

Title: Conduct, rights and responsibilities: Student code of conduct.
Division: 40: Students
Number: 40-5-05

(A) Introduction

(1) Preamble

(a) Bearcat Bond

In pursuit of its mission to develop educated and engaged citizens to enrich the global community, the University of Cincinnati aspires for its students to demonstrate high standards of integrity and conduct. As a guide to community members to obtain this objective, in Spring of 2012, the Bearcat Bond was endorsed by Faculty Senate, Graduate Student Governance Association, and Student Government. The Bearcat Bond identifies community values essential to fostering a safe and scholarly environment. The Bearcat Bond states the following:

“As a member of the University of Cincinnati, I will uphold the principles of a Just Community and the values of respect, responsibility, and inclusiveness. I will promote the highest levels of personal and academic honesty and aspire continuously to better myself, the Bearcat community, and the world.”

Although there is no policy that expressly states that students are bound to the Bearcat Bond, the spirit of the Bearcat Bond is incorporated in university policy, and most especially, in the Student Code of Conduct (SCOC).

- (b) The University of Cincinnati serves the people of Ohio, the nation, and the world as a premier, public, urban research university dedicated to undergraduate, graduate, and professional education, experience-based learning and research. We are committed to excellence and diversity in our students, faculty, staff, and all of our activities. We provide an inclusive environment where innovation and freedom of intellectual inquiry flourish. Through scholarship, service, partnerships, and leadership, we create opportunity, develop educated and engaged citizens, enhance the economy and enrich our University, city, state and global community.

When students are admitted to and/or attend the university, they accept the rights and responsibilities of membership in the university’s academic *and* social community. Just as the university has set high standards for membership, the university has established high standards for acceptable and unacceptable behavior for the Bearcat community and its members; thus, university standards of conduct, while falling within the limits of the law, may exceed local, state, or federal requirements.

The purpose of the SCOC is to inform students of their rights and responsibilities, identify procedures to address student behavior that conflicts with community values reflected in university policies, and recommend potential sanctions, interventions, and measures designed to educate and safeguard the Bearcat community and its members.

- (d) The authority for the SCOC is found in section 3345.21 of the Ohio Revised Code. The university disciplinary system is separate and independent of any criminal or civil investigation or process. If a student is undergoing civil or criminal action for the same behavior which forms the basis of disciplinary action at the university, the university may still continue the disciplinary process as outlined in the SCOC.
- (e) Students are responsible for knowing and honoring the university's SCOC and other rules and policies of the University of Cincinnati. The SCOC is not 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.
- (f) The university has a duty to make reasonable efforts to make the SCOC available for students. The division of student affairs 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 office of student conduct and community standards, and the university web page at www.uc.edu/conduct.

(2) Student rights and responsibilities

- (a) The SCOC is applied consistently with university rule 3361:40-5-01. 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 will not be interpreted to impinge on constitutionally protected rights and privileges, such as those under the First, Fifth, and Fourteenth Amendments of the United States Constitution.
- (b) Students are free from unreasonable searches and seizures by university personnel.

- (c) Students are responsible for maintaining established standards of scholarship and conduct essential to the educational mission and community life of the university.
- (d) 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 federal laws such as the Violence Against Women Act of 1994.

(3) Jurisdiction

The University of Cincinnati reserves the right to respond to 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) 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 classes. Student status lasts until an individual graduates, withdraws from the university, is dismissed, or is not in attendance for two complete semesters.
- (ii) Undergraduate and graduate students who violate the SCOC are subject to appropriate disciplinary action. In addition, law and medical students are 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 are subject to procedural requirements of the SCOC.
- (iii) The term "student organization" refers to any number of students who have completed necessary requirements to be registered and recognized by the university.
- (iv) Student organizations that violate the SCOC are subject to appropriate disciplinary action. Groups of students who are not registered or recognized as an organization, or who are actively

seeking registration and recognition from the university, may be charged as individuals or as a group under the SCOC.

