

(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 (“university”) 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 government, and undergraduate 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 (S.C.O.C.).

- (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. The university is committed to excellence and diversity in its students, faculty, staff, and all of its activities. The university provides an inclusive environment where innovation and freedom of intellectual inquiry flourish. Through scholarship, service, partnerships, and leadership, the university creates opportunity, develops educated and engaged citizens, enhances the economy, and enriches the university, city, state and global community.

When students are admitted to and 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 university 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 S.C.O.C. is to inform students of their rights and responsibilities, identify procedures to address student behavior that is inconsistent with the community values reflected in university policies, and recommend potential sanctions, interventions, and measures designed to educate and safeguard the university community and its members.

- (c) The authority for the S.C.O.C. is found in section 3345.21 of the Revised Code. The university conduct system is separate and independent of any criminal or civil proceeding. If a student is undergoing civil or criminal action for the same behavior which forms the basis of conduct action at the university, the university may continue the conduct process as outlined in the S.C.O.C.
 - (d) Students are responsible for knowing and honoring the university's S.C.O.C. and other rules and policies of the university of Cincinnati. The S.C.O.C. is not a contract between the university and the student. The university reserves the right to change the S.C.O.C. at any time.
 - (e) The university has a duty to take reasonable efforts to make the S.C.O.C. available for students. The office of student conduct and community standards will circulate the S.C.O.C. along with other rules, regulations, and policies, which directly affect students at the university of Cincinnati. The university will also provide notice to students when changes are made to the S.C.O.C. The S.C.O.C. will be available for review in the following locations: the office of student conduct and community standards, the office of student conduct and community standards webpage, and the university of Cincinnati board of trustees' webpage.
 - (f) To ensure compliance with federal, state, and local laws, orders of a 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 and the office of student conduct and community standards without regard to rule 3361:40-05-03 of the Administrative Code.
- (2) Student rights and responsibilities
- (a) The S.C.O.C. is applied consistent with rule 3361:40-5-01 of the Administrative Code. The S.C.O.C. will not be interpreted or applied in any way that infringes upon constitutionally protected rights and privileges, such as those under the First, Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.
 - (b) Students are responsible for maintaining established standards of scholarship and conduct essential to the educational mission and community life of the university.
 - (c) The S.C.O.C. is administered in accordance with applicable federal, state,

and local laws, court and other governmental authority orders, and university rules and policies.

(3) Definitions

(a) Student

The term “student” as used in the S.C.O.C. 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 fifteen-week consecutive semesters.

(b) Student Organization

The term “student organization” refers to any number of students who have completed the necessary requirements to be registered and recognized by the university pursuant to rule 3361:40-03-01 of the Administrative Code.

(c) Complainant

The term “complainant” refers to the individual who has filed a complaint against a student or student organization for an alleged violation of the S.C.O.C. Complainant also includes instructors (or in the absence of an instructor, the academic unit head or the dean, or designee) under the academic misconduct process set forth in the S.C.O.C.

(d) Respondent

The term “respondent” refers to the student or student organization who is alleged to have violated the S.C.O.C.

(e) Parties or party

The term “parties” refers to both the complainant and respondent. “Party” refers to either the complainant or respondent.

(f) Timelines

Listed timelines exclude weekends, holidays, term breaks, and anytime when the university is closed or classes are not in session. Timelines may also be extended for extenuating circumstances as determined by the director of the office of student conduct and community standards (or designee).

(g) Notification

All written notices to students are considered received upon delivery to the student's university of Cincinnati email address. All written notices to a student organization are considered received upon delivery to a student organization's representative's university of Cincinnati email address. Students are responsible for regularly checking their university email.

(h) Standard of proof

The standard of proof used to determine whether a respondent has violated the S.C.O.C. is based on a preponderance of evidence, meaning it is more likely than not that a violation has occurred. Upon receipt of a complaint, all respondents are considered not responsible unless this standard is met.

(i) Adviser

Parties may elect to have an adviser of their choice. An adviser may consult with a party verbally or in writing in a quiet, non-disruptive manner, but the adviser may not participate as a spokesperson or vocal advocate in meetings or hearings. Parties are required to notify the office of student conduct and community standards or the college conduct administrator seventy-two hours prior to any meetings or hearings if the adviser is an attorney and plans to attend the hearing and/or meeting. The conduct process will not be delayed to accommodate an adviser's schedule. Therefore, a party should select an adviser whose schedule permits attendance at the scheduled date and time. Advisers may not be present in lieu of any party who does not attend the meeting or hearing.

(j) Diminished capacity

Being under the influence of drugs or alcohol will not diminish or excuse a violation of the S.C.O.C.

(k) Sanctions for violations

A respondent found responsible for violating the S.C.O.C. will be subject to sanctions, up to and including university expulsion. More than one sanction may be imposed for a single violation. A single act may constitute more than one violation of the S.C.O.C.

(l) Conduct records file

All conduct records and files, including those resulting in a finding of "responsible," are maintained in the office of student conduct and community standards for a period of at least seven years from the date of resolution of the conduct action. Conduct records are education records as defined by the Family Educational Rights and Privacy Act of 1974 and subject to the protections and release provisions within.

(m) 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 studies (or designee) will serve as the home college for non-matriculating undergraduate students, and the vice provost for graduate studies and 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 studies will act as the home college.

