

Student Code of Conduct Proposals Received To Date

19-20 Review Cycle

The below table reflects feedback that the Office of Student Conduct and Community Standards has received on the Student Code of Conduct for the 19-20 review cycle via the online feedback form. Feedback will be updated and posted every Friday. Please note that only proposals that specifically address recommendations for an actionable modification, addition, or removal will be considered by the review committee and published on the website. If you would like to offer a comment on any provided proposals, please use the “Community Comment on Submitted Proposals” form to do so. Please include the ID of the proposal you are commenting on.

ID	Proposal for the SCOC	Rationale for Proposal	Public Comment on Proposal
1	<p>C.2.V. Smoking policy The SCOC should not include, nor allow for, the opportunity for the University to further discipline students for violating the tobacco free policy. Because other University Policy (3361:10-17-06) and the Ohio Revised Code also open the possibility for significant repercussions, the SCOC should not also enshrine these rules into "non-academic misconduct."</p> <p>A hearing room can be quite intimidating for students. I hope that the SCOC will include the following guidelines for hearing procedures. (1) the hearing room should be free from discriminatory language, threatening language and behavior, and hate speech. (2) all parties present in the hearing should make every effort to use a student's preferred name and preferred pronouns, regardless of the gender one was assigned at birth or their registered name</p>	<p>The ban on smoking tobacco adversely affects students of color, international students, and students who grew up in low income households. By enshrining this policy into the SCOC, the University does not provide equity to its students. The University should consider revising its smoking ban to provide equity, but neither the current policy nor a revised policy should be included in the SCOC. Students should never face a hearing because of addiction. Students should never face probation because of addiction. The SCOC should be a model for respectful and community minded behavior, and also provide students with opportunity for success.</p>	

	and/or gender with the University. (3) if requested by the student after being made aware by the University, a trauma counselor or otherwise qualified mental health professional should be present in the hearing room at no cost to any student. (4) the University will make every effort to accommodate cultural, religious, or other equity-based concerns during the hearing process, including limiting the review board to single-gender participants if requested or changing dates of hearings to allow for the observance of religious holidays. (5) no undo barriers should be placed on or expected of students to receive equitable treatment from the university, members of the review panel, or the Office of Student Conduct		
2	Form A/B confusing for faculty so they don't report.	Make the process easier for faculty to report.	<ul style="list-style-type: none"> • Please see proposal 6. A task force was put in place in an attempt to address these concerns.
3	A.4.D Students should have access to an adviser during the hearing/process. Ok for the adviser to not be able to participate, but the student should have access to advise.	The process is one sided at this point - typically attorneys on one side and a terrified 18 - 22 year old with no counsel on the other side.	<ul style="list-style-type: none"> • Under the SCOC (page 8), "students or student organizations may elect to have an adviser of their choice". Every student going through the process has access to an adviser under the current code. • There is no recourse for faculty not following the process. Faculty can intimidate, bully and lie to students. They can also do whatever they would like for example not follow the process, make up parts as the go along.

<p>4</p>	<p>The Student Code of Conduct needs to address slander and libel and well as the bullying of other students.</p>	<p>A student and myself were victims of false and defamatory statements. While it was difficult for me and harmful to my professional reputation, my bigger concern is for the student who was made to feel bullied and like an outcast among her classmates. Though the issue was brought to the attention of the appropriate parties, no real action was taken against the offending student. In the age of social media, text messages, screen shots, etc., it is easier than ever for students to bully and share harmful statements against classmates and faculty members, causing serious damage to ones emotions and reputation. This must be addressed properly.</p> <p>I fear that failure to properly address concerns of this nature and neglecting to protect students from bullying could someday have severe implications for the University.</p>	
<p>5</p>	<p>A student on disciplinary probation shall not be allowed to access resources from the bearcat pantry.</p>	<p>My ex boyfriend was placed on disciplinary probation after I broke up with him and he started stalking me. Even while he is not enrolled in classes, he misuses resources from the bearcat pantry. He takes meal swipe cards from there and uses them to get into the dining halls on campus, and I'm forced to then see him in the dining halls since I have a meal plan and he will stay in there eating for a long period of time, knowing that I have a meal plan and he has</p>	

