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University of Cincinnati Student Code of Conduct

PREAMBLE

University of Cincinnati Mission Statement

The University of Cincinnati is a public comprehensive system of learning and research. The excellent faculty have distinguished themselves world wide for their creative pedagogy and research especially in problem solving and the application of their discoveries.

The University system is designed to serve a diverse student body with the broad range of interests and goals. It is a place of opportunity.

In support of this mission, the University of Cincinnati strives to provide the highest quality-learning environment, world-renowned scholarship, innovation and community service, and to serve as a place where freedom of intellectual interchange flourishes.

All members of the University community shall take responsibility for conducting themselves in ways that continue the pursuit of the University's mission.

The Student Code of Conduct shall emphasize specific student responsibilities:

1. To recognize that the intellectual and educational climate of the University shall be maintained as the University's highest priority.
2. To protect the opportunity for each student to attain their educational objectives.
3. To protect the physical and mental health, safety and welfare of each member of the University community.
4. To protect the property rights of all.
5. To promote the human rights of all members of the University community.

INTRODUCTION TO THE STUDENT CODE OF CONDUCT

The SCOC is intended to provide broad guidance in identifying and discouraging behavior that conflicts with the idea of building a strong and just community that respects and protects the diverse interests and goals of all students, all student organizations, and the University of Cincinnati's Mission. The Student Code of Conduct defines prohibited conduct for all University of Cincinnati students and organizations.* Behavior considered misconduct is defined. Sanctions or penalties are outlined. Students are subject to the consequences for misconduct. Disciplinary procedures and procedures for appeal of decisions are explained in a step-by-step manner.

It is each student's responsibility to know and comply with the University's Student Code of Conduct and/or Rules and Policies of the University of Cincinnati. The provisions of the Student Code of Conduct are not to be regarded as a contract between the University and the student. The University reserves the right to change the Student Code of Conduct at any time during the student's term of enrollment.

It is the University's responsibility to make reasonable efforts to make the Student Code of Conduct available for students. Toward that end, the Division of Student Affairs and Services will regularly circulate the Student Code of Conduct along with other rules, regulations, and policies, which directly affect students at the University of Cincinnati. The Code will be available for review in the following locations: the Office of the University Ombuds, the University Judicial Affairs Office, and the UC web page.

Students are members of society as well as members of the academic community. As members of society, students have the same responsibilities as other members of society and enjoy the same freedom of speech and peaceful assembly, and the right of petition that other members of society enjoy. As members of the academic community, they shall have the rights and be subject to the responsibilities which accrue to them by virtue of this membership. Institutional authority shall not be employed to inhibit such intellectual and personal development of students as is often promoted by the exercise of their rights and responsibilities both on and off the campus. See University Rules at www.uc.edu/trustees/rules/ (Students-Division 40-05-01). Students shall be responsible for maintaining established standards of scholarship and conduct essential to the educational mission and community life of the university. See University Rules at www.uc.edu/trustees/rules/ (Students – Division 40-5-05).

The authority for disciplinary action is contained in University Rule 3361:40-5-04 of the Ohio Administrative Code. The University may proceed through the disciplinary process as outlined below, regardless of any action by other authorities (e.g., city/state police, local/state/federal courts).

*Law and Medical students are also subject to their respective Honor Codes. Conduct not covered under the respective Honor Codes shall be subject to the Student Code of Conduct.

DEFINITION OF STUDENT

Students who violate the Student Code of Conduct shall be subject to appropriate disciplinary sanctions. By admission to or attendance at the University, a student accepts the responsibility to comply with the Student Code of Conduct and/or the Rules and Policies of the University of Cincinnati. The term “student” (used here and in any part of this document hereafter) means an individual who has been accepted for admission to the University, registered for classes, enrolled at the University, or otherwise entered into any other relationship with the University to take or audit instruction and is pursuing undergraduate, graduate, or professional studies either on a full- or part-time basis. Student status lasts until an individual graduates, is dismissed, or is not in attendance for one complete quarter.

OHIO REVISED CODE SECTION 3333.38

Substitute House Bill 95 of the 125th General Assembly, which is codified in Section 3333.38 of the Ohio Revised Code, focuses on the riotous behavior of students on and around university campuses. The new law has two separate penalty provisions—denial of financial aid and expulsion. Regarding financial aid, R.C. 3333.38(B) generally provides that an individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for violating R.C. 2917.02 (aggravated riot), R.C. 2917.03 (riot), R.C. 2917.04 (failure to disperse), or R.C. 2917.13 (misconduct at an emergency), shall be ineligible to receive any student financial assistance supported by state funds for two calendar years from the time the individual applies for financial assistance.

With respect to expulsion, a student shall immediately be dismissed from the University if he or she is convicted of, pleads guilty to, or is adjudicated a delinquent child for violating R.C. 2907.02 (aggravated riot) or R.C. 2917.03 (riot). Moreover, no Ohio public university or college shall admit

an individual who has been convicted for either R.C. 2907.02 or .03 for one academic year after the individual applies for admission.

Action taken as a result of R.C. 3333.38 does not limit or affect the University of Cincinnati's ability to otherwise discipline students under the Student Code of Conduct.

