protections:

- a. The complainant may have an advocate to assist the individual in understanding the rights and options available as well as provide support throughout the disciplinary hearing process. The advocate may be appointed by the Vice President for Student Affairs or selected by the complainant, who shall provide the name and contact information in writing to the Vice President for Student Affairs. The advocate may not act as a witness at the hearing absent extraordinary circumstances as determined by the Hearing Officer or the Committee Chair.
- b. The complainant shall be entitled to be present throughout the presentation of information and the presentation of testimony of witnesses at the conduct hearing. The presence of the complainant shall be deemed necessary by the University for purposes of FERPA.
- c. The complainant shall not be required to testify. The complainant's exercise of this right shall not be held against the complainant in any decision rendered after the hearing.
- d. The complainant shall have the right to present witnesses and information but only through and at the sole discretion of the Conduct Officer and deemed relevant by the Conduct Officer to the matters charged.
- e. The complainant shall have the right to review all material information presented in the hearing by either the Conduct Officer or the charged student.
- f. The complainant is entitled to a written copy of the disciplinary action taken as a result of the hearing but not the actual written report.
- g. The complainant has no right of appeal of the decision of the Conduct Committee.
- h. If there is an appeal of the decision of the Conduct Committee to the President of the University the complainant may submit a written statement to the President. The Conduct Officer shall inform the complainant in any manner deemed sufficient by the Conduct Officer that an appeal has been filed within one (1) day of receipt of the appeal by the Conduct Officer. The complainant has no right to a copy of the appeal filed by the student.

Fines for Violations of the Student Code of Conduct

Violation of the Student Code of Conduct/University Policies may result in sanctions, including 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.

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 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 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. ¹³