



SHAWNEE STATE UNIVERSITY

# STUDENT CONDUCT CODE



*Pursuant to Policy 3.17, effective May 2020*

## Contents

Statement of General Principles.....	3
I. Jurisdiction and Time Frames.....	3
II. Definitions.....	3
III. Violations.....	4
A. Interference with the Educational Mission of the University.....	4
B. Sexual Misconduct .....	5
Sexual Misconduct is addressed in University Procedure 5.01:2, Sexual Harassment/Misconduct, which defines sexual harassment and sexual misconduct as follows: .....	6
C. Endangering the Health or Safety of Others and/or Self.....	8
D. Misuse or Destruction of Property.....	9
E. Interfering with the Student Conduct Code Process.....	10
IV. Student Judicial Process .....	10
A. Filing Complaints (See Section VII for academic misconduct complaint process).....	10
B. Complaint Review, Investigation, and Initiation of Charges .....	11
C. Notice of Charges/ Request for Hearing/ Postponement.....	12
D. Emergency Suspension.....	12
E. Notice to Complainants of Crimes of Violence and Sex Offenses.....	13
F. Post Charge Conference and Admission to Charges .....	13
G. Hearing Procedures .....	13
V. Sanctions and Other Actions .....	14
A. Dismissal .....	15
B. Suspension.....	15
C. Deferred Suspension .....	15
D. Disciplinary Probation .....	15
E. Educational and Remedial Sanctions.....	15
F. Restitution Payment made for damages or losses to the University, as directed by the adjudicating body.....	15
G. Parental Notification .....	16
H. Official Warning .....	15
I. Other Sanctions .....	16
J. Disciplinary Hold for Failure to Complete Sanctions.....	16

VI.	Appeals.....	17
A.	Appeal Routes .....	17
B.	Grounds for Appeal: An appeal may be based only on one or more of the following grounds:.....	17
C.	Appeal Proceedings.....	17
VII.	Academic Misconduct Policy and Procedures .....	17
VIII.	Student Organizations .....	19
IX.	Student Ombudsperson.....	19
X.	Parental Notification.....	20
	Appendices .....	21
	Appendix A: Family Educational Rights and Privacy Act (FERPA).....	21
	Appendix C: University Housing & Residence Life Community Standards .....	21

## Statement of General Principles

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

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

### I. Jurisdiction and Time Frames

**Jurisdiction:** The Student Conduct Code addresses both on-campus conduct and off-campus conduct.

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

- Academic course requirements or any credit-bearing experiences, such as internships, field trips, study abroad, or student teaching;
- Any non-credit bearing Internship sponsored, conducted or authorized by the University;
- Any activity sponsored, conducted, or authorized by the University or by registered student organizations;
- Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community; or
- Any activity in which a police report has been filed and such report has been brought to the attention of a University official.

**Time Frames:** All time lines outlined in this Code may be extended when determined necessary by the Dean of Students.

### II. Definitions

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

**Class Day:** Any day that either classes or final exams are scheduled.

**Business Day:** Any day the University is open and conducts business.

**Complainant:** a person, group, or company that makes a complaint that implicates a potential violation of this Code or any other University policy or procedure.

**Respondent.** a person who is called upon to issue a response to a complaint or concern.

**Preponderance of Evidence.** the greater weight of the **evidence** required in a civil (non-criminal) lawsuit for the trier of fact (jury or judge without a jury) to decide in favor of one side or the other. This **preponderance** is based on the more convincing **evidence** and its probable truth or accuracy, and not on the amount of **evidence**.

**Sanction.** a penalty for violating this Code or any other University policy or procedure.

**Hearing.** a proceeding before a **court** or other decision-making body or officer, such as a government agency or a Parliamentary committee. A **hearing** is generally distinguished from a trial in that it is usually shorter and often less formal.

**Student:** Any individual who has paid an admission fee, registered for classes or otherwise entered into any other contractual relationship with the University. Student status lasts until an individual has graduated, is dismissed, or is not enrolled for two consecutive regular semesters (Fall & Spring).

**Members of the University Community:** Includes but is not limited to students, faculty, staff, alumni, board of trustees, and visitors to the campus.

**Conduct Officer:** Any person authorized by the Dean of Students (or designee) to listen to alleged violations of this Code, make decisions regarding the responsibility for alleged violations of the Code, and/or make decisions regarding sanctions for violations. The Dean of Students is a Judicial Officer and **Chief Conduct Officer**.

