

# Code of Student Conduct

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## INTRODUCTION

Kent State University is a student-centered institution offering a broad array of academic programs to engage students in diverse learning environments that educate them to think critically and to expand their intellectual horizons while attaining the knowledge and skills necessary for responsible citizenship and productive careers. To maintain high standards, the University must furnish an atmosphere conducive to study and educational growth, as well as one that enables and assists students in developing in a positive manner. University rules and regulations form parameters for individual behavior on and off campus, and follow the normative standards of behavior adhered to by the City of Kent and Kent State University communities. By virtue of a student's enrollment at Kent State University, each student consents to follow the policies and procedures of the University, including those outlined in this [Code of Student Conduct](#). It is the individual student's responsibility to be familiar with all applicable conduct-related policies.

A student may access the full *University Policy Register*, which contains the complete text of all the University's current policies online at: [www.kent.edu/policyreg](http://www.kent.edu/policyreg). Other rules and regulations may be found in the [Residence Hall Contract](#) and the [Hallways Handbook](#), as well as in publications such as the [University Catalog](#).

The Office of Student Conduct is responsible for the adjudication of cases involving students and student organizations accused of violating campus rules, regulations, or policies; federal or state laws; and/or municipality ordinances. The University's student conduct-related goals are: to provide students with due process; to make students aware of and able to reasonably navigate through the conduct process; to have students accept responsibility for their actions when it is warranted; to be intentionally educational; to assist students in making responsible decisions; and to apply sanctions designed to assist students in their pursuit of excellence in both the classroom and the community.

The Student Conduct process is not a legal process and is separate from federal, state, and local court proceedings. Instead, the standard of responsibility is based on a preponderance of the evidence. The student conduct process is expected to:

- Determine consequences for behaviors that violate university rules, policies, and federal, state, and local laws or ordinances
- Offer outcomes to assist students in learning about the impact of their actions on themselves and others within their respective communities
- Protect the integrity of students, faculty, staff, the institution, and the University community

### **Section 1: University policy regarding administration of student conduct (University Policy Register 4-02)**

- A. Purpose. The university board of trustees is responsible by law for regulating the use of the grounds, buildings, equipment and facilities of the university. The board of trustees is also responsible for assuring that the conduct of the students, staff, faculty and visitors to the campus permits the university to pursue its educational objectives and programs in an orderly manner.
- B. Requirements.

1. To meet these responsibilities, the board of trustees shall adopt standards of conduct for the students, faculty, staff, and visitors to the campus and may provide for suspension from classes or employment, expulsion from the university, and/or ejection from university property of persons who violate such regulations.
  2. The board of trustees shall provide for the administration and enforcement of its rules and may authorize the use of state university law enforcement officers and other university officials to assist in enforcing university policy and the law on the campus.
- C. Scope. In accordance with university policy, the president shall have the responsibility and authority for the discipline of all students. The authority to impose the formal sanctions specified in this rule may be delegated to university officials or hearing panels by the president. Disciplinary action under this rule may be taken against a person who has applied for admission as a student to the university, whether or not the individual is registered for classes. Disciplinary action may also be taken against student organizations. The president (or designee) review any case which comes within the purview of the university policy regarding administration of student conduct.
- D. Jurisdiction. The code of student conduct shall apply to conduct occurring on university premises, at university-sponsored activities, and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. Behavioral conduct is the responsibility of each student from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The code of student conduct shall apply to a student's conduct (or student organization's conduct) even if the student withdraws (or the student organization ceases functioning/loses university-recognized status) from the university while a disciplinary matter is pending. The vice president for student affairs (or designee) maintains discretion to decide, on a case by case basis, whether the code of student conduct shall be applied to conduct occurring off campus.
- E. Procedural standards. Students and student organizations shall adhere to operational procedures for the administration of student conduct under this rule or rule 3342-4-02.1 of the Administrative Code. The procedural standards shall be readily accessible to all students and student organizations.
- F. Responsibility for administration of this policy. The primary responsibility for the supervision of student conduct at the university has been delegated to the vice president for student affairs. The vice president for student affairs may establish such administrative procedures as are necessary to fulfill the intent of the code of student conduct. These administrative procedures shall be in writing and published in conjunction with the code of student conduct.
1. The president authorizes the vice president for student affairs to establish administrative procedures as necessary to fulfill the intent of this rule. The vice president for student affairs may delegate the responsibility to direct the student conduct process to the director of student conduct.
- G. All-university hearing board. In recognition of the student right to self-govern by and through the undergraduate student government, the all-university hearing board is established to administer non-conduct related matters involving students. Accordingly, the all-university hearing board shall not have the authority to intervene in the student conduct process administered by the university, and the purview of such board shall be

limited to the scope as currently provided for in rule 3342-2-08 of the Administrative Code.

- H. Revisions. Updates and other changes to the code of student conduct shall be submitted to the vice president for student affairs. The vice president for student affairs retains the authority to immediately enact and enforce changes to the code of student conduct.

## **Section 2: Administrative policy and procedures regarding regulations for student behavior and administration of student conduct (University Policy Register 4-02.1)**

### **A. Purpose.**

Paragraph (F)(1) of rule 3342-4-02 of the Administrative Code authorizes the vice president for student affairs to establish administrative procedures as necessary to fulfill the intent of this rule. The vice president for student affairs may delegate the responsibility to manage the student conduct process to the director of student conduct.

