(A) Introduction

(1) Preamble

(a) The Student Code of Conduct (“SCOC”) is intended to provide broad guidance in identifying and discouraging behavior that conflicts with the building of 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 “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.”

(b) The SCOC is administered consistently with the university’s policy entitled “Conduct, rights and responsibilities: Statement of student conduct, policies and procedures,” rule 3361:40-5-03 of the Administrative Code. Paragraph (A)(1)(b) of that rule states: “In a university, the paramount value involved in student conduct should be self-governance with each student bearing the responsibility for his/her own behavior. Although it is thus assumed that students are mature and responsible individuals and that the university does not occupy a parental role, formal disciplinary sanctions nonetheless may be imposed whenever student conduct interferes with the university's duty to afford its members an opportunity to attain educational and other stated institutional objectives. In pursuance of the goals of the university, disciplinary policies, procedures, and standards should be primarily educational rather than punitive in nature and should be consistent with both the customs of a free society and the nature and function of an institution of higher learning.”

(c) The authority for the SCOC is contained in rule 3361:40-5-04 of the Administrative Code and section 3345.21 of the Revised Code. The university may proceed through the disciplinary process as outlined in the SCOC, regardless of any action by other authorities including city or state police, or local, state, or federal courts.

(d) Ten representatives of the administration, faculty and students constituting a SCOC Review Committee provide a democratic mechanism for the review of student conduct standards, as required by rule 3361:40-5-03 of the Administrative Code.

(e) It is each student’s responsibility to know and comply with the university’s SCOC and other rules and policies of the University of
The provisions of the SCOC are not to be regarded as a contract between the university and the student. The university reserves the right to change the SCOC at any time during the student’s term of enrollment, but no ex post facto rule of misconduct will be applied.

(f) It is the university’s responsibility to make reasonable efforts to make the SCOC available for students. Toward that end, the division of student affairs and services will regularly circulate the SCOC along with other rules, regulations, and policies, which directly affect students at the University of Cincinnati. The SCOC will be available for review in the following locations: the office of the university ombuds, the university judicial affairs office, and the university web page.

(2) Charter of student rights and responsibilities

(a) Application of the SCOC shall be consistent with rule 3361:40-5-01 of the Administrative Code. Paragraph (A) of that rule states: “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.” The SCOC shall not be interpreted to impinge upon constitutionally protected rights and privileges, such as those under the First and Fifth Amendments of the United States Constitution. For example, the SCOC will not be interpreted in a manner that inhibits a student’s right to freedom of speech and will not be used to compel students to make self-incriminating statements.

(b) Paragraph (D) of rule 3361:40-5-01 states: “Students shall be free from unreasonable searches and seizures by university personnel.”

(c) The first sentence of paragraph (E) of rule 3361:40-5-01 states: “Students shall be responsible for maintaining established standards of scholarship and conduct essential to the educational mission and community life of the university.”

(3) The SCOC is administered in accordance with applicable Federal and State laws as well as the university’s policy on non-discrimination. In order to comply with federal civil rights laws including but not limited to Title IX of the Education Amendments of 1972, the SCOC has specific procedures for complaints of harassment and discrimination, which include complaints on the basis of race, color, religion, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, age, sexual orientation, veteran status, or gender identity and expression. These
procedures also apply to sex or gender based violence, dating violence, domestic violence and stalking which are covered under Title IX.

(4) Jurisdiction

The University of Cincinnati reserves the right to take reasonable action to engage 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.

(a) Students/Student Organizations

(i) Undergraduate and graduate students who violate the SCOC shall be subject to appropriate disciplinary sanctions. Law and Medical students are only subject to their respective Honor Codes for conduct covered under such codes. Conduct not covered under such codes shall be subject to the SCOC. All other colleges with licensure or professional codes governing conduct shall adhere to the procedural requirements of this SCOC.

(ii) Student organizations that violate the SCOC shall be subject to appropriate disciplinary sanctions. “Student Organization” refers to any number of persons who have complied with the formal requirements set forth to be registered and recognized as such or who are actively seeking registration/recognition.

(iii) By admission to or attendance at the university, a student accepts the responsibility to comply with the SCOC and the rules and policies of the University of Cincinnati. The term “student” as used in the SCOC 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, withdraws from the university, is dismissed, or is not in attendance for two complete semesters.

(b) On and off campus behavior

(i) The SCOC applies to student conduct that occurs on campus or on university owned, leased, or controlled premises. University campuses include University of Cincinnati Uptown Campus, UC Blue Ash, Clermont College and UC East – UC Clermont college.