### III. Violations

Violations include those activities which interfere with either the University's primary educational responsibility of ensuring the opportunity for faculty, staff and students to attain their educational objectives; or the University's commitments to the community, maintaining and protecting property, keeping records, providing living accommodations and other services, and non-classroom activities such as, but not limited to, lectures, concerts, athletic events, and social functions. Low level violations are those that do not have the potential to materially impact a student's enrollment status with the University.

The violations listed below are considered in the context of the student's responsibility as a member of the academic community. The following list of violations is general in nature and is not intended to be exhaustive for every possible violation or behavioral concern.

"Intent to commit" any of these violations is not a required element to prove the student committed any of the violations. The fact the student committed the act (whether or not they intended to) is sufficient to prove a violation of the Code. Whether a student "intended" to commit the violation may be used when determining appropriate sanction(s).

#### A. Interference with the Educational Mission of the University

1. Academic Misconduct. Any activity that compromises the academic integrity of the University (See Section VII on Academic Misconduct Policy and Procedures).

2. Violations of any policy, rule, or regulation governing University student residences, including, but not limited to, the Housing Contract, the Resident Handbook, a roommate contract, or Student Organization Guidelines.
3. Unauthorized representation on behalf of and/or to the University, a University officer or employee.
4. Tampering with and/or falsifying official records.
5. Acts of dishonesty, including, but not limited to, cheating, forgery, bribery, plagiarism, fabrication, falsification; misuse of any University document, record, or identification.
6. Disruption of a class and/or classroom activities, whether on or off campus. Management of the classroom environment rests with the faculty, who may direct a student to leave the class for the remainder of a class period. The student may be subjected to further academic sanctions outside the disciplinary process.
7. Disruption of other University activities or events whether they occur on or off campus, as well as disruption of University administrative processes and or offices.
8. Failure to comply with directions of University officials, civil authorities, emergency personnel or any law enforcement officers acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
9. Unauthorized entrance to or presence in or on University premises.
10. Intentionally and substantially interfering with the freedom of expression of others to the extent the affected person(s)' freedom to express themselves is prevented or is otherwise subject to improper constraint.
11. Filing a false claim or complaint.

## **B. Sexual Misconduct**

Sexual Misconduct is addressed in University Procedure 5.01:4, Sexual Harassment/Misconduct, which defines sexual harassment and sexual misconduct as follows:

- 1.1 Sexual Harassment/ Sexual Misconduct
  - 1.1.1 Sexual harassment (also called "sexual misconduct") is conduct that is: 1) sexual in nature; 2) unwelcome; and 3) denies or limits an individual's ability to participate in or benefit from the University's education program or work environment.
  - 1.1.2 Sexual harassment or sexual misconduct includes sexual violence and crimes based upon sex including dating violence, domestic violence, sexual assault and

stalking. Both males and females can be Complainants of sexual harassment, and the harasser and the complainant can be of the same sex. The conduct can occur in any University program or activity and can take place in University facilities, on a University bus, or at other off-campus locations such as a University-sponsored field trip or a training program at another location. The conduct can be verbal, nonverbal or physical.

#### 1.1.2.1 Dating Violence

1.1.2.1.1 Dating violence is violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes sexual or physical abuse or threat of such abuse. The existence of such a relationship is determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

#### 1.1.2.2 Domestic Violence

1.1.2.2.1 Domestic violence is a felony or misdemeanor crime of violence by a current or former spouse or intimate partner of the complainant, by a person with whom the victim shares a child in common, or other individual similarly situated as a spouse, against an adult or youth victim who is protected by domestic or family violence laws.

#### 1.1.2.3 Sexual Assault

1.1.2.3.1 Sexual assault is an offense that meets the definition of rape, fondling, incest or statutory rape.

#### 1.1.2.4 Stalking

1.1.2.4.1 Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his/her safety or the safety of others; or 2) suffer substantial emotional distress.

See the entire Sexual Harassment/Misconduct procedure: <https://www.shawnee.edu/sites/default/files/2019-01/procedure-501-2.pdf>

**Consent as defined in Procedure 5.01**

## 2.4 Consent

2.4.1 Consent must be informed, knowing and voluntary. Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time. For all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual encounter.

2.4.2 Consent cannot be obtained from someone who is asleep or mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Consent cannot be obtained by threat, coercion, or force. Agreement given under such conditions does not constitute consent.

2.4.3 In order to give effective consent, one must be of legal age (16 years or older in Ohio).

## Reporting

If you believe you have been the victim of a sexual assault, you should contact the Department of Public Safety at 740-351-3232 or call 911 or from a campus phone.