1. It is the responsibility of the director of student conduct to determine if referrals should be assigned to conduct hearings; provide student conduct hearings and officers with technical advice, training, and clerical support; establish procedures to ensure an ongoing evaluation of student conduct rules; collect and maintain all records of formal disciplinary action; establish means to inform all members of the university community of student conduct policies and issues; and serve as a consultant to students and staff in the administration of the student conduct process. This policy establishes procedural direction and is subject to change by action of the vice president for student affairs. The procedures are intended to assure proper implementation of the policy regarding administration of student conduct.
2. The director of student conduct (or designee) is responsible for a review of information contained in an incident report, and reserves the right to add, adjust, or remove accusations prior to issuing a notice of hearing (which includes an incident report and pending accusations) for any case.
3. After reviewing the information contained in an incident report, the director of student conduct (or designee) shall assign the appropriate process for resolution, including but not limited to a sanction hearing, hearing panel, administrative conversation, administrative hearing, or referral to alternative conflict resolution.
4. The vice president for student affairs (or designee) may uphold, alter or reverse any student conduct decision.

### **B. Student rights and procedural standards.**

1. The university shall provide respondents and complainants (either of who may be a student or members of a student organization) the following rights:
  - a. For the respondent to be sent a written notice of accusations including the identity of the complainant(s).
    - i. Complainants name(s) may not be forwarded if the office of compliance and equal opportunity and affirmative action suggests a potential detrimental risk as a result of doing so.
  - b. To be notified of the scheduled hearing in writing at least 48 hours in advance of the hearing.
    - i. Respondents and complainants may waive this right if an earlier hearing date is agreed upon by the respondent and complainant and scheduled through the office of student conduct.

- c. To have a person or persons of their choice (not to exceed a total of two) accompany a respondent or complainant throughout the disciplinary process (individually referred to as a "conduct advisor").
  - d. To participate in person or, upon request, have a logistical accommodation to participate outside of the hearing room (when necessary and/or requested in advance), during the entire proceeding except as per paragraph (C) of this rule.
  - e. To be given an opportunity to present evidence, including witnesses on the student's or student organization's behalf.
  - f. To question the respondent/complainant, witnesses, and investigators.
  - g. To be informed of the outcome of the hearing in writing.
  - h. To appeal, as defined in the code of student conduct and section (D) of this rule.
2. In addition to paragraphs (B)(1) of this rule, complainants of accusations including sexual harassment, harassment, and physical violence maintain the following rights:
    - a. Indirect questioning may be conducted at the discretion of the student conduct convener or administrative hearing officer, verbally or in writing, supplying questions to the student conduct convener.
    - b. To present or submit a "victim impact statement" for consideration by the hearing panel or administrative hearing officer if the accused is found in violation of the code of student conduct.
  3. Multiple complaints regarding the same incident shall be administered in the order they are received, and at the discretion of the director of student conduct (or designee).

### **C. Procedures for student conduct hearings.**

1. Student conduct hearings are administrative procedures and do not follow the specific steps, methods, or standards of proof or evidence used in civil or criminal courts.
2. Any member of the university community may file an incident report accusing a student or student organization (respondent) of violating the code of student conduct. Incident reports may be submitted to the director of student conduct (or designee) in writing. The director of student conduct (or designee) will determine if the allegations are within the parameters of university policy regarding the administration of student conduct (rule 3342-4-02 of the Administrative Code) and may assign appropriate accusations based on the information provided.
3. Action. Formal disciplinary action shall be instituted against a respondent only after the director of student conduct (or designee) has determined that such action, rather than medical or counseling services, or alternative conflict resolution / mediation referral, is appropriate.
4. Type of hearing or referral. A sanction hearing may be assigned for violations that, even with a finding of responsibility, may not lead to suspension or dismissal from the university. A hearing panel may be convened when a respondent does not accept responsibility for accusations, or when assigned by the director of student conduct (or designee). An administrative hearing may be assigned by the director of student conduct (or designee) in cases where the accusation includes an alleged act of violence, significant personal or property

damages, and/or the alleged behavior may be considered detrimental to the health or safety of the university. The office of student conduct sends written notification to the respondent(s) as per the code of student conduct and paragraph (C)(5) of this rule.

- a. Sanction hearing. A sanction hearing is composed of one hearing officer and facilitated by a student conduct convener. A student conduct convener may serve as a sanction hearing officer and function in both roles.
    - i. If a respondent, any time prior to the start of deliberation, informs the hearing officer and/or student conduct convener that responsibility for one or more accusations is not accepted, the sanction hearing is nullified and a hearing panel may be scheduled. The sanction hearing process will immediately cease, and the hearing panel process will follow the code of student conduct and paragraph (C)(12) of this rule.
  - b. Hearing panel. A hearing panel is composed of three hearing officers and facilitated by a student conduct convener. The purpose of a hearing panel is to decide if a respondent is responsible for accusations, and if so, to apply educational sanctions. A student conduct convener may serve on a hearing panel and function in both roles.
  - c. Administrative hearing. An administrative hearing panel is composed of one hearing officer appointed by the director of student conduct (or designee). The purpose of an administrative hearing is to decide if a respondent is responsible for accusations, and if so, to apply educational sanctions.
  - d. Referral to alternative conflict resolution. A student or student organization may be referred to alternative conflict resolution in lieu of and/or in addition to a student conduct hearing.
5. Notice. A respondent shall be sent a written (and/or electronic letter that includes accusation(s) in addition to a copy of the corresponding incident report. A date and location for a hearing shall be set and sent in writing to the respondent(s) that will be no less than three calendar days and no more than 30 calendar days after the letter of accusation(s) and incident report has been sent. Time limits may be extended at the discretion of the director of student conduct (or designee); see paragraph (B)(1)(b) of this rule for further information. The letter of accusation(s) and incident report shall contain links to access information about the student conduct process, the code of student conduct, and accessibility of a conduct advisor.
  6. Separate hearings. In proceedings involving more than one respondent, a separate hearing may be requested by a respondent or complainant, and granted at the discretion of the director of student conduct (or designee). Also, upon reasonable request submitted in writing, a delay in the hearing may be granted by the director of student conduct (or designee). In all cases, the proceedings may be delayed no more than two times.
  7. Conduct advisor. A student may have up to, but no more than, two persons serving as a conduct advisor. If an accommodation is required for a respondent or complainant, a person such as an interpreter, sign language communicator, or physical needs assistant may attend a hearing and may not be counted as a

conduct advisor. A conduct advisor may not serve in any other capacity in the hearing.

