

# Exhibit M

## **Code of student conduct (effective June 18, 2012)**

### **3335-23-01 Introduction and purpose**

The code of student conduct is established to foster and protect the core missions of the university; to foster the scholarly and civic development of the university's students in a safe and secure learning environment, and to protect the people, properties and processes that support the university and its missions. The core missions of the university are research, teaching and learning, and service. Preservation of academic freedom and free and open exchange of ideas and opinions for all members of the university are central to these missions.

### **3335-23-02 Jurisdiction**

The code applies to the on-campus conduct of all students and registered student organizations, including conduct using university computing or network resources. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

- A. Academic course requirements or any credit-bearing experiences, such as internships, field trips, study abroad, or student teaching;
- B. Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
- C. Any activity sponsored, conducted, or authorized by the university or by registered student organizations;
- D. Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community; or
- E. 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 of violence.

The code governs all campuses of the university. However, students attending at regional campuses, centers, or institutes are advised to consult their local resources for additional information or rules pertaining to those locations, which may create hearing boards or processes for the locations, consistent with these rules.

The university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

Students continue to be subject to city, state, and federal laws while at the university, and violations of those laws may also constitute violations of the code. In such instances, the university may proceed with university disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.

**3335-23-03 Definitions**

As used in the code,

- A. "University premises" includes all lands, buildings, facilities, and resources owned, leased, managed, or operated by the university.
- B. "Student" includes an individual who has paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction.
  - 1. It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the university, including, but not limited to, those individuals admitted to the University and attending orientation programs.
  - 2. Student status lasts until an individual graduates, is dismissed, or is not in attendance for two (2) complete, consecutive terms.
  - 3. "Student" also includes registered student organizations.
- C. "Members of the university community" include, but are not limited to, students, faculty, staff, and visitors to the campus.
- D. "Complaint" includes a written statement, alleging a violation of the code of student conduct or other published rule applicable to students at the university, provided to an authorized university official, per section 3335-23-05 A. Information submitted by other means will be reviewed and may, at the university's discretion, be acted upon but will not be treated as a formal complaint.
- E. "Crime of violence" includes the offenses stated in Ohio revised code § 2901.01.

**3335-23-04 Prohibited conduct**

Any student found to have engaged, or attempted to engage, in any of the following conduct while within the university's jurisdiction, as set forth in section 3335-23-02, will be subject to disciplinary action by the university. For the purposes of this section, attempt shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct. Any student who abandons an attempt or prevents the prohibited conduct from occurring under circumstances that demonstrate a complete and voluntary renunciation of the prohibited conduct will not be subject to disciplinary action by the university.

- A. **Academic misconduct** Any activity that tends to compromise the academic integrity of the university or subvert the educational 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 to the student;
  - 2. Knowingly providing or receiving information during examinations such as course examinations and candidacy examinations; or the possession and/or use of unauthorized materials during those examinations;
  - 3. Knowingly providing or using unauthorized assistance in the laboratory, on field work, in scholarship or on a course assignment;

4. Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriate unacknowledged use of another person's ideas;
5. Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement;
6. Falsification, fabrication, or dishonesty in creating or reporting laboratory results, research results, and/or any other assignments;
7. Serving as, or enlisting the assistance of, a substitute for a student in any graded assignments;
8. Alteration of grades or marks by the student in an effort to change the earned grade or credit;
9. Alteration of academically related university forms or records, or unauthorized use of those forms or records;
10. Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system; and
11. Violation of program regulations as established by departmental committees and made available to students.

**B. Endangering health or safety**

1. **Endangering behavior** Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action. Relationship violence or intimate partner abuse may constitute endangering behavior.
2. **Stalking** Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action.

**C. Sexual misconduct** Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent, including but not limited to:

1. Non-consensual sexual intercourse, defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by any person upon any person without consent.
2. Non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object by any person upon any person without consent.
3. Sexual exploitation, defined as taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and

knowingly transmitting or exposing another person to a sexually transmitted infection (STI) without the knowledge of the person.

4. Sexual harassment, as defined in applicable university policy.
5. Indecent exposure, defined as the exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the accused may be readily observed.

For the purposes of this rule, consent shall be defined as the act of knowingly and affirmatively agreeing to engage in a sexual activity. Consent must be voluntary. An individual cannot consent who is substantially impaired by any drug or intoxicant; or who has been compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent is impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority. Consent may be withdrawn at any time. Prior sexual activity or relationship does not, in and of itself, constitute consent.