		the ability to get swiped in though the bearcat pantry swipe system.	
6	From 2017-2018, an academic misconduct task force was put in place consisting of representatives from each academic college. This task force sought feedback through focus groups and feedback forms. Based on this data, recommendations to update the academic misconduct process are being proposed through this code review process and can be viewed at the end of this document.	This process was undertaken because of reports that faculty members and students have a difficult time understanding the academic misconduct process and that faculty members are not motivated to the use the current process.	
7	Page 20. Section C.2.1.ii Current language: "Discrimination takes place when an individual receives negative or adverse treatment based on...and the conduct denies or limits the individual's ability to obtain the benefits of university's programs or activities." Proposed language: "Discrimination takes place when an individual receives disparate treatment based on...and the conduct inhibits the individual's ability to participate in university programs or activities." Proposed modifications: Remove "negative or adverse" and replace with "disparate". Remove "denies or limits" and replace with "inhibits". Remove "obtain the benefits of university's" and replace with "participate in university".	Discrimination is not inherently negative, it is simply unequal treatment and the language should include protection against microaggressions that fall within that grey area. Examples of microaggressions include but are not limited to, "All Asians are good at math.", "You're really pretty for a dark skinned girl.", "You sound white.", "You are a credit to your race.", etc. Microaggressions are often racially based but may also fall within sexism, ableism, homophobia, etc. The current language of denying/limiting an individual from benefiting from the university does not properly protect student workers. It allows students to engage in discriminatory behavior without being held accountable for it. For instance, as a peer tutor, the "benefit" would be a tutoring session. If there was a student that continually exhibited discriminatory behavior toward the tutor, under this language, the tutor	

		would not be able to deny them a tutoring session and would be forced to subject themselves to that behavior.	
8	Under the current code of conduct, only a "student or student organization found responsible for either an academic or nonacademic violation of the SCOC have the right to appeal" (D,2). While an exception is granted specifically for complainants under D,3 for Title IX cases where complainants are also given the opportunity to appeal any sanction, this does not cover all cases. Thus, I propose that D,2 be amended to say "any student or student organization respondent or complainant has the right to appeal."	I believe the way that the code is written currently regarding appeals is inequitable for Title IX complainants and respondents, and that the complainant right to appeal also should not be restricted to Title IX cases but that any complainant in a case should have a right to appeal, as certainly there are implications of the outcome of a conduct cases for complainants in non-Title IX cases as well	
9	Under the current code of conduct, only a "student or student organization found responsible for either an academic or nonacademic violation of the SCOC have the right to appeal" (D,2). While an exception is granted specifically for complainants under D,3 for Title IX cases where complainants are also given the opportunity to appeal any sanction, this does not cover all cases. Thus, I propose that D,2 be amended to say "any student or student organization respondent or complainant has the right to appeal."	I believe the way that the code is written currently regarding appeals is inequitable for Title IX complainants and respondents, and that the complainant right to appeal also should not be restricted to Title IX cases but that any complainant in a case should have a right to appeal, as certainly there are implications of the outcome of a conduct cases for complainants in non-Title IX cases as well.	
10	Allow non-faculty UC staff and community members to submit reports for academic misconduct cases that occur inside and outside of the classroom.	Others, aside from faculty, may be aware of cheating that occurs in other forums, and the code limits reporting to the course faculty or college departments.	

Proposal 6: Proposed Updates to Academic Misconduct Process

(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 live out the values of the Bearcat Bond and 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. 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.

(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, oral, or creative 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. All dates listed are in business days where classes are in session. If the resolution impacts a grade or status of a class, the CCA will notify the registrar as applicable.

(a) Faculty-student resolution

(i) Jurisdiction for 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 an instructor, with the academic unit head or the dean or designee.

(ii) Notice of allegation

(a) Upon discovering the academic misconduct, the instructor is strongly encouraged to reach out to the CCA for their college to inquire if the student has any prior academic misconduct violations.

(b) First notice (Notification Form)

(i) Within ten (10) days of discovering the misconduct, the instructor will provide the student with notice of their alleged violation via the Notification Form. The Notification Form will include the alleged violation, a description of the alleged misconduct, the instructor's recommended sanctions and the student's options for resolution.

(ii) On this form, the instructor has the option to request a review meeting, which is a meeting between the instructor and student to discuss the allegation. The student may have an adviser (see A.4.d) at that meeting. This meeting must be scheduled within five days of receiving the Notification Form.

(iii) Student response to Notification Form

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

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

(b) Challenge the finding or sanctions and request a review meeting. If the instructor does not respond to this request within 5 days, the allegations shall be considered dismissed. After the review meeting, the instructor has five days to:

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

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

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

(c) If the student fails to respond within five days of receiving the Notification Form, the instructor will provide a second formal notice, Resolution Form, to the CCA and to the student.

(b) Final notice: Resolution Form

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

(a) Accept responsibility for the violation(s) and agree 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.

(b) Accept responsibility but challenges a sanction and request a CHP; or

(c) Deny 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.

(ii) If the student fails to respond to the Resolution Form within five days then the academic sanction(s) is final.

(b) College hearing panel (CHP) 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 adviser 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) Parties have the option to call witnesses that have relevant information regarding the allegation. If witnesses are called they are required to be present for hearing. Both parties must disclose to the CCA the identity of the witness(es), a summary of what each witness will speak to, and any other evidence by a deadline which will be provided by the CCA prior to the hearing. The CCA will provide a list of witnesses and any other submitted evidence to the parties prior to the hearing. The CHP reserves the right to limit the number of witnesses. Witnesses shall be present only when giving testimony.

(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 regarding the allegation 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. 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.