8. Impartial hearing. Prior to the start of a hearing, a respondent and complainant may question a hearing officer regarding that person's ability to participate fairly in the hearing. Questions should be directed to the director of student conduct (or designee), who will decide whether or not to remove a hearing. If the director of student conduct (or designee) determines no changes are necessary the hearing will begin as scheduled; if changes are deemed to be necessary, a hearing may be delayed or rescheduled at the discretion of the director of student conduct (or designee).
9. Standard of review. A hearing officer or panel shall evaluate the points of view presented by the respondent(s), complainant(s), and law enforcement/investigators and shall determine by a preponderance of the evidence (more likely than not) if the respondent(s) engaged in behavior that is a violation of university rules. The consideration of information presented will be conducted in a closed session(s).
10. Closed hearings. All hearings are closed to the public. Attendees may include: respondent(s), complainant(s), law enforcement/investigator(s), hearing officer(s), student conduct staff /convener, and conduct advisor(s). Witnesses will be allowed in the hearing room only for introductions and when the student conduct convener and/or hearing officer authorizes entry.
  - a. In situations where it is known that the student conduct process is in progress addition to a pending, current, or potential legal process, Kent state university general counsel may attend the student conduct hearing.
  - b. For sanction hearings, where the respondent has already accepted responsibility for the accusations, complainants may not be asked to participate in the hearing process.
11. Failure to appear. If a complainant, respondent, or law enforcement/investigator fails to appear to a scheduled student conduct hearing, the hearing will proceed in accordance with student conduct procedures.
12. Hearings. The office of student conduct shall create and make publicly available a guideline for hearing expectations that will include the following information:
  - a. Decorum.
  - b. Hearing proceedings.
  - c. Questioning.
  - d. Student organization hearings.
13. All student conduct hearing decisions are final, pending the appeal process.
14. Decisions. A letter containing the decisions of a hearing and the procedures for appeal shall be sent to the respondent(s) (and complainant(s) where appropriate). Individuals and appropriate members of the university community who are affected by/involved in the decision may also be notified, including but not limited to: the president, vice president for student affairs, dean of students, academic dean(s), academic advisor(s), university registrar, bursar, residence services, psychological services, university health services, center for student involvement, recreational services, department of athletics, and university police services.
  - a. If the respondent(s) is not present, the decision may be sent to the respondent's official Kent state university email address. If the

respondent(s) is a student organization and is not present, the decision may be sent to the official Kent state university email addresses of minimally the president and vice president of the accused student organization.

15. Retaliation. A retaliatory action is any materially adverse action taken against a person because they participated in the process for reporting or in an investigation regarding complaints of discrimination. A materially adverse action is one that might deter a reasonable person from participating in the process. It may include, but is not limited to, termination, discipline, and harassment, but does not include petty slights, minor annoyances, or trivial punishment.

#### **D. Appeals.**

1. Appeal of a decision from a student conduct hearing must be submitted by the respondent(s) or complainant(s) in writing to the office of student conduct within seven calendar days from the conclusion of the hearing (or the next available business day after seven calendar days – for example holidays or recesses). An appeal must be submitted using the appeal form available through the office of student conduct. The office of student conduct compiles the written appeal and documentation from the respondent(s), complainant(s), law enforcement/investigator(s), the student's disciplinary file(s), the digital recording of the hearing, and any additional information provided by the hearing officer(s) and submits these materials to an appeal panel.
2. Appeals may be made on the basis that:
  - a. Procedural irregularity that affected the outcome of the matter; and/or
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
  - c. The hearing officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and/or
  - d. For decisions resulting in separation from Kent state university only (including but not limited to suspension, dismissal, removal from university housing, and persona non grata): sanction(s) imposed were not appropriate for the conduct violation for which the respondent(s) was found responsible.
3. If the office of student conduct receives an appeal that does not meet any of the criteria listed in paragraph (D)(2) of this rule, it may reject the appeal.
4. The director of student conduct (or designee) has the discretion to extend the date to appeal process timelines for extenuating circumstances.
5. Composition. An appeal panel is composed of at least two Kent state university faculty, staff, and/or student hearing officers appointed by the vice president for student affairs who are trained by the director of student conduct (or designee). No member of the appeal panel shall have participated in the original hearing in any capacity.
6. Authority. The vice president for student affairs (or designee) may:
  - a. Accept or deny an appeal depending on the basis of the appeal, and/or
  - b. Alter an assigned accusation, and/or
  - c. Alter reverse a finding of responsible/not responsible, and/or
  - d. Alter or reverse any sanction decision, and/or

- e. Remand the case to another hearing. A case may not be remanded more than once.
7. Timeline. An appeal panel will provide a recommendation in writing to the vice president for student affairs (or designee) within fifteen calendar days of receipt of the appeal. The vice president for student affairs (or designee) shall provide a written decision within fifteen calendar days of receipt from an appeal panel. The decision will be provided to the respondent(s) and complainant(s) in writing from the office of student conduct.
8. Appeal decisions made by the vice president for student affairs (or designee) are final.

#### **E. Interim actions.**

When the vice president for student affairs (or designee) has reasonable cause to believe that a student(s) or student organization(s) may pose a risk to the safety or well-being of those involved or others in the university community, the student(s) or student organization(s) may be issued an interim action. Interim actions may include but are not limited to: no contact order(s); restriction from specific classes, campus facilities or locations; requirement to secure a psychological evaluation; cease and desist mandates; restriction from facilitating or participating in student organization business or activities; suspension of student status or student organization recognition; etc. An interim action shall remain in effect until removed or altered by the vice president for student affairs (or designee) or as the result of the student conduct process. A student or student organization may challenge an interim action in writing to the vice president for student affairs. Failure to comply with an interim action may result in a referral to the office of student conduct and/or the Kent state university police department.