- D. **Destruction of property** Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.
- E. **Dangerous weapons or devices** Storage or possession of dangerous weapons, devices, or substances including, but not limited to, firearms, ammunition, or fireworks, unless authorized by an appropriate university official or permitted by a university policy, even if otherwise permitted by law. Use or misuse of weapons, devices, or substances in a manner that causes or threatens serious harm to the safety or security of others.
- F. **Dishonest conduct** Dishonest conduct, including, but not limited to: knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of university or related documents by actions such as forgery, alteration, or improper transfer; submission of information known by the submitter to be false to a university official.
- G. **Theft or unauthorized use of property** Theft, or the unauthorized use or possession of university property, services, resources, or the property of others.
- H. **Failure to comply with university or civil authority** Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
- I. **Drugs** Use, production, distribution, sale, or possession of drugs in a manner prohibited under law. This includes, but is not limited to, the misuse of prescription drugs.
- J. **Alcohol** Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.
- K. **Unauthorized presence** Unauthorized entrance to or presence in or on university premises.
- L. **Disorderly or disruptive conduct** Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.
- M. **Hazing** Doing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

**N. Student conduct system abuse** Abuse of any university student conduct system, including but not limited to:

1. Failure to obey the summons or directives of a student conduct body or university official;
2. Falsification, distortion, or misrepresentation of information before a student conduct body;
3. Disruption or interference with the orderly conduct of a student conduct proceeding;
4. Knowingly instituting of a student conduct proceeding without cause;
5. Discouraging an individual's proper participation in, or use of, a university student conduct system;
6. Influencing the impartiality of a member of a student conduct body prior to, and/or during the course of a student conduct proceeding;
7. Harassment and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;
8. Failure to comply with one or more sanctions imposed under the code of student conduct; and
9. Influencing another person to commit an abuse of a university student conduct system.

**O. Violation of university rules or federal, state, and local laws** Violation of other published university regulations, guidelines, policies, or rules, or violations of federal, state, or local law. These university regulations, guidelines, policies, or rules include, but are not limited to, those which prohibit the misuse of computing resources, sexual harassment, rules for student groups or organizations, and residence hall rules and regulations.

**P. Riotous behavior**

1. Participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property.
2. Proscribed behavior in the context of a riot includes, but is not limited to:
  - a. Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and
  - b. Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and
  - c. Failing to comply with a directive to disperse by university officials, law enforcement, or emergency personnel; and
  - d. Intimidating, impeding, hindering or obstructing a university official, law enforcement, or emergency personnel in the performance of their duties.
3. This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.

- Q. Recording of images without knowledge** Using electronic or other means to make a video or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.

## **Student conduct procedures**

### **3335-23-05 Initiation and investigation of code violations**

- A. Initiation** Person(s) witnessing or experiencing what they believe to be a possible code violation should provide an authorized university official with the information.
1. Information and/or complaints about possible code violations occurring in residence halls should be provided to the residence hall director.
  2. Information and/or complaints about possible non-residence hall related code violations should be provided to the director of student conduct, or chief student conduct officer for the regional campuses.
  3. Information and/or complaints regarding academic misconduct should be referred to the coordinator of the committee on academic misconduct.
  4. 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 the Ohio state university police 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.

### **B. Investigation**

#### **1. Role of the university**

- a. The Ohio state university police or other appropriate law enforcement agency shall have primary responsibility for the investigation of acts that involve suspected violation of federal, state, local laws, or applicable university policies.
- b. Residence hall directors, assistant hall directors, the director of student conduct, the chief conduct officer for the regional campuses, and other designated university personnel are authorized to investigate alleged violations other than those involving academic misconduct.
- c. The coordinator of the committee on academic misconduct is authorized to investigate allegations involving academic misconduct.

#### **2. Role of other participants**

- a. During the investigation, the student allegedly involved in misconduct may be:
  - i. notified of the alleged violation,
  - ii. requested to make an appointment to discuss the matter, and
  - iii. provided a date by which the appointment must be made.
- b. Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter.

