

3341-2-28 Code of Student Conduct.

Applicability	Students, Student Organizations, and Student Groups
Responsible Unit	Office of the Dean of Students
Policy Administrator	Dean of Students

(A) Policy Statement and Purpose

The Bowling Green State University (BGSU) community is committed to fostering an environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of the Dean of Students is committed to an educational and developmental process that balances the interests of individual students, recognized student organizations, and student groups with the interests of the university community. Within our learning community, we endeavor to act on our Core Values:

1. Intellectual and personal growth;
2. Creativity, innovation and entrepreneurship;
3. Diversity and belonging;
4. Collaboration with each other and our partners; and
5. Excellence in all we do.

A community exists on the basis of shared values and principles. At BGSU, student members, recognized student organizations, and student groups are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct.

Each member of the BGSU community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others.

When members of the community fail to exemplify these values by engaging in violations of the rules set within this Code of Student Conduct, the proceedings outlined within are used to assert and uphold the Code of Student Conduct.

The student conduct process at BGSU is not intended to punish students, recognized student organizations, or student groups; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. This Code of Student Conduct is intended to ensure that students, recognized student organizations, and student groups conduct themselves in accordance with the values of the university by participating in an environment which respects differences of sex, sexual orientation, gender identity, gender expression, race or color, marital status, ethnicity, religion or creed, ancestry, genetic information, pregnancy, national origin, disability, age, and veteran's status. Sanctions are intended to challenge moral and ethical decision-making and to help bring behavior into accord with our community expectations. When a student, recognized student organization, or student group is unable to conform their behavior to community expectations, the student conduct process may determine that the student, recognized student organization, or student group should no longer share in the privilege of participating in this community.

The student conduct process is quite different from the criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all but are not an extension of, or replacement for, the local, state, or federal legal system. Due process, as defined within these procedures, assures written notice and an opportunity to be heard before an objective decision-maker. No student, recognized student organization, or student group will be found in violation of this Code without information showing that it is more likely than not a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student, recognized student organization, or student group.

Students, recognized student organizations, and student groups are responsible for knowing the information, policies, and procedures outlined in the Code of Student Conduct. BGSU reserves the right to make changes to this Code of Student Conduct as necessary and once those changes are posted online, they are in effect. Students, recognized student

organizations, and student groups are encouraged to check online for the updated versions of all policies and procedures.

(B) Definitions

- (1) The term “Code” means the Code of Student Conduct.
- (2) The term “student(s)” means any person from the time they are admitted to the university up through the date of graduation. This term includes, but is not limited to:
 - (a) Newly admitted student(s) who have attended orientation;
 - (b) Currently enrolled individual(s), including dual-enrolled student(s); and/or
 - (c) An individual who has been enrolled in classes within the prior two semesters (i.e., summer, fall, or spring).
- (3) The term “recognized student organization” means a group of people who are associated with each other and who have registered with the university as a student organization as outlined in University Policy 3341-2-36.
- (4) The term “student group” means a group of people who are associated with the university and each other, but who have not registered, or are not required to register as a student organization (e.g., athletic teams, spirit groups, military organizations, honor societies, musical or theatrical ensembles, bands, and/or clubs).
- (5) The term “university official” includes any person employed by the university and any person serving the university in an official capacity.
- (6) The term “member of the university community” includes any person who is a student, university official, trustee, or any other person serving the university in an official capacity. The Dean of Students or designee shall determine a person’s status as a member of the university community.

- (7) For the purposes of the Code, the term “university premises” includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, controlled by, or supervised by the university, whether in Bowling Green, Ohio, or elsewhere.
- (8) The terms “shall” and “will” are used in the imperative sense.
- (9) The term “may” is used in the permissive sense.
- (10) The term “day” means business days (Monday – Friday) when the university is open, regardless of whether classes are in session. In determining any deadlines as set forth in the Code, references to a number of “days” prior to or after occurrence of an event shall not include the day of the event.
- (11) The term “complainant” means any person, recognized student organization, or student group filing an incident report of alleged misconduct or otherwise bringing a complaint to the attention of a university official charged with receiving, investigating, and remedying a complaint.
- (12) The term “respondent” means a student, recognized student organization, or student group against whom an incident report of alleged misconduct has been filed under this Code.
- (13) The term “health” means physical and/or mental well-being.
- (14) For the purposes of the Code, the term “residence hall” means any hall, house or other living unit owned or leased by the university for the principle purpose of providing student housing.
- (15) The term “incident report” means any accusation of alleged misconduct submitted through <http://bgsu.edu/reportit>. The university also treats law enforcement agency reports and citations as incident reports.
- (16) The term “conduct administrator” means a university employee authorized by the Dean of Students to facilitate the investigation and informal disposition process involving alleged violations of the Code.

- (17) The term “hearing chair” means a university employee authorized by the Dean of Students to serve as the chairperson for a University Conduct Committee hearing or administrative hearing during the formal disposition process involving alleged violations of the Code.
- (18) The term “preponderance of the evidence” is the standard of proof for alleged violation(s) of the Code. A preponderance of the evidence means that, based on all the reliable, relevant evidence and reasonable inferences from that evidence, the respondent is more likely than not in violation of the Code.
- (19) The term “good conduct standing” is defined as not being on a conduct status, excluding a residential warning or university warning.

(C) Conduct Authority

Ultimate authority for student conduct is vested in the Board of Trustees of the University. The Board of Trustees has delegated authority for student conduct to the university’s President. The Dean of Students is the person designated by the President to be responsible for the administration of the Code. Conduct authority may be delegated to university officials and committees as set forth in this Code, in accordance with other university policies, rules, or regulations, and as deemed appropriate by the Dean of Students or designee.

(D) Jurisdiction

- (1) This Code applies to the conduct of students, recognized student organizations, and student groups that occurs on or off university premises, which adversely affects members of the university community and/or the pursuit of its objectives including, but not limited to, creating a positive academic environment, promoting responsible citizenship, and fostering an inclusive community.
- (2) This Code applies to a student’s conduct if the student was considered a student, as defined in this Code, at the time of the alleged incident, even if the student withdraws from the university while a conduct matter is pending. This Code applies to a recognized student organization’s conduct if the student organization was registered with the university as a student

organization at the time of the alleged incident, even if the student organization surrenders or loses its recognition while the conduct matter is pending.