If you believe you have been the victim of discrimination or harassment, including sexual violence, you may report such acts or file a formal complaint with the Title IX Coordinator or Deputy Title IX Coordinator.

See University <https://www.shawnee.edu/sites/default/files/2019-01/procedure-501-2.pdf>

More information on Title IX, including contact information about the Coordinator and Deputy Coordinator(s) can be found at [www.shawnee.edu/titleIX](http://www.shawnee.edu/titleIX)

## Complainant and Respondent Rights

The rights of a complainant and respondent following a complaint alleging sexual misconduct shall be as follows:

1. The university will provide a timely and thorough investigation and both parties will be informed of the university's conduct process, possible outcomes and information about available resources. Examples of resources include Counseling and Health Services, the Title IX Coordinator and the Women's & Gender Equity Center.
2. The right to report a sexual assault to local law enforcement, which will not prevent university disciplinary action.
3. The right to request changes to academic and living situations and/or request a "no contact order".
4. The right to have one support person present at meetings and hearings.
5. The right to receive written notification of the final outcome of the case.
6. The right to request an appeal of the findings in accordance with appeal process described in the Student Code of Conduct

### **C. Endangering the Health or Safety of Others and/or Self**

The following actions are violations of this Code:

1. Physical assault or attempted physical assault.
2. False report of emergency. Causing, making, and/or circulating a false report or warning of fire, explosion, crime, flood, or other emergent circumstances.
3. Unauthorized use and/or possession of explosive components, chemicals, dangerous weapons, fireworks, firearms, weapons, explosives, gas or compressed air, knives (with the exception of folded pocket knives three inches or less), pellet guns, BB guns, stun or zip guns, paint ball guns, dangerous chemicals, and/or violation of regulations concerning possession of firearms and/or dangerous weapons. "Dangerous weapons" include those listed herein as well as those as may be defined under federal and state laws.
4. Lewd, vulgar, obscene and/or indecent behavior at a University related activity or directed at a member of the University community.
5. Disorderly or disruptive conduct that interferes with University authorized activities, including teaching, research, administration, and/or other activities conducted, sponsored, and/or permitted by the University.
6. Misuse of alcohol in violation of state law and/or University policy.
7. Possession, distribution, use, and/or sale of illegal drugs as defined by federal and state law and/or SSU policies and procedures.
8. Misuse of legally prescribed pharmaceuticals.
9. Creation of a fire hazard or other dangerous condition.
10. Restriction of normal traffic flow and pathways into and/or out of University facilities.
11. Placing a person or persons in reasonable fear of imminent physical harm.
12. Harassment, intimidation, stalking, bullying, including cyber-bullying, and/or other threatening behavior.
13. Participation in a disturbance with the purpose of committing or inciting others to engage in actions that present clear and present danger to others, cause physical harm to others, or damage property. These behaviors include by are not limited to:
  - a. Engaging in conduct that is designed to incite others to engage in riotous behavior;
  - b. Failing to comply with a directive to disperse by University officials, law enforcement or emergency personnel;

- c. Intimidating, impeding, hindering or obstructing a University official, law enforcement or emergency personnel in the performance of their duties; or
  - d. Blocking the normal flow of traffic.
14. This rule shall not be interpreted as prohibiting peaceful demonstrations or other forms of peaceful dissent.
  15. Violation of published University policy, procedure or rule, or violation of federal, state or local laws.
  16. Hazing (as defined by law of the State of Ohio) to coerce and/or force another to do any act, for initiation into, and/or as a condition of participation in a student organization or activity, that causes and/or creates a substantial risk of causing mental and/or physical discomfort, embarrassment, harassment, and/or ridicule to any member and/or prospective member. Organizations or individuals found responsible of violation will be subject to removal.
  17. Smoking of any material and the use of any tobacco product are prohibited in all University owned, leased, and managed buildings and other designated areas established by this policy. Smoking also is prohibited within 50 feet of any entrance or other outside access to a building so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means. See also Board of Trustees (**Policy 5.08, Smoking.**] <https://www.shawnee.edu/sites/default/files/2019-01/policy-508r.pdf> )

**Good Samaritan/Bystander** We value the actions of student “Good Samaritans” or those individuals who are concerned for the health and safety of their peers.

1. The Dean of Students Office values the actions of student bystanders who seek medical assistance when warranted from appropriate resources, such as Residence Life staff, Public Safety, EMS or other first responders. In the interest of promoting health and safety, the student bystander’s own use of alcohol or drugs, level of intoxication, or impairment generally should not result in any university disciplinary proceeding against that student bystander.
2. When applicable, other violations of the Code of Student Conduct may still result in university disciplinary proceedings.