(n) Withdrawal of student

If a student withdraws from the university before the conduct process has been completed, a conduct hold may be placed on the student's account until the conduct process has been resolved.

(o) Withdrawal of student organization

If a student organization withdraws its registration with the university or the student organization is discontinued pursuant to its constitutional provisions before the conduct process has been completed, the university may prohibit the student organization from re-registering until the conduct process has been resolved.

(p) Refund

The regular refund schedule outlined in university publications will apply in the event of a suspension or dismissal from university housing or the university.

(q) Amnesty

(i) The university's primary concern is the health, safety, and welfare of the university community. To maintain a safe and scholarly community, the university encourages students to report code of conduct violations and crimes involving a victim, including sexual misconduct.

(ii) To encourage reporting, the university of Cincinnati has the discretion not to pursue certain non-violent S.C.O.C. violations such as use of alcoholic beverages or drugs related to the incident. Amnesty may be applied to parties, bystanders, witnesses, students, or student organizations who participate in the conduct process, or students who seek assistance for themselves or other students experiencing an alcohol and/or other drug-related emergency. Amnesty will be determined on a case-by-case basis, in an equitable manner so as not to interfere

with the rights of the parties, at the discretion of the director of the office of student conduct and community standards (or designee).

- (iii) Students receiving amnesty may be required to participate in an educational response.

(r) Educational response

The university may administer an educational response(s) to address student or student organization behavior. Educational responses are intended to incorporate values of the university community and allow an opportunity for students and student organizations 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 or student organization's behavior even if the behavior does not warrant a procedural review. In such cases where behavior does not warrant a procedural review, the educational response may be documented and kept on file in the office of student conduct and community standards but is not considered a sanction.

(s) Conduct hold

An administrative hold placed on a student's account by the director of the office of student conduct and community standards (or designee) that prevents a student from registering for classes and/or receiving a transcript. The director of the office of student conduct and community standards (or designee) may place a hold on a student's account when specifically set forth in the S.C.O.C.

(4) Jurisdiction

- (a) 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.
- (b) Students who violate the S.C.O.C. are subject to appropriate conduct action. In addition, students enrolled in the university's college of law or college of medicine are subject to their respective honor codes. Conduct not covered by an honor code will fall under the jurisdiction of the S.C.O.C.
- (c) Student organizations that violate the S.C.O.C. are subject to appropriate conduct 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 S.C.O.C.

- (d) On- and off-campus behavior
 - (i) The S.C.O.C. applies to student and student organization conduct that occurs on any university campus or on university owned, leased, or controlled premises, and conduct that occurs during remote or online learning or other university related events or activities.
 - (ii) The S.C.O.C. 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. Factors considered by the university include, but are not limited to, the following:
 - (a) Whether the student or student organization was acting as a representative of the university;
 - (b) The seriousness of the offense that occurred;
 - (c) Injuries to students or others;
 - (d) The extent of danger posed to the community;
 - (e) Whether a student organization was involved;
 - (f) Whether the incident could result in a felony charge; or
 - (g) Whether weapons, drugs, or alcohol were involved.
 - (iii) The university reserves the right to take conduct action for behavior 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 behavior has continuing effects that effectively deny community members access to resources and opportunities, unreasonably interfere with the university community working and living environment, or deprive university 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.
- (e) To determine whether student behavior in question is academic or nonacademic misconduct, the dean of the college where the misconduct occurred (or designee) and the director of the office of student conduct and community standards (or designee) should consult to determine whether the matter shall be handled as academic or nonacademic misconduct.

(f) Riotous behavior

Section 3333.38 of the Revised Code concerns the riotous behavior of students on and around university campuses. Action taken as a result of section 3333.38 of the Revised Code does not limit the university of Cincinnati's ability to otherwise discipline students under the S.C.O.C.

(g) Reporting misconduct

(i) With the exception of student or student organization behavior that potentially violates Title IX, reports of academic or nonacademic misconduct concerning a student or student organization can be reported to the office of student conduct and community standards in person, by telephone, email, U.S. mail, or by submitting the online reporting form accessible on the office of student conduct and community standards' webpage.

(ii) All reports or inquiries involving potential violation of Title IX must be reported pursuant to the university of Cincinnati's Title IX sexual harassment policy.

(iii) Instances of academic misconduct should also be reported to the college conduct administrator for the college where the misconduct occurred.

(h) Title IX

(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.

(ii) Students should refer to university Title IX policies for information on jurisdiction, definitions, hearings, and other related procedures.

(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 international center for academic integrity as "a commitment, even in the face of adversity, to six fundamental values: honesty, trust, fairness, respect, responsibility, and

courage.”

- (b) Some faculty members and academic units may ask students to sign an honor pledge before taking tests or when submitting assignments. Honor pledges serve primarily as a teaching tool. Refusal to sign an honor pledge does not constitute a violation of the S.C.O.C.

(2) Jurisdiction

- (a) Each college dean appoints a college conduct administrator who is responsible for the administration of undergraduate academic misconduct procedures.
- (b) The head of each graduate program or college conduct administrator (or designee) oversees the administration of academic misconduct procedures for graduate students in that graduate program.
- (c) Complaints of academic misconduct shall be initiated by the instructor in whose course the alleged misconduct occurred or, in the absence of an instructor, by 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.
- (d) When academic misconduct triggers rule 3361:10-17-05 of the Administrative Code, the academic misconduct process described herein will not commence until after the completion of the research misconduct investigation conducted pursuant to rule 3361:10-17-05 of the Administrative Code.

