

**Proposed S.C.O.C.
Changes w/Rationale
2020 Review Process**

Section	Current	Track Changed	Proposed	Rationale
Page 2* (A)(1)(f) [Administrative Updates] Votes • Y:8 • N:0	N/A	To assure compliance with federal, state, and local laws, orders of the court or other governmental authority, and university rules and policies, the university board of trustees may revise the S.C.O.C. in consultation with the office of general counsel without regard to university rule 3361:40-05-03.	To assure compliance with federal, state, and local laws, orders of the court or other governmental authority, and university rules and policies, the university board of trustees may revise the S.C.O.C. in consultation with the office of general counsel without regard to university rule 3361:40-05-03.	This allows the university to administratively update the S.C.O.C. immediately without having to convene the review committee. If approved, its incorporation will be most helpful in ensuring that the S.C.O.C. is in compliance with pending Title IX regulations and other federal and state laws.

Page numbers reflected are based on track changes with all mark-up view

<p>Multiple Sections</p> <p>[Separate the Title IX Adjudication Process from the S.C.O.C.]</p> <p>Votes:</p> <ul style="list-style-type: none"> • Y: 8 • N: 0 	<p>The Title IX adjudication process for students is embedded throughout the S.C.O.C. It addresses timelines, reporting, notice, definitions, and the adjudication and appeal process.</p>	<p>Page 6 (f) Title IX</p> <p>(i) The university president has authority to create and implement policies to bring the university in compliance with Title IX regulations and applicable laws. The president may delegate this authority to the proper university department, who must work in consultation with the office of general counsel and in coordination and collaboration with other appropriate university offices.</p> <p>(ii) Students should refer to university Title IX policies for information on jurisdiction, definitions, hearings, and other related procedures.</p> <p>Please see draft S.C.O.C. for additional revisions.</p>	<p>Page 6 (f) Title IX</p> <p>(i) The university president has authority to create and implement policies to bring the university in compliance with Title IX regulations and applicable laws. The president may delegate this authority to the proper university department, who must work in consultation with the office of general counsel and in coordination and collaboration with other appropriate university offices.</p> <p>(ii) Students should refer to university Title IX policies for information on jurisdiction, definitions, hearings, and other related procedures.</p> <p>Please see draft S.C.O.C. for additional revisions.</p>	<p>The adjudication process for Title IX allegations is significantly different than the adjudication process for all other allegations. Examples include, but are not limited to, the following: timelines, notice, fact-finders, and the appeal process. The Final Rules for Title IX issued by the Department of Education that are effective in August of 2020 further separate the Title IX process from all other allegations under the S.C.O.C. (e.g. jurisdiction, timelines, notice, roles of advisers, direct cross examination, grounds of appeals, etc.). Title IX regulations are extremely volatile, and cases are heavily scrutinized by the courts. Given the high stakes associated with these cases, it is imperative that our students have clear notice of the process.</p>
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<p>Page 7* (3)(e)(ii) (removed)</p> <p>Page 12 (B)(2)(b)</p> <p>[Jurisdiction for Reporting Allegations of Academic Misconduct]</p> <p>Votes</p> <ul style="list-style-type: none"> • Y:8 • N:0 	<p>Page 7</p> <p>Cases involving academic misconduct originate 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. The instructor will report sanctions for academic misconduct to the C.C.A. who will report that misconduct to the C.C.A. of the student's home college and to S.C.C.S. If a resolution arrives through the college hearing panels ("C.H.P."), the C.H.P.s 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.</p> <p>Page 12</p> <p>The original jurisdiction of any case involving Complaints of academic misconduct shall be initiated with by 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).</p>	<p>Page 7</p> <p>Cases involving academic misconduct originate 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. The instructor will report sanctions for academic misconduct to the C.C.A. who will report that misconduct to the C.C.A. of the student's home college and to S.C.C.S. If a resolution arrives through the college hearing panels ("C.H.P."), the C.H.P.s 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.</p> <p>Page 12</p> <p>The original jurisdiction of any case involving Complaints of academic misconduct shall be initiated with by 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).</p>	<p>Page 12</p> <p>(b) Complaints of academic misconduct shall be initiated by 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). Supervisors or authorized staff involved in the testing or evaluation process, including testing center personnel and testing proctors, may also initiate complaints of academic misconduct.</p>	<p>There have been numerous reports of the students repeatedly cheating during exams in the testing center outside of class or faculty observance. This provision will allow staff in the Testing Center to submit a notice of academic misconduct allegation form to faculty members for their consideration.</p>
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	the dean or designee.	<p style="color: red;">Supervisors or authorized staff involved in the testing or evaluation process, including testing center personnel and testing proctors, may also initiate complaints of academic misconduct.</p>		
Pages 14 – 16* (B)(4)(a) [Recommendations based on the Academic Misconduct Taskforce Faculty-Student Resolutions] Votes • Y: 7 • No: 1	Please see pages 14-16 of the draft S.C.O.C.	Please see pages 14-16 of the draft S.C.O.C.	Please see pages 14-16 of the draft S.C.O.C.	In 2017-2019, S.C.C.S. facilitated an Academic Misconduct Taskforce to seek feedback from faculty on ways to encourage faculty reporting and make the process less cumbersome. During this two-year taskforce, S.C.C.S. met with focus groups of faculty in <i>every college</i> . Based on faculty feedback, the Academic Misconduct Taskforce submitted a proposal for revisions to the academic misconduct process. .
Page 17* (B)(4)(b)(ii)(c) [C.H.P. Due Process Compliance] Votes • Y:8 • N:0	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.	<p style="color: red;">(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. Faculty or staff alleging misconduct must participate in the hearing in-person or via video conference. If the respondent chooses not to attend the hearing, the respondent's written statements will be reviewed and evaluated based on the information available.</p>	Faculty or staff alleging misconduct must participate in the hearing in-person or via video conference. If the respondent chooses not to attend the hearing, the respondent's written statements will be reviewed and evaluated based on the information available.	This requirement aligns with recent case law and provides students with additional due process by affording them the opportunity to cross examine accusers during a live hearing.