STATEMENT OF JURISDICTION

The University of Cincinnati will take all-reasonable action to prevent conduct that undermines, interferes with, or obstructs the safety and security of the University community or that adversely affects the integrity or interests of the educational mission or functions of the University. The Student Code of Conduct applies to student conduct that occurs on campus or on University owned, leased, or controlled premises. It applies to off-campus conduct when the student is on academic assignment, attending a University event or an event of a registered student group, or acting as a representative of the University at an off-campus event. Additionally, students are subject to disciplinary action for misconduct that is not committed on University owned, leased, or controlled property when the University is notified by an arresting or prosecuting authority of misconduct resulting in a police report being filed, an arrest being made, summons being issued, or an indictment being returned against the student for a crime of violence, when the conduct occurs within 2600 feet of any University campus. The University also reserves right to take disciplinary action for conduct that occurs beyond the 2600 feet boundary only when the student, in the University's sole judgment, poses an obvious threat of serious harm to any member of the University community.

The term "crime of violence" means the following offenses as stated in Section 2901.01(A)(9) of the Ohio Revised Code, and as it may be amended from time to time: aggravated murder; murder; voluntary manslaughter; involuntary manslaughter; felonious assault; aggravated assault; assault; aggravated menacing; menacing by stalking; kidnapping; abduction; extortion; rape; sexual battery; gross sexual imposition; aggravated arson; arson; aggravated robbery; robbery; aggravated burglary; inciting to violence; aggravated riot; inducing panic; domestic violence; intimidation; intimidation of an attorney, victim, or witness in a criminal case; escape; improperly discharging a firearm at or into a habitation or school; burglary; felonious sexual penetration; or conspiracy or attempt to commit or complicity in committing any of the foregoing offenses. Crime of violence

also means offenses under the laws of another jurisdiction that are equivalent to the offenses listed in this division.

The University may proceed through the disciplinary process outlined below regardless of any action by other authorities (e.g. city/state police) under the laws of any jurisdiction. Each college dean shall appoint a college conduct administrator who shall be responsible for academic misconduct procedures.

TIMELINE

All listed timelines (i.e., 15 days, 48 hours) exclude weekends, holidays, and term breaks when the University is not in session.

VIOLATION OF THE STUDENT CODE OF CONDUCT

A student found to have violated the Student Code of Conduct will be subject to sanctions ranging from University Disciplinary Academic Action to University Disciplinary Dismissal. The standard of proof used to determine whether a student has violated the Student Code of Conduct shall be based on a preponderance of evidence.

More than one sanction may be imposed for a single violation. A single act may constitute a violation of more than one regulation.

Being under the influence of drugs or alcohol will not diminish or excuse a violation of the Student Code of Conduct.

DETERMINING APPROPRIATE JURISDICTION

Misconduct is classified as: academic and/or nonacademic misconduct. If it is not self-evident whether a violation is academic or nonacademic, the Dean of the student's college or designee and the Associate Vice President for Student Life or designee shall confer to determine whether the matter shall be handled within the college or within the Division of Student Affairs and Services, and shall notify the appropriate administrator and all parties.

NOTIFICATION

All written notices to students shall be considered received upon delivery to a student's current local address on record with the University, by U.S. or campus mail, by electronic messaging, or to the student in person. Such notice shall be deemed adequate unless the student shows just cause why the receipt of notice substantially impaired his/her ability to prepare for any

hearing. It is the responsibility of the student to have his/her current local address on record with the University.

PART I

ACADEMIC MISCONDUCT

REPORTING ACADEMIC MISCONDUCT

Reporting misconduct: all instances of alleged misconduct shall be reported to the Director of University Judicial Affairs, the college or the University College Conduct Administrator, without unnecessary delay from the date of the discovery of the alleged offense.

A. ACADEMIC MISCONDUCT DEFINITIONS

Academic Misconduct includes, but is not limited to, the following:

AIDING OR ABETTING ACADEMIC MISCONDUCT

Knowingly helping, procuring or encouraging another person to engage in academic misconduct.

CHEATING

Any dishonesty or deception in fulfilling an academic requirement such as:

1. Use and/or possession of unauthorized material or technology during an examination (any written or oral work submitted for evaluation and/or grade) such as tape cassettes, notes, tests, calculators or computer programs.
2. Obtaining assistance with or answers to examination questions from another person with or without that person's knowledge.
3. Furnishing assistance with or answers to examination questions to another person.
4. Possessing, using, distributing or selling unauthorized copies of an examination or computer program.
5. Representing as one's own an examination taken by another person.
6. Taking an examination in place of another person.
7. Obtaining unauthorized access to the computer files of another person or agency and/or altering or destroying those files.

FABRICATION

The falsification of any information or citation in an academic exercise.

PLAGIARISM

1. Submitting another's published or unpublished work in whole, in part or in paraphrase, as one's own without fully and properly crediting the author with footnotes, quotation marks, citations, or bibliographical reference.
2. Submitting as one's own original work, material obtained from an individual or agency without reference to the person or agency as the source of the material.
3. Submitting as one's own original work material that has been produced through unacknowledged collaboration with others without release in writing from collaborators.