(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 also applies to off-campus conduct when the behavior or the presence of a student or student organization, in the university's sole judgment, impairs, obstructs, or interferes with the mission or process or functions of the university. When determining whether the university has jurisdiction to address off-campus student and student organizational misconduct, factors include, but are not limited to, the following:

- Whether the student was acting as a representative of the university;
- The seriousness of the offense that occurred;
- Injuries to students or others;
- The extent of danger posed to the community;
- Whether a student organization was involved;
- Where the incident could result in a felony charge; or
- Whether weapons, drugs, or alcohol were involved.

(iii) The university 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 effectively denies community members access to resources and opportunities, unreasonably interferes with community working and living environment, or deprives community members of protected rights, in a university program or activity. This action may be taken to address behaviors that occur before, between, during or after academic periods.

(c) Riotous behavior

(i) Section 3333.38 of the Ohio 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

Ohio 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 years from the time the individual applies for financial assistance.

- (iii) Regarding expulsion, paragraph (C) of section 3333.38 of the Ohio 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 Ohio Revised Code does not limit the University of Cincinnati's ability to otherwise discipline students under the SCOC.

(d) Division of student affairs

- (i) If it is uncertain whether student behavior in question is academic or nonacademic misconduct, the dean of the student's home college or designee and the dean of students or designee must consult to determine whether the matter shall be handled as academic or nonacademic misconduct, and shall notify the appropriate administrator and all parties.
- (ii) Reports of student behavior that potentially violates the SCOC should be reported to the appropriate department as soon as possible.
- (iii) With the exception of student behavior that potentially violates Title IX, reports of nonacademic misconduct concerning a student or student organization must be reported to student conduct and community standards ("SCCS"), University of Cincinnati, Steger 745, 2801 UC Main Street Cincinnati OH 45221-0193. (Phone) 513-556-6814. Reports or inquiries can be submitted by using the online reporting form accessible at www.uc.edu/conduct.
- (iv) All reports or inquiries involving sexual harassment, discrimination, stalking, dating or relationship violence, or other forms of sexual misconduct must be reported to the Title IX coordinator, University of Cincinnati, 3115 Edwards 1, 45 Corry Blvd, Cincinnati, OH 45221. (Phone) 513-556-3349. Reports or inquiries can be submitted by using the online reporting form accessible at www.uc.edu/titleix/policies-procedures.

- (v) Instances of academic misconduct must be reported to the college conduct administrator as well as to SCCS.
- (e) Academic divisions: baccalaureate & graduate education and health affairs
 - (i) Each college dean appoints a college conduct administrator (“CCA”) who is responsible for the administration of undergraduate academic misconduct procedures. The head of each graduate program or CCA or CCA designee oversees 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) Cases involving academic misconduct 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 SCCS. If a resolution arrives through the college hearing panels (“CHP”), the CHP will make disciplinary recommendations to the college dean for approval. In cases of dismissal from the university, the college hearing panel must provide the recommendation to the provost or designee for final approval.

(4) Definitions

a. Procedural overview

- (i) Timelines - Listed timelines exclude weekends, holidays, and term breaks and anytime 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 may 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 SCCS within twenty-five (25) calendar days of receipt of a formal complaint.
 - b. SCCS 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. SCCS 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 of the request, will 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 days. SCCS will generally complete the investigatory report within 25 days of receipt of the formal complaint.
- a. SCCS generally within five 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. SCCS must request, and the dean of students (or designee) must, within three (3) days of such request either deny or approve, any extension of time that will delay notice to the student beyond fifteen 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 twenty-four (24) 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 six (6) days of the completion of a hearing.
- (a) Notification

All written notices to students are 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 online electronic messaging (university email) with delivery notification, or to the student in person. Notice is deemed adequate unless the student demonstrates that the notice substantially impaired their ability to prepare for any review or hearing. Students are responsible for ensuring that their local address on record with the university is current.

(b) Standard of proof

The standard of proof used to determine whether a student has violated the SCOC is based on a preponderance of evidence, meaning more likely than not.