- (3) This Code may be applied to behavior conducted online, via email, or another electronic medium. Students, recognized student organizations, and student groups should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. BGSU does not regularly search for this information but may take action if and when such information is brought to the attention of university officials.

(E) Violation of Law and University Policy

An incident report may be filed against a student, recognized student organization, or student group charged with a violation of a law that is also a violation of this Code if both violations result from the same factual situation, independent of any pending criminal prosecution or civil litigation. Proceedings under the Code may be carried out prior to, simultaneously with, or following criminal prosecution or civil litigation.

(F) Intersection with Title IX Sexual Harassment and Policy and Procedures

- (1) The Title IX Sexual Harassment and Policy and Procedures, University Policy 3341-2-41, has certain jurisdictional limitations. An allegation of prohibited conduct as defined under that policy that is outside the scope of that policy's jurisdiction, but within the jurisdiction of the university under the Code, will be treated as an allegation of prohibited conduct under this Code.
- (2) A matter may be referred for jurisdictional reasons from the Title IX process to the Code process at any time or may originate in the Office of the Dean of Students and will be considered Non-Title IX Sexual Misconduct. Interim measures under this Code may be applied as warranted. The Code process for a referred matter is set forth in this Code. The Dean of Students (or designee) will review each referred matter to determine if additional incident reporting, conduct meetings, or investigation are needed.

- (3) If the respondent disputes an allegation of prohibited conduct under this Code, the case will proceed in accordance with the hearing procedures set forth in the Code. The appeal process will follow in accordance with the Code.

(G) Prohibited Conduct

Any student, recognized student organization, or student group found to have committed one or more of the following acts of prohibited conduct will be subject to sanctions. The standard of proof in determining whether a student, recognized student organization, or student group has violated the Code is the preponderance of the evidence.

(1) Offenses Against the University Community

- (a) Acts of dishonesty including, but not limited to:
 - (i) Furnishing false information to the university or any university official.
 - (ii) Furnishing or possessing false, falsified, or forged materials, documents, accounts, records, identification, or financial instruments.
 - (iii) Tampering with the election of any recognized student organization or student group.
 - (iv) Unauthorized use of university, recognized student organization, or student group funds.
- (b) Violation(s) of the university's Residence Life Community Living Standards and/or Residential Living Agreement.
- (c) Violation(s) of other published university policies, rules, or regulations. Such policies, rules, or regulations include, but are not limited to: parking and traffic regulations, policies concerning recognized student organizations and other published policies.
- (d) Recording interactions with faculty are not allowed without their expressed permission. Faculty also have the right to

control the classroom environment and to permit or deny permission to do electronic video or audio recording at their discretion.

- (2) Offenses Against Persons
- (a) Harm to Others – Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
 - (b) Threatening Behaviors – Conduct or actions that causes a reasonable expectation of injury to the health or safety of any person or damage to any property, or intimidation which is defined as implied threats or acts that cause a reasonable fear of harm in another.
 - (c) Unwanted Conduct – Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the person’s educational program or activity. In no event shall this provision be used to discipline a student, recognized student organization, or student group for speech protected by the First Amendment of the United States Constitution.
 - (d) Discrimination or Harassment – See University Policy 3341-5-51: Non-Discrimination in Employment and Education which prohibits:
 - (i) Adverse education action taken under university authority against a person based upon that person’s protected class.
 - (ii) Unwelcome verbal, nonverbal, or physical conduct directed toward a person that is based on the person’s protected class.
 - (e) Using electronic or other means to make a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy without the person’s prior knowledge or permission in each instance when such a recording is likely to cause injury, distress, or damage to

reputation. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.

(f) Hazing

- (i) Hazing means doing any of the following or pressuring, causing, forcing, soliciting, or coercing any person to do any of the following, for the purpose of initiating, admitting, or affiliating an individual into or with a student group or student organization; continuing or enhancing an individual's membership or status in a student group or student organization; or perpetuating or furthering a tradition or ritual of a student group or student organization:
 - (a) Engage in any conduct prohibited by federal and/or state and/or municipal criminal law, regardless of whether an arrest is made, or criminal charges are brought;
 - (b) Take into their body any food, liquid (including alcohol), drug, or other substance that subjects the person to a substantial risk of mental or physical harm; and /or
 - (c) Cause or create a substantial risk of causing mental or physical harm to another and/or engage in any act or omission that contributes to the death of another.
- (ii) See University Policy 3341-2-49 for reporting obligations and options, investigation procedures, corrective action, and zero tolerance sanctions.
- (iii) Per University Policy 3341-2-49, the following acts constitute prohibited conduct:
 - (a) Purposefully, knowingly, recklessly, or negligently hazing any person.

- (b) Involvement in the planning of hazing and/or being present during hazing.
 - (c) Failing to intervene to prevent or stop hazing if the individual has prior knowledge of a planned hazing activity.
 - (d) Failing to assist or seek assistance for if the individual knows or reasonably should know that another is in danger from effects of hazing.
 - (e) Knowingly making a false accusation of hazing.
 - (f) Failing to report any information about suspected hazing if the person is required to do so.
 - (g) Failing to cooperate in an investigation of hazing.
 - (h) Retaliating against or taking adverse action towards any reporting party and/or person participating in a hazing investigation or disciplinary proceeding.
- (g) Retaliation – a student, recognized student organization, or student group shall not retaliate against any person who files an incident report, brings forward a complaint or concern, serves as a witness, assists, or participates in any investigation or in any university proceeding.
- (h) Sexual Assault, Sexual Harassment, Dating Violence, Sexual Misconduct and Stalking – All complaints or reports of sexual harassment, sexual assault, stalking, dating violence, and domestic violence by or on behalf of students, recognized student organizations, and student groups will initially be referred to the university’s Title IX Coordinator or designee for review and determination of whether the allegation is covered by University Policy 3341-2-41. If the

alleged sexual misconduct is not within the definitions or jurisdictional elements of the university's Title IX Sexual Harassment Policy and Procedures, such alleged misconduct will be referred to as "Non-Title IX Sexual Misconduct." The procedures for Non-Title IX Sexual Misconduct are set forth in this Code. Title IX and this Code prohibit the following acts:

- (i) Sexual Assault – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
- (ii) Sexual Harassment – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
- (iii) Stalking – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
- (iv) Dating Violence – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
- (v) Domestic Violence – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
- (vi) Retaliation – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
- (vii) Violation of Mutual Restrictions on Contact Between Parties – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
- (viii) Sexual Misconduct – Sexual misconduct may also include any intentional touching of a sexual nature or attempted touching of a sexual nature without consent that is not prohibited by the Title IX Sexual Harassment and Policy and Procedures; touching for the purposes of sexual gratification in areas of the

body that does not include breasts, buttocks, groin, or genitals; sexual exploitation (such as voyeurism, peeping, forwarding of pornographic or other sexually inappropriate material to non-consenting students, non-consensual recording of sexual activity, or any activity that goes beyond the boundaries of consent); lewd or obscene sexual behavior (such as public masturbation, engaging in sexually explicit activity in public spaces including online, or exposure of oneself without another's consent). For purposes of this section, "consent" has the meaning as in University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.

(3) Offenses Against Property

- (a) Attempted or actual theft or possession of stolen property, whether knowingly or should have reasonably known.
- (b) Attempted or actual damage or vandalism to property.
- (c) Unauthorized possession, duplication, or use of keys and other entry codes or devices to any premises.
- (d) Unauthorized presence in or unauthorized use of property, resources, or facilities.
- (e) Theft or other abuse of computer facilities, accounts, or resources including, but not limited to:
 - (i) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - (ii) Unauthorized transfer of a file.
 - (iii) Use of another individual's identification and/or password.
 - (iv) Use of computing facilities, accounts, or resources to interfere with the work of others.

- (v) Use of computing facilities, accounts, or resources to send obscene or abusive messages.
 - (vi) Use of computing facilities, accounts, or e-mail to send unsolicited or unauthorized messages with the intention of reaching a mass of users.
 - (vii) Use of computing facilities, accounts, or resources to interfere with normal operation of the university computing system.
 - (viii) Use of computing facilities, accounts, or resources in violation of copyright laws.
 - (ix) Any violation of the university's information technology policies.
- (f) Littering.
- (4) Offenses Disrupting Order or Disregarding Health and Safety
- (a) Drugs
 - (i) Use and/or possession of controlled substances including marijuana or substances derived from marijuana, except as expressly permitted by law.
 - (ii) Use and/or possession of drug-related paraphernalia except as expressly permitted by law.
 - (iii) The abuse, misuse, sale, or distribution of prescription drugs.
 - (iv) Manufacture, cultivate, distribute, sale, and/or offer for sale of any controlled substance or drug, except as expressly permitted by law.
 - (v) Intentionally or recklessly inhaling or ingesting substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a person's state of mind.

(vi) Misconduct under the influence of drugs including, but not limited to, operating a vehicle under the influence of drugs or disorderly conduct due to the influence of drugs.

(b) Alcohol

(i) Use and/or possession of alcoholic beverages except as expressly permitted by law and university policy. This includes, but is not limited to, the underage possession or consumption of alcohol.

(ii) Selling, distributing, or furnishing of alcoholic beverages except as expressly permitted by law and University Policy. This includes, but is not limited to, providing alcohol to a person under the legal drinking age.

(iii) Misconduct under the influence of alcohol including, but not limited to, operating a vehicle under the influence, disorderly conduct due to intoxication, or public intoxication.

(iv) Failure of a recognized student organization or student group to take all necessary steps to ensure that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents.

(v) Hosting or participating in any activity that promotes excessive consumption of alcohol.

(c) Weapons

(i) Possession, storage, or use of weapons including but not limited to firearms, compressed air-guns, pellet guns, etc. on university premises except as expressly permitted by law and university policy.

- (ii) Possession, storage, or use of dangerous materials including but not limited to fireworks, explosives, or chemicals which are corrosive or explosive on university premises except as expressly permitted by law and University Policy.
 - (iii) Use of any other object not already mentioned used to intimidate, threaten, harm, and/or provide force can be considered a weapon under this provision.
- (d) Fire Safety
- (i) Failing to properly evacuate during a fire alarm.
 - (ii) Falsely reporting a fire-related emergency.
 - (iii) Tampering with or improperly engaging a fire alarm, smoke detector, or sprinkler system.
 - (iv) Improper use or possession of fire safety equipment.
 - (v) Intentionally or recklessly causing a fire, regardless of whether it damages property, or causes injury to another.
- (e) Gambling – Illegal gambling or wagering.
- (f) Disruptive Behavior
- (i) Disrupting and/or interfering with university operations including, but not limited to, obstruction of teaching, research, and/or administrative activities.
 - (ii) Causing, inciting, or participating in any conduct that unnecessarily disturbs others or disrupts local municipalities including, but not limited to, participating in or inciting a riot.
 - (iii) Creating a health and/or safety hazard, including but not limited to, dangerous pranks, hanging out of or

climbing from/on/in windows, balconies, roofs, etc., violating federal, state, local, or university public health and/or safety requirements, or exceeding the maximum occupancy of a structure.

- (iv) Failure to comply with lawful orders of university officials or law enforcement officers acting within the scope of their job duties, including but not limited to, failure to identify oneself to these persons when requested to do so.
- (v) An act, which deliberately interferes with the freedom of speech of any member or guest of the university community.
- (vi) Public urination or defecation in a place that is not intended for use as a restroom.