B. PROCEDURES FOR ACADEMIC MISCONDUCT

Any case involving academic misconduct shall originate with the faculty member in whose course the alleged misconduct occurred. Students suspected of academic misconduct, whether acknowledging involvement or not, shall be allowed to continue in the course without prejudice pending completion of the disciplinary process.

FIRST LEVEL RESOLUTION

The original jurisdiction of any case involving academic misconduct shall be with the faculty member in whose course the alleged misconduct occurred. If a faculty member suspects a student of academic misconduct, he/she must inform the student, verbally or in writing, without unnecessary delay, of the alleged misconduct and provide the student the opportunity to respond before taking any action. If the faculty member takes no action generally within ten days after informing the student, the allegation(s) shall be considered dismissed. The faculty member may take one or more of the following actions:

- ?? alter a grade or assign a failing grade for the assignment, examination or course and/or recommend an additional sanction(s) to the college conduct administrator. If any action is to be taken, it is the faculty member's responsibility to notify the student in writing of the action taken. A copy of the action is to be provided to the college conduct administrator of the college in which the misconduct occurred and of the student's "home" college, generally within ten days after informing the student.

After being notified of the alleged academic misconduct by the faculty member, the student has the right to:

- 1) accept both responsibility for the misconduct and the action taken by the faculty member; or
- 2) not accept either responsibility for the misconduct or for the action by the faculty member. The case is then forwarded to a second level resolution to be determined by the College Hearing Committee.

Within ten days, the student must inform the college conduct administrator in writing of his/her decision. Within ten days of receipt of this notice, the college conduct administrator of the student's "home" college shall determine whether the matter was resolved and inform the student and faculty member as follows:

- ?? If the matter is resolved with an action/sanction by the faculty member, which the student and College Conduct Administrator accept, the resolution shall be recorded with a copy to the Director of University Judicial Affairs, and the matter closed.
- ?? If the matter is not resolved, it shall go before the College Hearing Committee for Second Level Resolution.

SECOND LEVEL RESOLUTION

When first level resolution is not possible, the College Conduct Administrator, without unnecessary delay, shall convene a College Hearing Committee. The charge to this committee shall be to investigate the alleged misconduct and to recommend appropriate sanction(s).

Jurisdiction shall reside in the "home" college of the student against whom a charge has been brought and that college shall conduct the hearing.

The committee shall consist of:

The hearing chair, two representatives selected by the college faculty and two representatives selected by the college tribunal. The hearing chair shall be the College Conduct Administrator. A quorum is present when the hearing chair, at least one faculty representative, and one student representative are present. The hearing chair shall vote only in the event of a tie.

When students from more than one college are involved in an academic misconduct case, the Director of University Judicial Affairs will chair the hearing. The committee shall consist of the hearing chair, a representative

from each student's college, and two students selected by student government. A quorum is present when the hearing chair, a representative from one college and one student are present. The hearing chair will only vote in the case of a tie by the committee.

Any student may challenge participation of any committee member on the grounds of conflict of interest. Challenges must be submitted in writing to the hearing chair within three days after the student has been notified of the committee composition. The challenge must specify reasons that would prevent the individual from being unbiased with respect to the hearing proceedings. The hearing chair shall decide whether the member is biased. If the challenge is granted, a substitute will be appointed and the same option to challenge shall exist. If the hearing chair is challenged, the Dean of the college or his or her designee shall determine the validity of the challenge and either replace or retain the hearing chair.

Within ten days after the conclusion of the hearing, the hearing chair shall send the committee's recommendation to the College Dean and to the student. When students from more than one college are involved in an academic misconduct case, the hearing chair shall forward the committee's recommendation to each student's "home" college dean or university dean and to each student within ten days after the hearing.

Action on Committee Recommendation:

Within ten days after receipt of the committee's recommendation, the Dean of the college or his or her designee shall concur with, modify, or reject the committee's recommendation and shall notify all parties in writing.

Notification to the student shall include information about the appeal process and the name and address of the University Appeals Hearing Chair. If the student does not file an appeal within ten days, the decision of the Dean shall be final.

C. HEARING PROCEDURES

1. Presence at hearings shall be restricted to those individuals involved except as otherwise noted.
2. The student and faculty member may elect to have an advisor present who may counsel, but not actively participate as a spokesperson or vocal advocate in the hearing. Students are required to notify the College Hearing Committee Chair 24 hours prior to the hearing if the advisor is an attorney.
3. The University Ombuds may be present as an observer.

4. Witnesses are strongly encouraged to be present for hearings. However, if they are unable to attend, notarized statements may be submitted.
5. If the student, faculty or staff member chooses not to attend the hearing, his/her written statements shall be reviewed at that time and evaluated based on the information available. No advisor shall be present for any party who does not attend the hearing.
6. The Chair and the College Hearing Committee shall have the right to determine the acceptability of testimony and other evidence during the hearing and may place time limitations on testimony and on closing comments.
7. When more than one student is involved in an allegation of misconduct, any involved student may request a separate hearing. Such requests shall be made to the Chair of the Hearing Committee at least two days (48 hours) prior to the scheduled hearing.
8. Committee hearings, but not deliberations, shall be tape-recorded. Any record of the hearing shall remain the property of the University. Either party may have post-hearing access to the audiotape. However, to maintain confidentiality, students are not permitted an audio copy of the tape.
9. Records relating to a disciplinary action are maintained by the Director of University Judicial Affairs as educational records separate from a student's academic record and are protected by the Family Education Rights and Privacy Act.