(ii) The SCOC applies to off-campus conduct under the following circumstances:
(a) 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; or,

(b) When the university is notified by an arresting or prosecuting authority of misconduct within 2600 feet of any university campus resulting in a police report being filed, an arrest being made, summons being issued, or an indictment being returned against the student including but not limited to: a crime of violence as defined by paragraph (A)(9) of section 2901.01 of the Revised Code; for corrupting another with drugs as defined by section 2925.02 of the Revised Code; for trafficking in drugs or aggravated trafficking in drugs as defined by section 2925.03 of the Revised Code; for Underage Persons Offenses Concerning as defined by section 4301.69 of the Revised Code; for Opened Container of Beer or Intoxicating Liquor Prohibited At Certain Premises as defined by section 4301.62 of the Revised Code; for Purchase of Beer of Intoxicating Liquor by Persons under Twenty-One as defined by section 4301.63 of the Revised Code; for Prohibition Against Consumption of Beer or Intoxicating Liquor In Motor Vehicle as defined by section 4301.64 of the Revised Code; for Disorderly Conduct as defined by section 2917.11 of the Revised Code; for Resisting Arrest as defined by section 2921.33 of the Revised Code; for Possession of Controlled Substances as defined by section 2925.11 of the Revised Code; or, for violating substantially equivalent laws of other jurisdictions.

(iii) The university also reserves the right to take disciplinary action for conduct when the student, or student organization, in the university’s sole judgment, poses an obvious threat of serious harm to any member of the university community or when such conduct has continuing effects that create a hostile environment in a university program or activity.

(c) Riotous behavior

(i) Section 3333.38 of the Revised Code focuses on the riotous behavior of students on and around university campuses. The law has two separate penalty provisions—denial of financial aid and expulsion.

(ii) Regarding financial aid, paragraph (B) of section 3333.38 of the Revised Code generally provides that an individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing aggravated riot, riot, failure to disperse, or 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.

(iii) Regarding expulsion, paragraph (C) of section 3333.38 of the Revised Code generally provides that a student who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing aggravated riot or riot, shall immediately be dismissed from the university. Moreover, no Ohio public university or college shall admit an individual who has been convicted of either aggravated riot or riot for one academic year after the individual applies for admission.

(iv) Action taken as a result of section 3333.38 of the Revised Code does not limit or affect the University of Cincinnati’s ability to otherwise discipline students under the SCOC.

(d) Division of student affairs and services

(i) If it is not self-evident whether an alleged violation constitutes academic or nonacademic misconduct, the dean of the student’s home college or designee and the dean of students or designee shall confer to determine whether the matter shall be handled as academic or nonacademic misconduct, and shall notify the appropriate administrator and all parties.

(ii) Without unnecessary delay from the date of discovery of the alleged offense, all nonacademic misconduct shall be reported to the office of university judicial affairs (“OUJA”) and all instances of academic misconduct shall be reported to the college conduct administrator as well as to the OUJA. Reports or inquiries can be made to the Director of Judicial Affairs or designee, University of Cincinnati, Steger 745, 2801 UC Main Street Cincinnati OH 45221-0193. (Phone) 513-556-6814. Complaints can also be filed using the online reporting form.

(iii) At the start of each academic year, the vice president for student affairs and services will appoint a university appeals administrator (“UAA”).

(iv) When a student organization is alleged to have violated the SCOC, the organization, as well as individual members, may be referred for action under the SCOC.

(v) Matters involving conduct that is covered by Title IX must be referred to the Title IX Coordinator or designee.
(e) Academic divisions: baccalaureate & graduate education and health affairs

(i) Each college dean shall appoint a college conduct administrator (“CCA”) who shall be responsible for the administration of undergraduate academic misconduct procedures. The head of each graduate program or CCA will oversee the administration of academic misconduct procedures for graduate students in that graduate program. Undergraduate program directors may have departmental responsibility for advising instructors and students with misconduct issues.

(ii) Any case involving academic misconduct shall originate with the instructor in whose course the alleged misconduct occurred. The instructor will report sanctions for academic misconduct to the CCA who will report that misconduct to the CCA of the student’s home college and to the OUJA. College Hearing Panels (each a “CHP”) make disciplinary recommendations to the college dean, except in cases of dismissal from the university which must be approved by the appropriate provost.

(5) Procedural overview

(a) Timeliness

(i) Listed timelines exclude weekends, holidays, and term breaks when the university is not in session, with the exception of harassment or discrimination matters.

(ii) In complaints involving conduct covered under Title IX, the university will generally conclude its investigation and adjudication within 60 calendar days.

(iii) Title IX investigation timelines can be found in the Title IX Grievance Procedure for Students and Third Parties. (http://www.uc.edu/titleix/policies-procedures.html)

   a. The Title IX Coordinator or designee will generally provide an investigation report to OUJA within 25 calendar days of receipt of a formal complaint.

   b. OUJA generally within five calendar days of receipt of disciplinary complaint, will send written notice to any student or student organization identified as allegedly being in violation of university rules related to Title IX.

   c. OUJA must request, and the Dean of Students or designee and the Title IX Coordinator or designee must within three days of such request either deny or approve, any extension of time that
will delay notice to the student beyond fifteen calendar days. A copy of the request for an extension, and the final decision as to that request, shall be included in the student’s disciplinary file.

d. A hearing will generally be completed within 24 calendar days from receipt of a disciplinary complaint.

e. Notice of the outcome and the right to appeal will generally be provided to all parties within 6 calendar days of the completion of a hearing.