1. Interim suspension. An interim suspension immediately revokes a student's or student organization's access from all or any specific portion of university premises, university-related activities and/or registered student organization activities. An interim suspension will be confirmed by a written notice and shall remain in effect until the conclusion of an administrative hearing, student conduct hearing, or decision by the vice president for student affairs (or designee). Such action may occur in conjunction with, or in lieu of, Ohio Campus Disruption Act (House Bill 1219) proceedings, at the discretion of the vice president for student affairs (or designee). A student or student organization may challenge an interim suspension in writing to the vice president for student affairs (or designee). Failure to comply with an interim suspension may result in a referral to the office of student conduct and/or the Kent state university police services.

#### **F. Voluntary and involuntary withdrawal.**

Rule 3342-4-02.5 of the Administrative Code is applied when a health emergency or condition renders a student's continued participation in university academics, programs, or services impossible, impractical or unsafe to any member of the university community. Voluntary and involuntary withdrawal may not preclude the student conduct process from occurring. In these specific instances, at the discretion of the vice president for student affairs (or designee), the student conduct process may be indefinitely delayed, and the student placed on ineligible hold, thus prohibiting future class registration. If/when the student attempts to re-enter the university, the pending student conduct proceedings may be reinstated.

#### **G. Student organizations registered with the university.**

Resolution of a student organization issue pertaining to an alleged violation of university policy will be addressed through the student conduct process.

1. A student organization and its officers and membership may be held collectively and individually responsible when violations of the code of student conduct by the organization, or its members take place. A student organization and/or individual members of a student organization alleged to have violated university rules, regulations, or policies may be referred to the office of student conduct for adjudication. If an incident involving a student organization is forwarded to the office of student conduct for adjudication, minimally the president and vice president (or equivalent executive positions) are considered representatives of the student organization, and will be provided notice in accordance with paragraph (C)(5) of this rule for participation in the student conduct process. The student organization/campus advisor may also be notified.
2. Disciplinary hearings for student organizations follow paragraphs (C)(1) through (C)(16) of this rule.

#### **H. All-university hearing board.**

As stated in the university undergraduate student senate charter (provided for in rule 3342-2-08 of the Administrative Code), the all university hearing board is established to recommend sanctions regarding the violation of university rules and regulations. In addition, the all university hearing board is vested with the judicial authority for the undergraduate student government (USG).

1. Jurisdiction. With regard to undergraduate student government, the all university hearing board shall have jurisdiction to hear and decide all cases concerning:
  - a. Interpretations of the charter of the USG of Kent state university.
  - b. The legality, with respect to this charter, of all USG resolutions and bills.
  - c. Charges of fraud, malfeasance, or illegal procedure taking place within any general student election.
  - d. Disputes between student organizations or between a student or students and any organization or organizations.

#### **I. Alternative conflict resolution.**

1. Alternative conflict resolution (ACR) is an informal option for seeking redress with an issue(s). ACR may be available for issues pertaining to students or student organizations. If all persons personally and directly affected by the conflict agree to attempt resolution through an alternative process (such as mediation, facilitated dialogue, etc.) and the director of student conduct (or designee) has not already assigned the formal student conduct process, than an ACR process may be available. The nature of some conflicts, especially those involving violence, may not be appropriate for ACR options.
2. Participation in an ACR process may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached, the situation is considered resolved with no disciplinary record being maintained. Resolutions reached through ACR may not be appealed. If a resolution is not achieved through an attempt at ACR and the matter involves a potential violation of university policy, a complainant may initiate the formal disciplinary process from the university policy regarding administration of student conduct provided for in rule 3342-4-02 of the Administrative Code.
3. The director of student conduct (or designee) may refer incidents to ACR in lieu of adjudication. Failure of a student or student organization to make a good

faith and timely effort with ACR may result in the case being referred back to student conduct for adjudication.

#### **J. Ohio Campus Disruption Act.**

The Ohio Campus Disruption Act, passed by the 108th Ohio General Assembly (House Bill 1219), directly affects the operation of state universities in Ohio. The Act has specific ramifications for university students, faculty, and staff. In essence, any individual who commits an act of violence and is arrested for that violation is subject to immediate suspension from the university. The act reads in part that a student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof who is arrested for any of the so-called "trigger" offenses listed within division (A)(9)(A) of section 2901.01 of the Revised Code shall be afforded a hearing, as provided in this Act, to determine whether the accused person shall be immediately suspended from that college or university. Such hearings shall be held within not more than five days after an arrest of the accused person, subject to reasonable continuances for good cause shown. Continuances shall not exceed a total of ten days. If at the hearing the referee finds by a preponderance of the evidence that the person whose suspension is being considered committed any of the specified trigger offenses, the referee shall order the person suspended. Except for cases in which the good order and discipline of a college or university will be prejudiced or compromised thereby, the referee may permit the person to return to the college or university on terms of strict disciplinary probation. Subsequent violation of the terms of the probation automatically causes the provisions of the Ohio Campus Disruption Act to go into effect. Based on section 3345.23 of the Revised Code, the conviction of a student, faculty or staff member, or employee is cause for dismissal or suspension pursuant to section 3345.22 of the Revised Code.

#### **K. Family Educational Rights and Privacy Act (FERPA).**

Kent state university complies with the Family Educational Rights and Privacy Act of 1974 in its maintenance of student educational records. This act was established to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction or deletion of inaccurate or misleading data through informal and formal hearings. Disciplinary records fit within the purview of FERPA.

1. Parental notification. Pursuant to the Family Educational Rights and Privacy Act, the office of student conduct may send written notice to the parents and/or legal guardians of a student under twenty-one years of age who is found to be responsible for violating any state or local laws pertaining to possession, consumption, or inappropriate sale of any alcoholic beverages or controlled substances.