D. SANCTIONS FOR ACADEMIC MISCONDUCT

Sanctions shall be imposed according to the severity of the misconduct. Multiple sanctions may be imposed should the behavior call for the imposition of a more severe penalty. In all cases, the University reserves the right to require counseling and/or testing of students as deemed appropriate.

Definitions of disciplinary sanctions include the following:

University Disciplinary Academic Action

Includes, but not limited to, altering a grade or assigning a failing grade for the assignment, examination, or course.

University Disciplinary Reprimand

Notifies the student in writing that his/her behavior is unacceptable and that any other violation may warrant further sanctions.

University Disciplinary Probation

Imposes specific restrictions or places extra requirements on the student for a specified period. These may vary with each case and may include action not academically restrictive in nature, such as restriction from participation in college activities or other requirements. Disciplinary action should be consistent with the philosophy of providing constructive learning experiences as a part of the probation. A student may be required to meet periodically with designated persons. Any further misconduct on the student's part during the period of probation may result in disciplinary suspension or dismissal.

University Disciplinary Suspension

Prohibits the student from attending the University. University Suspension prohibits the student from being present on specified University owned, leased, or controlled property without permission of the sanctioning administrator or his or her designee for a specified period of time. The sanctioning administrator shall determine the effective beginning and ending date of the suspension. Students placed on University Disciplinary Suspension must comply with all suspension requirements. A student seeking to attend the University after the conclusion of his or her suspension shall first request re-enrollment from the Office of University Judicial Affairs. Request for re-enrollment after one quarter of the suspension termination will require the student to apply for readmission to his/her college.

University Disciplinary Dismissal

Permanently prohibits the student from attending classes in that college or permanently prohibits the student from re-enrolling at the University.

Other Disciplinary Educational Sanctions

Sanction designed to develop the student's behavior. This includes, but is not limited to, service to the college and restrictions on the right of access to the college or University.

PART II

NONACADEMIC MISCONDUCT

REPORTING NONACADEMIC MISCONDUCT

All instances of alleged nonacademic misconduct shall be reported to the Director of University Judicial Affairs. Any student found to have engaged

in the following prohibited conduct, as defined in Section A, while within the University's jurisdiction shall be subject to disciplinary action by the University.

A. NONACADEMIC MISCONDUCT DEFINITIONS

AIDING AND ABETTING MISCONDUCT

Helping, procuring, or encouraging another person to engage in nonacademic misconduct.

ALCOHOLIC BEVERAGES, UNAUTHORIZED USE

Possessing or consuming alcoholic beverages on campus in unlicensed facilities, except during events or in circumstances authorized by University officials; failing to comply with state law or University policy regarding use, transportation, or sale of alcoholic beverages.

DESTRUCTION OF PROPERTY

Damaging, destroying, defacing, or altering the property of the University or the property of another person or entity.

DISHONESTY AND MISREPRESENTATION

Furnishing false written or oral information including false identification to University officials, faculty, and/or staff; forgery, alteration, or misuse of University documents or records.

DISRUPTION/OBSTRUCTION

Disrupting, obstructing, or interfering with University functions, activities, or the pursuit of the University mission, including but not limited to, teaching, research, administration, or disciplinary proceedings.

DISTURBING THE PEACE

Disturbing the peace of the University, including, but not limited to, disorderly conduct, failure to comply with an order to disperse, fighting, or public intoxication.

DRUGS OR NARCOTICS

Manufacturing, distributing, buying, selling, offering for sale, or possessing any illegal drug or narcotic including, but not limited to: anabolic steroids, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana. Uses of substances as prescribed by a physician are exempt.

FAILURE TO COMPLY OR IDENTIFY

Failure to comply with the directions of a University official or any law enforcement officer acting in the performance of their duties or posted or written rules; includes failure to evacuate during an emergency and failing to identify oneself to any of these persons when requested to do so.

FAILURE TO COMPLY WITH SANCTIONS

Failure to comply with sanctions imposed in accordance with the procedures described herein.

FALSE CHARGES/STATEMENTS

Making false charges or allegations including statements made at University judicial hearings.

FALSE REPORT OF EMERGENCY

Causing, making, or circulating a false report or warning of a fire, explosion, crime or other catastrophe or emergency; includes activating a false fire alarm.

HARASSMENT

Conduct that has the purpose or foreseeable effect of unreasonably interfering with an identifiable individual's work or academic performance or of creating an intimidating, hostile or offensive work or learning environment for that individual; includes, but not limited to, conduct that violates the Institutional Policy on Sexual Harassment (Administrative Memo #60) and Policy Statement on Discriminatory Harassment (Administrative Memo #108). Both can be found at:
http://www1.mcmfss.uc.edu/geninfo/administrative_memorandums.cfm

HAZING

Failure to comply with University Rule 3361:40-3-12, or state law regarding hazing, (generally any act which endangers the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in a group or organization).