(5) Noncompliance with the Conduct Process

This includes, but is not limited to:

- (a) Failing to obey the directives of a university official, conduct administrator, or hearing chair, including failure to appear at a conduct meeting or hearing.
- (b) Falsifying, distorting, intentionally omitting, or misrepresenting information at a university proceeding, including but not limited to, a conduct meeting or hearing, or knowingly initiating a false statement or complaint.
- (c) Discouraging or attempting to discourage a person's proper participation in, or use of, the conduct process whether in person or via a digital platform such as e-mail or social media.
- (d) Harassing and/or intimidating a university official, conduct administrator or member of a conduct committee.
- (e) Harassing and/or intimidating any person participating in an investigation or disciplinary proceeding.

- (f) Failing to comply with sanction(s) imposed under the Code.
- (g) Intentionally delaying a conduct investigation, meeting, or hearing.
- (h) Destroying or concealing information of an alleged policy violation.
- (i) Influencing or attempting to influence another person to commit an abuse of the conduct process.

(6) Shared Responsibility for Infractions

- (a) Any action or inaction that contributes to a violation of university policies, including but not limited to, planning, causing, facilitating, or aiding the violation, whether present during the violation or not.
- (b) Students, recognized student organizations, and student groups may be held responsible for the conduct of their guests while on university premises, at university-sponsored or supervised activities, and at functions sponsored by any recognized student organization or student group.

(7) Violation of State, Federal, or Local Laws – Any act or omission the constitutes a violation of federal, state, or local laws, which is not otherwise covered in this Code.

(H) Organizational and Group Responsibility

An incident report may be filed against a recognized student organization or student group under the Code. A recognized student organization, a student group, and individual students may be held collectively and individually responsible for violations of the Code, as well as for violations of the Code conducted by those associated with the recognized student organization or student group, which includes guests and alumni. When an incident report is filed naming a recognized student organization or student group as respondent, the presiding officer and/or students affiliated with the organization or group shall be required to participate in meetings and hearings as representatives.

(I) Conduct in Residential Facilities

Members of the university's residential community are responsible for their own actions as well as for the actions of their guest(s). Showing consideration for others and respect of university and personal property are the basic foundations of community living. At times, it may be necessary for the university to hold community members responsible for their actions that violate university policies. Any resident who violates a university policy, including the Residential Community Living Standards, may be held accountable via this Code.

(J) Interim Measures

When the Dean of Students or designee has reasonable cause to believe that a student, recognized student organization, or student group may pose a risk to the safety or well-being of those involved or others in the university community, the student, recognized student organization, or student group may be issued an interim measure.

(1) Imposition of Interim Measures

Interim measures may be imposed only:

- (a) If the student, recognized student organization, or student group poses a threat to the safety and/or well-being of others or if significant disruption to normal operations of the university may occur;
- (b) If a student is criminally charged with one or more of the following offenses of violence: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, permitting child abuse, aggravated menacing, menacing by stalking, menacing, kidnapping, abduction, extortion, rape, sexual battery, gross sexual imposition, aggravated arson, arson, terrorism, aggravated robbery, robbery, aggravated burglary, burglary, inciting to violence, aggravated riot, riot, inducing panic, domestic violence, intimidation, intimidation of crime victim or witness, escape, improperly discharging a firearm

at or into a habitation or school, endangering children or felonious penetration; and/or

(c) When otherwise provided by law.

(2) Interim Actions

(a) Interim actions may be implemented by a conduct administrator and include, but are not limited to: no contact directives(s); restriction from specific classes, campus facilities, activities, or locations; change of housing assignment; restrictions from entering certain institutional property; requirement to secure a psychological evaluation; cease and desist mandates; restriction from facilitating or participating in designated campus activities; other measures designed to promote the safety or well-being of the parties and BGSU community, etc.

(b) An interim action shall remain in effect until removed or altered by the Dean of Students or designee or as the result of the student conduct process. Students, recognized student organizations, or student groups may challenge an interim action in writing to the Dean of Students or designee. Failure to comply with an interim action may result in a referral to the Office of the Dean of Students and/or the BGSU Police Department.

(3) Interim Suspension

(a) The Dean of Students or designee may impose a university and/or residence hall suspension on a student, recognized student organization, or student group prior to a conduct meeting or hearing. An interim suspension takes effect immediately upon issuance.

(b) During an interim suspension, a student, recognized student organization, or student group may be denied access to a living unit and/or to the campus, including classes, and/or all other university activities or privileges for which the student might otherwise be eligible. A recognized student

organization or student group shall discontinue all activities during an interim suspension.

- (c) A student, recognized student organization, or student group will receive written notice of the interim suspension, including a description of the suspected misconduct. If a student is criminally charged with one or more of the following offenses of violence: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, permitting child abuse, aggravated menacing, menacing by stalking, menacing, kidnapping, abduction, extortion, rape, sexual battery, gross sexual imposition, aggravated arson, arson, terrorism, aggravated robbery, robbery, aggravated burglary, burglary, inciting to violence, aggravated riot, riot, inducing panic, domestic violence, intimidation, intimidation of crime victim or witness, escape, improperly discharging a firearm at or into a habitation or school, endangering children or felonious penetration, a hearing will take place within five days or such other reasonable time, but continuances shall not exceed a total of ten days. In those cases, the hearing shall proceed in accordance with Ohio Revised Code 3345.22. For all other cases, a hearing will take place within ten days of receipt of the written notice of interim suspension or such other time as specified in the notice. The student, recognized student organization, or student group may within three days of the imposition of the interim suspension, petition the Provost and Senior Vice President for Academic and Student Affairs or designee for reinstatement. The petition must be in writing and must include supporting documentation or evidence that the student, recognized student organization, or student group does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or property.

(K) Filing an Incident Report

- (1) Any person may file an incident report against a student, recognized student organization, or student group alleging violation(s) of this Code. An incident report shall be made in writing and directed to the Office of the Dean of Students or designee. Though anonymous

complaints are permitted, doing so may limit the university's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of the Dean of Students and/or to the BGSU Police Department.