3. Failure to comply with a request to make and keep an appointment relevant to an investigation may result in a disciplinary hold being placed on a student's registration and records and/or the initiation of charges for student conduct system abuse.
4. Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include, but is not limited to:
  - a. Taking no further action,
  - b. Deferring further action with or without conditions, or
  - c. Initiating charges with the appropriate university student conduct body.

### **3335-23-06 Filing of complaint and initiation of charges**

A written complaint alleging a violation of the code of student conduct should be filed with the university as soon as practicable following the discovery of the alleged violation. Absent extraordinary circumstances, the written complaint must be filed within six (6) months for cases of non-academic misconduct (3335-23-04 (B-Q)), and one (1) month for academic misconduct (3335-23-04 (A)), from the date upon which a university official becomes aware of the alleged violation and identifies the student(s) who allegedly committed the violation. Absent extraordinary circumstances, the university must initiate charges, if any, within one (1) year of the filing of the complaint.

### **3335-23-07 Notice of charges**

- A. **Notification** Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in a student's residence hall mailbox, by email to the accused student's official university email address (which may direct the student to view the notice on a secure website) or by mail to the accused student's local or permanent address on file in the office of the university registrar.
- B. **Current address** All students are required to maintain an accurate and current local and permanent address with the University Registrar.
- C. **Meeting with university official** Following notification of charges, students are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university student conduct process and discussion of the charges.
- D. **Failure to respond** Failure of the accused student to respond to the initiation of charges or schedule a preliminary meeting shall in no way prevent the university from scheduling and conducting a hearing in the absence of the accused student.

### **3335-23-08 Administrative decision**

In all cases, a student charged with one or more violations of the code of student conduct has the right to a hearing. However, in a case where a charged student admits to such violation(s) in writing, the student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer or board for a hearing. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing officer or board hearing. Administrative decisions in academic misconduct cases involving graduate students are to be made in consultation with the graduate school. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.



**3335-23-09 Notice of hearing & request for postponement**

- A. **Notice** If a hearing is to be held, written notification will be provided. The notice may be hand delivered; placed into a student's residence hall mailbox; sent by email to the accused student's official university email address, which may direct the student to view the notice on a secure website; or mailed to the last known address of the student, by first class mail, no fewer than ten (10) calendar days prior to the hearing. Unless already provided to the student, the notification will include the charge(s), date, time, and location of the hearing, the designated hearing officer or board, a statement of the student's rights, and information on the hearing procedures.
- B. **Postponement** The accused student may request a postponement for reasonable cause or a separate hearing from other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale, and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing.

**3335-23-10 Hearing procedures**

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

- A. **Attendance** Attendance at hearings is limited to those directly involved or those requested by the hearing officer or board to attend. The hearing officer or board will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
- B. **Advisor** The accused student may have an advisor throughout the disciplinary process. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board.
- C. **Written statements & witnesses** The accused may: submit a written statement invite relevant factual witnesses to attend, invite character witnesses to submit written statements, , ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The accused must submit a list of potential witnesses to the hearing officer at least two (2) business days prior to the hearing. The university may present witnesses as well as question those presented by the accused.
- D. **Witness absence** The hearing officer or board coordinator may allow written statements if, for good reason, a fact witness cannot attend the hearing.
- E. **Consultants** In cases requiring special expertise, the board coordinator may appoint individuals with appropriate expertise to serve as consultants to the board. The consultants may be present and provide information as called upon during the hearing but will not vote.
- F. **Standard of evidence** A student will only be found in violation if a preponderance of evidence supports the charges. In the event of a tie, the board will continue to deliberate. If after the board determines that exhaustive deliberations have occurred and a majority decision is not reached, the student will be found not in violation.
- G. In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the accused may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The accused student may decline such expedited review without the expectation that the process can be completed on an expedited timeline.

**3335-23-11 Attendance**

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the accused is expected to attend and participate. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.

**3335-23-12 Record of proceedings**

A single record consisting of written notes, tape recording, or other method selected by the hearing board or officer, will be made of all hearings. Such record will remain the property of the university but will be made available to the accused for review during the appeal period. A written notice of the decision and, if found in violation, information regarding appeal procedures will be provided to the accused student.