IDENTIFICATION, MISUSE OF

Unauthorized transferring, lending, using or altering a University identification card or any other record or instrument of identification.

INFORMATION TECHNOLOGY, MISUSE OF

Theft, misuse or illegal use of information technology such as computer hardware or software, electronic mail or information, voice mail, telephone, fax, including but not limited to:

- 1) Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
- 2) Unauthorized transfer or distribution of a file.
- 3) Unauthorized use of another individual's identification and password.
- 4) Use of information technology to interfere with the work of another student, faculty member, or University official or with normal operations of the University.
- 5) Use of information technology for unauthorized posting of copyrighted materials or obscenities

LAW, VIOLATION OF

Violation of any federal/state/local law where the effect is interference with University activities or an identifiable individual's University work or academic activities.

PHYSICAL ABUSE OR HARM

Acts, which cause or could cause physical harm to any person, or to oneself, are prohibited. Actions that threaten or cause a person to believe that the offender may cause physical harm are also prohibited. Examples of prohibited behavior include, but are not limited to; university policy statement on sex offenses, assault, battery, stalking, telephone harassment, sexual assault, sexual harassment, rape, threats, intimidation, physical abuse of one self or another, verbal abuse, and any other conduct which threatens the health or safety of any person.

PROBATION, VIOLATION OF

Violating the Student Code of Conduct while on University Disciplinary Probation or violating the specific terms of that probation.

PROPERTY OR SERVICES, UNAUTHORIZED USE

Unauthorized use or possession of property or resources of the University or of any person or entity.

PUBLIC ENDANGERING

Actions endangering others, including but not limited to: dropping objects from buildings, causing a false fire alarm, or tampering with safety equipment.

RESIDENCE HALL RULES AND REGULATIONS

Violating the terms and conditions of the University Housing Agreement or of published rules and regulations of the Office of Resident Education and Development, and the Office of Housing or its dining facilities.

RETALIATION, INTIMIDATION

Threats or acts of retaliation or intimidation made to another person in response to the implementation of the Student Code of Conduct or University Rules and Policies.

SAFETY EQUIPMENT, MISUSE OF

Unauthorized use or alteration of fire fighting equipment, safety devices, fire alarms, fire extinguishers or other emergency safety equipment.

SMOKING POLICY

Violating the University smoking policy.

THEFT/STOLEN PROPERTY

Theft of property or services of the University or of any person or entity. Unauthorized possession of property known to be stolen or that may be identified as property of the University or of any person or entity.

TRESPASS/UNAUTHORIZED ACCESS

Unauthorized access into or onto any University building, room, structure or facility, or property of the University or any other entity.

UNIVERSITY KEYS, MISUSE OF

Unauthorized use, distribution, duplication or possession of any key(s) issued for any University building, laboratory, facility, room, or vehicles.

UNIVERSITY POLICIES OR RULES

Any violation of published University Rules or Policies. University Rules can be found at: <http://www.uc.edu/trustees/rules/>. University Policies can be found at www.mcmfss.uc.edu/geninfo/administrative_memorandums.cfm.

WEAPONS

Use, storage, or possession of a firearm, explosive device of any description, ammunition or anything used to threaten or harm including, but not limited to, firecrackers, compressed air guns, pellet guns, BB guns, paint guns, water guns, and knives.

B. HEARING PROCEDURES NONACADEMIC MISCONDUCT

Complaint and Notice

?? Complaint

Any person, department, organization or entity may file a complaint with the Office of University Judicial Affairs alleging a violation of the Student Code of Conduct by a student. Complaints filed against a student organization shall be filed in the Office of Student Activities and Leadership Development. A Public Safety citation constitutes a complaint.

?? Notice

The Office of University Judicial Affairs or designee, after reviewing a complaint or on its own, may initiate the disciplinary process by giving the charged student written notice of the alleged violation(s) and hearing administrator. The written notice shall describe the day, time, and location of the alleged violation(s) and inform the student about the reported circumstances underlying the alleged violation(s). The notice shall state the date, time, and place of the procedural review.

?? Procedural Review

The purpose of the procedural review is to review the charges, provide an explanation of the disciplinary process, discuss the student's options, and advise the student of the potential sanction(s) for the alleged violation(s). The accused student shall attend the procedural review, which will be conducted by a hearing administrator.

If an accused student fails to schedule or appear at the procedural review, an Administrative Review Committee (ARC) hearing may be scheduled. Procedural reviews may be rescheduled at the discretion of the hearing administrator.

Selection of Hearing Option

The accused student, no later than three University working days from the time of the procedural review, shall notify the Procedural Hearing Administrator in writing whether the student:

1. Admits responsibility to the violation(s) and agrees to accept the sanctions imposed by the Director of University Judicial Affairs or designee; or
2. Admits responsibility but disputes the proposed sanction and requests to have the sanction determined by an Administrative Review Committee; or
3. Denies responsibility and requests a hearing before an Administrative Review Committee.