(c) Adviser

Students or student organizations may elect to have an adviser of their choice. An adviser may consult with a student verbally or in writing in a quiet, non-disruptive manner, but the adviser may not 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. Delays in the hearing process will not be allowed due to the scheduling conflicts of an adviser, therefore a student should select an adviser whose schedule permits attendance at the scheduled date and time.

(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 responsible for violating 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 SCCS for a period of at least seven years from the date of resolution. Records relating to a disciplinary action for academic misconduct are maintained by the director of SCCS 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) Educational conferences

The University reserves the right to schedule an educational conference to discuss the behavior of students and its impact on the mission of the University of Cincinnati. Conferences may result in an action plan agreed on by all parties to address the behavior. If the action plan is not honored, the university reserves the right to initiate a formal review under the Student Code of Conduct.

(h) Home college

The home college is the college in which the student is matriculated at the time of the alleged misconduct. The vice provost for undergraduate affairs or designee will serve as the home college for non-matriculating undergraduate students, and the dean of the graduate school or designee will act as the home college for non-matriculating graduate students. In matters involving students enrolled in multiple colleges, the vice provost for undergraduate affairs will act as the home college.

(i) Withdrawal

If a student withdraws from the university before a disciplinary process has been completed, the process may continue in the absence of the student and a hold may be placed on the student's account to prevent future registration until the disciplinary action has been resolved.

(j) 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.

(k) Policy on amnesty

- (i) The university community encourages the reporting of conduct code violations and crimes involving a victim, especially sexual misconduct. Sometimes, victims are hesitant to report such conduct to university officials because they fear that they 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 certain non-violent violations—such as personal use of alcoholic beverages or drugs—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 in Title IX matters the dean of students will obtain input from the Title IX coordinator.

(l) Educational response

The university may administer an educational response(s) to address student behavior. Educational responses are intended to incorporate values of the university community and allow an opportunity for students to grow as responsible members of the university community. While educational responses are not sanctions they may be administered as a result of a student's behavior even if the behavior does not warrant a procedural review. In such cases where behavior does not warrant a procedural review, the conversation may be documented and kept on file in SCCS.

(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 reflect the highest ethical standards defined by the center for academic integrity as “a commitment, even in the face of adversity, to six fundamental values: honesty, trust, fairness, respect, courage 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.
- (b) Some faculty members and academic units may require students to sign a pledge before taking tests or when submitting assignments. 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 SCCS 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, oral work or assessment 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.
- (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, will be allowed to continue in the course without prejudice pending completion of the disciplinary process. If a student chooses to withdraw from a course during their academic misconduct process, the process will continue and the student is responsible for meeting all deadlines and processes below. If the misconduct occurs at the end of an academic semester or break, the process will continue following the timeline once classes are in session, unless otherwise agreed to by all parties involved. The student is responsible for honoring all deadlines and processes below. If the resolution impacts a grade or status of a class, the CCA will notify the registrar as applicable.

(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 or in the absence of the instructor, with the department chair of the course or the dean or designee.

(ii) Notice

(a) Within ten (10) days of discovering the misconduct, the instructor will inform the student verbally or in writing, and follow up with formal notice in Form A (<http://www.uc.edu/conduct.html>). Form A will include a description of the alleged academic misconduct, the instructor's recommended sanctions and the student's options for resolution. The instructor or student may arrange a review meeting. The student may have an adviser at that meeting. This meeting must occur within five days of receiving Form A.

(b) If the student and instructor are unable to reach a resolution

through Form A, the CCA and student will be notified through Form B. Form B includes a description of the alleged misconduct, the instructor's recommended sanctions and the student's options for resolution, including the College Hearing Panel (CHP).

(iii) Response to notice

a. First notice: Form A

The student has five days to return Form A to the instructor and in writing choose to:

i. Accept responsibility and the proposed sanction(s). If a student accepts responsibility and sanctions, the instructor will notify the CCA of the resolution on Form A within five days of receiving Form A from the student and the sanctions will be imposed.

ii. Challenge the finding or sanctions and meet with the instructor. If a student challenges the finding or sanctions, the student and instructor will meet within five days of the instructor receiving Form A back from the student. After this meeting, the instructor has five days to:

(a) Dismiss the allegation and the case will be considered resolved.