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		<p>the respondent chooses not to attend the hearing, the respondent's written statements will be reviewed and evaluated based on the information available.</p>		
<p>Page 17*</p> <p>(B)(4)(b)(ii)(f)</p> <p>[C.H.P. Due Process Compliance]</p> <p>Votes</p> <ul style="list-style-type: none"> • Y:8 • N:0 	<p>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 start of the hearing.</p>	<p>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 start of the hearing.</p> <p>All parties will be afforded the opportunity to have witnesses participate in the hearing. Witnesses must participate in-person or via video conference. 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 five (5) days after receiving a notice of hearing letter. The hearing chair will provide a list of the witnesses and any other submitted evidence to the parties five (5) days prior to the hearing. The hearing chair, in consultation with the C.H.P., reserves the right to limit the number of witnesses. During the hearing, witnesses are present only when giving testimony.</p>	<p>All parties will be afforded the opportunity to have witnesses participate in the hearing. Witnesses must participate in-person or via video conference. 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 five (5) days after receiving a notice of hearing letter. The hearing chair will provide a list of the witnesses and any other submitted evidence to the parties five (5) days prior to the hearing. The hearing chair, in consultation with the C.H.P., reserves the right to limit the number of witnesses. During the hearing, witnesses are present only when giving testimony.</p>	<p>This requirement aligns with recent case law and provides students with additional due process by affording them the opportunity to cross examine adverse witnesses during a live hearing. Also, the included time frames are consistent with timelines in non-academic misconduct hearing procedures and provides students with additional due process.</p>