(iv) In discrimination or harassment cases not covered by Title IX, the university will generally conclude its investigation and adjudication within 60 calendar days. The OUJA will generally complete the investigatory report within 25 calendar days of receipt of the formal complaint.

a. OUJA generally within five calendar days of receipt of disciplinary complaint, will send written notice to any student or student organization identified as allegedly being in violation of university rules related to harassment or discrimination.

b. OUJA must request, and the Dean of Students or designee must within three days of such request either deny or approve, any extension of time that will delay notice to the student beyond fifteen calendar days. A copy of the request for an extension, and the final decision as to that request, shall be included in the student’s disciplinary file.

c. A hearing will generally be completed within 24 calendar days from receipt of a disciplinary complaint.

d. Notice of the outcome and the right to appeal will generally be provided to all parties within 6 calendar days of the completion of a hearing.

(b) Notification

All written notices to students shall be considered received upon delivery to a student’s current local or permanent address on record with the university, by United States or campus mail, by bearcat on-line electronic messaging with delivery notification, 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 or her ability to prepare for any review or hearing. It is the responsibility of the student to have his or her current local address on record with the university.

(c) Standard of proof

The standard of proof used to determine whether a student has violated the SCOC shall be based on a preponderance of evidence.
(d) Diminished capacity

Being under the influence of drugs or alcohol will not diminish or excuse a violation of the SCOC.

(e) Sanctions for violations

A student found to have violated the SCOC will be subject to sanctions ranging from university disciplinary academic action to university disciplinary dismissal. More than one sanction may be imposed for a single violation. A single act may constitute a violation of more than one regulation.

(f) Disciplinary records file

All disciplinary records and files, including those resulting in a finding of “responsible,” are maintained in the OUJA for a period of seven years from the date of resolution. Records relating to a disciplinary action for academic misconduct are maintained by the director of the OUJA and CCAs as educational records separate from a student’s academic record and are subject to the protections and release provisions by the Family Educational Rights and Privacy Act (FERPA) of 1974 as it may be amended from time to time.

(g) Home college

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

(h) Withdrawal

If a student withdraws from the university before a disciplinary process has been completed, the process may proceed in the absence of the student and a block may be placed on the student’s future registration requiring that the disciplinary action would have to be completed before the student would be allowed to register again.

(i) Refund

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

(j) Policy on Amnesty

(i) The University community encourages the reporting of conduct code violations and crimes by victims, especially sexual misconduct. Sometimes, victims are hesitant to report such
conduct to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report code violations to university officials. To encourage reporting, the University of Cincinnati has the discretion to not charge alleged victims, bystanders or witnesses, or others who participate in the SCOC process with non-violent violations, such as personal use of alcoholic beverages or drugs or narcotics, related to the incident.

(ii) Amnesty will be determined on a case by case basis at the discretion of the Dean of Students or designee, except that in Title IX matters, the Dean of Students will obtain input from the Title IX Coordinator.

(iii) The university may impose educational responses rather than sanctions.

(B) Academic misconduct

(1) Academic integrity and honor pledge

(a) In pursuit of its teaching, learning and research goals, the university of Cincinnati aspires for its students, faculty and administrators to attain the highest ethical standards defined by the center for academic integrity as “a commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility.” (www.academicintegrity.org/). Although not all students are subject to a college honor code or pledge, every student is bound by the academic misconduct provisions of this code which are enforced, in part, to assure academic integrity. When dishonest students cheat to gain unfair competitive advantage over other students, they cheat themselves out of a decent education.

(b) Some faculty members and academic units may require students before taking tests or when submitting assignments to sign a pledge. The pledge may contain language such as: “On my honor I pledge that this work of mine does not violate the University of Cincinnati Student Code of Conduct provisions on cheating and plagiarism.” Honor pledges serve primarily as a teaching tool; unless a college has a mandatory honor code, pledges are used at the discretion of the instructor without imposition of a disciplinary sanction for students who honestly do passing work but object to a signed affirmation. Alternative pledges as well as information about the Academic Integrity Campaign can be obtained from the OUJA and online at http://www.uc.edu/conduct.

(2) Academic misconduct definitions

(a) Aiding and abetting academic misconduct
Knowingly helping, procuring or encouraging another person to engage in academic misconduct.

(b) Cheating

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

(i) Use or possession of unauthorized material or technological devices during an examination, an “examination” meaning any written or oral work submitted for evaluation or grade.

(ii) Obtaining assistance with or answers to examination questions from another person with or without that person’s knowledge.

(iii) Furnishing assistance with or answers to examination questions to another person.

(iv) Possessing, using, distributing or selling unauthorized copies of an examination or computer program.

(v) Representing as one’s own an examination taken by another person.

(vi) Taking an examination in place of another person.

(vii) Obtaining unauthorized access to the computer files of another person or agency or altering or destroying those files.

(c) Fabrication

The falsification of any information, research statistics, lab data, or citation in an academic exercise.