(b) Move forward with the allegation and provide Form B to the student outlining the alleged misconduct and proposed sanctions.

(c) If the instructor takes no action after five days of receiving back Form A from the student, the allegations shall be considered dismissed.

iii. If the student fails to respond within five days of receiving Form A, the instructor will provide a second formal notice, Form B, to the CCA and to the student.

b. Second notice: Form B

The student has five (5) days to respond in writing to the instructor if they choose to:

(i) Accept responsibility for the violation(s) and agrees to accept the sanctions;

The instructor will notify the CCA of the college in which the misconduct occurred and the sanction(s) will be imposed. The CCA will record the resolution and provide a copy to the director of SCCS and the CCA of the student's home college.

- (ii) Accepts responsibility but challenges a sanction and request a CHP; or
- (iii) Denies responsibility and requests resolution by the CHP;

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.

- (iv) If the student fails to respond to Form B within five days then the academic sanction(s) is final.

(b) College hearing panel resolution

(i) College hearing panel members

- (a) When a faculty-student resolution is not achieved, the CCA, as soon as reasonably possible, convenes 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 designee determines the validity of the challenge and either replace or retain the hearing chair.

(ii) Hearing participants

- (a) Presence at hearings are 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. Delays in the hearing process will not be allowed due to the scheduling conflicts of an adviser, therefore a student should select an adviser whose schedule permits attendance at the scheduled date and time for the CHP.
- (c) The university ombuds may be present as an observer.
- (d) Witnesses are strongly encouraged to be present for hearings. However, if a witness is unable to attend, written statements may be submitted by the witness, provided they are submitted either prior to the time of the hearing or by the start of the hearing.
- (e) If the student, faculty or staff member chooses not to attend the hearing, their written statements will be reviewed at that time and evaluated based on the information available. Advisers may not be present for any party who does not attend the hearing.

(iii) Hearing procedures

- (a) During the hearing only relevant information will be considered. The hearing chair and the CHP have the right to determine if testimony and other evidence is relevant and may place time limitations on testimony and on closing comments.
- (b) When more than one student is involved in the same allegation of misconduct, they have the right to separate hearings. Students may have their case consolidated and be

heard at the same time. Such requests must be made to the hearing chair at least two days (48 hours) prior to the scheduled hearing. The CHP has the right to maintain separate hearings. If the CHP wishes to consolidate the hearings, the CHP must ask each student if they are comfortable consolidating the hearing or if they wish to be heard separately. Both students must agree to the hearing consolidation.

- (c) CHP hearings—but not deliberations—are recorded by the university. Any record of the hearing will remain the property of the university. Either party may have post-hearing access to the recorded hearing. To maintain confidentiality, students are not permitted to retain an audio copy of the recorded hearing.
 - (d) If a student is found responsible for violating academic misconduct, the CHP recommends all sanctions to the college dean, or vice provost or designee which include, but is not limited to, disciplinary reprimand, probation, suspension or dismissal, failure of assignment or class, and/or educational sanctions.
- (iv) Post-hearing procedures
- (a) Within three days after the conclusion of the hearing, the hearing chair sends the panel's recommendation to the college dean or vice provost or designee and to the student.
 - (b) Within five days after receipt of the panel's recommendation, the dean of the college or vice provost their designee will concur with, modify, or reject the panel's recommendation and notify all parties in writing. Notification to the student will 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 is final. When a student is involved in an academic misconduct case outside their home college, or if they have no home college, the dean of the college, or vice provost or designee will forward a copy of the final resolution to the student and the student's home college CCA and SCCS within ten days after the approval of the resolution.
 - (c) Records relating to an academic disciplinary action are maintained by SCCS and the appropriate college office as educational records separate from a student's academic record and these records are subject to the protections and

release provisions by the FERPA.