**3335-23-13 Hearing bodies**

- A. In addition to the committee on academic misconduct, student conduct boards for residence life, and the university conduct board, the director of student conduct, hearing officers within the office of student conduct, the coordinator of the committee on academic misconduct, and university housing professional staff are to be considered as official university hearing officers, and may hear cases of alleged violations of the code affording accused students the same procedural guarantees as provided in hearings by a committee or board.
- B. The accused student has the right to accept responsibility for the charges, which will result in an administrative decision, or choose to have a hearing.
- C. Students will generally be afforded the right to choose an administrative or board hearing, except under special circumstances where, in order to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue.

**3335-23-14 Committee on academic misconduct**

- A. On behalf of the committee, the coordinator may investigate and resolve all reported cases of student academic misconduct that fall under the committee's jurisdiction. The coordinator and chair shall establish procedure for the investigation and resolution of cases. The committee does not hear cases involving academic misconduct in professional colleges having a published honor code. These colleges shall follow their own codes and procedures which can be obtained in their respective central offices. Some allegations against graduate students that fall under the committee's jurisdiction may also implicate the university policy and procedures concerning research misconduct and/or graduate school policy on the investigation of allegations of research misconduct by a graduate student. Upon receipt of such an allegation, the coordinator shall meet with the dean of the graduate school or designee, and/or the senior vice president for research or designee, and these parties shall mutually agree on the appropriate procedure for adjudicating the case. Notice of this decision and a description of the procedure to be used shall promptly be given to the student who has been charged. The coordinator or chair may refer complaints to the office of student conduct if it is determined that the academic misconduct allegation is incidental to some other misconduct.

- B. The committee on academic misconduct is constituted according to rule 3335-5-48.7 of the administrative code.
- C. All complaints of academic misconduct shall be reported to the coordinator of the committee.
- D. Students have an obligation to report suspected misconduct.
- E. A quorum for a hearing shall be no fewer than four voting members of the committee which shall include no fewer than one student member and two faculty members.

For cases involving graduate students, reasonable efforts will be made to have graduate students serve as the student members of the hearing committee.

### **3335-23-15 Student conduct boards for residence life**

The boards may hear only those cases that involve code violations that occur within university housing, whether committed by residents or nonresidents. The boards are comprised of students who currently reside or have resided in university residence halls within the previous academic year. The boards may initiate any sanction with the exception of suspension or dismissal. If it appears during the hearing, to the board or to the board advisor, that the violation may be serious enough to warrant suspension or dismissal, the board will adjourn and refer the case back to the hearing officer for referral to the office of student conduct.

### **3335-23-16 University conduct board**

- A. **Membership** The university conduct board is responsible for adjudicating allegations of non-academic misconduct referred by student conduct hearing officers, The board consists of:
  - 1. Fifteen (15) faculty and/or administrative members recommended by the director of student conduct to the vice president for student life for three-year terms which begin with the autumn term;
  - 2. Twelve (12) undergraduate student members, appointed by undergraduate student government;
  - 3. Six (6) graduate student members, appointed by the council of graduate students;
  - 4. Two (2) professional student members, appointed by the inter-professional council; and
  - 5. The director of student conduct or designee shall serve as board coordinator ex-officio without vote.
- B. **Quorum** A quorum for a hearing shall be no fewer than four (4) voting members of the board which shall include no fewer than two (2) student members. A hearing board shall consist of no more than eight (8) voting members.
- C. **Appointment** All student appointments shall be for staggered two-year terms beginning in the autumn term. Six (6) of the undergraduate student members, three (3) of the graduate student members, and one (1) of the professional student members shall be appointed in odd-numbered years, with the remainder appointed in even-numbered years.
  - 1. To be eligible for appointment or service, a student must possess a minimum 2.5 cumulative grade point average and not be under current disciplinary sanction from the university.

2. Additional alternate members may be appointed as needed.

- D. **Removal** The director of student conduct may remove university conduct board members for cause, including but not limited to, not attending training, falling below the minimum grade point average, repeated absences, violating the code of student conduct or other applicable laws or policies, or not responding to repeated attempts at communication. Notification shall be made in writing to the university conduct board member prior to removal, whenever possible.

