

## **STUDENT CONDUCT CODE**

### **3344-83-01 Introduction and Purpose.**

- (A) In order to carry out its mission, the university community shall promulgate and enforce appropriate rules, regulations and policies and take action when violations of such rules, regulations and policies occur.
- (B) Students voluntarily enter into membership in the university community and, in so doing, assume obligations of performance and behavior reasonably expected by that community for the purpose of furthering its mission, objectives, processes and functions.
- (C) Students accept the rights and obligations set forth in this code and other university rules, regulations, and policies when they are admitted to the university. Students are also subject to the laws of the state of Ohio and the regulations, codes of honor and conduct and academic standards of any unit within the university to which the student belongs.
- (D) The provost of the university, or designee, shall have the final responsibility and authority for the discipline of all students at the university. Duly constituted student judicial bodies and appellate bodies as defined in the student conduct code (the "Code") are authorized to conduct student or student organization disciplinary hearings and appeals and to impose university disciplinary action as set forth in this code. Disciplinary action may be taken on the basis of university rules, regulations, policies and procedures and may include but is not limited to counseling, admonition, sanctions or separation from the university community. When extenuating circumstances warrant, the vice president for student affairs may extend the deadlines set forth in this code.
- (E) As a public institution of higher education, Cleveland state university seeks to advance knowledge, promote scholarship and create an environment conducive to the intellectual and personal growth and development of all its students. In keeping with these aims, the university recognizes the following rights of students.
  - (1) Nondiscrimination - Students have the right to be free from discrimination on the basis of race, sex (including pregnancy), religion, color, age, national origin, veteran and/or military status, genetic information, or disability and discrimination/harassment toward individuals for other

reasons such as sexual orientation, gender identity and/or expression, marital status or parental status.

- (2) Freedom of expression - Students have the right of expression to the extent permitted by law and university rules and regulations.
  - (3) Freedom of assembly - Students have the right to assemble, provided that the operation and functioning of the university is not disrupted, the movement of individuals is not restricted and the activity complies with applicable laws, and university rules and regulations.
  - (4) Due process - Students have the right to be treated in an impartial and judicious manner by the university, as provided for by law and university rules and regulations.
  - (5) Participation - Students have the right to establish and elect a democratic student government, to organize and join student organizations, and to be selected or appointed as members of appropriately designated university committees, in accordance with university rules and regulations.
  - (6) Redress of grievances - Students have the right of access to copies of university rules and regulations directly affecting them and to petition for the redress of grievances, within the university's grievance procedures.
- (F) All of the above rights can be exercised only in accordance with university rules and regulations and federal, state and local laws.

**3344-83-02 Jurisdiction.**

- (A) The code applies to the on-campus conduct of all students and recognized or registered student organizations, including conduct using university computing or network resources. The code also applies to the off campus conduct of students and registered student organizations in direct connection with:
- (1) Academic course requirements or any credit-bearing experiences, such as internships, field trips, study abroad, or student teaching;
  - (2) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
  - (3) Any activity sponsored, conducted, or authorized by the university or by registered or recognized student organizations;
  - (4) Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community; or
  - (5) Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.
- (B) The code governs all campuses of the university. The university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.
- (C) Students continue to be subject to city, state, and federal laws while at the university, and violations of those laws may also constitute violations of the code. In such instances, the university may proceed with university disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.
- (D) In addition, in cases of criminal charges involving certain offenses of violence, a student faces possible immediate suspension or probation and ultimate dismissal in accordance with sections 3345.22 and 3345.23 of the Revised Code.

**3344-83-03 Definitions.**

As used in the code:

- (A) “Appropriate party” shall refer to any member of the university who is authorized to have access to a student’s academic record, or the alleged victim of any crime of violence or a non-forcible sex offense.
- (B) “Authorized university function” shall mean events and activities, which the university presents or authorizes.
- (C) “Eligible party” shall refer to any member of the university community who has a right of appeal.
- (D) “Judicial Affairs Officer” - “JAO” shall mean the judicial affairs officer who shall be the administrative liaison to the university judicial process.
- (E) “Members of the university community” shall mean students and employees of the university, including faculty, professional staff members, classified service staff members, and administrators, and shall also mean members of the board of trustees.
- (F) “Reckless” shall mean conduct which one knows or should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with authorized university functions.
- (G) “Student” shall mean any person who is admitted, currently registered or has been registered at the university any time during the last academic year.
- (H) “Student Conduct Officer” – “SCO” shall mean the faculty or administrator who is authorized to impose sanctions upon students found to have violated the code.
- (I) “Student organization” shall mean a university recognized or registered student organization, which has complied with the formal requirements of official recognition or registration set forth in the policy on recognition and registration of student organizations.
- (J) “University” and “Institution” shall mean Cleveland state university and, collectively, those responsible for its operation.
- (K) “University official” shall mean any member of the university community acting in an official capacity, upholding and enforcing rules, regulations, and policies of the university.
- (L) “University premises” shall mean (1) any university-owned or controlled property or (2) non-university property during the period of time when it is used for authorized university functions including, but not limited to, registration, classroom or laboratory instruction, lectures, concerts, receptions, assemblies, intramural activities or intercollegiate athletic events. University premises do not include off-campus property used for student organization events or activities.

- (M) “Vice provost/vice president” shall mean the administrative officer bearing such title, related title, or the vice provost/vice president’s designee.
- (N) “Working day” refers to any day of the week excluding Saturdays, Sundays and official university holidays.
- (O) All other terms have their natural meaning unless the context otherwise dictates. Singular terms may be read as plural when appropriate. “And” shall mean “or” and vice versa when appropriate.

**3344-83-04 Violations.**

To be found in violation of this code of conduct, it shall be determined by a preponderance of the evidence, or in other words, that it is more likely than not, that the student or student organization has violated this code of conduct. Students or student organizations found in violation of this code of conduct are subject to one or more of the sanctions described in rule 3344-83-06 of the Administrative Code.

- (A) “Disruption” - interrupting or disrupting an authorized university function or academic activity that impedes the normal continuation of that activity; or interfering with the freedom of movement of any member of the university community, guest, or visitor of the university or impeding or interfering with the rights of any person to enter, use or leave any university facility, or authorized university function or impeding or interfering with right of any university official to perform normal functions and duties.
  
- (B) “Infliction, attempted infliction or use or threat of use of physical force” - the use or attempted use or threat of physical force upon any person, including, but not limited to:
  - (1) Inflicting bodily harm upon any person;
  - (2) Taking any action for the purpose of inflicting bodily harm upon any person;
  - (3) Taking any action without regard for bodily harm which could result to any person; or
  - (4) Threatened use of force to inflict bodily harm upon any person.
  
- (C) “Harassment” - any act of harassment, whether on the basis of race, gender or otherwise, as defined in the applicable university policy against harassment and discrimination. Charges related to a violation of this provision of the code of conduct shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.
  
- (D) “Sexual misconduct” - any act of sexual violence, sexual exploitation or sexual harassment, as defined in the applicable university policy against harassment and discrimination, whether such conduct occurs on or off campus. Charges related to a violation of this provision of the code of conduct shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

- (E) “Endangering health and safety” - taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, including, but not limited to, stalking, relationship violence or domestic violence, as defined in the applicable university policy against harassment and discrimination. When charges related to a violation of this provision of the code of conduct involve stalking, relationship violence or domestic violence, they shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.
- (F) “Hazing” - any conduct, act, method of, or coercion of another to do an act of initiation or admission into any organization, which occurs on or off university premises and which willfully or recklessly, causes or creates a substantial risk of causing physical or mental harm to any student or other person. Examples include, but are not limited to, extended deprivation of sleep or rest; forced consumption of food, liquor, other beverages, or drugs; beating or branding; forced exclusion from social contact; and/or forced conduct, which could result in embarrassment to any person. Any activity or behavior meeting the definition as described in this paragraph shall be considered a forced activity, notwithstanding the willingness of the individual involved to participate in such activity.
- (G) “Theft of property” - theft or attempted theft of university property or the property of any person or other entity, including possession or use of stolen property. This shall also include theft of university property while off university premises.
- (H) “Unauthorized entry into a university facility “- attempted or forcible breaking or unauthorized entry into any building, or facility.
- (I) “Failure to vacate university premises” - failure to vacate university facilities at the closing hours or at the request of a university official, unless prior approval is obtained to remain on the premises.
- (J) “Creation of safety hazard(s)” - creating a fire hazard, including the setting or attempted setting of fires, or otherwise endangering the safety of persons or property or the improper use or possession of inflammable or hazardous substances.
- (K) “False reporting of an emergency”- intentionally making a false report of a bomb, fire, or other emergency in any building, or facility by means of activating a fire alarm or in any other manner.
- (L) “Unauthorized use or alteration of emergency or safety equipment” - unauthorized use or alteration of fire-fighting equipment, safety devices, or other emergency or safety equipment.