#### **D. Misuse or Destruction of Property**

1. Theft or attempted theft and/or the unauthorized use or possession of University property and/or services and/or the property of others while on University premises.
2. Possession of stolen property. Possessing stolen property that may be identified as property of the University and/or any other person or business.
3. Actual or threatened misuse, destruction, and/or defacement of University property and/or that of other members of the University community, whether done intentionally or with reckless disregard.
4. Forcible entry to trespass. Forcible and/or unauthorized entry into any building, structure, or facility, or unauthorized entry to and/or use of University grounds.
5. Tampering with fire or safety equipment, including smoke detectors, carbon monoxide detectors, and fire

extinguishers.

6. Misuse or abuse of computers. Misuse and/or abuse of any computer, computer system, service, program, data, network, cable television network, or communication network. Unauthorized access to and/or usage of University networks, theft and/or attempted theft and/or the unauthorized access, use and/or possession of University computers and/or other equipment, programs, bandwidth or data. Violation of any part or parts of the University's policies or rules concerning computers, computer usage and/or technology. (See UIS Policy: <http://www.shawnee.edu/off/uis/policy.html>.)
7. Attempting to commit any of the above violations.

#### **E. Interfering with the Student Conduct Code Process**

1. Failure to comply with a sanction(s) imposed by the Conduct Officer.
2. Interference with an investigation and/or other procedures defined in this Code.
3. Continued infractions of this Code.
4. Knowingly assisting in the violation of any provisions of this Code and/or presence during any violation of this Code in such a way as to condone, support, or encourage such violation. Students who observe a violation of University policy are expected to remove themselves from participation and are encouraged to report the violation.
5. Falsification, distortion, and/or misrepresentation of information at any point during a judicial process.
6. Attempting to discourage an individual's participation in the judicial system, and/or attempting to influence the impartiality of a member of the judicial system prior to and/or during the course of the judicial process.
7. Influencing and/or attempting to influence another person to commit a violation of the Code.

### **IV. Student Judicial Process**

#### **A. Filing Complaints (See Section VII for academic misconduct complaint process)**

1. Whenever it appears that the Student Conduct Code has been violated for any misconduct other than academic misconduct, a complaint should be directed to one of the following University officials as soon as possible after the event: a Residence Life staff member, Dean of Students, or Conduct Officer.
  - a. Residence Hall Violations: Information and/or complaints about possible Conduct Code violations occurring in the residence halls should be provided to a Residence Assistant or a member of the Residence Life staff.

- b. On-Campus and Off-Campus Violations (Non-Residence Hall): Information and/or complaints about possible non-residence hall related Conduct Code violations should be provided to the Dean of Students
  - c. Sexual assault and other criminal violations should be reported to Public Safety or other law enforcement agency.
2. Sexual misconduct may be reported to the Title IX Coordinator or Deputy Coordinator (<http://shawnee.edu/offices/title-IX/complaint.aspx>) as well as any Conduct Officer. See University (<https://www.shawnee.edu/sites/default/files/2019-01/procedure-501-2.pdf>). The complaint may be oral or in writing. Absent extraordinary circumstances, a complaint should be filed within six (6) months from the date of the alleged violation. Filing complaints in this manner will facilitate expediency in addressing the matter.
3. Person(s) witnessing or experiencing what they believe to be a possible Conduct Code violation should notify an authorized University official immediately.

## **B. Complaint Review, Investigation, and Initiation of Charges**

1. Complaints and reports that identify a possible violation of the Conduct Code will be directed to the appropriate conduct officer based upon the level of severity for review and possible investigation.
  - a. Lower level student housing violations are typically reviewed by a Residence Coordinator but may be reviewed by any conduct officer. Examples of matters reviewed by a Resident Coordinator include first time violations of alcohol, noise and pet rules. Minor infractions may also be reviewed by the Community Standards Board (CSB), which is comprised of residence hall students and is supervised by a Residence Coordinator. The Board handles first time violations of situations dealing with: roommate agreements, house rules, noise complaints, smoking, and quiet hours.
  - b. Mid-level student housing violations are reviewed by a Housing Conduct Officer. Examples of mid-level violations include repeat lower level offenses and lower level crimes, such as possession of marijuana and petty theft.
2. Non-student housing and higher level violations are typically reviewed by the Dean of Students or any conduct officer. During the investigation, the student allegedly involved in misconduct and /or any other person believed to have knowledge of the incident may be contacted by the assigned conduct officer to discuss the matter.
3. After review and investigation, the conduct officer will determine an appropriate course of action, including but not limited to:

- No further action
- Warning
- Initiating a charge or charges
- The student will be notified in writing of the investigation outcome through any of the methods listed under the “Notice of Charges” section, below. Copies of notifications and other formal conduct records are maintained in the Dean of Students office.