(3) Academic misconduct violations

- (a) Aiding and abetting academic misconduct

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

- (b) Cheating

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

- (i) Use or possession of unauthorized material or technological devices.
- (ii) Obtaining unauthorized assistance or accessing, reviewing, or obtaining answers from another person or source.

- (iii) Furnishing unauthorized assistance or answers to another person.
- (iv) Possessing, using, distributing, or selling unauthorized copies of academic materials.
- (v) Representing academic work by another person as one's own.
- (vi) Doing academic work in place of another person.
- (vii) Obtaining unauthorized access to the computer files of another person or agency or altering or destroying those files.
- (viii) Unauthorized use of artificial intelligence.

(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 professional standards and codes

Some professions are governed by standards and codes specific to their field. Those professional standards and codes generally advance the quality of the profession by developing codes of ethics, conduct, and professional responsibility and standards by which their members are guided. An academic college may require its students to abide by these professional standards and codes as outlined in the academic college's handbook.

(4) 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 academic misconduct 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 set forth below. If the misconduct occurs at the end of an academic semester or break, the process will continue consistent with the timeline once classes resume. The student is responsible for honoring all deadlines and processes below. If the resolution impacts a grade or status of a course, the college conduct administrator will notify the registrar as applicable.

(a) Instructor-student resolution

(i) Notification form

(a) Within ten days of discovering the alleged misconduct, the instructor (or in the absence of an instructor, the academic unit head or the dean, or designee) will provide the student with notice of their alleged violation via the notification form. The notification form will include the alleged academic misconduct violation(s) at issue, the allegation(s) underlying the alleged academic misconduct violation(s), and a request to meet with the instructor to discuss the allegation(s). The student may have an adviser at the review meeting. This meeting must be scheduled within five days of receiving the notification form.

(b) After the review meeting, the instructor has five days to:

(i) Provide written notice to the student that the allegation(s) has been dismissed and the case will be considered resolved; or

(ii) Move forward with the allegation(s) and provide a resolution form to the student outlining the alleged misconduct violation(s) and proposed sanction(s).

(ii) Student's response to the resolution form

(a) The student has five days to return the completed resolution form to the instructor. The student may choose one of the following three options:

(i) Option 1. Accept responsibility for the misconduct violation(s) and agree to the sanction(s).

(A) The instructor will notify the college conduct administrator of the college in which the misconduct occurred and the agreed-upon sanction(s) will be imposed.

(B) The college conduct administrator will record the resolution form and provide a copy to the director of the office of student conduct and community standards and the college conduct administrator of the student's home college.

(ii) Option 2. Accept responsibility but challenge a sanction and request a college hearing panel. The instructor will ask the college conduct administrator of the college in which the misconduct occurred to convene a college hearing panel.

(iii) Option 3. Deny responsibility and request a college hearing panel. The instructor will ask the college conduct administrator of the college in which the misconduct occurred to convene a college hearing panel.

(b) If the student fails to respond to the resolution form, the allegations and misconduct violation(s) are accepted as true, and the finding(s) and sanction(s) are final.

(b) Resolution by college hearing panel

(i) College hearing panel members

(a) When an instructor-student resolution is not achieved, the college conduct administrator, as soon as reasonably possible, convenes a college hearing panel of the college in which the alleged misconduct occurred. The college hearing panel will conduct a hearing on the alleged misconduct, issue a factual determination, and determine appropriate sanctions, if applicable. The hearing date, time, and location will be set by the college conduct administrator. The college conduct administrator will notify the parties of the hearing date, time, location, and the names of the college hearing panel members.

(b) The college hearing panel consists of: the hearing chair, one representative selected by the college faculty, and one representative selected by the college tribunal or undergraduate student government or graduate student government. The hearing is chaired by the college conduct administrator (or designee). The hearing chair only votes in the event of a tie.

(c) A party 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 party receives the notice of hearing letter. The challenge must specify reasons that would prevent the panel member 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 panel member will be appointed and the same option to challenge exists. If the hearing chair is challenged, the dean of the college (or designee) determines the validity of the challenge and either replaces or retains the hearing chair.

(ii) Hearing participants

(a) Hearings are closed to the public.

(b) Presence at hearings is restricted to the parties involved, except as otherwise noted.

(c) Complainant 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.

(d) The parties may elect to have an adviser of their choice with them at the hearing.

(e) The parties will be afforded the opportunity to have witnesses testify in the hearing. Witnesses must testify in-person or via video conference. No later than five days after receiving a notice of hearing letter, the parties must disclose to the hearing chair the identity of the witnesses, a summary of what each witness will speak to, and submit any other evidence. The hearing chair will provide a list of the witnesses and any other submitted evidence to the parties five days prior to the hearing. The hearing chair, in consultation with the college hearing panel, reserves the right to limit the number of witnesses. During the hearing, witnesses are present only when giving their own testimony.

(f) The hearing chair reserves the right to make appropriate and/or reasonable accommodations as required under law, and/or for the safety of the parties and witnesses, during a college hearing panel hearing.