## University sanctions

### 3335-23-17 General guidelines for sanctions

Sanctions should be commensurate with the violations found to have occurred. In determining the sanction(s) to be imposed, the hearing officer or board should take into account any mitigating circumstances and any aggravating factors including, but not limited to, any provocation by the subject of the conduct that constituted the violation, any past misconduct by the student, any failure of the student to comply fully with previous sanctions, the actual and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation. Misconduct, other than constitutionally protected expression, motivated by bias based on age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation, or veteran status may be considered an aggravating factor for sanctioning. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will also be considered an aggravating, and not a mitigating, factor. One or more of the following courses of action may be taken when a student has been found to have violated the code of student conduct:

- A. **Informal admonition** An oral or written admonition issued by a hearing officer or residence hall advisor resulting from the student's misconduct. No formal charges are required before the issuance of an informal admonition. However, following issuance of an informal admonition, the student shall be entitled to a hearing upon written request, under the procedures provided in the code of student conduct. A written request for such a hearing must be filed with the university official who administered the informal admonition, within five (5) working days of the student's receipt of the informal admonition. An informal admonition shall not be considered a disciplinary sanction, but may be considered in any subsequent hearings.
- B. **Disciplinary sanctions**
1. **Formal reprimand.** A written letter of reprimand resulting from a student's misconduct.
  2. **Disciplinary probation.** This probationary condition is in effect for a specified period of time and may involve the loss of specified privileges. Further violation of university policies during the probationary period will additionally be viewed as a violation of the probation, which shall result in further action up to and including suspension or dismissal.
  3. **Suspension.** Suspension is a sanction that terminates the student's enrollment at the university for a specified period of time. Satisfactory completion of specified stipulations may be required for readmission at the end of the suspension period.
  4. **Dismissal.** Dismissal is a sanction which permanently separates a student from the university without opportunity to re-enroll in the future.

- C. **Conditions of suspension and dismissal** A student who has been dismissed or suspended from the university shall be denied all privileges afforded a student and shall be required to vacate campus at a time determined by the hearing officer or board. In addition, after vacating campus property, a suspended or dismissed student may not enter upon campus and/or other university property at any time, for any purpose, in the absence of expressed written permission from the vice president for student life or designee. To seek such permission, a suspended or dismissed student must file a written petition to the vice president for student life for entrance to the campus for a limited, specified purpose or to have the terms of this condition modified or reduced.
- D. **Failing or lowered grades** In cases of academic misconduct, a hearing officer or board may authorize the instructor to award a failing or lowered grade in the course, a loss of credit on the graded coursework, and impose any of the above-listed sanctions including suspension or dismissal from the university.
- E. **Other sanctions** Other appropriate sanctions may be imposed by a hearing officer or board singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to, making restitution for property damage or misappropriation of university property or services, or the property of any person, residence hall contract termination or reassignment to another room, restriction of access to specified campus facilities and/or property, research assignments, community service projects, special workshop participation, and/or referral to medical resources or counseling personnel.

## Appeal process

### 3335-23-18 Appellate process

#### A. Right to appeal

1. A student found to have violated the code of student conduct has the right to appeal the original decision. The appeal is not intended to re-hear or re-argue the same case, and is limited to the specific grounds outlined below. The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal must be postmarked or hand delivered to the appropriate appeal officer, or sent via email, as provided below, within five (5) working days after the date on which notice of the decision is sent to the student. Each student shall be limited to one appeal. The decision of the appeal officer is final.
2. In cases involving charges relating to sexual harassment as defined in applicable university policy, the victim may appeal the original decision in accordance with the appeals procedures provided in this section. Such charges include, but are not limited to, sexual misconduct and stalking.
3. A student who has accepted responsibility for violating the code of student conduct waives the right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.
4. Each party shall be limited to one appeal. The decision of the appeal officer is final.

- B. **Grounds for appeal** An appeal may be based only upon one or more of the following grounds:

1. Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results ;
2. Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body; or
3. Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.

Non-attendance by the accused student may not be the sole grounds for an appeal.

**C. Appropriate appeal officers**

1. Appeals from residence hall hearings:
  - a. All appeals from residence hall hearings, other than contract terminations, shall be submitted to the director of residence life or designee.
  - b. All appeals where the sanction imposed by the residence hall hearing is contract termination shall be submitted to the director of student conduct or designee.
2. Appeals of a decision of a student conduct hearing officer or from the university conduct board's will be submitted for decision to the vice president for student life or the designee.
3. Appeals of decisions of the committee on academic misconduct or its coordinator will be submitted for decision to the executive vice president and provost or designee.