### **C. Notice of Charges/ Request for Hearing/ Postponement**

1. Students shall be notified in writing of the identified charges (unless exigent circumstances exist). The notification may be presented in person, by email to the student's official university email address or by mail to the student's local or permanent address on file in the office of the Registrar.
2. The notification shall include:
  - A factual description of the student's alleged misconduct that forms the basis for the charge(s).
  - The possible sanction(s).
  - The date, time, and place of the hearing.
  - Direction to the Student Conduct Code and hearing procedures.
3. The charged student may request a postponement of the scheduled hearing for reasonable cause. Such request must be made in writing to the conduct officer whose name appears on the hearing notice, include supporting reasons that justify postponement. Such a request must be received by the conduct officer at least 24 hours before the scheduled hearing.
4. If notice to the student has been verified, the conduct officer has the discretion to proceed without the student being present.

### **D. Emergency Suspension**

This sanction is implemented in situations where the Dean of Students or designee has reasonable cause to believe the presence of the student or students at the University could result in possible danger of physical or emotional harm to person(s) or damage to property at the University, or poses a threat to the stability and continuance of University functions.

The Dean of Students or designee may issue an immediate emergency suspension, pending an administrative hearing and/or criminal proceeding, medical/psychological evaluation, and/or substance abuse evaluation. A notice in writing will immediately follow any verbal notice. If notification to the student has been verified, the hearing officer has the discretion to proceed without the student being present.

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

#### **E. Notice to Complainants of Crimes of Violence and Sex Offenses**

1. In cases involving allegations of a “crime of violence,” the Dean of Students or designee will notify the complainant(s) of the final results of a hearing as it relates to those charges regardless of whether or not the charges are sustained.
2. In cases involving a sexual assault, the complainant will be afforded an equal opportunity to participate throughout the investigatory and judicial process. Sexual assault complainants will also be notified by the University of the outcome of the proceedings.

#### **F. Post Charge Conference and Admission to Charges**

1. Following the notification of the charge(s), students may make an appointment to meet with the conduct officer to discuss the conduct process and charges. This pre-hearing meeting is also an opportunity to informally resolve or modify the charges.
2. If a student admits to the charge(s) in writing, the administrative hearing will be considered waived and the conduct officer will consider an appropriate sanction or action. The student, however, may only appeal the determined sanction and not the violation itself.

#### **G. Hearing Procedures**

The following procedures apply to administrative hearings by any conduct officer (University official) or the Conduct Committee. These procedures are meant to be considered less formal than the rules and procedures in criminal and civil courts. Hearings for cases that involve higher level violations (generally conducted by a Conduct Officer) are typically more formal than other conduct cases. Both the respondent and complainant will be afforded an equal opportunity to present witnesses and other evidence within the parameters set by the conduct officer.

##### **1. Attendance**

Attendance at hearings is limited to those directly involved or those requested by the University official or Conduct Committee, who may take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.

##### **2. Multiple Students Charged**

In cases involving multiple students charged, information provided at one student's hearing may be used as relevant information in the other related hearings.

##### **3. Advisor**

The respondent may have an advisor throughout the disciplinary process. The advisor may only advise or counsel the student and may not actively participate in the disciplinary process, except to the extent such participation is required by law.

#### **4. Written Statements & Witnesses**

The respondent student may submit a written statement and identify relevant witnesses to the University official or Conduct Committee prior to the hearing.

#### **5. Cross Examination**

In cases in which the potential sanction is dismissal or suspension, to the extent required by law, the respondent or his/her advisor shall be permitted to question the complainant and his/her witnesses, and the complaint or his/her advisor shall be permitted to question the respondent and his/her witnesses.

#### **6. Standard of Evidence**

A student will only be found responsible for violation of the Conduct Code if a preponderance of the evidence supports the charges.

#### **7. Prompt Review**

In instances where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the respondent may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The respondent student may decline such expedited review without the expectation that the process can be completed on an expedited timeline.

#### **8. Notice of Decision**

After the conclusion of the hearing, the University official or will make a determination, including sanction(s) if the student is found responsible. Notice of the decision will be made in writing, generally within 5 business days after the hearing, and will be sent to the student's university email account.