(iii) Hearing procedures

- (a) Only relevant information will be considered during the hearing. The hearing chair, in consultation with the college hearing panel, determines if testimony and other evidence is relevant, and may place time limitations on testimony and opening and closing statements.
- (b) The parties have the right to submit written questions to be asked of each party and all witnesses who participate in the hearing. The hearing chair, in consultation with the college hearing panel, has the right to review and determine which written questions will be asked.
- (c) The parties will be given an opportunity to present an opening and a closing statement.
- (d) At the close of the hearing, the college hearing panel will deliberate privately to determine if the respondent violated the S.C.O.C.
- (e) When more than one respondent is involved in the same allegation of misconduct, they have the right to have separate hearings. Respondents may have their cases consolidated and heard at the same time. Such requests must be made to the hearing chair no less than five days prior to the scheduled hearing. The college hearing panel has the right to maintain separate hearings. If the college hearing panel wishes to consolidate the hearings, the college hearing panel must ask each respondent if they are comfortable consolidating the hearing or if they wish to be heard separately. All parties and the college conduct administrator (or designee) must agree to the hearing consolidation and the hearing consolidation form must be completed.
- (f) The college hearing panel hearing, but not deliberations, are recorded by the university. Any record of the hearing will be subject to the Family Educational Rights and Privacy Act. All parties may have post-hearing access to inspect the recorded hearing.

(iv) Post-hearing procedures

- (a) The college hearing panel 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 a tie vote, the hearing chair will vote.

- (b) Within three days of the conclusion of the college hearing panel hearing, the hearing chair of the college hearing panel will notify the respondent and complainant of the college hearing panel's decision and appeal procedures.
- (c) If the respondent does not appeal within the specified appeal time, the decision is final and the sanctions imposed take immediate effect. The college conduct administrator will forward a copy of the final resolution to the respondent and the office of student conduct and community standards after the resolution. When a respondent is involved in an academic misconduct case outside their home college, the college conduct administrator will forward a copy of the final resolution to the student's home college's college conduct administrator after the resolution. If a respondent has no home college, the college conduct administrator will forward a copy of the final resolution to the vice provost for undergraduate studies (or designee) for undergraduate students, or the vice provost for graduate studies and dean of the graduate school (or designee) for graduate students after the resolution.

(5) Sanctions for academic misconduct

Sanctions will be determined based on the severity of the misconduct and other relevant information. Multiple sanctions may be imposed should the misconduct warrant it. Examples of sanctions for academic misconduct include the following:

(a) Academic action

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

(b) Academic 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 probation

Imposes specific restrictions or places extra requirements on the student for a specified period. Conduct 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 additional sanctions, including suspension or expulsion.

(d) 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.

(e) University suspension

Prohibits the student from attending the university and from being present without permission of the director of the office of student conduct and community standards (or designee) on specified university owned, leased, or controlled property, and prohibits the student from enrolling or participating in remote or online classes or other remote or online university events or activities, for a specified period of time. University suspensions shall have effective beginning and ending dates. Students placed on university suspension must comply with all suspension requirements. A student seeking to attend the university after the conclusion of the suspension shall first request permission to re-enroll, or re-register, from the office of student conduct and community standards and then apply for readmission to their college.

(f) College expulsion

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) University expulsion

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

(h) Educational sanctions

Sanctions 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. Examples include, but are not limited to: conferences, discussions, reflection papers, service, and workshops.

(C) Nonacademic misconduct

(1) Nonacademic misconduct violations

(a) Aiding and abetting

Helping, procuring, or encouraging another person to engage in

nonacademic misconduct violations.

(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. Containers include, but are not limited to: alcohol boxes, flasks, empty alcohol bottles/cans. Behavior that evidences public intoxication.

(c) Bullying

Bullying is conduct (whether written, verbal, electronic, or physical act) that is unwelcome and so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity. Notwithstanding anything herein to the contrary, bullying does not include participating in constitutionally protected activities.

(d) Destruction of property

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

(e) Dishonesty and misrepresentation

Provides false information, written or oral, including, but not limited to, possessing or presenting false identification, forgery, alteration, or misuse of university documents or records.

(f) Disruption or obstruction

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

(g) Disturbing the peace

Conduct that disturbs the peace, including but not limited to: disorderly conduct, failure to comply with an order to disperse, or fighting.

(h) Drugs or narcotics

Uses, manufactures, distributes, buys, sells, offers for sale, or possesses illegal drugs, narcotics, drug paraphernalia, or unauthorized use or

unauthorized possession of prescription medication.

(i) 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.

(j) Failure to comply with sanctions

Failure to comply with sanctions imposed as a result of conduct action outlined in the S.C.O.C.

(k) 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.

(l) 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.

(m) Harassment or discrimination

(i) Discriminatory harassment is unwelcome conduct based on the targeted individual's perceived or actual race, color, religion, national origin, ancestry, disability, genetic information, sex, age, sexual orientation, military status (including veteran status), parental status (including status as a foster parent), pregnancy, gender identity or expression, or any other status protected by law that:

(a) explicitly or implicitly becomes a term or condition of employment or participation in a university course, program, or activity; or

(b) is 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. Discriminatory harassment does not include participating in constitutionally protected activities. Allegations of sexual harassment as defined by Title IX are subject to university Title IX policies and procedures identified in paragraph (A)(3)(f) of this rule.