(d) Plagiarism

(i) 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 bibliographic references.

(ii) Submitting as one’s own original work, material obtained from an individual, agency, or the internet without reference to the person, agency or webpage as the source of the material.

(iii) Submitting as one’s own original work material that has been produced through unacknowledged collaboration with others without release in writing from collaborators
(iv) Submitting one’s own previously written or oral work without modification and instructor permission.

(e) Violating Ethical or Professional Standards

Violations of any ethical or professional standards as outlined by the academic college

(3) Procedures for academic misconduct

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.

(a) Faculty-student resolution

(i) Allegation

(a) The original jurisdiction of any case involving academic misconduct shall be with the instructor in whose course the alleged misconduct occurred and in the absence of the instructor with the Department Chair of the course. An instructor who suspects a student of academic misconduct or receives a complaint alleging misconduct that raises suspicion may consult the CCA to learn whether there is any record of prior academic misconduct. The instructor will inform the student verbally or in writing within ten days of discovering the misconduct and give the student five days to respond. If needed, the instructor may arrange a review meeting with the student, and the student may have an adviser at that meeting.

(b) If the student fails to respond within five days of notification, the instructor may impose a final academic sanction with a formal notice of action to the CCA and to the student. If the instructor takes no action within five days, the allegations shall be considered dismissed.

(ii) Notice

(a) Within five days of the student’s response or a meeting the instructor will notify the student in writing of the sanctions and the college hearing options. Failure on the assignment sanction may be reported to the CCA at the discretion of the instructor and may not be disputed if the student admits responsibility. Failure for the course or greater sanction must be reported to the CCA.
(b) If the student fails to respond to the sanction notice within five days after responding or meeting with the instructor, the academic sanction is final.

(iii) Response to notice

(a) No later than five days from the time of the notice, the accused student shall notify the instructor in writing whether the student:

(i.) Accepts responsibility to the violations and agrees to accept the sanctions;

(ii.) Accepts responsibility but challenges a sanction; or

(iii.) Denies responsibility and requests resolution by the College Hearing Panel (CHP).

(b) If the student denies responsibility or challenges the sanction, the instructor will ask the CCA of the college in which the misconduct occurred to convene a CHP. If the student accepts responsibility and the sanction the instructor will notify the CCA of the college in which the misconduct occurred of how the matter was resolved and the action taken. The CCA will record that resolution and provide a copy to the director of the OUJA and to the CCA of the student’s home college.

(b) College hearing panel resolution

(i) College hearing panel members

(a) When a faculty-student resolution is not possible, the CCA, without unnecessary delay, shall convene a CHP of the college in which the alleged misconduct occurred. The charge to this CHP shall be to investigate the alleged misconduct and to recommend appropriate sanctions.

(b) The CHP shall consist of: the hearing chair, one representative selected by the college faculty and one representative selected either by the college tribunal or student government for undergraduates, or by the graduate college tribunals or graduate student governance association for graduate students. The hearing chair shall be the CCA or designee. The hearing chair shall vote only in the event of a tie.

(c) Either the student charged or the instructor alleging
misconduct may challenge participation of any panel member on the grounds of conflict of interest. Challenges must be submitted in writing to the hearing chair within three days after the parties have been notified of the panel 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 challenge has merit. 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.

(ii) Hearing participants

(a) Presence at hearings shall be restricted to those individuals involved except as otherwise noted.

(b) The student may elect to have an adviser present who may consult with the student verbally or in writing in a quiet, non-disruptive manner, but the advisor may not actively participate as a spokesperson or vocal advocate in the hearing. Students are required to notify the hearing chair 24 hours prior to the hearing if the adviser is an attorney. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the CHP resolution because delays will not normally be allowed due to the scheduling conflicts of an advisor.

(c) The university ombuds may be present as an observer.

(d) Witnesses are strongly encouraged to be present for hearings. However, if they are unable to attend, notarized statements may be submitted.

(e) If the student, faculty or staff member chooses not to attend the hearing, his or her notarized written statements shall be reviewed at that time and evaluated based on the information available. No adviser may be present for any party who does not attend the hearing.

(iii) Hearing procedures

(a) The hearing chair and the CHP 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.
(b) 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 chair at least two days (48 hours) prior to the scheduled hearing.

(c) CHP hearings but not deliberations shall be recorded by the university. Any record of the hearing shall remain the property of the university. Either party may have post-hearing access to the recorded hearing. However, to maintain confidentiality, students are not permitted an audio copy of the recorded hearing.

(d) The CHP may alter or recommend to the dean sanctions of a disciplinary reprimand, probation, suspension or dismissal.

(iv) Post-hearing procedures

(a) Within three days after the conclusion of the hearing, the hearing chair shall send the panel’s recommendation to the college dean and to the student. When students outside their home college are involved in an academic misconduct case, the hearing chair shall also forward a copy of the panel’s recommendation to each student’s home college dean or university dean within ten days after the hearing.