(4) Disciplinary sanctions for academic misconduct

Sanctions will be imposed based on the severity of the misconduct. Multiple sanctions may be imposed should the behavior warrant it. Definitions of disciplinary sanctions include the following:

(a) Academic disciplinary action

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

(b) Academic disciplinary reprimand

Written notification to students informing them that their behavior is unacceptable and that this incident may be taken into consideration if misconduct reoccurs.

(c) Academic 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.

(d) Academic disciplinary college suspension

Prohibits the student from attending and/or enrolling in courses within a particular academic college for a specified period of time. The student may enroll in courses offered by other academic colleges. The sanctioning administrator shall determine the effective beginning and ending date of the suspension.

(e) Academic disciplinary university suspension

University suspension prohibits the student from being present on specified university owned, leased, or controlled property without permission of the sanctioning administrator or their 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 SCCS and then apply for readmission to his or her college.

(f) Academic disciplinary college dismissal

Permanently prohibits the student from attending and/or enrolling in classes in a particular academic college. The student may continue attending classes in other academic colleges.

(g) Academic disciplinary university dismissal

Permanently prohibits the student from attending class at the university and from re-enrolling at the university.

(h) Academic disciplinary educational sanctions or responses

Sanction designed to develop the student's behavior by incorporating values of the university community and allowing an opportunity for students to grow as responsible members of the university community. This may include service to the college and restrictions on the right of access to the college or university.

(C) Nonacademic misconduct

(1) Report nonacademic misconduct

Instances of alleged nonacademic misconduct must be reported to SCCS. Matters involving Title IX (discrimination, harassment or retaliation based on sex, sexual orientation, gender, and gender identity and expression) must be reported 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

Being in the presence of nonacademic misconduct, helping, procuring, or encouraging another person to engage in nonacademic misconduct.

(b) Alcohol

Possesses, consumes, or distributes 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. Possession of containers designed for alcohol beverages in unauthorized

locations and/or while underage. Behavior that evidences public intoxication.

(c) Destruction of property

Damages, destroys, defaces, or alters the property of the university or the property of another person or entity.

(d) Dishonesty and misrepresentation

Provides false information, written or oral, including, but not limited to, false identification to university officials, faculty, or staff; forgery, alteration, or misuse of university documents or records.

(e) Disruption or obstruction

Disrupts, obstructs, or interferes with university functions, activities, or the pursuit of the university mission, including, teaching, research, administration, or disciplinary proceedings.

(f) Disturbing the peace

Disturbs the peace, including disorderly conduct, failure to comply with an order to disperse, or fighting.

(g) Drugs or narcotics

Uses, manufactures, distributes, buys, sells, offers for sale, or possesses illegal drugs, narcotics, drug paraphernalia, or prescription medication.

(h) Failure to comply or identify

Failure to comply with the directions of university officials or law enforcement officers acting within the scope of their duties or posted or written rules; this includes, but is not limited to, failure to evacuate during an emergency and/or 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 that are a result of disciplinary action outlined in the SCOC.

(j) False charges or statements

Intentionally making false charges or allegations of misconduct, including, but not limited to, making or providing false statements as a part of an investigation or at university hearings.

(k) False report of emergency

Causes, makes, or circulates a false report or warning of a fire, explosion, crime or other catastrophe or emergency; including, but not limited to, 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/or 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

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 regardless of one's willingness to participate.

(n) Misuse of identification documents

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

(o) Misuse of safety equipment

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

(p) Misuse of university information technology

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

- (i) Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
- (ii) Unauthorized transfer 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 as defined in section 2907.01(F) of the Ohio Revised Code.

(q) Physical abuse or harm

Acts which cause or reasonably could cause physical harm to any person are prohibited. Actions that specifically threaten or cause a person to reasonably believe that the offender may cause physical harm are also prohibited. Examples of prohibited behavior include, but are not limited to, assault, battery, stalking, telephone harassment, sex or gender-based violence, threats, intimidation, physical abuse of another, dating violence, domestic violence, and any other speech or conduct not protected under the first amendment that threatens the health or safety of any person.