<p>Page 16* (B)(4)(b)(i)(a)</p> <p>Page 18* (B)(4)(b)(iv)(a-b)</p> <p>[Streamlined C.H.P. Process and removed a perceived Conflict of Interest]</p> <p>Votes</p> <ul style="list-style-type: none"> • Y: 8 • No: 0 	<p>Page 16</p> <p>When a faculty-student resolution is not achieved, the C.C.A., as soon as reasonable possible, convenes a C.H.P. of the college in which the alleged misconduct occurred. The charge to this C.H.P. shall be to investigate the alleged misconduct and to recommend appropriate sanctions.</p> <p>Page 18</p> <p>(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.</p> <p>(b) Within five days after the receipt of the panel's recommendation, the dean of the college or vice provost, or their designee will concur with, modify, or reject the panel's recommendation and notify all parties in writing. effect. When a student is involved in an academic misconduct case outside their home college the C.C.A. will forward a copy of the final resolution to the student, the student's home college C.C.A., and S.C.C.S. within ten (10) days after the resolution. If a student has no home college the C.C.A. will</p>	<p>Page 16</p> <p>When a faculty-student resolution is not achieved, the C.C.A., as soon as reasonable possible, convenes a C.H.P. of the college in which the alleged misconduct occurred. The charge to this C.H.P. will shall be to investigate conduct a hearing on the alleged misconduct, issue a factual determination, and to recommend determine appropriate sanctions, if applicable.</p> <p>Page 18</p> <p>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. The C.H.P. will seek to reach a 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 vote.</p> <p>b. Within three (3) days, the hearing chair of the C.H.P. Chair will notify the student of the C.H.P.'s decision and appeal procedures. Within five days after the receipt of the panel's recommendation, the dean of the college or vice provost, or their designee will concur with, modify, or reject the panel's recommendation and notify all parties in writing. Notification will include information about the appeal process. If the student does appeal within the specified appeal time, the decision is final</p>	<p>Page 16</p> <p>When a faculty-student resolution is not achieved, the C.C.A., as soon as reasonably possible, convenes a C.H.P. of the college in which the alleged misconduct occurred. The C.H.P. will conduct a hearing on the alleged misconduct, issue a factual determination, and determine appropriate sanctions, if applicable.</p> <p>Page 18</p> <p>a. The C.H.P. will seek to reach a 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 vote.</p> <p>b. Within three (3) days, the hearing chair of the C.H.P. will notify the student of the C.H.P.'s decision and appeal procedures. If the student appeal within the specified appeal time, the decision is final and the sanctions imposed take effect. When a student is involved in an academic misconduct case outside their home college the C.C.A. will forward a copy of the final resolution to the student, the student's home college C.C.A., and S.C.C.S. within ten (10) days after the resolution. If a student has no home college the C.C.A. will forward a copy of the final resolution to the vice provost for undergraduate affairs (or designee) for undergraduate students, or the dean of the graduate school (or designee) for graduate students.</p>	<p>This provision removes an appearance of a conflict of interest for college deans who may have to issue a determination in an appeal involving the same matter. Also, this aligns with recent case law and is consistent with the non-academic misconduct process.</p>
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	forward a copy of the final resolution to the vice provost for undergraduate affairs (or designee) for undergraduate students, or the dean of the graduate school (or designee) for graduate students.	and the sanctions imposed take effect—five days, the decision of the dean is final. When a student is involved in an academic misconduct case outside their home college the C.C.A. will forward a copy of the final resolution to the student, the student's home college C.C.A., and S.C.C.S. within ten (10) days after the resolution. If a student has no home college the C.C.A. will forward a copy of the final resolution to the vice provost for undergraduate affairs (or designee) for undergraduate students, or the dean of the graduate school (or designee) for graduate students.		
Page 21* (C)(1)(c) [Bullying] Votes • Y:6 • N:2	N/A	Bullying: Any intentional written, verbal, electronic, or physical act directed toward another that is unwelcome and sufficiently severe, pervasive, or persistent to interfere with an individual's work, academic, or university course, program or activity participation, or the benefits derived therefrom, or creates an environment that a reasonable person would consider intimidating, hostile, or offensive. The determination of whether an environment is "intimidating, hostile, or offensive" is based on a totality of the circumstances, though a single or isolated incident may be severe enough on its own. Bullying does not include participating in constitutionally protected activities.	Bullying: Any intentional written, verbal, electronic, or physical act directed toward another that is unwelcome and sufficiently severe, pervasive, or persistent to interfere with an individual's work, academic, or university course, program or activity participation, or the benefits derived therefrom, or creates an environment that a reasonable person would consider intimidating, hostile, or offensive. The determination of whether an environment is "intimidating, hostile, or offensive" is based on a totality of the circumstances, though a single or isolated incident may be severe enough on its own. Bullying does not include participating in constitutionally protected activities.	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.