(b) Within five days after receipt of the panel’s recommendation, the dean of the college or his or her designee shall concur with, modify, or reject the panel’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 administrator. If the student does not file an appeal within five days, the decision of the dean shall be final.

(c) Records relating to a disciplinary action are maintained by the director of the OUJA and the appropriate college office as educational records separate from a student’s academic record and are subject to the protections and release provisions by the FERPA.

(4) Disciplinary 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 or testing of students as deemed appropriate. Definitions of disciplinary sanctions include the following:
(a) Academic action

Includes altering a grade or assigning a failing grade for the assignment, examination, or course.

(b) Disciplinary report reprimand

Notifies the student in writing that the misconduct and sanction will be recorded in a disciplinary file and if misconduct recurs may be taken into consideration in determining further sanctions.

(c) 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.

(d) College or university suspension

Prohibits the student from attending the college or 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 permission to re-enroll from the OUJA and then apply for readmission to his or her college.

(e) College or university dismissal

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

(f) Other Disciplinary Educational Sanctions

Sanction designed to develop the student’s behavior. This includes service to the college and restrictions on the right of access to the college or university.

(C) Nonacademic misconduct
(1) Report nonacademic misconduct

All instances of alleged nonacademic misconduct shall be reported to the director of the OUJA. Matters involving Title IX will be referred to the Title IX Coordinator or designee. Any student found to have engaged in prohibited conduct, as defined in this SCOC, while within the university’s jurisdiction shall be subject to disciplinary action by the university.

(2) Nonacademic misconduct definitions

(a) Aiding and abetting misconduct

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

(b) 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.

(c) Destruction of property

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

(d) Dishonesty and misrepresentation

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

(e) Disruption or obstruction

Disrupting, obstructing, or interfering with university functions, activities, or the pursuit of the university mission, including, teaching, research, administration, or disciplinary proceedings.

(f) Disturbing the peace

Disturbing the peace of the university, including disorderly conduct, failure to comply with an order to disperse, fighting, or public intoxication.

(g) Drugs or narcotics
Manufacturing, distributing, buying, selling, offering for sale, or possessing any illegal drug or narcotic including: anabolic steroids, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana. Proper use of substances as prescribed to a student by a physician is exempt.

(h) 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.

(i) Failure to comply with sanctions

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

(j) False charges or statements

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

(k) 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.

(l) Harassment or Discrimination

Conduct that violates the University Policy on Non Discrimination, the University Policy on Discriminatory Harassment, the University Policy on Sexual Harassment, and the University Policy on Sex Offenses.

   i. Discriminatory Harassment is 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 and is based on the targeted individual’s perceived or actual race, color, religion, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, age, sexual orientation, veteran status, or gender identity and expression.

   ii. Discrimination takes place when an individual receives negative or adverse treatment based on perceived or actual race, color, religion, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, age, sexual orientation, veteran status, or gender identity and expression and the conduct denies or limits the individual’s ability to obtain the benefits of university’s programs or activities.
(m) Hazing

Failure to comply with rule 3361:40-3-12 of the Administrative Code, or state law regarding hazing where hazing generally means 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.

(n) Identification, misuse of

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

(o) Information technology, misuse of

Theft, misuse or illegal use of information technology such as computer hardware or software, electronic mail or information, podcasts, voice mail, telephone, fax, including:

(i) Unauthorized entry into a file to use, read or change the contents, or for any other purpose.

(ii) Unauthorized transfer or distribution of a file.

(iii) Unauthorized use of another individual’s identification and password.

(iv) Use of information technology to interfere with the work of another student, faculty member, or university official or with normal operations of the university.

(v) Use of information technology for unauthorized posting of copyrighted materials or obscenities.

(p) Law, violation of

Violation of any federal, state, or local law where the effect is interference with university activities or an identifiable individual’s university work or academic activities.

(q) Physical abuse or harm

Acts which cause or could cause physical harm to any person 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 assault, battery, stalking, telephone harassment, sex or gender-based violence, threats, intimidation, physical abuse of one’s self or another, verbal abuse, dating violence, domestic violence, and any other conduct which threatens the health or safety of any person.

(r) Probation, violation of

Violating the SCOC while on university disciplinary probation or violating the specific terms of that probation.

(s) Property or services, unauthorized use

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

(t) Public endangering

Actions endangering others, including: dropping objects from buildings, activating a false fire alarm, or tampering with safety equipment.

(u) 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, or the office of housing or its dining facilities.

(v) Retaliation, intimidation

Threats or acts of retaliation or intimidation made to another person in response to the implementation of the SCOC or university rules and policies.

(w) Safety equipment, misuse of

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

(x) Smoking policy

Violating the university smoking regulations set forth in rule 3361:10-17-06 of the Administrative Code. Paragraph (B)(1) of that rule states: “Effective January 1, 2006, smoking shall be prohibited inside buildings, athletic facilities, and vehicles owned, operated or leased by the university of Cincinnati. Smoking shall also be prohibited within twenty-five feet of all university building entrances, exits, air intakes and operable windows. Smoking shall not be permitted on any bridge, overpass or enclosed walkway.” (www.uc.edu/trustees/rules).
(y) Theft or receipt of 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.