- (ii) Discrimination takes place when an individual receives adverse treatment based on perceived or actual race, color, religion, national origin, ancestry, disability, genetic information, sex, age, sexual orientation, military status (including veteran status), parental status (including status as a foster parent), pregnancy, gender identity or expression, or any other status protected by law that is sufficiently serious as to deny or limit the individual's ability to obtain the benefits of university's programs or activities. Allegations of sex discrimination are subject to university Title IX policies and procedures identified in paragraph (A)(3)(f) of this rule.

(n) Hazing

Violating rule 3361:40-03-12 of the Administrative Code. Specifically, "hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code.

(o) Misuse of identification documents

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

(p) Misuse of safety equipment

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

(q) 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 access to or use of another individual's identification and/or 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 division (F) of section 2907.01 of the Revised Code.

(f) Passive participation

Knowingly being in the presence of any form of misconduct identified in the S.C.O.C. after one has had a reasonable opportunity to remove oneself.

(s) Physical abuse or harm, or threat of 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.

(t) Public endangerment

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

(u) Recording and distribution without knowledge

Using electronic or other means to make and distribute a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy and without the person's prior knowledge, when such a record is likely to cause injury, distress, or damage to reputation.

(v) Residence hall rules and regulations

Violating the terms and conditions of the university housing agreement,

university lease agreement, or of published rules and regulations of the office of resident education and development, office of housing, or university dining facilities.

(w) Retaliation, intimidation

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

(x) Smoking rule

Violating rule 3361:10-17-06 of the Administrative Code on tobacco and smoke free environment.

(y) Theft or receipt of stolen property

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

(z) Trespass and unauthorized access

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

(aa) Unauthorized use of property or services

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

(bb) Unauthorized use of university keys

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.

(cc) University policies or rules

Any violation of published university rules or policies.

(dd) 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.

(ee) Violation of probation

Violating the S.C.O.C. while on university probation or violating the specific terms of that probation.

(ff) Weapons

With the exception of provisions identified in section 2923.1210 of the Revised Code, 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.

(2) Procedures for nonacademic misconduct

(a) Non-Title IX sexual harassment and discrimination

The director of the office of student conduct and community standards may send reports alleging non-Title IX sexual harassment or discrimination to the appropriate university office to conduct an investigation prior to adjudication of the matter by the university conduct board. Complainants and respondents should refer to the sex- and/or gender-based misconduct policy and procedure for the formal resolution process.

(b) Report

Any person, department, organization, or entity may report an alleged nonacademic misconduct violation of the S.C.O.C. by a student or student organization. A report is not the same as the filing of a complaint.

(c) Complaint

After reviewing the report, and obtaining additional information when appropriate, the director of the office of student conduct and community standards (or designee) will determine whether there is jurisdiction under the S.C.O.C. to adjudicate the report. If there is jurisdiction, and if necessary, the director of the office of student conduct and community standards (or designee), will confirm, in writing, with the appropriate complainant that the complainant would like to move forward with filing a complaint.

For matters that do not require a credibility assessment, the university may file a complaint without a complainant.

This section (c) does not apply to complaints alleging non-Title IX sexual harassment or discrimination.

(d) Notice

After the complaint is filed, the director of the office of student conduct and community standards (or designee) will initiate the conduct process by giving the respondent written notice of the alleged violations. The written notice describes the date, time, and location of the alleged violation(s) and informs the respondent about the reported circumstances underlying the alleged violation(s). The notice will also state the date, time, and location of the procedural review and the name of the review administrator.

This section (d) does not apply to complaints alleging non-Title IX sexual harassment or discrimination.

(e) Alternative resolution process

Based on the nature of the incident and the willingness of those involved, the office of student conduct and community standards may recommend to the parties that the matter be addressed using an alternative resolution process. No such resolution shall be conducted unless all parties consent to the alternative resolution process.

(f) Preliminary review stage

(i) Procedural review

(a) The review administrator will conduct separate procedural reviews with the complainant and respondent.

(b) The purpose of the procedural review is to provide an explanation of the conduct process, review the alleged violation(s), give the complainant and respondent an opportunity to be heard and provide information (e.g., a statement, records, witnesses names) to the review administrator, and discuss options for resolution.

For complaints alleging non-Title IX sexual harassment or discrimination, the purpose of the procedural review is to provide an explanation of the university conduct board hearing process.

(c) Following the conclusion of the procedural reviews, the review administrator may interview witnesses identified by the complainant and respondent.

This section (c) does not apply to complaints alleging non-Title IX sexual harassment or discrimination.

- (d) Parties may elect to have an adviser present.
- (e) Procedural reviews may be rescheduled at the discretion of the office of student conduct and community standards.
- (f) Complainant does not attend procedural review

If complainant does not attend the procedural review, the review administrator will issue a notice with a new date, time, and location as determined solely by the review administrator. The notice will inform the complainant that failure to attend the rescheduled procedural review will result in the complaint being dismissed and cannot be refiled.

- (g) Respondent does not attend procedural review

If respondent does not attend the procedural review, the review administrator will issue a notice with a new date, time, and location as determined solely by the review administrator. The notice will inform the respondent that failure to attend the procedural review will result in the review administrator issuing the notice of outcome.