#### **L. Student disciplinary records.**

1. All hearings are digitally recorded. Recordings may be listened to or viewed by students wishing to appeal a decision. Recordings will be provided to the student only at the student's request and expense. Digital recordings are maintained only if an appeal is accepted and/or a sanction of disciplinary suspension or disciplinary dismissal is assigned.
2. All student disciplinary records are maintained by the office of student conduct in accordance with the federal Family Educational Rights and Privacy Act, all state of Ohio laws, and the Kent state university records retention policy. See

university administrative policy regarding public records (provided for in rule 3342-5-15.1 of the Administrative Code) for further details.

3. Notation of a disciplinary record in any case shall not appear on a student's official transcript.

#### **M. Expunction.**

A student (current or former) may request expunction in writing to the office of student conduct regarding a student disciplinary record. Decisions regarding expunction made by the vice president for student affairs (or designee) are final and not subject to appeal, and may be based on behavior subsequent to the original violation, the nature of the original violation, and/or other relevant information or factors.

#### **N. Revisions and applicability.**

1. Revisions. Throughout any given year, changes to the code of student conduct may be approved. As members of the university community, students are encouraged to be aware of any public announcements concerning changes to the rules and regulations governing student behavior. Updates and other changes to the code of student conduct shall be submitted the director of student conduct.
2. Applicability. This rule and the code of student conduct reflect language found in various university policies and procedures located in the Kent state university policy register. Revisions, changes or updates to the policy register are considered the authority in situations where conflicting information exists.

### **Section 3: Operational definitions and information regarding regulations for student behavior and administration of student conduct (University Policy Register 4-02.101)**

#### **A. Definitions.**

1. Accusation – formal allegation of specific conduct violation(s).
2. Adjudication – the process by which the university conducts disciplinary meetings, hearings, or other actions, bringing matters to resolution.
3. Administrative conversation – informal discussion with the director of student conduct (or designee) that is educational and informative in nature, and shall not result in binding decisions. An administrative conversation is considered a reasonable request.
4. Administrative hearing – a student conduct process involving one Kent state university student hearing officer. An accused student(s), an accused student organization(s), and complainant(s), a witness(es), and investigator(s) and conduct advisors may participate for the purpose of rendering a determination of responsibility and sanctioning (if applicable); see rule 3342-4-02.1 of the Administrative Code.
5. Appeal – the method by which due process and/or a decision can be challenged; all appeals must be submitted in writing to the office of student conduct, and may only be considered if it is in accordance with the code of student conduct procedures.
6. Complaint – written or electronic statement or report provided from any person to the office of student conduct; not all complaints result in incident reports or adjudication through the student conduct process.
7. Complainant – a person, persons, or student organization who submits a report alleging that a student or student organization violated university rules, regulations, or policies.

8. Code of student conduct – document that contains and explains university rules, regulations, policies, and procedures for addressing student and student organization behavior.
9. Conduct advisor – any person who advises a student or student organization regarding university policies or procedures. Examples of conduct advisors include but are not limited to judicial advocates, parents, attorneys, etc. A conduct advisor may not serve in any other capacity in the hearing.
10. Conflict of interest – bias for or against complainants or respondents generally or an individual complainant or respondent specifically.
11. Consent – an action defined as the voluntary, unambiguous and uncoerced agreement to participate in an act, the nature and full extent of which is understood by all parties. Silence or lack of resistance cannot be the sole factor in determining consent. Consent may be given verbally or nonverbally. All parties are responsible for confirming that their counterpart’s consent is maintained throughout the act and is present before engaging in a new act. A person may be incapable of giving consent due to physical incapacitation, physical or mental disability, threat, coercion, the influence of alcohol or drugs, or age.
  - a. Coercion – when an individual unreasonably pressures another to engage in sexual activity, despite responses that the conduct is unwelcome or unwanted. Coercion includes elements of pressure, duress, cajoling, and compulsion. The pressure to participate may also be considered unreasonable when the pressuring individual is in a position of influence or authority over the other individual.
  - b. Incapacitation – a state where a person lacks the capacity to reasonably appreciate the nature or extent of the situation because of their physical or mental status, developmental disability, or alcohol or drug use.
12. Deliberation – private meeting by a student conduct hearing officer / panel / administrative hearing officer to render a determination of responsibility and sanctioning (if applicable). A student conduct convener may be present during deliberation.
13. Director of student conduct – staff member assigned with overseeing the office of student conduct. At regional campuses, this may be referred to by a different title, such as “student conduct coordinator.”
14. Disciplinary probation – sanction specifying a period of time during which a student or student organization who has been found responsible for any violation is subject to immediate disciplinary suspension and/or dismissal in the event of a subsequent violation.
15. Disciplinary suspension – sanction of involuntary separation of a student or student organization from the university for a specific period of time (a student assigned persona non grata status effective the date of suspension).
16. Disciplinary dismissal – sanction of involuntary separation of a student or loss of university-recognized student organization status from the university indefinitely (a student assigned persona non grata status effective the date of dismissal).
17. Disciplinary record – the record of a student conduct process and its findings; all disciplinary records are considered educational records based on the Family Educational Rights and Privacy Act (FERPA).
18. Expunge – elimination of a student disciplinary file, or redaction of a person’s name from a disciplinary file.