(z) Trespass and unauthorized access

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

(aa) University keys, misuse of

Unauthorized use, distribution, duplication or possession of any keys issued for any university building, laboratory, facility, room, or vehicles.

(bb) University policies or rules


(cc) Weapons

Use, storage, or possession of a firearm, explosive device of any description, ammunition or anything used to threaten, harm, or disrupt the university community including but not limited to, firecrackers, compressed air or spring activated guns, pellet guns, BB guns, paintball guns, water guns, nerf guns and knives of any type or other items which are deemed threatening by the university.

(3) Hearing procedures for nonacademic misconduct

(a) Complaint and notice

(i) Complaint

Any person, department, organization or entity may file a complaint with the OUJA alleging a violation of the SCOC by a student or student organization. In complaints involving harassment or discrimination, both the Complainant and the Respondent shall receive concurrent notice of the complaint.

The Title IX Coordinator or designee will conduct an investigation of Title IX matters--matters related to sex or gender based harassment or discrimination--prior to the initiation of the OUJA adjudication process.
In harassment or discrimination matters not involving Title IX, the OUJA shall conduct an investigation prior to the initiation of the OUJA adjudication process.

(ii) Notice

(a) After reviewing a complaint, the Director of the OUJA or designee initiates the disciplinary process by giving the student or student organization written notice of the alleged violations. The written notice shall describe the day, time, and location of the alleged violations and inform the student or student organization about the reported circumstances underlying the alleged violations. The notice shall state the date, time, location of the procedural review, and the name of the review administrator.

(b) In complaints involving harassment or discrimination, both the Complainant and the Respondent will receive notice of the opportunity to meet with the OUJA designee.

(iii) Procedural review

(a) In complaints involving harassment or discrimination, the purpose of the procedural review is to allow both the Complainant and the Respondent the opportunity to review the alleged violation(s) and ask questions about the disciplinary process. Both the Complainant and the Respondent will receive concurrent notification of their right to a procedural review. Complaints involving harassment or discrimination are heard by an administrative review committee (ARC), regardless of whether the Complainant or Respondent appears at the procedural review. Only the ARC will determine whether a policy violation occurred. If the Respondent chooses to accept responsibility, they may do so either in person to the ARC or via a written statement which will be submitted to the ARC. In complaints involving harassment or discrimination where multiple students or student organizations are charged, students or student organizations charged in the same incident will have separate ARC hearings. In Title IX cases, the Title IX Coordinator or designee may recommend to the Director of OUJA that the cases be separated or heard together.

(b) The purpose of the procedural review in matters not involving harassment or discrimination is to review the alleged violations, provide an explanation of the disciplinary process, discuss the student’s or student organization’s options for resolution, receive the range of
sanctions if responsible, determine responsibility, and advise the student or student organization of the review administrator’s recommended sanctions for the alleged violations if found responsible.

(c) Students or student organizations may elect to have an adviser present who may be consulted with verbally or in writing in a quiet, non-disruptive manner but the advisor may not actively participate as a spokesperson or vocal advocate in the proceeding. Students or student organizations are required to notify the review administrator 24 hours prior to the procedural review if the adviser is an attorney.

(d) Procedural reviews may be rescheduled at the discretion of the review administrator.

(e) If a student or student organization fails to appear at the procedural review, the director of the OUJA, may schedule an administrative review committee (ARC) hearing.

(f) Notwithstanding the provisions above, the director of the OUJA may schedule an ARC without conducting the procedural review.

(iv) Options for resolution through procedural review

(a) A student or student organization may be found to be not responsible following a procedural review. If a student or student organization is found not responsible, their case will be considered resolved and closed.

(b) If a student or student organization is found to be responsible, then no later than three days from the review administrator’s written notice of the recommended sanction, the student or student organization shall notify the review administrator in writing whether the student or student organization:

i. Accepts responsibility for the violations and agrees to accept the sanctions imposed by the review administrator; or

ii. Accepts responsibility but disputes the proposed sanction and requests that the sanction be determined by an ARC; or

iii. Does not accept responsibility and requests a hearing
before an ARC.

(c) If the student or student organization fails to notify the review administrator of the option selected within three days of the procedural review, an ARC hearing will be scheduled.

(d) The OUJA encourages students or student organizations charged in the same incident and who choose to have an ARC Hearing, to have their cases consolidated. The OUJA reserves the right to require consolidation of hearings.

(b) Resolution by administrative review committee hearing

(i) Administrative Review Committee members

(a) A pool of members shall be made available to serve on the ARC. This pool shall consist of: five faculty and staff selected by the director of the OUJA in consultation with academic colleges, no fewer than ten student representatives selected by the OUJA in consultation with student government association, and no fewer than four graduate or professional students selected by the OUJA in consultation with the graduate student governance association.