This section (g) does not apply to complaints alleging non-Title IX sexual harassment or discrimination.

- (ii) Notice of outcomes

- (a) A respondent may be found not responsible following a procedural review. If a respondent is found not responsible, their case, or any portion thereof, may be considered resolved and closed.

- (b) If a respondent is found responsible following a procedural review, then no later than three days from receipt of the notice of outcome, the respondent shall notify the office of student conduct and community standards in writing whether the respondent:

- (i) Accepts responsibility for the violation(s) and agrees to accept the sanction(s) imposed by the review administrator.; or

(ii) Accepts responsibility but disputes the proposed sanction(s) and requests that the sanction(s) be determined by the university conduct board; or

(iii) Does not accept responsibility and requests a hearing before the university conduct board.

(c) If the respondent fails to notify the office of student conduct and community standards of the option selected within three days of receipt of the notice of outcome, the university conduct board hearing will be scheduled.

(d) For certain matters, the office of student conduct and community standards encourages respondents charged in the same incident, and who choose to have a university conduct board hearing, to have their cases consolidated. The office of student conduct and community standards reserves the right to request consolidation of hearings if all parties and the office of student conduct and community standards agree for all cases to be heard together and the hearing consolidation form must be completed.

(e) Notice of outcome will not be issued for complaints alleging non-Title IX sexual harassment or discrimination. These matters are automatically scheduled for a hearing before the university conduct board.

(b) Resolution by university conduct board hearing

(i) Notice of university conduct board hearing

When a resolution is not achieved through the procedural review, the office of student conduct and community standards, as soon as reasonably possible, convenes a university conduct board hearing panel. The university conduct board hearing panel will conduct a hearing on the alleged misconduct, issue a factual determination, and determine appropriate sanctions, if applicable. The hearing date, time, and location will be set by the office of student conduct and community standards. The office of student conduct and community standards will notify the complainant and respondent of the hearing date, time, location, and the names of the university conduct board hearing panel members.

(ii) University conduct board members

(a) A pool of members will be available to serve on the university conduct board. This pool will consist of no fewer than five faculty and/or staff selected by the

director of the office of student conduct and community standards in consultation with the academic colleges, no fewer than ten undergraduate student representatives selected by the office of student conduct and community standards in consultation with undergraduate student government, and no fewer than four graduate and/or professional students selected by the office of student conduct and community standards in consultation with the graduate student government.

The university conduct board is composed of the hearing chair, two faculty and/or staff selected from the university conduct board pool, and four undergraduate student representatives selected from the university conduct board student pool for undergraduate cases or two graduate students selected from the university conduct board student graduate pool for graduate cases.

For cases of non-Title IX sexual harassment or discrimination, the university conduct board shall consist of the hearing chair and three faculty and/or staff selected from the university conduct board pool.

- (b) The hearing chair shall be the director of the office of student conduct and community standards (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 non-Title IX cases of sexual harassment or discrimination 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 members of the university conduct board.
- (d) A party may challenge participation of any university conduct board member on the grounds of conflict of interest. Challenges must be submitted in writing to the hearing chair within three days of a notice of hearing letter. The challenge must specify reasons that would prevent the university conduct board member 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 conduct board member will be appointed and the same option to challenge shall exist. If the hearing chair is challenged,

the dean of students (or designee) shall determine the validity of the challenge and either replace or retain the hearing chair.

(iii) Hearing participants

(a) Hearings are closed to the public.

(b) Presence at hearings shall be restricted to the parties involved, except as otherwise noted.

(c) Complainants, when applicable, 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, the respondent's written statement will be reviewed and evaluated based on the information available.

(d) The parties may elect to have an adviser present.

(e) The 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 university conduct board. The parties must disclose to the hearing chair the identity of the witnesses, a summary of what each witness will speak to, and submit any other evidence, five 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 days prior to the hearing. The hearing chair, in consultation with the university conduct board, reserves the right to limit the number of witnesses. Witnesses are present only when giving their own testimony.

(f) The hearing chair reserves the right to make appropriate and/or reasonable accommodations as required under law, and/or for the safety of all parties and witnesses, during a university conduct board hearing.

(iv) Hearing procedures

(a) University conduct board hearings are recorded by the university. University conduct board deliberations will not be recorded. Any record of the hearing will be subject to the Family Educational Rights and Privacy Act. All parties may have post-hearing access to inspect the recorded hearing.

- (b) Only relevant information will be considered during the hearing. The hearing chair, in consultation with the university conduct board, determines if testimony and other evidence is relevant and may place time limitations on testimony and opening and closing statements.
- (c) The parties will have the right to submit written questions to be asked of all witnesses who participate in the hearing. The hearing chair, in consultation with the university conduct board, has the right to review and determine which written questions will be asked. Only relevant questions will be asked.
- (d) The parties will be given an opportunity to present an opening and closing statement. At the close of the hearing, the university conduct board will deliberate privately to determine if the respondent is found to have violated the S.C.O.C.
- (v) Post-hearing procedures
 - (a) The university conduct board 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 a tie vote, the hearing chair will render a vote. Within three days of the conclusion of the university conduct board hearing, the hearing chair will concurrently notify the parties of the university conduct board decision and appeal procedures.
 - (b) If a party does not appeal within the specified appeal time, the outcome and sanctions imposed take immediate effect.
- (3) Sanctions and interim measures for nonacademic misconduct
 - (a) The university may impose interim measures to protect the rights, ensure the safety, or address the concerns of students, staff, faculty, and the university community.
 - (b) Respondents found responsible for violating the S.C.O.C. will be subject to sanctions. Sanctions are designed to promote the university's educational mission, maintain safety, and deter behavior that violates the S.C.O.C. Behavior that is harmful to the university community or to the educational process may require more stringent sanctions such as removal from activities, courses, residence hall, or the university. The director of the office of student conduct and community standards may place a conduct hold to aid in enforcing a sanction.
 - (c) Implementation of sanctions is immediate or as defined.