### **V. Sanctions and Other Actions**

Sanctions should be commensurate with the nature of the violations found to have occurred. Any mitigating and aggravating circumstances should be considered in determining sanction(s), such as provocation by the respondent or alleged victim, past misconduct, any failure of the student to comply fully with previous sanctions, the actual and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation.

Impairment resulting from voluntary use of alcohol or drugs (if not medically necessary) is to be considered an aggravating, and not a mitigating, factor.

One or more of the following actions or sanctions may be taken when a student has been found to have violated the Conduct Code:

## **A. Dismissal**

Permanent separation of the student from the University without opportunity to re-enroll in the future. All University privileges are denied and the student is banned from campus or specified parts thereof.

## **B. Suspension**

Separation from the University as an enrolled student for a specified period of time or until certain specified conditions are met. During suspension, all University privileges are denied and the student is banned from campus or specified parts thereof.

## **C. Deferred Suspension**

Suspension that is delayed or deferred, pending completion of an assigned task and/or monitoring of the student's performance. A finite period of observation and review occurs during the deferred suspension. If a student is again found responsible for a violation of the Conduct Code, or fails to meet the behavioral requirements, the suspension may be imposed immediately.

## **D. Disciplinary Probation**

A designated period of time that may involve the loss or revocation of specified privileges. Examples of revoked privileges include, but are not limited to: participation in extra-curricular or other university activities or events; participation on a University athletic team; or holding a leadership position in any student organization. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation may result in suspension or dismissal from the University.

## **E. Educational and Remedial Sanctions**

An order requiring the student to participate in service activities or educational programs for alcohol or other drugs, treatment programs for alcohol or other drugs, psychological counseling, or any other programs, tasks, or events designed to assist the student in learning more about how their behavior(s) affect themselves and/or the community.

**F. Restitution** Payment made for damages or losses to the University, as directed by the adjudicating body.

This may include appropriate service and/or monetary or material replacement. Payment up to the replacement value of the items damaged, costs for cleaning, staff time, materials, supplies, fees assessed by Shawnee State University or the City of Portsmouth or any other governmental agencies, and similar expenses incurred that are related to the violation and/or the adjudication of the violation.

## **G. Official Warning**

Notice to the student in writing that continuation or repetition of the prohibited conduct may be cause for additional and/or more severe action.

## H. Other Sanctions

Such other sanctions that are reasonable and appropriate (e.g., community service; counseling assessment and compliance; restitution and/or fines (see below); removal from or reassignment of University housing; prohibition of contact with specified person(s); withholding of registration, diplomas, transcripts or other records; and payment of costs for educational programs).

*Fines. Penalty fees payable to the University for violation of certain regulations.* Fines are designed to provide deterrents to prospective violators, and to assign accountability to actual violators.

The violations in the below list represent behaviors that contradict the mission of the University and often result in damage to University property or hazards to individual safety. This list is not exhaustive, and may be amended at the discretion of the Dean of Students:

1. Creating a false fire alarm. \$750.00, plus restitution for all costs associated with the false alarm, including, but not limited to, costs of any municipal and/or county fire responses.
2. Moving a fire extinguisher or tampering with any safety related system, i.e. fire suppression system, sprinkler heads, smoke detectors, carbon monoxide detectors, etc. \$750.00. The student may be subject to additional fines in the criminal process.
3. Smoking in a residence hall. \$250.00 first offense and \$500.00 subsequent offense.
4. Discharging a fire extinguisher. \$750.00, plus costs for clean-up, repair, replacement, and/or refill.
5. Violation of alcohol policy. \$100 to cover the costs for educational programming.
6. Pets or animals in campus living units. \$35.00 (per each day of violation), plus costs for clean-up, repair, replacement, infestation treatment, and/or other restitution. Use of assistance animals shall be reviewed by appropriate University officials. Failure to ensure proper behavior of any assistance animal, including, but not limited to, damage caused by the assistance animal, or interference with the orderly and safe operation of the University, infestation and clean-up, may result in the assistance animal being banned from campus. Fine amounts are subject to change with a 14-day notice to students.
7. Failure to follow proper residence hall check-in/check-out or room change procedures. \$25.00.
8. Defacing University property (e.g. painting on walls, etc.). Costs for clean-up, repair, and/or replacement.