If the accused student fails to notify the Procedural Hearing Administrator within three University working days from the time of the procedural review of the option selected, an Administrative Review Committee hearing will be scheduled.

The Office of University Judicial Affairs encourages students charged in the same incident and who choose to have an ARC Hearing, to have their cases consolidated. The Office of Judicial Affairs reserves the right to require consolidation of hearings.

Administrative Review Committee Hearing

ADMINISTRATIVE REVIEW COMMITTEE (ARC)

- ?? The committee shall consist of the Hearing Administrator, two faculty or staff selected from the Administrative Review Committee (ARC) pool, and four undergraduate student representatives selected from the ARC student pool for undergraduate cases or two graduate students selected from the ARC student graduate pool for graduate cases.
- ?? The ARC pool shall consist of twelve faculty and staff selected by the Director of University Judicial Affairs in consultation with Faculty Senate and/or academic colleges, twenty student representatives selected by the Office of Judicial Affairs in consultation with Student Government, and six graduate or professional students selected by the Office of Judicial Affairs in consultation with the Graduate Student Governance Association.
- ?? The Hearing Administrator shall be the Director of University Judicial Affairs or the Director's designee.

- ?? A quorum is present for undergraduate cases when the Hearing Administrator, one faculty or staff, and three student representatives are present. A quorum is present for graduate cases when the Hearing Administrator, one faculty or staff, and two student representatives are present. The Hearing Administrator will only vote in the case of a tie by the committee.
- ?? Any student may challenge participation of any committee member on the grounds of conflict of interest. Challenges must be submitted in writing to the Hearing Administrator within three days of notice of the committee composition. The challenge must specify reasons that would prevent the individual from being unbiased with respect to the hearing proceedings. The Hearing Chair shall decide whether the member is biased. If the challenge is granted, a substitute will be appointed and the same option to challenge shall exist. If the Hearing Administrator is challenged, the AVP for Student Life/Dean of Students shall determine the validity of the challenge and either replace or retain the Hearing Administrator.
- ?? The Hearing Administrator shall send the Committee's final recommendation to the AVP for Student Life/Dean of Students and to the student within 10 days after the hearing.
- ?? Within 10 days after receipt of the Committee's recommendation(s), the AVP for Student Life/Dean of Students shall take one of the following actions and notify all parties in writing:
 - (1) concur,
 - (2) modify sanction or,
 - (3) send back to Administrative Review Committee for further review and recommendation.
- ?? The student and Director of University Judicial Affairs shall be notified in writing of the decision and of the appeal process. If the student does not appeal the decision within 10 days, the sanction(s) approved by the AVP for Student Life/Dean of Students shall be in effect.

Hearing Process:

The ARC hearing shall be closed to the public. The Chair and the ARC shall have the right to determine the acceptability of testimony and other evidence during the hearing, and may place time limitations on testimony and on closing comments.

The accused and the complainant shall have the right to submit evidence and written questions to be asked of all adverse witnesses who testify in the matter. The Administrative Review Committee has the right to review and determine which written questions will be asked. If the Administrative Review Committee elects to accept a witness's notarized written statement in lieu of in-person testimony, the identity of the witness and his or her statements shall be fully disclosed to the other party and they shall be given the opportunity to respond to such statements. The ARC reserves the right to limit the number of witnesses. Witnesses, other than the person alleging the violation and the accused, shall be present only when giving testimony. The Administrative Review Committee reserves the right to make appropriate accommodations to secure the safety and comfort of all witnesses during a judicial proceeding.

Both sides shall be given an opportunity to present a closing statement. At the close of the hearing, the ARC shall deliberate privately to determine whether the accused student violated the Student Code of Conduct. The ARC will seek to reach consensus in adjudicating cases. In the event there is not consensus, a majority vote will determine the outcome. In the event of tie votes, the ARC Chair will render a vote. If the ARC determines that the accused student violated the Student Code of Conduct within three days, it will provide a written recommendation of the sanction to be imposed to the AVP for Student Life/Dean of Students.

Additional Committee Procedures:

1. Presence at hearings shall be restricted to those individuals involved except as otherwise noted.
2. The complainant and accused may elect to have an advisor present who may counsel but not actively participate as a spokesperson or vocal advocate in the hearing. Students are required to notify the college hearing committee chair 24 hours prior to the hearing if the advisor is an attorney.
3. The University Ombuds may be present as an observer.
4. Witnesses are strongly encouraged to be present for hearings. However, if they are unable to attend, notarized statements may be submitted.
5. If either party chooses not to attend the hearing, his/her written statements shall be reviewed and evaluated based on the information available.
6. When more than one student is involved in an allegation of misconduct, any involved student may request a separate hearing. Such requests shall

be made to the Hearing Administrator at least two days (48 hours) prior to the scheduled hearing.

7. Committee hearings shall be tape-recorded. Any record of the hearing shall remain the property of the University. Either party may have post-hearing access to the audiotape. However, to maintain confidentiality, students are not permitted an audio copy of the tape.
8. Records relating to a disciplinary action are maintained by the Director of University Judicial Affairs as educational records separate from a student's academic record and are protected by the Family Education Rights and Privacy Act.
9. Upon written request, victims of violent crimes, as defined in the Ohio Revised Code Section 2901.01, may be informed of results of the campus disciplinary proceedings.