- (M) “Interference with emergency evacuation procedure” - interference with emergency evacuation procedures, including failure to evacuate, prescribed for any building, or facility.
- (N) “Possession, use, distribution sale of controlled substances or drug-related paraphernalia” - knowingly possessing, using, distributing and/or selling drug-related paraphernalia and/or controlled substances, including, but not limited to, narcotics, barbiturates, hallucinogens, marijuana, or amphetamines, except as authorized by law.
- (O) “Illegal use of alcoholic beverages” - knowingly possessing, keeping, consuming, allowing to consume, serving, purchasing, selling, making available to another person or directly providing funding for alcoholic beverages in violation of state or local statutes, ordinances, rules and regulations university rules and regulations.
- (P) “Falsification of records, fraud and false testimony” - furnishing false or misleading information or identification to a university official, office, investigation or proceeding; or without proper authorization, reproducing, copying, forging, tampering, altering, falsifying, misusing, or attempting to do the foregoing to any record, document, or identification used or maintained by the university.
- (Q) “Destruction or misuse of property” - damaging, destroying, defacing, abusing, tampering, misusing, or attempting to damage, destroy, deface, abuse, misuse or tamper with university property or property of any person or other entity on or off university premises. This includes any attempt to alter the function or performance of university equipment or property, including, but not limited to, university computers.
- (R) “Bribery” - offering money, any item, or service to a student, administrator, faculty or staff member so as to receive university property and/or services for one’s self or another or to gain an advantage or special treatment for one’s self or for another.
- (S) “Unauthorized access to records” - gaining or attempting to gain unauthorized access to university records including but not limited to paper records, computer files or systems.
- (T) “Unauthorized use of university computers” - gaining use or attempting to gain use of university computers without proper authorization including but not limited to unauthorized:
  - (1) Use of computer and/or data processing equipment;



- (2) Access to computer systems;
  - (3) Possession of computer software or data;
  - (4) Copying or use of computer software or data;
  - (5) Use of computer accounts; or
  - (6) Use of computer-related equipment.
- (U) “Possession or use of weapons” - unauthorized possession or use of any type of firearm, explosive, other weapon, or firework. “Weapon” shall mean any instrument, device, substance or item capable of causing or inflicting injury or death and designed or specifically adapted for use as a weapon or possessed, carried or used as a weapon. Weapons used legitimately on campus for martial arts or similar practice shall be permitted provided they are transported and stored in a manner which makes them functionally inaccessible.
- (V) “Misuse of identification” - refusing to present identification when requested by a university police officer or other university official who identifies her/himself; using or attempting to use any means of identification or other document or card not rightfully issued to the individual; or altering, tampering with or misusing a university identification card or other university-issued means of identification.
- (W) “Improper use of keys” - knowingly using, duplicating, or causing to be duplicated, any key for any facility, building or room without proper authorization or failure to return university-issued keys to the proper university officials.
- (X) “Misuse of university telephone or communications devices” - charging any long distance telephone call, telegraph message or electronic facsimile to any university telephone without proper authorization or using any university telephone for without proper authorization.
- (Y) “Gambling” - violation of applicable gambling laws.
- (Z) “Failure to follow directions of university officials” - failure to follow reasonable directions of a university official, made in the performance of her or his duties, which are necessary for the proper conduct of authorized university functions.
- (AA) “Abuse of the student conduct code procedures” - abuse of the student conduct code procedures, including, but not limited to:
- (1) Falsification, distortion or misrepresentation of information to the judicial affairs officer or before the student conduct officer, the university judicial board, or the appeal board;