### I. Disciplinary Hold for Failure to Complete Sanctions

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

## **VI. Appeals**

### **A. Appeal Routes**

Matters heard and determined by any Conduct Officer (University official) may be reviewed by a more senior or equal ranking university official. Matters first heard by the Community Standards Board may be reviewed by a Housing Conduct Officer (Conduct Officer). Matters first heard by a Residence Coordinator may be reviewed by the Housing and Residence Life Administrator (positions are all conduct officers). The Dean of Students may also refer appeals to a Vice President

#### Notification of Appeal

The student may appeal written decisions of the University official or the Community Standards Board (first level of review) by notifying the Dean of Students in writing. All appeals must be in writing and must state the specific ground(s) for the appeal. The student is limited to one appeal and that decision is final.

The written appeal must be received within five (5) business days from the date when the notice of findings is issued.

### **B. Grounds for Appeal: An appeal may be based only on one or more of the following grounds:**

1. Procedural error;
2. Discovery of substantial new facts that were unavailable at the time of the hearing; and
3. Disciplinary sanction imposed is grossly disproportionate to the violation.

### **C. Appeal Proceedings**

1. The University official may dismiss the appeal if it is not based upon one or more of the allowable grounds.
2. The appeal decision of the University official will be in writing and will be based on a review of the record, except that the University official may request or consider additional relevant information from any party and then decide the appeal based on the enhanced record.
3. A written decision will typically be made within five (5) business days and will be sent to the student's University email address.

## **VII. Academic Misconduct Policy and Procedures**

### **Definition**

Academic misconduct refers to any conduct that evidences deceit, dishonesty or fraud to obtain an unfair advantage over other students, or violation of the academic standards and policies of the University.

## Procedures

1. Once an instructor suspects a violation of academic misconduct, the instructor shall conduct a preliminary investigation and determine whether a violation is likely to have occurred. Adjunct and newer faculty are encouraged to consult with their respective department Chair or program Coordinator for assistance in these matters.
2. If the instructor concludes that there is not sufficient evidence that a violation has likely been committed, the process terminates.
3. If the instructor concludes that a violation has likely been committed, the instructor must contact the Dean of Students/designee to ascertain whether the student has a history of previous academic misconduct violations.
4. The instructor, Dean of Students, or their designee shall notify the Registrar of the charge. The Registrar will place a hold on registration changes to that specific course. The student will not be allowed to drop or change credit/non-credit status unless the charge is dismissed or overturned on appeal.
5. The Instructor notifies the student(s) and arranges a meeting to discuss the allegations. Notification should be sent to the student through the student's university provided email with reasonable time to prepare and respond. The student may have the Student Ombudsperson present to advise, but not represent the student at this meeting. If the student fails to respond within 5 business days, the instructor can proceed without meeting with the student and act based on the information available. At this meeting the instructor should:
  - A. Describe the charges against the student;
  - B. Review the student materials and information that led the instructor to conclude that a violation(s) has likely been committed;
  - C. Explain possible sanctions that could be proposed by the instructor as result of the likely violations;
  - D. Listen to the student's argument against the charge, if any, and weigh the argument and any provided documentation in the decision whether or not to proceed.
6. If the instructor decides to proceed on the charge of academic misconduct, the instructor then considers sanctions and options based on the severity of the violation (see below). The instructor will email the student within 3 business days after the meeting with the sanction and information for appealing the decision. In this e-mail, the faculty should advise the student that he/she has 5 business days to review the information and either accept responsibility for the violation or appeal the decision to the appropriate Academic Dean. The instructor will then complete the Academic Misconduct Reporting Form, in the Maxient judicial software system that is maintained by the Dean of Students.

## Severity

The severity of the violation will determine the sanction. There are three categories for severity:

1. **Incidental Misconduct**- Non-intentional actions that may happen as a result of inattention; negligence in the citation of materials; or a simple misunderstanding of the instructions of an assignment. Example sanctions for such misconduct can include: a written warning; redo of an assignment for full or partial credit; or a zero on the assignment.
2. **General Misconduct**-Willful and deliberate acts of academic misconduct that include: plagiarism, violations of course rules, providing or receiving unauthorized assistance, or other forms of misconduct. Example sanctions for such misconduct can include: a zero on the assignment; an additional assignment with or without credit; or an F in the class.
3. **Severe Misconduct**-Especially serious actions of academic misconduct that include: repeated general offenses, graduate misconduct, theft, compensation, collusion, a pattern of multiple offenses or other

more severe activities. Sanctions for such misconduct can include: An F in the class or expulsion from degree program or major. These cases will also be forwarded to the Dean of Students where additional sanctions may be levied. These additional sanctions may include: academic probation; disciplinary probation; suspension or dismissal from the university.