The ARC shall consist of the hearing chair, two faculty or staff selected from the 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 will receive at least annual training on issues related to harassment and discrimination as well as annual training on how to conduct the hearing process.

(b) The hearing chair shall be the director of the OUJA or the director’s designee.

(c) A quorum is present for undergraduate cases when the hearing chair, one faculty or staff, and three student representatives are present. A quorum is present for graduate cases when the hearing chair one faculty or staff and two student representatives are present. The hearing chair will only vote in the case of a tie by the committee.

(d) The complainant or accused 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 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 challenge has merit. 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 students shall determine the validity of the challenge and either replace or retain the hearing chair.

(ii) Hearing participants

(a) Presence at hearings shall be restricted to the complainant and accused involved except as otherwise noted. The ARC hearing shall be closed to the public.

(b) The complainant and accused may elect to have an adviser present who may consult with the student verbally or in writing in a quiet, non-disruptive manner but the advisor may not actively participate as a spokesperson or vocal advocate in the hearing. The complainant and the accused are required to notify the hearing committee chair 24 hours prior to the hearing if the adviser is an attorney. A student or student organization should select an advisor whose schedule allows attendance at the scheduled date and time for the ARC hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

(c) The university ombuds may be present as an observer.

(d) If either party chooses not to attend the hearing, his or her written statements shall be reviewed and evaluated based on the information available.

(e) Witnesses are strongly encouraged to be present for hearings. Both parties will be afforded the same opportunities to have witnesses present for hearings. Both parties must disclose to the hearing officer the identity of the witnesses, a summary of what each witness will speak to, and submit any other evidence at least ten (10) calendar days prior to the hearing. The hearing chair will provide a list of the witnesses and any other submitted evidence to the parties generally 5 calendar days prior to the hearing. The hearing chair, in consultation with the ARC, reserves the right to limit the number of witnesses. Witnesses shall be present only when giving testimony. However, if they are unable to attend, statements may be submitted.

(f) The hearing chair reserves the right to make appropriate accommodations to secure the safety and comfort of all
parties and witnesses during a judicial proceeding.

(g) If the hearing chair elects to accept a witness's written statement in lieu of in-person testimony, the identity of the witness and his or her statements will be fully disclosed to the other party and they shall be given the opportunity to respond to such statements.

(iii) Hearing procedures

(a) Committee hearings shall be recorded by the university. Committee deliberations shall not be recorded. Any record of the hearing shall remain the property of the university. Either party may have post-hearing access to the recorded hearing. However, to maintain confidentiality, students are not permitted an audio copy of the recorded hearing.

(b) The hearing chair, in consultation with 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.

(c) 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 hearing chair, in consultation with the ARC, has the right to review and determine which written questions will be asked.

(d) 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 violated the SCOC.

(iv) Post-hearing procedures

(a) The ARC will seek to reach consensus in adjudicating cases. In the event there is no consensus, a majority vote will determine the outcome. In the event of tie votes, the hearing chair will render a vote. The parties will receive concurrent written notice of the outcome, consistent with federal and state law.

(b) The hearing chair shall send the ARC’s final recommendation to the dean of students.

(c) Within three days after receipt of the ARC’s recommendations, the dean of students shall provide written notice to the parties, consistent with applicable
federal and state laws and the director of the OUJA of the decision to:

(i.) Concur,

(ii.) Modify sanction or,

(iii.) Send back to the ARC for further review and recommendation

   a. Should a matter be sent back to ARC, the dean of students shall allow an additional ten calendar days for the review.
   b. Upon receipt from ARC of their finding, the process shall begin again at (c.), above.
   c. Upon receipt for the second time from the ARC, the Dean of Students will make a final decision to concur or modify recommendations,

(d) If the student does not appeal a sanction within five days, the sanctions approved by the dean of students shall take effect.

(e) In complaints involving harassment or discrimination both the Complainant and Respondent have the right to file an appeal.

(f) Records relating to a disciplinary action are maintained by the director of the OUJA as educational records and are protected by FERPA.

(g) Victims of crimes of violence or sexual violence, including violent crimes as defined in the section 2901.01 of the Revised Code, will receive concurrent notification of results of the campus disciplinary proceedings.

(5) Sanctions and interim measures for nonacademic misconduct

(a) The university may impose interim measures (e.g., 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.

(b) 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. Remedies also may be provided to the parties or the campus community, as appropriate.

(c) Implementation of sanctions is immediate or as defined.
(d) Alcohol or drug possession disclosure

(i) 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 SCOC with respect to any federal, state, or local law or university policy governing the use or possession of alcohol or a controlled substance.

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

(iii) The university also reserves the right to make any other parental disclosures as permitted by FERPA.

(iv) In complaints involving crimes of violence and sexual violence, the complainant will receive written notification of sanctions that the respondent may receive, consistent with federal and state law.

(v) Definitions of disciplinary sanctions include the following:

(i) University disciplinary reprimand

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

(ii) 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 participation in intercollegiate athletics, extracurricular and 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.

(iii) University disciplinary suspension

Prohibits the student from attending the university and from being present without permission of the director of the OUJA 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 OUJA.