- (2) There is no time limit on reporting violations of the Code; however, the longer someone waits to report an offense, the harder it becomes for university officials to obtain information and witness statements and to make determinations regarding alleged violations.
- (3) A complainant may be asked to participate in the conduct meeting or hearing as a witness and to present relevant information.
- (4) After receiving an incident report, a conduct administrator will conduct a preliminary inquiry into the nature of the report, jurisdiction, and information available. The conduct administrator may determine that there is insufficient information to pursue an investigation, that the behavior alleged, even if proven, would not violate the Code, or may initiate an investigation to determine if the incident report has merit and if it can be resolved by mutual consent of the persons involved on a basis acceptable to the conduct administrator. Such resolution shall be final and there shall be no subsequent proceedings. If a conduct administrator determines the incident report has merit and cannot be resolved by mutual consent, the conduct administrator may participate in any subsequent conduct meeting or hearing to resolve the incident report.
- (5) The Dean of Students or designee reserves the right to refer any incident report to a university official or committee other than a conduct administrator, the University Conduct Committee, or the Title IX and Sexual Misconduct Board.
- (6) If a respondent fails to keep a meeting with the conduct administrator, a hold may be placed on the student's registration account and/or on the conferring of a degree, and a decision regarding appropriate charges, responsibility and/or sanctions may still be made.

(L) Communication

BGSU email is the official means of communication with students regarding student conduct matters. Students are responsible for all communication delivered to their university email address.

(M) Investigation

- (1) Respondents will have the opportunity to meet with a conduct administrator to discuss the incident report. During the investigation meeting, the respondent will receive:
 - (a) Reasonable access to the incident report filed.
 - (b) An opportunity to be assisted by one advisor of their choosing and at their expense. Respondent may, at no cost, request an advisor from the university's Office of the Dean of Students or designee. Advisors are not allowed to speak or participate in the conduct process. Meetings will not be scheduled around the availability of the advisor. Advisors may not appear in lieu of the respondent. An attorney can be used as an advisor but is subject to the aforementioned stipulations.
 - (c) An opportunity to respond to the incident report and to present relevant information and/or witnesses.
- (2) Based on the information gathered during the investigation including statements from the respondent, a determination will be made by the conduct administrator whether the information presented warrants a charge of an alleged violation(s) of the Code, using the preponderance of the evidence standard of proof.
- (3) Respondents will be provided up to two days to choose between the informal and formal disposition options. Should the respondent fail to decide, the case may be resolved without the input from the respondent.

(N) Informal Disposition

- (1) Respondents not disputing alleged policy violation(s) may choose the informal process for resolution of one or more violations of the Code.

- (2) The respondent will receive, via electronic mail to the respondent's BGSU email address, written notice that a complaint has been received prior to the conduct meeting.
 - (3) The respondent will have the opportunity to discuss sanctions with a conduct administrator.
 - (4) A final determination of sanctions will be provided in writing to the respondent through email.
 - (5) As permitted by the Family Educational Rights and Privacy Act (FERPA), victims of crimes of violence will be notified of the resolution and the sanctions.
 - (6) Guidelines for the implementation of sanction(s) are outlined in this Code.
- (O) Formal Disposition – University Conduct Committee (UCC) and Administrative Hearing
- (1) Respondents disputing the alleged policy violation(s) are entitled to a formal hearing before the UCC or with a single decision maker in an administrative hearing. Respondents will be provided an opportunity to select one of the two formal disposition options.
 - (2) Composition of UCC
 - (a) The UCC shall be composed of faculty, students, and staff members. Members shall be appointed by the Dean of Students or designee for a one-year term and may be reappointed. For a student to serve as a member, the student must have completed at least fifteen hours of academic credit, must maintain a cumulative GPA of at least 2.0, and not violate the Code throughout the time that they are serving in this role. The Dean of Students or designee may remove a member from the UCC when the member has failed or refused to perform their duties or responsibilities. Student members who violate this Code may be removed from the UCC.

- (b) Quorum for a hearing is three members: one employee (i.e., faculty or staff) and two students (i.e., undergraduate or graduate). In the event quorum cannot be reached, the respondent can waive the three-member requirement, and a hearing will not be conducted without a minimum of two UCC members. For non-Title IX Sexual Misconduct cases, the quorum for the hearing is three employees (i.e., faculty or staff) who have been specifically trained to adjudicate alleged sexual misconduct cases. In the event quorum cannot be reached, the respondent can waive the three-member requirement, and a hearing will not be conducted without a minimum of two UCC members. Students will not serve on UCC for non-Title IX Sexual Misconduct cases.
- (c) A staff member in the Office of the Dean of Students or designee will serve as the hearing chair and is responsible for coordinating hearings. The hearing chair will make the final determination of responsibility and will assign any relevant sanctions.
- (d) No committee members hearing a case should have a direct, firsthand knowledge of the case before the UCC.
- (e) Prior to the hearing, a respondent may challenge a UCC member on the grounds of a conflict of interest that might affect impartial consideration of the finding. The remaining members of the UCC will conduct a secret ballot vote to determine if the challenged member shall be recused from the hearing. The hearing chair will set a deadline for the respondent to submit a concern regarding a conflict of interest in advance of the hearing.

(3) Composition for an Administrative Hearing

Administrative hearings are presided over by a single decision maker.

(4) Hearing Procedures for UCC and Administrative Hearing

- (a) The respondent will receive written notice of the hearing date at least three days prior to the hearing.

- (b) On a date specified by the hearing chair, the respondent may submit hearing packet materials, which may include a list of witnesses for the hearing, a summary of the information each witness is expected to provide, advisor contact information, and any relevant documents, reports, or statements the respondent expects to present at the hearing. In advance of the hearing, the hearing chair will provide an electronic hearing packet, which will also include all relevant documents, reports, or statements pertaining to the investigation submitted by the conduct administrator. Materials not included in the hearing pack cannot be introduced at the hearing.
- (c) The respondent may be assisted by one advisor of their choosing and at their expense. Advisors are not permitted to speak or participate in a hearing. Hearings will not be scheduled around the availability of an advisor. The respondent must include their advisor's name, telephone number, and email address as part of their hearing packet materials. Advisors may not appear in lieu of the respondent; however, an advisor may consult with the respondent during a hearing and may assist with preparation for the hearing. An attorney may serve as an advisor but is subject to the aforementioned stipulations. Should an advisor not be able to attend the hearing date, the hearing will still proceed.
- (d) Admission to the hearing of persons other than the parties involved will be at the discretion of the hearing chair. Hearings will be closed to the public.
- (e) For incidents involving more than one respondent, the hearing chair will determine whether there will be one hearing or separate hearings for the respondents involved. In joint hearings, separate determinations of responsibility will be made for each respondent.
- (f) In rare instances, the university may decide to formally present a Code case using legal counsel. In such cases, the respondent will be given adequate notice in order to seek

legal counsel, if so desired. In these instances, the case will be heard by either the UCC or administrative hearing, and a staff member from the Office of General Counsel or their designee will serve as the conduct administrator.