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Page 26* (C)(1)(ee) [Weapons] Votes <ul style="list-style-type: none"> • Y:5 • N:3 	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, knives of any type, or any other items which would reasonably be deemed threatening by a reasonable person.	<p style="color: red;">With the exception of provisions identified in the Ohio Revised Code Section 2923.1210, 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, knives of any type, or any other items which would reasonably be deemed threatening by a reasonable person.</p>	With the exception of provisions identified in the Ohio Revised Code Section 2923.1210 , 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, knives of any type, or any other items which would reasonably be deemed threatening by a reasonable person.	The proposed language aligns with Ohio law regarding transporting weapons with a valid license to conceal a firearm.
Page 31* (C)(2)(b)(ii)(c) [A.R.C. Due Process Compliance] Votes <ul style="list-style-type: none"> • Y:6 • N:2 	If a party chooses not to attend the hearing, their written statements shall be reviewed and evaluated based on the information available.	<p style="color: red;">Complainants, when applicable, alleging violations of the S.C.O.C. are strongly encouraged to participate in the hearing in-person or via video conference. In matters requiring credibility assessments, complainants are required to participate in the hearing in-person or via video conference. If the respondent student, faculty, or staff member chooses not to attend the hearing, their respondent's written statements will be reviewed and evaluated based on the information available. Advisers may not be present for any party who does not attend the hearing.</p>	Complainants, when applicable, alleging violations of the S.C.O.C. are strongly encouraged to participate in the hearing in-person or via video conference. In matters requiring credibility assessments, complainants are required to participate in the hearing in-person or via video conference. If the respondent chooses not to attend the hearing, their written statements will be reviewed and evaluated based on the information available.	This requirement aligns with recent case law and provides students with additional due process by affording them the opportunity to cross examine accusers during a live hearing.

<p>Page 31* (C)(2)(b)(ii)(f)</p> <p>[A.R.C. Due Process Compliance]</p> <p>Votes</p> <ul style="list-style-type: none"> • Y:6 • N:2 	<p>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 generally five (5) days after receiving a notice of hearing letter. 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 A.R.C., 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.</p>	<p>Witnesses are strongly encouraged to be present for hearings. Both parties will be afforded the same opportunities to have witnesses present for hearings. Only statements from witnesses who participate in the hearing in-person or via video conference will be considered by the A.R.C. 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 generally five (5) days after receiving a notice of hearing letter. 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 A.R.C., reserves the right to limit the number of witnesses. Witnesses are present only when giving testimony. If they are unable to attend, statements may be submitted prior to or at the start of the hearing.</p>	<p>Both parties will be afforded the same opportunities to have witnesses present for hearings. Only statements from witnesses who participate in the hearing in-person or via video conference will be considered by the A.R.C. 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 generally five (5) days after receiving a notice of hearing letter. 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 A.R.C., reserves the right to limit the number of witnesses. Witnesses are present only when giving testimony.</p>	<p>This requirement aligns with recent case law and provides students with additional due process by affording them the opportunity to cross examine adverse witnesses during a live hearing.</p>
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<p>Page 38* (D)(2)(b)</p> <p><i>[Appeal Clarification]</i></p> <p>Votes</p> <ul style="list-style-type: none"> • Y:8 • N:0 	<p>N/A</p>	<p>(b) In non-title IX sexual harassment matters adjudicated under the S.C.O.C., both the complainant and the respondent have the right to appeal on all permissible grounds.</p>	<p>(b) In non-title IX sexual harassment matters adjudicated under the S.C.O.C., both the complainant and the respondent have the right to appeal on all permissible grounds.</p>	<p>Under the current S.C.O.C., it can be interpreted that complainants in non-Title IX sexual harassment related matters can only appeal any sanction related to the outcome. Articulating that both parties have the right to appeal under all permissible grounds is most equitable.</p>
<p>N/A</p> <p><i>[S.C.O.C. Review Frequency]</i></p> <p>Votes</p> <ul style="list-style-type: none"> • Y:6 • N:2 	<p>Review the S.C.O.C. every 3-4 years or as needed.</p>	<p>-</p>	<p>-</p>	<p>Adopting this <i>practice</i> will provide the community with an opportunity to gauge how new provisions are working based on significant precedent before considering revising provisions of the S.C.O.C. Also, students are provided with consistent notice because the S.C.O.C. is not changing frequently during their enrollment.</p>