(r) Public endangerment

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

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

(t) 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.

(u) Smoking policy

Smoking inside buildings, athletic facilities, and vehicles owned, operated or leased by the University of Cincinnati or within twenty-five feet of all university building entrances, exits, air intakes, operable windows, bridges, overpasses or enclosed walkways.

(v) 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.

(w) 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.

(x) Unauthorized use of property or services

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

(y) Unauthorized use of university key

Unauthorized use, distribution, duplication or possession of any keys issued for any university building, laboratory, facility, room, or vehicles. Keys are defined as any mechanism used to access locked areas.

(z) 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 <http://www.uc.edu/about/policies.html>.

(aa) Violation of federal, state, or local law

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.

(bb) Violation of probation

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

(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 any other items which would reasonably be deemed threatening by a reasonable person.

(3) Hearing procedures for nonacademic misconduct

(a) Complaint and notice

(i) Complaint

Any person, department, organization or entity may file a complaint 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-- those related to sex or gender based harassment or discrimination--prior to the initiation of SCCS adjudication process.

In harassment or discrimination matters not involving Title IX SCCS shall conduct an investigation prior to the initiation of SCCS adjudication process.

(ii) Notice

(a) After reviewing a complaint, the director of SCCS or designee initiates the disciplinary process by giving the student or student organization written notice of the alleged violations. The written notice describes 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 will 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 SCCS 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 that 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 SCCS 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 if further investigation is not necessary, and advise the student or student organization of recommended sanctions for the alleged violations if found responsible.
- (c) Students or student organizations 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 proceeding. Students or student organizations are required to notify the SCCS 24 hours prior to the procedural review if the adviser is an attorney.
- (d) Procedural reviews may be rescheduled at the discretion of the SCCS.
- (e) If a student or student organization fails to attend a procedural review, SCCS may schedule an administrative review committee (ARC) hearing.

- (f) The director of SCCS or designee 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 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 responsible, then no later than three days from receipt of the finding, the student or student organization shall notify the SCCS 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(s) and requests that the sanction(s) be determined by an ARC; or
 - iii. Does not accept responsibility and requests a hearing before an ARC.
 - (c) If the accused student or student organization fails to notify the SCCS of the option selected within three days of the procedural review, an ARC hearing will be scheduled.
 - (d) SCCS encourages students or student organizations charged in the same incident and who choose to have an ARC Hearing, to have their cases consolidated. SCCS reserves the right to request consolidation of hearings if students both agree to be heard together.
 - (e) Alternative resolution process. Based on the nature of the incident and the willingness of the members involved, SCCS may recommend to the parties that the matter be addressed through an educational conference or mediation. Such mediation sessions shall be conducted by a person chosen by SCCS who has been trained in mediation based on the principles of restorative justice. No such resolution shall be conducted unless the accused student and the person(s) harmed by the student's misconduct consent to the mediation and/or alternate resolution process. The university does not mediate sex or gender based violence, and carefully considers if mediation is appropriate in other instances.

(b) Resolution by administrative review committee hearing

(i) Administrative review committee members

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

The ARC is composed 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. For cases of harassment and discrimination referred by Title IX, the ARC shall consist of the hearing chair and three faculty or staff selected from the ARC Pool. 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 SCCS or 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. A quorum is present for cases of harassment and discrimination referred by Title IX when the hearing chair and two faculty or staff are present. The hearing chair will only vote in the case of a tie by the committee.
- (d) The complainant or respondent 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 decides 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 respondent 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 adviser 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 adviser.
- (c) The university ombuds may be present as an observer.
- (d) If either party chooses not to attend the hearing, their 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) days prior to the hearing. The hearing chair will provide a list of the witnesses and any other submitted evidence to the parties generally five (5) 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. If they are unable to attend, statements may be submitted prior to or at the start of the hearing.
- (f) The hearing chair reserves the right to make appropriate accommodations to secure the safety and comfort of all parties and witnesses during a conduct proceeding or reasonable accommodations required under law.