C. SANCTIONS FOR NONACADEMIC MISCONDUCT

Sanctions shall be imposed according to the severity of the misconduct. Multiple sanctions may be imposed should the behavior call for the imposition of a more severe penalty (action). In all cases, the University reserves the right to require counseling and/or testing of students as deemed appropriate. The University may impose interim restrictions (i.e., cease and desist, restriction from dining halls, residence halls or specific buildings, no contact) to protect the rights and ensure the safety or address the concerns of students, staff, faculty, and the University community.

Implementation of sanction(s) is immediate or as defined.

ALCOHOL OR DRUG POSSESSION DISCLOSURE

The University of Cincinnati may notify the parents or guardians of any student who is under the age of 21 and who has been found to be in violation of the Student Code of Conduct with respect to any federal, state, or local law or University policy governing the use or possession of alcohol or a controlled substance.

Students will receive copies of notification letters sent to their parents or guardians.

This policy is in keeping with the Amendment to the Family Education Rights and Privacy Act—20 USCA § 1232 (i)

Definitions of disciplinary sanctions include the following:

University Disciplinary Reprimand

Notifies the student in writing that his/her behavior is unacceptable and that any other violation may warrant further sanctions.

University Disciplinary Probation

Imposes specific restrictions or places extra requirements on the student for a specified period. These may vary with each case and may include restrictions related to the participation in intercollegiate athletics, extracurricular and/or residence life activities. Such restrictions may also involve other requirements not academically restrictive in nature. They should be consistent with the philosophy of providing constructive learning experiences as a part of the probation. A student may be required to meet periodically with designated persons. Any further misconduct on the student's part during the period of probation may result in disciplinary suspension or dismissal.

University Disciplinary Suspension

Prohibits the student from attending the University and from being present without permission of the Director of University Judicial Affairs or his or her designee on any University owned, leased, or controlled property for a specified period of time. University Disciplinary Suspensions shall have effective beginning and ending dates. Students placed on University Disciplinary Suspension must comply with all suspension requirements. A student seeking to attend the University after the conclusion of his or her suspension shall first request permission to re-enroll from the Office of University Judicial Affairs.

University Disciplinary Dismissal

Permanently prohibits the student from attending the University and from being present, without permission, on any University owned, leased, or controlled property.

Other Disciplinary Educational Sanctions

Sanctions designed to develop the student's behavior. Includes, but not limited to, service to the University and/or University community; restrictions on the right of access to campus facilities, events, and/or student organizations; restitution for damage or expenses caused by the misconduct; and referral for psychological/psychiatric evaluation or other educational/developmental programs.

Interim/Emergency Suspension

An Interim/Emergency Suspension is an interim action, effective immediately, designed to prohibit the presence of the student on campus and/or participating in any university-related activities, registered student organization activities, and academic coursework until the student's disciplinary case can be resolved in accordance with prescribed disciplinary procedures. Such action shall be taken when the Vice President for Student Affairs and Services or his/her designee has reasonable cause to believe that the student's presence on University owned, leased, or controlled property or at a University-related or registered organization activity poses a substantial harm to the health or safety of others or to property. An interim/emergency suspension begins immediately upon written notice by the Vice President for Student Affairs and Services or designee and restricts a student's physical access to campus if deemed necessary in order to:

- (a) Maintain order on university property and campuses.
- (b) Preserve the orderly functioning of the University and the pursuit of its mission.
- (c) Stop interference in any manner with the rights of citizens while on University owned, leased, or controlled property, while on professional practice assignment and/or while representing the University.
- (d) Stop actions that threaten the health or safety of any person including oneself.
- (e) Stop actions that destroy or damage property of the University or of any member of its community.

Interim/Emergency Suspension may be imposed pending the application of the disciplinary process. A disciplinary hearing shall be scheduled by the University without undue delay. The student may, within three (3) business days of the imposition of the suspension, petition the Vice President for Student Affairs and Services for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A hearing on such petition will be conducted without undue delay by the Vice President for Student Affairs and Services or his/her designee. The purpose of this hearing will be to determine if the interim suspension shall remain in effect, be modified, or be revoked pending a disciplinary hearing.

D. SANCTIONING OF STUDENT ORGANIZATIONS

When a student organization is charged with a violation of the Student Code of Conduct, the Director of Student Activities and Leadership Development and/or the appropriate administrators at Raymond Walters College, Clermont College, and the College of Applied Science will consult with the appropriate Student Organizations and Activities governing board to determine whether the case should be referred to the appropriate governing body or handled administratively and whether specific individuals should be referred for disciplinary action.

Student organizations in violation of Student Code of Conduct shall be subject to sanctions including, but not limited to, termination of University registration, restriction on or suspension of the use of University facilities or services, suspension of the privilege to sponsor fundraising events, the loss of University funds, and restitution for damage. These sanctions may be imposed by the student organization's governing board or by the appropriate administrative unit.