**D. Appeal proceedings**

1. The appeal officer will dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in section (B) above.
2. The appeal officer will decide the appeal based upon a review of the record and supporting documents (e.g. prior disciplinary history).
3. The appeal officer may consider additional relevant information from any party to the proceeding and then decide the appeal based upon the enhanced record.

**E. Possible dispositions by the appeal officer** The appeal officer may, after a review of the record:

1. Uphold the original decision and/or sanction(s);
2. Dismiss the case or individual charge(s) against the student and vacate any portion or all of the sanction(s);
3. Modify or reduce the sanction(s); or in cases involving charges relating to sexual harassment as defined in applicable university policy, enhance the sanction; or
4. Remand the case to the original hearing body or refer the case to a new hearing officer or board to be reheard. If possible, a new hearing officer or board should be different from the one that originally decided the case. If a case is reheard by a hearing officer or board, the sanction imposed can be greater than that imposed at the original hearing.



**3335-23-19 Minor deviations from procedure**

A student and hearing officer may agree in advance to minor deviations from procedure. Such deviations are not then subject to appeal. Other minor deviations are acceptable as long as such deviations are not found upon appeal to be materially harmful to the accused student.

**3335-23-20 Interim suspension**

When the vice president for student life or designee has reasonable cause to believe that the student's presence on university premises or at a university-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of themselves, others, or to property, the student may be immediately suspended from all or any portion of university premises, university-related activities or registered student organization activities. This temporary suspension will be confirmed by a written statement and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of the Ohio state university. The student may, within three (3) working days of the imposition of the suspension, petition the vice president for student life for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the safety or security of themselves, others, or to property. A decision on such petition will be made without undue delay by the vice president for student life or designee.

**3335-23-21 Administrative disenrollment and other restrictions**

- A. A student may be disenrolled from the university; prohibited from all or any portion of university premises, university-related activities or registered student organization activities; and/or permitted to remain only under specified conditions when the vice president for student affairs or designee finds that there is clear and convincing evidence that the student's continued presence poses a significant risk of substantial harm to the health or safety of themselves, others, or to property.
- B. In those cases under paragraph (A)(1) of this rule in which it appears that the risk posed by the student is a result of a health condition or a disability as defined by the Americans with Disabilities Act, the vice president for student life or designee shall also determine whether the risk or disruption can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is made. The vice president for student life or designee may request the student to undergo an appropriate examination, as specified by the vice president for student life or designee, to determine whether any such condition exists and whether any such accommodation is possible. If the student fails to undergo such an examination, and if the other available evidence supports a finding under paragraph (A) the vice president for student life or designee shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.
- C. A student who has been disenrolled; prohibited from university premises, university-related activities or registered student organization activities; or permitted to remain only under specified conditions may petition the vice president for student life for revision of that status. The petition must include supporting documentation or evidence that:
  1. The conditions found to have existed under paragraph (A) no longer exist and will not recur, and
  2. The student meets all normal and appropriate standards for admission and enrollment in any academic unit in which the student seeks to re-enroll. Upon receipt of such a

petition, the vice president for student life or the vice president's designee shall evaluate the evidence and may consult with the student, any appropriate university personnel, and any other persons whom the vice president for student life or designee deems appropriate. The vice president for student life or designee may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition.

### **3335-23-22 Authority**

The bylaws of the university board of trustees and rules of the university faculty provide that the university president shall have the final responsibility and authority for the discipline of all students of the university See rule 3335-11-01 (A) of the administrative code. This responsibility and authority has been delegated by the president to the vice president for student life, whose office is also charged with responsibility for promulgation of rules governing student conduct, see rule 3335-1-03 (H) of the administrative code.

The deans of colleges and of the graduate school, the directors of schools, and the chairpersons of departments, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective colleges, schools, and departments, see rule 3335-11-01 (B) of the administrative code. Likewise, the deans and directors of the regional campuses are responsible to the president through the executive vice president and provost for the discipline of all students in the activities of their respective campuses.

The Ohio state university code of student conduct is an official publication of the university board of trustees. All petitions for revision and amendment of this code of student conduct should be submitted through the office of the vice president for student life. Proposed revisions to the code shall be reviewed, in draft form, by the office of the president, the office of academic affairs, and the steering committee of the university senate before being presented for approval to the university senate by the council on student affairs. No revision shall become effective unless approved by the university board of trustees and until printed notice of such revisions is made available to students.