19. Hearing officer – any Kent state university faculty, staff, or student who has been appointed to a student conduct decision-making role by the director of student conduct and has been trained through the office of student conduct.
20. Hearing panel – a student conduct process involving at least one Kent state university faculty, staff, or student hearing officer, and a student conduct convener. An accused student(s), an accused student organization(s), and complainant(s), a witness(es), and investigator(s) and conduct advisors may participate for the purpose of rendering a determination of responsibility and sanctioning (if applicable); see rule 3342-4-02.1 of the Administrative Code.
21. Incident report – a complaint that is reviewed by the office of student conduct and may be adjudicated through the student conduct process.
22. Interim action – an immediate action determined by the vice president for student affairs (or designee) that may limit a student's or student organization's specific privileges, including but not limited to no contact order(s), restriction from specific facilities or locations, cease and desist mandates, participation in student organization business or activities, suspension of student status, or loss of university-recognized student organization status, etc.; see rule 3342-4-02.1 of the Administrative Code.
23. Law enforcement/investigator – University police services, other law enforcement agency representative, or non-law enforcement investigator (including office of compliance / Title IX representative) who may provide information resulting from an investigation.
24. No contact order –states that a student or student organization may have no direct or indirect contact with another person, student organization, or student organization member (including by another person on behalf of the person to whom the order was issued); prohibited contact includes but is not limited to making a contact by way of personal (verbal or non-verbal), physical, phone, and/or electronic means including social media.
25. Persona non grata – a student, student organization, or visitor who has been deemed detrimental to the university community and thus is not permitted to be present on Kent state university property or any or specified university locations.
26. Preponderance of the evidence – the standard in determining if a student or student organization is responsible for a violation; the complainant must show that it is "more likely than not" that the alleged behavior occurred and was in violation of university rules, regulations, or policies.
27. Recognized student organization – a group of students who go through the process outlined in rule 3342-4-11.201 of the Administrative Code and is registered (officially or as an interest group) referred to in the code of student conduct as "student organization."
28. Report of finding – written decision that explains the outcome of a student conduct hearing, or other action.
29. Respondent – a student or student organization that has been accused, informally or through an incident report, of violating university rules, regulations, or policies.
30. Retaliation. A retaliatory action is any materially adverse action taken against a person because they participated in the process for reporting or in an investigation regarding complaints of discrimination. A materially adverse action is one that might deter a reasonable person from participating in the process. It

- may include, but is not limited to, termination, discipline, and harassment, but does not include petty slights, minor annoyances, or trivial punishment.
31. Sanction – requirements set forth upon a finding of individual / organizational acceptance of responsibility for a violation of university rules, regulations or policies through the student conduct process.
  32. Sanction hearing – a student conduct process involving an accused student(s) and a hearing officer (and student conduct convener), where the accused student(s) has, prior to this hearing, accepted responsibility for accusations, and the hearing officer renders a sanctioning decision; see rule 3342-4-02.1 section (C)(4)(a) of the Administrative Code.
  33. Student – any person who has applied to or enrolled at the university in any of its courses, programs, campuses, or offerings, including, but not limited to, cooperative programs or offerings with other institutions for whom a record is made at the university by the registrar or which is submitted to the university for admission or transfer credit; see rule 3342-1-01 of the Administrative Code.
  34. Student conduct convener – director of student conduct (or designee) responsible for logistics and procedures associated with the student conduct process; the student conduct convener may simultaneously serve as a hearing officer.
  35. Student conduct process – inclusive of all processes for students or student organizations from the time an incident report is referred to student conduct for adjudication through the conclusion of the appeal process in accordance with university policy and this code of student conduct.
  36. University - Kent state university as established in Chapter 3341 of the Ohio Revised Code.
  37. Warning - Sanction stipulating that inappropriate behavior, if repeated, may lead to a more severe sanction.
  38. Witness – any person who has direct information regarding an alleged incident; and/or a professional with demonstrated experience (such as a licensed health care professional) in a field directly related to an element relevant to the hearing.

## **B. Prohibited conduct.**

Students and student organizations are expected to abide by federal, state, and local laws and ordinances, as well as to adhere to all university rules and regulations contained in the university policy register. Any student or student organization found to have committed or to have attempted to commit the below-specified forms of misconduct is subject to sanctioning outlined in section (C) of this rule. Prohibited student conduct accusations are assigned by a complainant(s) or the director of student conduct (or designee) and should include the specific section(s) of prohibited conduct the respondent is accused of violating. Adjustments to assigned prohibited conduct may be made prior to a hearing by the director of student conduct (or designee), with notice to the respondent and complainant as appropriate, in accordance with paragraph (C)(5) of rule 3342-4-02.1 of the Administrative Code. Violations include but are not limited to the following.

### **1. Alcohol.**

- a. Use or possession of alcoholic beverages except as expressly permitted by law, university rules, regulations, or policies.

- b. Distribution of alcoholic beverages except as expressly permitted by law and university rules, regulations, or policies.
  - c. Public intoxication.
  - d. Violation of residence hall policies pertaining to alcohol.
- 2. **Animals.** Possession or accompaniment of animals in any university building at any time. Exceptions include service animals, assistance animals, authorized laboratory animals, allowable pets within specific residence services guidelines, and any other applicable university rules, regulations, and policies.
- 3. **Complicity.** Presence during any violation of university rules, regulations, or policies in such a way as to condone support, or encourage that (attempted or carried out) violation.
- 4. **Computer/information technology misuse.** Not in accordance with rule 3342-9-01, et seq. of the Administrative Code, including but not limited to:
  - a. Use of computing facilities, computing equipment, software or networks to harass or defame any other person, create or knowingly propagate a virus, hacking, password cracking, unauthorized viewing of others files, willful modification of hardware and software installations, unauthorized monitoring, spamming, private commercial purposes, improper web publishing, or breach of electronic information security.
  - b. Violation of the Digital Millennium Copyright Act of 1998.
- 5. **Controlled substances.** Use, possession, sale or distribution of narcotics, controlled substances, and/or related paraphernalia except as expressly permitted by law, university rules or regulations.
- 6. **Destruction/misuse of property.**
  - a. Destroying, defacing, tampering with, materially altering or otherwise damaging property not one's own. This includes but is not limited to doors, windows, elevators, swipe card mechanisms, restroom equipment, vending machines, university vehicles, computer equipment, classroom equipment, etc.
  - b. Creating a condition that endangers or threatens property not one's own.
- 7. **Discrimination.** Action based on race, color, religion, gender, sex, sexual orientation, national origin, ancestry, disability, genetic information, age, and military or veteran status that limits the group or individual's ability to participate in the university's educational and employment opportunities. See rule 3342-5-16.1 of the Administrative Code.
- 8. **Disorderly conduct.** Actions that are disorderly, lewd, or indecent; and/or breach of peace; and/or aiding, abetting, and/or procuring another person to breach the peace or obstruct teaching, research, administration, or university activities or functions.
- 9. **Fire safety.**
  - a. Tampering with, or misuse of, fire alarms and/or firefighting equipment, including but not limited to: fire extinguishers, fire hoses, heat and smoke detectors, sprinkler systems, or other safety devices.
  - b. Possession of flammable items, including but not limited to: candles, incense, or other items which maintain a purpose of being used in a flammable way.
  - c. Arson. Causing a fire or explosion, or unauthorized use of any potential incendiary device / equipment.

