

**3361:40-5-03**

**Conduct, rights and responsibilities: statement of student conduct, policies and procedures.**

(A) Article 1. General provisions.

(1) Section 1.01. Goals and policies.

- (a) The primary concern of the university of Cincinnati is education. As a consequence, the university attempts to provide for students an environment that is conducive to academic endeavor, social and personal growth, and individual self-discipline. Such an environment should encourage and protect free intellectual inquiry, including the examination of unorthodox or controversial ideas.
- (b) In a university, the paramount value involved in student conduct should be self-governance with each student bearing the responsibility for his/her own behavior. Although it is thus assumed that students are mature and responsible individuals and that the university does not occupy a parental role, formal disciplinary sanctions nonetheless may be imposed whenever student conduct interferes with the university's duty to afford its members an opportunity to attain educational and other stated institutional objectives. In pursuance of the goals of the university, disciplinary policies, procedures, and standards should be primarily educational rather than punitive in nature and should be consistent with both the customs of a free society and the nature and function of an institution of higher learning.
- (c) When a student has been arrested for the violation of penal statute or ordinance, the university reserves the right to initiate judicial review in accordance with the student code of conduct and review that individual's status as a student. The university will be prepared to apprise students of sources of legal counsel and offer other assistance and, in addition, will cooperate with legal agencies and other organizations in any program for the rehabilitation of the student.

(2) Section 1.02. Interpretation and implementation of statement.

The relevant portions of the “1967 Joint Statement on Rights and Freedoms of Students,” adopted in principle by the board of trustees on June 12, 1969 (see rule 3361:40-5-02 of the Administrative Code) shall serve as a guide to the interpretation of the goals and policies set forth above and the implementation of this statement.

(B) Article 2. Student Code of Conduct Review Committee.

(1) Section 2.01. Establishment of a student code of conduct review committee.

(a) The student code of conduct review committee shall be created in order to provide a democratic mechanism for the creation and review of student conduct standards with the general provision of this statement, the “1967 Joint Statement on Rights and Freedoms of Students” and the university rules and regulations.

(b) The committee shall consist of ten members:

- (i) Director of university judicial affairs (chair),
- (ii) Representative of the ombuds office,
- (iii) Two representatives from the undergraduate student government/senate,
- (iv) Two representatives from the graduate student governance association (in consultation with law and medical school tribunals),
- (v) Two representatives from the academic college liaisons as appointed by the academic deans, and
- (vi) Two representatives from faculty senate.

(2) Section 2.02. Jurisdiction of committee.

(a) Any and all recommendations from this student code of conduct review committee will be presented to the vice president for student affairs and services and the senior vice

president and provost for baccalaureate and graduate education.

- (i) Basic responsibility for the enactment, amendment, or repeal of standards for student conduct shall reside with the committee. The committee shall, however, to the maximum extent feasible, delegate the function of formulating and administering standards in specific areas to the groups directly concerned.
- (b) In the discharge of its duties, the committee shall:
  - (i) Formulate standards relating to academic misconduct, such as cheating, plagiarism, forgery, and the unauthorized alteration of academic records.
  - (ii) Formulate standards relating to individual student and university of Cincinnati registered student groups conduct, either on or off campus.
  - (iii) Formulate standards defining those areas of student misconduct which, although subject to prosecution under penal statutes and ordinances, also are subject to university discipline.
  - (iv) Formulate standards that ensure the confidentiality of student conduct records, minimize the risk of unauthorized disclosure of such records, and specify which violations of standards shall be entered on student records.
- (3) Section 2.03. Rules of committee.
  - (a) The rules of the committee, among other things, shall:
    - (i) Provide that a majority vote of the student code of conduct review committee recommend the enactment, amendment, or repeal of a standard.

- (b) Any changes in standards made in the course of a school year shall be given wide publicity to all members of the university community.
  - (c) All meetings and proceedings shall be open to the public.
- (4) Section 2.04. Procedures for enactment, amendment, or repeal of standards.
- (a) Except as provided otherwise, the following procedures shall govern actions of the committee relating to the enactment, amendment, or repeal of standards:
    - (i) Actions of the committee, with their rationale, shall be submitted for review to the vice president for student affairs and services and the senior vice president and provost for baccalaureate and graduate education.
    - (ii) If the vice president for student affairs and services and the senior vice president and provost for baccalaureate and graduate education endorse an action of the committee, they shall issue a recommendation to the president for the board of trustees' approval.
    - (iii) If the vice president for student affairs and services and/or the senior vice president and provost for baccalaureate and graduate education disagree with the endorsed action, they shall, with stated reasons, propose reconsideration of the matter by the student code of conduct review committee.
    - (iv) If no agreement can be reached by the student code of conduct review committee, vice president for student affairs and services, and the senior vice president and provost for baccalaureate and graduate education, then the president shall make the final decision.
- (5) Section 2.05. Effect of new standards.

Standards promulgated pursuant to this statement shall become effective immediately and shall supersede previously existing university regulations dealing with the subjects covered by the new standards from and after their effective date.

- (C) Article 3. Enactment, amendment, and effect of statement.
- (1) Section 3.01. This statement and any subsequent amendments thereto shall become effective immediately upon approval of the board of trustees of the university.
  - (2) Section 3.02. Nothing in this statement shall be construed in such a manner as to be in conflict with the law or with the bylaws and regulations of the board of trustees of the university.

Replaces: Former Rule 3361:40-5-03

Effective date: December 17, 2003

Certification: Virginia L. Steiner signature  
 Virginia L. Steiner  
 Executive Secretary and Clerk, Board of Trustees

Date: December 3, 2003

Promulgated under: R.C. Section 111.15  
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 R.C. 3345.21-25;  
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