(d) Disclosures

- (i) The university of Cincinnati may notify the parents or guardians of any student who is under the age of twenty-one and who has been found to be in violation of the S.C.O.C. 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 notice of notification letters sent to their parents or guardians.
- (iii) The university also reserves the right to make any disclosures as permitted by the Family Educational Rights and Privacy Act.
- (iv) In complaints involving crimes of violence, the complainant will receive written notification of sanctions that the respondent may receive, consistent with federal and state law.

(e) Sanctions for nonacademic misconduct

(i) University 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 probation

Probation is in effect for a specified period of time. A violation(s) of any university policy, rule, or agreement 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. 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, and extracurricular and/or residence life activities. A student or student organization may be required to meet periodically with designated persons. Students or student organizations on university probation are not considered to be in good standing with the university.

(iii) University 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 office of student conduct and community standards (or designee) on specified university owned, leased, or controlled property, and prohibits the student from enrolling or participating in remote or online classes or other remote or online university events or activities, for a specified period of time. University suspensions shall have effective beginning and ending dates. Students or student organizations placed on university 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 office of student conduct and community standards.

(iv) University expulsion

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

(v) Educational sanctions

Sanctions 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. Examples include, but are not limited to: conferences, discussions, reflection papers, service, and workshops.

(vi) Restitution for damage

Restitution may include a student or student organization being required to repair all damages related to the misconduct, which may include, but is not limited to, assessment of reasonable expenses, such as repair or replacement cost for any damage to property, or any related expenses incurred by the affected parties.

(vii) Interim suspension

(a) An interim suspension is an interim action, effective immediately, designed to evaluate the student's or student organization's 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 conduct case can be resolved in accordance with prescribed conduct procedures. Such action shall be taken when the dean of students (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 activity, or registered organization related activity, or remote or online classes or other remote or online university events or activities, 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 dean of students (or designee). The dean of students may place a conduct hold to aid in enforcing the interim suspension.

- (b) Interim suspension may be imposed pending the application of the conduct process. The conduct process will proceed without undue delay.
- (c) The student or student organization may, within three days of written notice of the interim suspension, petition the vice president for student affairs for reinstatement. 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. The purpose of this meeting will be to determine if the interim suspension shall remain in effect, be modified, or be revoked pending a conduct hearing.

(f) Additional sanctions for student organizations

In addition to sanctions identified in paragraph (C)(3)(e) of this rule, the following sanctions may be imposed on student organizations found responsible for violating the S.C.O.C.:

(i) Loss of student organization privileges

Restricts or removes an organization's privileges on and off campus for a specified period of time. Restrictions may vary with each case and may include, but are not limited to, the following: use of university facilities or services; ability to sponsor, co-

sponsor, host, or co-host activities or events; and ability to participate in activities or events such as, but not limited to, intercollegiate athletics, social events, representing the university, student leadership, extracurricular and/or residence life activities.

(ii) Loss of university funds

Loss of university funds includes ineligibility to receive funds from any university entity for student organization purposes for a specified period of time, including but not limited to: university funding board, undergraduate student government, graduate student government, center for student involvement, and/or fraternity and sorority life.

(iii) Termination of university registration / revocation of university recognition

Prohibits a student organization from being registered or recognized by the university for a specified period of time. During this time, the student organization is prohibited from functioning as a student organization in any capacity both on and off campus. This includes, but is not limited to, the following: alumni events; hosting, sponsoring, co-hosting or co-sponsoring charitable and philanthropic events and social events; participating as an organization in charitable or philanthropic events and social events; meeting as an organization; and, participating in tournaments or other sporting events, trainings, or recruitment. Unregistered and/or unrecognized student organizations are not allowed to re-activate as a student organization without prior written permission from the office of student conduct and community standards, center for student involvement, and/or fraternity and sorority life. An unregistered or unrecognized student organization must apply for reinstatement following the period of termination by submitting a letter to the office of student conduct and community standards, center for student involvement, and/or fraternity and sorority life, whichever is applicable.