10. **Gambling.** Gaming or betting for money or other possessions on university property or in any university operated or managed facility in violation of university rules, regulations, and policies.
11. **Gender based discrimination.** All persons are protected from unlawful discrimination.
  - a. Pregnancy. Unlawful gender discrimination includes, discrimination based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
  - b. Gender identity. Regardless of an individual's actual or perceived sexual orientation, discrimination and harassment based on a person's gender identity, or non-conformity to stereotypes associated with a particular gender, is prohibited. This includes discrimination based on an individual's transgender identity.
12. **General safety.** Failure to conform to university safety regulations, including, but not limited to, health/safety regulations issued by the president (or designee), residence halls policies outlined in the hallways handbook and campus laboratory guidelines.
13. **Harassment.**
  - a. Threatening or intimidating a person creating a rational fear within that person.
  - b. Engaging in unwanted conduct or repeatedly committing acts directed at another person that would disrupt the educational process.
  - c. Creating a condition that endangers or threatens the health, safety or welfare of another person.
  - d. Physically restraining or detaining another person, or removing any person from any place where the individual is authorized to remain.
14. **Hazing.** Any action, intended or carried out that causes or creates a substantial risk, including but not limited to: mental or physical discomfort, embarrassment, personal degradation, or ridicule, whether or not the act is voluntarily agreed upon. Actions may be in conjunction with recruitment, initiation, or continued membership in any group or recognized student organization; see rule 3342-4-07 and 3342-4-07.101 of the Administrative Code.
15. **Impaired driving.** Operating a motor vehicle while under the influence of controlled substances and/or alcohol.
16. **Misrepresentation.** Knowingly distorting or altering the truth for personal (or student organization) gain or favor, including but not limited to: falsification of admissions application, possessing false identification, or falsification of documents provided to university faculty or staff.
17. **Physical violence.** Punching, slapping, kicking, or otherwise striking any person(s); and/or other conduct which threatens or endangers the health, safety, and/or welfare of any person.
18. **Reasonable request.** Failure to comply with a reasonable request of an official(s) carrying out assigned duties and responsibilities, including but not limited to a person instructing a class, a librarian or designee in a library, a law enforcement officer, or a residence services staff member.
19. **Recording privacy.** Using electronic or other means to make an audio, video, or photographic record of any person in a location where there is a reasonable expectation of privacy, without the person's prior knowledge and written

consent. The storing, sharing, and/or distributing of such unauthorized records by any means are prohibited. This includes but is not limited to: taking video or photographic images in showers/locker rooms, residence hall rooms, and restrooms.

20. **Residence hall policies.** Failure to comply with residence hall policies outlined in the hallways handbook, including but not limited to escort, room capacity, restroom, quiet/courtesy hours, improper room change, illegal appliances, and visitation.
21. **Sexual harassment.** Conduct on the basis of sex that satisfies one or more of the following: unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity.
  - a. Sexual assault, which includes the following:
    - i. Rape (except statutory rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - ii. Sodomy. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - iii. Sexual assault with an object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - iv. Fondling. The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - v. Incest. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - vi. Statutory rape. Nonforcible sexual intercourse with a person who is under the statutory age of consent.
  - b. Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - c. Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who

is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- d. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress
22. **Smoking and tobacco use.** Failure to comply with smoking and tobacco prohibitions in accordance with rule 3342-5-21 of the Administrative Code.
23. **Student conduct process.** Non-compliance with or misuse of the student conduct process, including but not limited to:
- a. Falsification, distortion, or misrepresentation of information before a student conduct hearing officer, hearing panel, or convener.
  - b. Disruption or interference with the orderly procedures of a student conduct hearing.
  - c. Attempting to discourage an individual's or student organization's proper participation in, or use of, the student conduct process.
  - d. Attempting to influence the impartiality of, or to intimidate, participants in the student conduct process prior to, and/or during the course of, a student conduct proceeding.
  - e. Retaliation against any individual who participates in a complaint of a violation described in this policy.
  - f. Failure to comply with the sanctions(s) imposed under the code of student conduct.
24. **Theft.** Using, taking, and/or possessing property or services that are knowingly not one's own (or owned by a student organization) and/or without permission of the owner.
25. **Trespassing/unauthorized entry.** Knowingly entering or remaining in a building, office, residence hall room or any other properties at any time without appropriate permission or authorization.
26. **University grounds.**
- a. Use of university space and grounds by an organization or person without reservation of the space or proper authorization.
  - b. Operation or use of bicycles, skateboards, rollerblades, or other recreational items in any university building or facility; on any artificial or specially prepared surface including but not limited to tennis courts, running tracks and basketball courts; on a sidewalk, walkway, steps, or a stairway that duly interferes with pedestrian traffic and/or demonstrates a lack of necessary caution regarding pedestrian right-of-way; in a reckless or unsafe manner on university grounds.
27. **University rules. Violation of university rules, regulations, or policies.**
28. **Weapons.**
- a. Possession, storage, or use of firearms, explosives, other weapons, or dangerous chemicals on or in any Kent state university property, facility, or event; unless authorized by an appropriate university official or permitted by a university policy. This includes but is not limited to

ammunition, brass knuckles, fireworks, airsoft guns, bb guns, paintball guns, pellet guns, pistols, rifles, shotguns, taser / stun guns, nun chucks, swords, etc. Any object not mentioned in this rule that is used to intimidate, threaten or harm may be considered a weapon.