When a social Greek organization is charged with a violation of the Student Code of Conduct, the Director of University Judicial Affairs and the Director of Student Activities and Leadership Development shall consult with the Greek Affairs Advisor to determine whether the case should be referred to the appropriate judicial body (e.g., Interfraternity Council, Panhellenic) or handled administratively. If a case is referred to a judicial body and it is determined that a violation has occurred, the judicial body may recommend to the Greek Affairs Advisor a sanction which may include a written reprimand, probation, denial of pledging rights, restitution for damages, or termination of University registration. The Greek Affairs Advisor shall consult with the Director of Student Activities and Leadership Development to determine the sanction to be imposed. The Greek Affairs Advisor shall send written notice of the sanction to the Greek organization and shall send written notice of the charges and the sanction to the national organization.

PART III APPEAL

Appeal Process:

(a) Filing an Appeal

A student found to be responsible for a violation, either academic or non-academic, of the Student Code of Conduct shall have the right to

appeal. An appeal must be submitted in writing to the Director of University Judicial Affairs within ten days of receipt of the sanction decision letter. Upon receipt of the appeal, the Director of University Judicial Affairs will forward the appeal to the University Appeals Hearing Chair (hereinafter UAHC), along with the students' file. The UAHC shall be appointed by the Vice President for Student Affairs and Services.

(b) Grounds for Appeal. The only permissible grounds for appeal shall be that:

- (i) New information was discovered, which was not available at the time of the hearing, and such evidence could affect the decision in the case;
- (ii) A substantial procedural error occurred in the process, which affected the decision in the case; or
- (iii) A sanction of suspension or dismissal was imposed and is not commensurate with the violation. Lesser sanctions cannot be appealed.

(c) Procedure.

The UAHC shall review all appeals. All steps in the appeal process shall occur without unnecessary delay.

- (i) The UAHC shall review the appeal for appropriate grounds and shall reject and return to the student any appeal deemed groundless, with a brief written explanation of the reason the appeal was rejected. That decision shall be final.
- (ii) If the UAHC determines that the new information described in the appeal was not available earlier and could affect the decision or that a substantial procedural error occurred in the process which could have affected the decision in the case, the UAHC shall charge the Administrative Review Committee to hold a limited hearing for the sole purpose of reviewing the new information and/or correcting the procedural error. The hearing shall be limited in scope. It shall not include any review of evidence or testimony or modification of factual conclusions reached in the original hearing, unless they are affected by the new information or by the procedural error. The appeal and complete hearing file shall be provided to the Administrative Review Committee. If the UAHC determines that the sanction of suspension and dismissal is not commensurate with the violation, then the UAHC shall review

the file and submit a recommended sanction to the appropriate vice president.

(iii) If members of the Administrative Review Committee, which initially heard the complaint, are not available for continued service, substitute members will be selected by the Director of University Judicial Affairs from the original pool. The UAHC is not a member of the Administrative Review Committee and does not participate in the review process.

(iv) Following this limited hearing, the Administrative Review Committee shall submit a report and possibly a revised recommendation to the UAHC. The UAHC shall review the file and recommendation. If it is the opinion of the UAHC that the new evidence was considered and/or the procedural error corrected, the UAHC shall forward the recommendation to the appropriate dean. If the UAHC determines that the review committee failed to correct the procedural error and/or failed to consider the new evidence, the UAHC shall return the matter to the Administrative Review Committee with instructions to reconsider.

(v) For appeals of suspension or dismissal based on a claim that the sanction is not commensurate to the violation, the UAHC shall review the file and issue a final decision to concur, modify, and send to the appropriate vice president.

(d) Final Decision. The appropriate vice president shall review all sanctions of suspension or dismissal, and shall issue a final decision, which may concur with, modify, or reject any recommended sanction and shall notify all parties in writing. The appropriate dean shall review all other matters, and issue a final decision, which may concur with, modify, or reject any recommendation.

PART IV MISCELLANEOUS

A. DISCIPLINARY RECORDS AND FILES

Disciplinary records and files, including those resulting in a finding of “responsible” are maintained in the University Office of Judicial Affairs.

B. HOME COLLEGE

The home college is the college in which the student is matriculated at the time of the alleged misconduct.

C. REFUND POLICY

In the event of a suspension or dismissal from the residence halls or University, the regular refund schedule outlined in University publications will apply.

D. TITLES AND POSITIONS

Students, staff, and faculty holding specific positions listed in this document shall have their names listed on the University Judicial Affairs web page located at: www.soa.uc.edu/life/conduct.

E. WITHDRAWAL

A student may withdraw from the University before a disciplinary process has been completed. The process may proceed in the absence of the student and/or a bar may be placed on the student's future registration. The disciplinary action must be completed before the student is allowed to register again.

F. University Campuses

University campuses include University of Cincinnati Clifton Campus, Raymond Walters College, and Clermont College.

G. Approval

Approved by the University of Cincinnati Board of Trustees -----.

Published by the Division of Student Affairs and Services

Reference University Rule 3361:40-5-05, located in the Langsam Library, Board of Trustees Office, Office of the Vice President for Student Affairs and Services, and college offices.

Dedicated to the memory of Dr. Edward C. Keiser