- (g) The respondent is strongly encouraged to attend and participate in the hearing; however, the respondent may choose to remain silent. If a respondent fails to appear for a hearing, the hearing may proceed without the respondent's presence. Although no inference shall be drawn against a respondent for failing to attend a hearing or remaining silent, the hearing may proceed, and the conclusion will be based on the evidence presented.
- (h) The respondent may request alternative accommodations in lieu of being physically present at the hearing (i.e., a respondent may request to participate via a virtual platform).
- (i) There will be a single verbatim record, such as an audio recording, for all formal hearings. Deliberations will not be recorded. The record will be the property of the University and maintained according to the record retention policy of this Code.
- (j) During UCC and administrative hearings, the hearing chair will exercise control over the proceedings. The hearing chair is permitted to ask questions. If any person is disruptive, the hearing chair may require them to leave the hearing.
- (k) During UCC and administrative hearings, the hearing chair will determine whether information is relevant. Information will be considered relevant if it directly relates to the facts of the alleged violation(s) or appropriateness of a particular sanction. Formal rules of evidence shall not apply.
- (l) The conduct administrator will be the first person to present information regarding the investigation during the hearing.
- (m) During UCC hearings, the UCC members and hearing chair will ask questions to the conduct administrator pertaining to the investigation and/or alleged policy violation(s). During

administrative hearings, the hearing chair will have an opportunity to ask questions to the conduct administrator pertaining to the investigation and/or alleged policy violation(s). The respondent will also have an opportunity to ask questions to the conduct administrator pertaining to the investigation and/or alleged policy violation(s).

- (n) The second person who may present information during the hearing, is the respondent. The respondent may verbally respond to the charges.
- (o) The respondent, members of UCC, or hearing chair may ask questions directly to each witness. The hearing chair, at their discretion, may have questions directed through them versus allowing questions to be directly addressed to an individual.
- (p) The hearing chair may disallow any question that seeks information that is not relevant or may rephrase the question to limit it to relevant information.
- (q) Witnesses (other than the respondent and the conduct administrator) will be excluded from the hearing until it is their designated time to answer questions.
- (r) The respondent and conduct administrator will be given a final opportunity to ask concluding questions of one other.
- (s) During UCC hearings, the UCC members and the hearing chair will be given an opportunity to ask concluding questions to both the conduct administrator and the respondent pertaining to the investigation and/or alleged policy violation(s). During an administrative hearing, the hearing chair will have a final opportunity to ask questions to the conduct administrator and the respondent pertaining to the investigation and/or alleged policy violation(s).
- (t) The respondent and UCC members will examine the information included in the hearing packet.
- (u) The respondent will be given an opportunity to make a concluding statement pertaining to the facts of the case.

Concluding statements are limited to no more than five minutes. The hearing will end after the concluding statement from the respondent.

- (v) For UCC hearings, the UCC members will consider the allegation(s) of prohibited conduct to determine if there was sufficient information by a preponderance of the evidence for a finding of responsibility for a Code violation(s) and will make a verbal recommendation to the hearing chair. The hearing chair will make the final determination of responsibility regarding the charge(s) and will determine all sanctions.
 - (w) For administrative hearings, the hearing chair will consider the allegation(s) of prohibited conduct to determine if there was sufficient information by a preponderance of the evidence for a finding of responsibility for a Code violation(s) and will make the final determination of responsibility regarding the charge(s) and will determine all sanctions.
 - (x) If the hearing chair determines that a preponderance of the evidence compels the conclusion that the respondent engaged in an act of prohibited conduct under the Code, they will find the respondent to be responsible for a Code violation(s). Prior conduct history will be considered for sanction purposes only.
- (5) Hearing Outcome and Sanctions
- (a) The respondent will have the opportunity to submit impact mitigation statements to the hearing chair prior to the hearing. If the hearing chair finds the respondent to be responsible for prohibited conduct under the Code, the hearing chair will review any impact or mitigation statements and will determine appropriate sanctions. The sanctioning process is to end the prohibited conduct, protect the best interests of the BGSU community, and promote the goals and objectives of this Policy in a manner that supports the university's educational mission. Sanctions may also be

designed to promote safety, deter similar behavior, and promote university values.

- (b) The hearing chair will provide a written notice of the outcome of the hearing including a rationale for the finding, and any appeal rights to the respondent.
- (c) As permitted by FERPA, victims of crimes of violence will be notified of the resolution and the sanctions.
- (d) Guidelines for the implementation of sanction(s) are outlined in this Code.

(6) Administrative Review

Respondents disputing the alleged policy violation(s) of only the Residence Life Community Living Standards and/or Residential Living Agreement are only entitled to an administrative review. An administrative review consists of the respondent submitting a written response. The written response must include the reasons that the student is contesting the alleged policy violation and provide additional information regarding the incident that they want considered, which can include names and statements of witnesses who have relevant information specific to the alleged violation. The administrative review officer, who is a designee of the Director of Residence Life, will examine the case, perform additional investigation if necessary, and render a finding regarding responsibility for the alleged violation(s) of the Residence Life Community Living Standards and/or Residential Living Agreement and assign sanctions, if appropriate. If the respondent requests an administrative review but does not submit any additional information, the administrative review officer will examine the case notes and proceed with rendering a finding regarding responsibility for the alleged violation(s) of the Residence Life Community Living Standards and/or Residential Living Agreement and assign sanctions, if appropriate.