## **Appeal Process**

The student may appeal decisions of the faculty member by notifying in writing the Academic Dean of the college of the class where the offense occurred. All appeals must state the specific ground(s) for the appeal. The student is limited to one appeal and that decision is final. The written appeal must be received within five (5) business days from the date when the notice of sanction is issued by the instructor.

### **Grounds for Appeal: An appeal may be based only on one or more of the following grounds:**

1. Procedural error;
2. Discovery of substantial new facts that were unavailable at the time of the meeting with the instructor;
3. Disciplinary sanction imposed is grossly disproportionate to the violation.

## **Appeal Proceedings**

1. The Academic Dean may dismiss the appeal if it is not based upon one or more of the allowable grounds.
2. The Academic Dean may request additional information.
3. The Academic Dean may uphold, reject or modify the faculty member's determination of academic misconduct and/or sanction.
4. The decision of the Academic Dean will be in writing and will be based on a review of the record including any acquired additional information the dean requested.
5. A written decision will typically be made within five (5) business days and will be sent to the student's University email address.

## **VIII. Student Organizations**

Student organizations are responsible for adherence to the Student Organization Conduct Code. Students may be charged collectively for organizational conduct violations. In addition, individual members and officers who may have committed violations of the Student Conduct Code may be referred to the Dean of Students Office for individual sanctions under the Code.

For more information regarding the student organization judicial process, please see the Student Organization Guidelines at: (<https://www.shawnee.edu/campus-life/get-involved/student-organizations>) (Policies section) or contact the Student Activities Office in the University Center.

## **IX. Student Ombudsperson**

The Office of the Ombudsperson provides informal conflict resolution to help students deal with questions or problems. The office is:

**Confidential.** Will not share any information you give with anyone outside the Office of the Ombudsperson without your permission. The only exceptions are when we become aware of possible physical harm to someone or when a court orders the office to provide information.

**Neutral.** Does not advocate for individuals, but attempts to help everyone involved in a situation reach a solution that works for them.

**Informal.** Helps resolve issues early and directly. Does not get involved in grievance procedures or legal proceedings.

**Independent.** Operates independently from University administration.

For more information please contact the Ombudsperson at: <https://www.shawnee.edu/about-us/administrative-offices/student-ombudsperson>

## **X. Parental Notification**

### ***Alcohol Violations***

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

- In Connection with a health or safety emergency where there has been a clear significant threat to the health and safety of a student or other individuals, and where the parent(s)' knowledge of the information is necessary to protect the health or safety of the student or others.
- When it has been determined that a student who is under 21 has committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance in violation of Federal, State, or local law, or of any rule or policy of the institution.

### ***Drugs/Illegal Substances Violations***

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

Parental Notification

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

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

### ***Procedure***

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

For more information see: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

## **Appendices**

### **Appendix A: Family Educational Rights and Privacy Act (FERPA)**

FERPA is a federal law enacted in 1974 to protect the privacy of student education records.  
(<https://www.shawnee.edu/sites/default/files/2019-01/policy-304.pdf> )

### **Appendix B: Health Insurance Portability and Accountability Act (HIPAA)**

A major purpose of the HIPAA Act is to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well-being. The Act strikes a balance that permits important uses of information while at the same time protecting the privacy of people who seek care and healing. SSU Counseling and Psychological Services and the Health Clinic records are protected under HIPPA.

For more information visit: <http://www.hhs.gov/ocr/privacy/>

### **Appendix C: University Housing & Residence Life Community Standards**

All students living in University Housing are expected to be familiar with and abide by the University Policies, the Standards of Student Behavior in the Residence Halls, the community Standards Residence Hall Guidebook, and the terms and conditions of the residence halls contract. Violations of these rules are handled through the disciplinary procedures of the residence halls and/or the University through this Code.

University Housing & Residence Life Policies may be amended at any time by the authority of the director of the department. Amendments are effective upon approval by the Vice President for Academic and Student Affairs and once the Housing and Residence Life Department has made a reasonable attempt to notify residents of the change.

Sex offenders and registered sex offenders are not allowed in University Housing. Students having been convicted or having pled guilty of a felony offense defined as an offense of violence under section 2901.01 (A) (9) of the Ohio Revised Code, or which involves the use, sale or distribution of a controlled substance in violation of the Ohio Revised Code or other applicable law, shall not be permitted to reside in a University Housing facility.

For more information regarding housing guidelines please visit: <https://www.shawnee.edu/campus-life/housing-residence-life/forms>