(D) Appeal process for academic and nonacademic misconduct

- (1) Permissible grounds for appeal: Grounds for appeals will be limited to the following:
 - (a) New information: 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) Procedural error: a substantial procedural error occurred in the process which affected the decision in the case.
 - (c) Sanction of suspension or dismissal: a sanction of suspension or dismissal from the university was imposed and is not commensurate with the violation.
 - (d) Non-title IX sexual harassment appeal of sanctions: In appeals involving crimes of violence or non-title IX sexual harassment, any sanction may be appealed by either the complainant or respondent on the grounds that the sanction is not commensurate with the violation.
- (2) Filing an appeal
- (a) A respondent found responsible for either an academic or nonacademic misconduct violation of the S.C.O.C. may file an appeal as set forth in the S.C.O.C. An appeal must be submitted in writing to the director of the office of student conduct and community standards within five days of receipt of the college hearing panel or university conduct board's decision letter unless the office of student conduct and community standards specifies a longer period of time in writing based on a party's written request for additional time not to exceed ten days. The written appeal must include a permissible ground for appeal and information to support the appeal.
 - (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.
- (3) University appeals administrators
- (a) Appointment of university appeals administrators

The vice president for student affairs (or designee) will appoint no less than two and no more than five university faculty or staff to serve as university appeals administrators. A university appeals administrator will not serve as a university appeals administrator for any conduct case in which the university appeals administrator has participated in the underlying conduct case's investigation or hearing.
 - (b) Notice of university appeals administrators

The director of the office of student conduct and community standards (or designee) will provide written notification to the parties of the names of the appointed university appeals administrators.
 - (c) Challenging university appeals administrators

- (i) A party may challenge participation of a university appeals administrator on the grounds of conflict of interest. Challenges must be submitted in writing to the director of the office of student conduct and community standards (or designee) within five days of receipt of the written notice identifying the university appeals administrators. The challenge must specify reasons that would prevent the university appeals administrators from being unbiased with respect to the appeal. The director of the office of student conduct and community standards (or designee) will decide whether the challenge has merit. If the challenge is granted, a substitute university appeals administrator will be appointed by the director of the office of student conduct and community standards (or designee) and the same option to challenge shall exist.
- (ii) In appeals involving non-Title IX sexual harassment, both the complainant and respondent may challenge the participation of a university appeals administrator on the grounds of conflict of interest as per the process outlined in this section (c).
- (iii) The director of the office of student conduct and community standards will forward the appeal along with the conduct case file to the university appeals administrators for review.

(4) Procedure

- (a) The university appeals administrator reviews all appeals. All steps in the appeal process will occur as soon as reasonably possible.
- (b) University appeals administrator review for permissible grounds:
 - (i) If the university appeals administrator determines that an appeal was submitted that does not fall within one of the four permissible grounds then the university appeals administrator will reject and return the appeal to the applicable parties and include a brief written explanation of the reason the appeal was rejected. That decision is final.
 - (ii) In appeals involving non-Title IX sexual harassment, both the complainant and respondent will be notified of a rejected appeal.
- (c) University appeals administrator review for new information or substantial procedural error:
 - (i) If the university appeals administrator 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 university appeals administrator will charge the university conduct board or college hearing panel to hold a limited hearing for the sole purpose of reviewing the new information or to correct the procedural error.

- (ii) The new 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 university college board or college hearing panel.
 - (iii) If members of the university college board or college hearing panel, which initially heard the complaint, are unavailable for continued service, substitute members will be selected by the director of the office of student conduct and community standards (or designee) or by the college conduct administrator. The university appeals administrator may not be a member of the university college board or college hearing panel and does not participate in the limited hearing.
 - (iv) Following this limited hearing, the university college board or college hearing panel will submit a report, and possibly a revised outcome, to the university appeals administrator. The university appeals administrator shall review the file and outcome. If it is the opinion of the university appeals administrator that the new evidence was considered or the procedural error corrected, the university appeals administrator shall forward the recommendation to the appropriate individual designated in paragraph (D)(5)(a) of this rule. If the university appeals administrator determines the university college board or college hearing panel failed to correct the procedural error or failed to consider the new evidence, the university appeals administrator shall return the matter to the university college board or college hearing panel with instructions to reconsider.
- (d) University appeals administrator review of sanction of suspension or expulsion:
- For appeals of suspension or expulsion based on a claim that suspension or expulsion is not commensurate to the misconduct violation, the university appeals administrator will review the file and issue a recommendation to concur with or modify the sanction, then send the recommendation to the appropriate individual designated in paragraph (D)(5)(a) of this rule.
- (e) University appeals administrator review of non-Title IX sexual

harassment sanctions:

For appeals of non-Title IX sexual harassment sanction(s) based on a claim that the sanction is not commensurate with the misconduct violation, the university appeals administrator will review the file and issue a recommendation to concur with or modify the sanction(s), then send the recommendation to the appropriate individual designated in paragraph (D)(5)(a) of this rule.

- (f) The respondent may continue in their courses without prejudice or interruption until the appeal is final except in matters where an interim suspension is in effect.

(5) Final decision

- (a) The final decision to accept, reject, or modify the recommended sanction and to notify all parties in writing of the final decision rests with: the dean of students (or designee) for nonacademic misconduct sanctions other than expulsions; the vice president for student affairs (or designee) for nonacademic misconduct sanctions of expulsions; the home college deans (or designee), if no home college, the vice provost (or designee) for academic misconduct sanctions other than expulsions; and, the provost (or designee) for academic misconduct sanctions of expulsions.
- (b) In appeals involving non-Title IX sexual harassment, the complainant and respondent will receive concurrent notification in writing of the final decision.

Effective: July 21, 2023

Certification: Nicole S. Blount
 Nicole S. Blount
 Executive Director of Board Relations

Date: June 27, 2023

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