- b. Possession, storage, or use of firearms, explosives, other weapons, or dangerous chemicals off campus that are prohibited by law.

### **C. Sanctions.**

Sanctions are designed to be educational, restorative, and preventative. Sanctions may include but are not limited to:

1. Alcohol, drug, and/or other education course
2. Community service
3. Counseling referral
4. Disciplinary dismissal
5. Disciplinary probation
6. Disciplinary suspension
7. Educational workshop
8. Letter of apology / reflection paper
9. Monetary fine (maximum two hundred dollars)
10. No contact order
11. Persona non grata (PNG) status (campus access restriction)
12. Residence hall restriction and/or room/hall changes
13. Revocation of student organization recognition
14. Restitution for damages
15. Warning; and/or
16. Other as deemed appropriate

### **D. Upstanding bystanders.**

A bystander is a person present at an event but not participating in it. Kent state university encourages proactive action such as seeking medical assistance when a student's health or safety may be in jeopardy including when danger arises due to use of alcohol, other drugs, acts of violence including gender/sexual harassment, vandalism, and behaviors that are intended to harm or demean people and the community. Being aware of an incident occurring, interpreting the incident as an emergency, taking responsibility to act, and attempting to help are all characteristics of being an upstanding bystander.

## **Section 4: Administrative policy regarding student cheating and plagiarism (University Policy Register 3-01.8)**

Plagiarism, cheating and other forms of academic misconduct are subject to processes outlined in administrative policy regarding student cheating and plagiarism (3-01.8). The university provost (or designee) holds the authority to resolve academic misconduct, and the Office of Student Conduct may assist with logistical, administrative and/or facilitative actions as necessary.

## Section 5: Resources

Division of Student Affairs  
 250 Kent Student Center  
 Phone: 330-672-4050  
 Email: [studentaffairs@kent.edu](mailto:studentaffairs@kent.edu)  
 Web: [www.kent.edu/studentaffairs](http://www.kent.edu/studentaffairs)

Office of the Dean of Students  
 226 Kent Student Center  
 Phone: 330-672-8014  
 Email: [studentaffairs@kent.edu](mailto:studentaffairs@kent.edu)  
 Web: [www.kent.edu/dean](http://www.kent.edu/dean)

Title IX Coordinator  
 Tiffany Murray  
 Heer Hall  
 Phone: 330-672-2038  
 Email: [titleIX@kent.edu](mailto:titleIX@kent.edu)  
 Web: [www.kent.edu/hr/titleix](http://www.kent.edu/hr/titleix)

Center for Sexual and Relationship Violence  
 Support Services  
 The Williamson House  
 Phone: 330-672-8016  
 Email: [svss@kent.edu](mailto:svss@kent.edu)  
 Web: [www.kent.edu/srvss](http://www.kent.edu/srvss)

<b><u>Title</u></b>	<b><u>Website</u></b>
Code of Student Conduct	<a href="http://www.kent.edu/studentconduct/code-student-conduct">http://www.kent.edu/studentconduct/code-student-conduct</a>
Digital Millennium Copyright Act of 1998	<a href="https://www.copyright.gov/legislation/dmca.pdf">https://www.copyright.gov/legislation/dmca.pdf</a>
Family Educational Rights and Privacy Act (FERPA)	<a href="https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn">https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn</a>
Graduate Student Senate	<a href="http://www.kent.edu/graduatestudies/gss">http://www.kent.edu/graduatestudies/gss</a>
Hallways Handbook	<a href="http://www.kent.edu/housing/hallways-handbook">http://www.kent.edu/housing/hallways-handbook</a>
Informational Services - DMCA	<a href="http://www.kent.edu/is/digital-millennium-copyright-act-dmca">http://www.kent.edu/is/digital-millennium-copyright-act-dmca</a>
Judicial Advocate Services	<a href="http://www.kentstateusg.com/servicesindex/#judicial-advocates">http://www.kentstateusg.com/servicesindex/#judicial-advocates</a>
Undergraduate Student Government	<a href="http://www.kentstateusg.com/#upcomingevents">http://www.kentstateusg.com/#upcomingevents</a>
University Catalog	<a href="http://catalog.kent.edu/">http://catalog.kent.edu/</a>
University Policy Register	<a href="http://www.kent.edu/policyreg">http://www.kent.edu/policyreg</a>

<b><u>Ohio Revised Code</u></b>	<b><u>Website</u></b>
111.15 (After September 17, 2014) Adoption of filing agency administrative code rules	<a href="http://codes.ohio.gov/orc/111.15">http://codes.ohio.gov/orc/111.15</a>

2901.1 General provisions definitions	<a href="http://codes.ohio.gov/orc/2901">http://codes.ohio.gov/orc/2901</a>
3341 Kent state university	<a href="http://codes.ohio.gov/orc/3341">http://codes.ohio.gov/orc/3341</a>
3345 State universities - general powers	<a href="http://codes.ohio.gov/orc/3345">http://codes.ohio.gov/orc/3345</a>
3345.22 Hearing for suspension of arrested student, faculty or staff member, or employee - responsibilities of referee	<a href="http://codes.ohio.gov/orc/3345.22">http://codes.ohio.gov/orc/3345.22</a>
3345.23 Dismissal of convicted student, faculty or staff member, or employee - reinstatement	<a href="http://codes.ohio.gov/orc/3345.23">http://codes.ohio.gov/orc/3345.23</a>

Section 6: Hearing Process Flowchart



Student Conduct Flowchart