(P) Medical Amnesty

- (1) Student health and safety is a substantial university interest. Abuse and overconsumption of alcohol or other legal and illegal substances

is a serious and worsening national problem. The university's interest in promoting student health and safety is furthered by encouraging students to seek and obtain prompt medical assistance for themselves, and/or another, if in distress from the abuse of alcohol or other substances. The university's interest is also furthered by removing obstacles to obtaining prompt medical assistance for a person in distress from alcohol or substance abuse.

- (2) Any student who, in good faith, seeks or obtains medical assistance (e.g., by calling 9-1-1) for another person shall not be found responsible for a minor violation of the Code, including the possession or consumption of alcohol or drugs, unless the student caller knowingly and/or recklessly endangered the health or safety of another person. If, during the conduct procedures, a student caller's actions are determined to have been knowing and/or reckless, having called for assistance will be considered as a mitigating factor in determining a sanction.
- (3) A currently enrolled student who, in good faith, seeks or obtains medical assistance (e.g., by calling 9-1-1) for themselves for the overconsumption of alcohol or for a drug overdose, shall not be found responsible for a violation of the Code in connection with the possession or consumption of alcohol or drugs if all the following apply:
 - (a) The information that would be the basis for a hearing of a Code violation for alcohol, drug, or other offense was obtained as a result of a student seeking medical assistance for themselves for the overconsumption of alcohol or a drug overdose.
 - (b) Under the supervision of the Office of the Dean of Students, the student accepts responsibility for the misconduct and completes any educational interventions required by the Office of the Dean of Students.
 - (c) The student has not previously asserted this policy in defense of another alcohol or drug incident.
 - (d) The student is in good disciplinary standing with the university.

- (e) When circumstances warrant, the Office of the Dean of Students may waive compliance with any part of this section. This will be determined on a case by case basis.
- (4) The Medical Amnesty policy does not prevent the university from notifying students' parents/guardians about the incident because family members can provide additional support for students.
- (5) The Medical Amnesty policy applies only to disciplinary actions under the Code and does not apply to limit any law enforcement agency, including the BGSU Police department, from investigating or prosecuting criminal activity in accordance with state and federal law.
- (6) The Medical Amnesty policy does not preclude any disciplinary actions regarding other university violations such as endangering, threatening, or attempting to cause physical harm to another individual; sexual misconduct; relationship violence; damage to property; theft; and hazing.
- (7) Recognized Student Organizations and Student Groups

If a representative of a recognized student organization or student group seeks medical assistance for the overconsumption of alcohol or a drug overdose, that act will be considered as a mitigating factor in determining a sanction if the recognized student organization or student group is found in violation of the Code in connection with the occurrence.

- (8) Determination of Application of Medical Amnesty

Whether all the conditions of medical amnesty have been satisfied shall be at the sole sound discretion of the Office of the Dean of Students.

A student, who fails to successfully satisfy all the conditions of medical amnesty, including any required educational interventions, will be referred for adjudication through the Code of Student Conduct for the original incident.

(9) Appeal

A student who has been denied the medical amnesty defense afforded by this policy may appeal that decision to the Dean of Students with five days of the decision. The Dean's decision shall be final.

(Q) Sanctions

The following sanctions may be imposed upon any student or recognized student organization found to have violated the Code:

- (1) Residential Warning – A written reprimand specifying the Community Living Standards and/or other Residence Life policy violation for which the student is being held responsible. Residential warning is for a designated period of time and includes the probability of more severe sanctions if the student is found in violation of any other university policy while on Residential Warning. A student is considered in good conduct standing while on residential warning.
- (2) University Warning – A written reprimand specifying the violation for which the student is held responsible. University warning is for a designated period of time and includes the probability of more severe sanctions if the student is found in violation of any university policy while on University Warning. A respondent is considered in good conduct standing while on university warning status.
- (3) Residential Conduct Probation – A written reprimand specifying the violation for which the student is held responsible. Residential conduct probation is for a designated period of time and includes the probability of more severe sanctions, including suspension or expulsion from university housing, if the student is found in violation of any university policy while on residential conduct probation. A student is not considered in good conduct standing with the Office of Residence Life while on residential conduct probation.
- (4) University Conduct Probation – A written reprimand specifying the violation for which the student is held responsible. University conduct probation is for a designated period of time and includes the

probability of more severe sanctions, including suspension or expulsion, if the student is found in violation of any university policy while on university conduct probation. Respondents on university conduct probation are not considered to be in good conduct standing with the University.

- (5) Deferred Suspension – Separation from the university for a defined period of time unless specified educational sanctions are successfully completed and the respondent has no further violations of any university policy while on a status of deferred suspension. Upon successful completion of educational sanctions and after the defined period of time, university conduct probation will be assigned for a defined period of time. Failure to complete educational sanctions and/or a violation(s) of this Code while on deferred suspension may result in suspension from the university. Respondents on deferred suspension are not considered to be in good conduct standing with the university.
- (6) Suspension – Separation of the student from the university for a defined period of time, after which the student is eligible to return, and a permanent notation on one’s transcript. While on suspension, the student may be prohibited from being present on all university property. Conditions for readmission may be specified.
- (7) Expulsion - Permanent separation of the student from the university and a permanent notation on one’s transcript. The student may also be permanently prohibited from being present on all university property.
- (8) Withholding or Revoking a Degree – The university may withhold conferring a degree or revoke a conferred degree due to a finding of prohibited conduct when the student would have been suspended or expelled for the finding had the conduct process been completed prior to the awarding of the degree.
- (9) Residence Hall Suspension – Separation of a student from one or more of the residence halls for a definite period of time, after which the student is eligible to return. Conditions for return may be specified.