- (g) If the hearing chair elects to accept a witness's written statement in lieu of an 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 are recorded by the university. Committee deliberations will not be recorded. Any record of the hearing will remain the property of the university. Either party may have post-hearing access to the recorded hearing. To maintain confidentiality, students are not permitted an audio copy of the recorded hearing.
 - (b) During the hearing only relevant information will be considered. The hearing chair, in consultation with the ARC, determines if testimony and other evidence is relevant and may place time limitations on testimony and on closing comments.
 - (c) The accused and the complainant will have the right to submit evidence and written questions to be asked of all witnesses who participate in the ARC. The hearing chair, in consultation with the ARC, has the right to review and determine which written questions will be asked.
 - (d) Both sides will be given an opportunity to present a closing statement. At the close of the hearing, the ARC will 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. Within three days, the ARC Chair will notify the student of the ARC decision and appeal procedures. In Title IX matters, both of the parties will receive concurrent written notice of the decision, consistent with federal and state law.
 - (b) If the student does not appeal a sanction within five days, the sanctions imposed take effect.

- (c) In complaints involving harassment or discrimination, both the complainant and respondent have the right to appeal.
- (d) Records relating to a disciplinary action are maintained by the director of the SCCS as educational records and are protected by FERPA.
- (e) Victims of crimes of violence or sexual violence, including violent crimes as defined in the section 2901.01 of the Ohio Revised Code will receive concurrent notification of results of the campus disciplinary proceedings.

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) Students found responsible for violating the SCOC will receive sanctions. Sanctions are designed to promote the university's educational mission, and they are also issued to maintain safety and deter behavior that violates the SCOC. Behavior that is harmful to the university community or so deleterious to the educational process may require more stringent sanctions such as removal from activities, courses, residence hall, or the university. 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.

(e) Definitions of disciplinary sanctions include the following:

(i) University disciplinary reprimand

Written notification to students or student organizations indicating that their behavior is unacceptable and that any other violation may warrant further sanctions.

(ii) University disciplinary probation

Disciplinary probation is in effect for a specified period of time. A violation(s) of any university policy during the period of probation will be viewed as a violation of probation, and will result in further action being imposed which may include suspension or dismissal. Disciplinary probation may impose specific restrictions or place extra requirements on the student or student organization for a specified period. Restrictions may vary with each case and may include but are not limited to restrictions related to participation in intercollegiate athletics, representing the university, student leadership, extracurricular and/or residence life activities. A student or student organizations may be required to meet periodically with designated persons. Students or student organization on university disciplinary probation are not considered to be in good disciplinary standing with the university.

(iii) University disciplinary suspension

Prohibits the student from attending or student organization being recognized by the university and from being present without permission of the director of the SCCS or 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 or student organization placed on university disciplinary suspension must comply with all suspension requirements. A student seeking to attend the university, or student organization seeking recognition after the conclusion of the suspension shall first request permission to re-enroll or re-register from the SCCS.

(iv) University disciplinary dismissal

Permanently prohibits the student from attending or Student organization from be recognized by the university and from being present, without permission, at any university event, on any university owned, leased, or controlled property.

(v) University educational sanctions

Sanctions designed to address the student's or student organizations behavior may include, but is not limited to, the following: educational conferences and/or discussions, reflection papers, educational workshops, service to the university or university community; restrictions on the right of access to campus facilities, events, and participation in student organizations or events; 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 evaluate the student or student organization status, prohibit the presence of the student or student organization on campus and/or from participating in any university-related activities, registered student organization activities, and academic coursework until the student's, or student organization's disciplinary case can be resolved in accordance with prescribed disciplinary procedures. Such action shall be taken when the vice president for student affairs or designee has reasonable cause to believe that the student's or student organization's operation or presence on university owned, leased, or controlled property or at a university-related or registered organization activity poses a substantial threat to the health, welfare or safety of others or the university. An interim suspension begins immediately upon written notice by the vice president for student affairs or designee.
- (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 or student organization may, within three (3) days of the imposition of the suspension, petition the vice president for student affairs for reinstatement prior to the hearing. The petition must be in writing, and must include supporting documentation or evidence that the student or student organization does not pose, or no longer poses a significant risk of substantial harm to

the health or safety of others or to property. A meeting on such petition will be conducted as soon as possible by the vice president for student affairs or designee. The purpose of this meeting will be to determine if the interim suspension shall remain in effect, be modified, or be revoked pending a disciplinary hearing.