(iv) 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.

(v) Other disciplinary educational sanctions

Sanctions designed to develop the student’s behavior include: service to the university or university community; restrictions on the right of access to campus facilities, events, and student organizations; restitution for damage or expenses caused by the misconduct; and referral for psychological or psychiatric evaluation or other educational or developmental programs.

(vi) Interim suspension

(a) An interim suspension is an interim action, effective immediately, designed to prohibit the presence of the student or student organization on campus and from 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 or 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 threat to the health or safety of others or to property. An interim 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:

(i.) Maintain order on university property and campuses.

(ii.) Preserve the orderly functioning of the university and the pursuit of its mission.

(iii.) Stop interference in any manner with the rights of citizens while on university owned, leased, or controlled property, while on professional practice assignment or while representing the university.
(iv.) Stop actions that threaten the health or safety of any person including oneself.

(v.) Stop actions that destroy or damage property of the university or of any member of its community.

(b) Interim 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) calendar 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 or 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. In interim suspension related to harassment or discrimination matters, complainant will be notified of the petition and be provided the opportunity to provide a response. The Complainant will be allowed to participate in any hearing where the Respondent is allowed to participate. The Complainant and Respondent will receive concurrent written notification of the outcome of the hearing. The complainant’s role in the interim suspension process may be limited consistent with federal and state laws.

(6) Sanctioning of student organizations

(a) When a student organization is charged with a violation of the SCOC, it will be referred for action under the SCOC procedures.

(b) Student organizations found responsible for violation of SCOC shall be subject to sanctions including termination of university registration, restriction or suspension of the use of university facilities or services, suspension of the privilege to sponsor activities or events, the loss of university funds, and restitution for damage. Educational sanctions may also be imposed.

(D) Appeal process

(1) Filing an appeal

(a) A student or student organization found to be responsible for either an
academic or nonacademic violation of the SCOC shall have the right to appeal. An appeal must be submitted in writing to the director of the OUJA within five days of receipt of the sanction decision letter. Upon receipt of the appeal, the director of the OUJA will forward the appeal along with the student’s file to the University Appeals Administrator (UAA), appointed by the vice president for student affairs and services.

(b) A student or student organization may challenge participation of the UAA on the grounds of conflict of interest. Challenges must be submitted in writing to the director of the OUJA along with the appeal within the five days. The challenge must specify reasons that would prevent the individual from being unbiased with respect to the hearing proceedings. The director of the OUJA, in consultation with the Dean of Students, shall decide whether the challenge has merit. If the challenge is granted or if there is an inherent conflict of interest with the UAA, a substitute will be appointed by the vice president for student affairs and services, and the same option to challenge shall exist.

(c) In appeals involving harassment or discrimination, both the complainant and respondent may challenge participation of the UAA on the grounds of conflict of interest as per the process outlined in (b), above.

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

(a) New information was discovered, which was not available at the time of the hearing, and such evidence could affect the decision in the case;

(b) A substantial procedural error occurred in the process, which affected the decision in the case; or

(c) A sanction of suspension or dismissal from the university was imposed and is not commensurate with the violation.

(d) In appeals involving crimes of violence or sexual violence, any sanction may be appealed by either the complainant or respondent on the grounds that the sanction is not commensurate with the violation.

(3) Procedure.

(a) The UAA shall review all appeals. All steps in the appeal process shall occur without unnecessary delay.

(b) The UAA 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.

(c) In appeals involving harassment or discrimination, both the Complainant and Respondent will be notified of an appeal that is deemed groundless.
(d) If the UAA 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 UAA shall charge the ARC or CHP to hold a limited hearing for the sole purpose of reviewing the new information 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 ARC or CHP.

(e) If members of the ARC or CHP, which initially heard the complaint, are not available for continued service, substitute members will be selected by the director of the OUJA from the original pool or by the CCA. The UAA is not a member of the ARC or CHP and does not participate in the review process.

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

(g) For appeals of suspension for academic or non-academic matters based on a claim that the sanction is not commensurate to the violation, the UAA shall review the file and issue a final decision to concur with or modify the sanction, then send the file to the appropriate Dean.

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

(i) For appeals that a sanction is not commensurate with the offense, the UAA shall review the file and issue a final decision to concur with or modify the sanction, then send the file to the Dean of Students and for sanctions of dismissal to the Vice President for Student Affairs and Services.

(4) Final Decision

(a) The appropriate vice president or dean shall accept, reject or modify the recommended sanction and notify all parties in writing of the final decision. The final decision rests with: the dean of students for nonacademic misconduct sanctions other than dismissal; the vice president for student
affairs and services for nonacademic misconduct sanctions of dismissal; the college deans for academic misconduct sanctions other than dismissal; the provosts for academic misconduct sanctions of dismissal.

(b) In appeals involving harassment or discrimination, the Complainant and Respondent will receive concurrent notification in writing of the final decision.

Approved by the University of Cincinnati Board of Trustees April 15, 2015.

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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.