- (10) Residence Hall Expulsion – Permanent separation of a student from the residence halls.
- (11) Residence Hall Reassignment – Reassignment to another university housing facility. Personnel in the Office of Residence Life will decide on the reassignment details.
- (12) Educational Sanctions – Work assignments, service to the university, classes, workshops, papers, or other related educational assignments.
- (13) Restrictions and Loss of Privileges – Specific limitations or exceptions may be granted by the Dean of Students or designee and the terms of this sanction may include, but are not limited to, the following:
 - (a) Ineligibility to hold any office in any recognized student organization or student group or hold an elected or appointed office at the university; or
 - (b) Ineligibility to represent the university to anyone outside the university community in any way including: participating in the study abroad program, attending conferences, or representing the university at an official function, event, or intercollegiate competition as a player, manager, or student coach, etc.
 - (c) Denial or restriction of access to certain facilities or of other privileges for a designated period of time.
- (14) Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- (15) Confiscation of Prohibited Property – Items whose presence is in violation of university policy will be confiscated and will become the property of the university. Prohibited items may be returned to the owner at the discretion of the conduct administrator or hearing chair and/or BGSU Police.

- (16) Parental Notification – The university reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students of drug violations and alcohol violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.
- (17) Additional or alternate sanctions may be created or designed as deemed appropriate to the offense with the approval of the Dean of Students or designee.
- (18) The following are additional sanctions that may be imposed on any recognized student organization or student group found in violation of the Code:
 - (a) Loss of status as a recognized student organization for a defined period of time or permanently. The Office of Student Engagement shall notify any national or regional governing body with which the recognized student organization is associated or that sponsors social, academic, or sports events when such action is taken.
 - (b) Loss or withdrawal of all student general fee dollars or other university funding for the remainder of the academic year.
 - (c) Loss of small-group housing privileges at BGSU for a defined period of time or permanently.
- (19) Multiple sanctions may be imposed for any single violation
- (20) A student's, recognized student organization's, or student group's prior student conduct history may be a factor in decisions regarding sanctions.
- (21) Failure to complete sanctions or attend a Code of Student Conduct meeting may result in a university hold being placed on a student's ability to register for subsequent semesters or change a class schedule as well as the university may withhold the conferring of a degree.

(R) Disposition and Sanctions for Student Groups

The conduct administrator will determine if a student group violated the Code by a preponderance of the evidence after having investigated a report of alleged misconduct. If a student group is found responsible for violating the Code, the Dean of Students and the divisional or unit leader (i.e., dean or vice president) will determine the appropriate sanction(s), and that decision is final and unreviewable.

(S) Appeals

(1) Right to Appeal

A respondent may appeal the sanction(s) imposed by a conduct administrator (informal disposition) or the decision rendered by the hearing chair or administrative review officer (formal disposition).

(2) Grounds for Appeal

Appeals requests are limited to the following grounds:

- (a) A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures);
- (b) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or
- (c) The sanctions imposed are substantially disproportionate to the severity of the violations.

(3) Appeal of Informal Disposition

Appeals shall be made to the Dean of Students or designee within five days of the date that the respondent was emailed the sanction notification letter rendered by the conduct administrator. The appeal shall be in writing and is limited to the sanctions imposed are substantially disproportionate to the severity of the violations. The decision of the Dean of Students or designee is final.

(4) Appeal of Formal Disposition

Appeals shall be made to the Dean of Students or designee within five days of the date that the respondent was emailed the outcome of the formal disposition process as determined by the hearing chair. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Dean of Students or designee is final.

(5) Appeal Proceedings

- (a) An appeal is confined to the criteria set in this Code.
- (b) No appeal may be taken when disciplinary action is not imposed.
- (c) An Appeals shall be made to the Dean of Students or designee within five days of the date that the respondent was emailed the outcome of the formal disposition process as determined by the hearing chair. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Dean of Students or designee is final.
- (d) The written appeal and the supporting documents will be reviewed in determining the outcome.
- (e) There will typically be no oral argument before the appeal officer. However, the appeal officer may choose to meet with the respondent before determining the outcome.

(6) Potential Appeal Outcomes

- (a) Uphold, modify, or eliminate the original sanction(s) in both the informal and formal disposition processes;
- (b) Dismiss the case or individual charge(s) against the student or recognized student organization in the formal disposition process; or

- (c) Order a new hearing or remand the matter to the original hearing authority, as appropriate. This process may include a new finding on responsibility and, if applicable, sanctions.

(T) Implementation of Sanction(s)

Sanctions are effective immediately upon notice. Upon submission of appeal, sanctions will be held in abeyance until the appeal process has been exhausted. New deadlines may be reassigned as necessary. The Dean of Students or designee may impose interim measures during the appeal process to ensure the safety and well-being of members of the university community or preservation of university property.

(U) Conduct Records

Other than suspension and expulsion, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record. All incidents involving the imposition of sanctions other than suspension, expulsion, and/or loss of status as a recognized student organization shall be removed from the student's, recognized student organization's, or student group's conduct record seven years from the year in which the offense occurred. Incidents involving the imposition of suspension, expulsion, and loss of status as a recognized student organization shall remain permanently on a student's, recognized student organization's, or student group's conduct record.

(V) Refund Policy

In the event of a suspension, expulsion, residence hall suspension, or residence hall expulsion, the university will follow the regular tuition refund schedule outlined by the Office of Registration and Records. In the case of a student residing on campus, the university will follow the regular refund schedule outlined by the Office of Residence Life.

(W) Code of Student Conduct Interpretation and Review

- (1) Staff within the Office of the Dean of Students may develop procedural rules for the administration of hearings that are consistent with provisions of this Code. Material deviation from these rules will, generally, only be made as necessary and will include reasonable notice to the parties involved, either by posting

online and/or in the form of written communication. The hearing chair may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The hearing chair may make minor modifications to procedure that do not materially jeopardize the fairness of the process for any party. Any question of interpretation of the Code will be referred to the Dean of Students, whose interpretation is final.

- (2) The Code shall be reviewed annually under the direction of the Dean of Students or designee. In addition, the Student Affairs Advisory Committee shall conduct an annual review of the Code and make recommendations to the Provost and Senior Vice President for Academic and Student Affairs or designee regarding omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Code. Questions of interpretation regarding the Code or Student Handbook shall be referred to the Office of the Dean of Students. In keeping with normal university policy approval processes, the Code and Student Handbook may, at the sole discretion of the university, be amended at any time.