(c) In interim suspension for harassment or discrimination matters related to Title IX, 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 meeting where the respondent is allowed to participate. The complainant and the respondent will receive concurrent written notification of the outcome of the meeting. The complainant's role in the interim suspension process may be limited consistent with federal and state laws. The hearing chair reserves the right to make appropriate accommodations to secure the safety and comfort of all parties and witnesses during a conduct proceeding.

(f) Sanctioning of student organizations

- (i) When a student organization is charged with a violation of the SCOC it will be referred to SCCS for action under the SCOC procedures.
- (ii) Student organizations found responsible for violation of the SCOC are subject to sanctions including, but not limited to, reprimand, probation, termination of university registration, restriction of or suspension of the use of university facilities or services, suspension of the privilege to sponsor activities or events, the loss of university funds, restitution for damage or revocation of university recognition for a period of time. Additional sanctions may also be imposed.

(D) Appeal process

(1) The vice president for student affairs or designee will appoint no less than one and no more than three university faculty or staff to serve as a University Appeal Administrator (UAA).

(2) Filing an appeal

(a) A student or student organization found responsible for either an academic or

nonacademic violation of the SCOC have the right to appeal. An appeal must be submitted in writing to the director of the SCCS within five (5) days of receipt of the sanction decision letter. Upon receipt of the appeal, the director of the SCCS will forward the appeal along with the student or student organization file to a UAA for review.

- (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 SCCS along with the appeal within five (5) days. The challenge must specify reasons that would prevent the individual from being unbiased with respect to the hearing proceedings. The director of the SCCS, in consultation with the dean of students, will decide whether the challenge has merit. If the challenge is granted or if there is a conflict of interest with the UAA, a substitute will be appointed by the director of SCCS, 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.
- (3) Grounds for appeal. The only permissible grounds for appeal are the following:
- (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
 - (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 Title IX related matters (discrimination, harassment or retaliation based on sex, sexual orientation, gender, and gender identity and expression), any sanction may be appealed by either the complainant or respondent on the grounds that the sanction is not commensurate with the violation.
- (4) Procedure
- (a) The UAA reviews all appeals. All steps in the appeal process will occur as soon as reasonably possible.
 - (b) The UAA reviews appeals for appropriate grounds. If the UAA determines that there are no grounds for a submitted appeal, it will reject and return the appeal to the student and include a brief written explanation of the reason the appeal was rejected. That decision is 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 will 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 will be limited in scope. It will 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 will 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 SCCS 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 will 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 a sanction(s) for academic or non-academic matters based on a claim that a sanction(s) is not commensurate with the offense, the UAA will review the file and issue a final decision to concur with or modify the sanction, then send the file to the dean of students, the home college dean, vice provost or designee.
- (h) 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 will review the file and issue a decision to concur with or modify the sanction, then send the file to the appropriate dean or Vice Provost or designee(s).
- (i) For appeals of dismissal for academic or non-academic matters based on a claim that the sanction is not commensurate to the violation, the UAA will review the file and issue a decision to concur with or modify the sanction, then send the file to the vice president for student affairs, the provost, or their designees.
- (j) The student may continue in their courses without prejudice or interruption until the appeal is final except in matters where the student's

presence presents a risk of threat or harm to another individual or university community.

(5) Final Decision

- (a) The appropriate dean, vice provost, vice president for student affairs, provost or their designee(s) 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 for nonacademic misconduct sanctions of dismissal; the home college deans, if no home college, the vice provost or designee for academic misconduct sanctions other than dismissal; the provost or their designee 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 June 21, 2016.

Published by the Division of Student Affairs

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.