- (2) Disruption or interference with the orderly conduct of a proceeding under this rule;
  - (3) Institution of a proceeding under this rule knowingly without cause;
  - (4) Attempting to discourage an individual's proper participation in, or use of, the student conduct code procedures of this rule;
  - (5) Attempting to influence the impartiality of the student conduct officer, or a member of the judicial or the appeal board prior to, and/or during the course of, a proceeding under this code;
  - (6) Harassment (verbal or physical) and/or intimidation of the student conduct officer, or a member of the judicial or the appeal board prior to, and/or during the course of, a proceeding under this rule;
  - (7) Failure to comply with any sanction imposed under this rule; or;
  - (8) Influencing or attempting to influence another person to commit an abuse of the student conduct code under this rule.
- (BB) "Unauthorized sales and solicitation of funds" - unauthorized sale or solicitation of funds including unauthorized solicitation of funds off university premises.
- (CC) "Misuse of university name, logo, or seal" - use of the university's name without the express authorization of the university except to identify institutional affiliation in the authorized manner. University approval or disapproval of any political or social issue may not be stated or implied by an organization; or use of official letterhead stationery, envelopes, logo or seal as part of any publication, correspondence or other printed material without prior submission of the material to, and written permission received from, the appropriate university official(s).
- (DD) "Misuse of university funds/student organization funds" - the misuse or unauthorized use of university funds or student organization funds administered through the university.
- (EE) "Unauthorized posting or distribution of materials on university premises" - failure to abide by university policies, rules, and regulations on posting and distribution of materials on university premises.
- (FF) "Violations of university regulations" - violating other university regulations or policies, which have been posted or publicized. Violations of applicable harassment and discrimination policies shall be investigated and responded to through the procedures issued by the office for institutional equity for

investigating complaints of discrimination and harassment not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

- (GG) “Failure to comply with university sanctions” - failure to comply with sanctions imposed pursuant to university policy and/or regulations.
- (HH) “Repetitions of misconduct” - more than one violation of this code for which a sanction has been previously imposed. When the repeated misconduct involves a violation of paragraphs (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.
- (II) “Participation as an accomplice” - knowingly participating in any action or event that constitutes any violation of this code. When the participation as an accomplice involves a violation of paragraphs (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.
- (JJ) “Violation of state, federal or local law” - violating state, federal or local law whether the violation occurs on or off campus. When the violation of state, federal or local law involves a violation of paragraphs (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

**3344-83-05 Residence hall resident behavior.**

- (A) Students residing on campus in the residence hall are also held to the policies set forth in the residence hall policies and procedures handbook. Violations of residence hall policies will be reviewed by the director of residence life or the designee of the director and adjudicated within the residence hall judicial system. In instances where residence hall residents may have violated a rule in Chapter 3344-83 of the Administrative Code, formal judicial charges shall be forwarded to the office of judicial affairs.
  
- (B) The director of residence life has the authority to take reasonable actions in maintaining a safe living environment for all student residents. This authority may include, but is not limited to immediate suspension of housing privileges and/or a reassignment to another residence hall or residence hall room. This authority may be exercised whether or not a formal charge has been filed with the office of judicial affairs and this authority may be exercised prior to the rendering of any decision in the judicial process.

**3344-83-06 Student organizational behavior.**

- (A) Students are encouraged to organize and join associations and organizations to promote their common interests. Student organization activities, events or programs held off university premises are the responsibility of the sponsoring student organization and not the university. However, it is expected that members of organizations individually and collectively will act consistently with the provisions of the code, the organization's constitution, university rules and regulations, and applicable laws. The presiding officer of an organization is responsible for informing members that the organization and its members are governed by the terms and conditions of the code and university rules and regulations.
- (1) If the actions set forth in paragraph (A)(2) of this rule occur on university premises, the student organization can be subject to the university judicial system set forth in rules 3344-83-10 to 3344-83-12 of the Administrative Code and may incur one or more of the sanctions described in rule 3344-83-07 of the Administrative Code. For actions on or off university premises, a university official may bring charges of failure to follow university policies to the student life committee of faculty senate which may suspend or revoke recognition or registration of a student organization and/or dictate conditions by which a student organization may maintain or re-establish recognition or registration in accordance with the committee's procedures set forth in the student handbook.
- (2) An organization may be held responsible, as set forth in paragraph (A)(1) of this rule, for violations under any of the following conditions:
- (a) When the act is in violation of a rule in Chapter 3344-83 of the Administrative Code, the organization's constitution, or applicable university rules and regulations and is committed by one or more officers or members of an organization and is supported by any of the following of the organization:
- (i) Constitution,
  - (ii) By-laws,
  - (iii) Regulations,
  - (iv) Policies,
  - (v) Practice, custom, or
  - (vi) tradition.
- (b) When the act is in violation of a rule in Chapter 3344-83 of the Administrative Code, the organization's constitution, university rules and regulations and is, by one or more officers or members of the organization acting on behalf of the organization and within the scope of their office or membership:

- (i) Authorized,
  - (ii) Requested,
  - (iii) Encouraged, or
  - (vi) Tolerated.
- (c) When the act is in violation of a rule in Chapter 3344-83 of the Administrative Code, the organization's constitution, or applicable university policies and was committed by one or more officers or members of the organization acting on behalf of the organization or within the scope of their office or membership;
- (d) When the organization, through one or more of its officers or members, fails to take an action or discharge a duty expressly imposed upon such organizations by the code, the organization's constitution, university rules or regulations.

**3344-83-07 Sanctions.**

- (A) In the event that a student or student organization is found to have violated the student code by the appropriate hearing body, one or more of the following sanctions may be imposed.
- (1) “Recommendation of expulsion” - recommendation to the provost for a permanent separation of the student from the university, preventing readmission to the institution. This sanction shall be recorded on the student’s academic transcript if it is upheld by the provost. If the provost does not support the recommendation for expulsion, the provost may impose an alternate sanction. The provost shall respond to the recommendation within five working days after the conclusion of any appeals process.
  - (2) “Recommendation of suspension” - recommendation to the provost for separation of the student from the university for a specified period. This sanction shall be recorded on the student’s academic transcript if it is upheld by the provost. If the provost does not support the recommendation for suspension, the provost may impose an alternate sanction. The provost shall respond to the recommendation within five working days after the conclusion of any appeals process.
  - (3) “Disciplinary probation” - formal written warning that the conduct is in violation of university policies. The continued enrollment of the student depends upon the maintenance of satisfactory behavior during the specified period of probation.
  - (4) “Reprimand” - a written statement placed in the student’s disciplinary file of the student or student organization to be kept in the department of student life, or an oral statement of the violation of a university rules and regulations.
  - (5) “Restitution” - a requirement that the student or student organization reimburse the university or another person or entity for damages.
  - (6) “Restriction” - temporary or permanent loss of privileges for the use of any or all university facilities and/or services.
  - (7) “Community service” - a requirement that the student or student organization render a designated amount of specified service to the university and/or the community.
  - (8) “Counseling” - a requirement that the student meet with a professional staff member of the university’s counseling center and comply with the recommendations of the counseling center professional staff.

- (9) “Holds” - annotations on student records indicating that the student is not in good standing due to a student conduct code violation. When a hold is placed on a record, the registrar may prohibit the student from registering, or receiving an official transcript or a diploma unless the appropriate university official placing the hold releases it, in all or part.
  - (10) “Recommendation of suspension of status” - recommendation to the student life committee of faculty senate for suspension of the recognized or registered status of a student organization for a specified or indefinite period of time.
  - (11) “Recommendation of termination of status” - recommendation to the student life committee of faculty senate for termination of the recognized or registered status of a student organization.
  - (12) “Other” - other sanctions may be imposed as appropriate instead of or in addition to those specified in paragraphs (A)(1) to (A)(11) of this rule, as deemed necessary by the hearing body.
- (B) Interim sanctions
- (1) In circumstances involving a significant risk of substantial harm to persons or property or serious disruption of the educational process, an interim suspension may be imposed during the judicial process through any appeal. In such circumstances, the provost or the provost’s designee may order an interim suspension of the student or student organization. The procedure set forth in this paragraph does not apply if the basis for the interim suspension is conduct that may constitute a violation under paragraph (C) or (D) of rule 3344-83-04 or paragraph (E) of rule 3344-83-04 of the Administrative Code where the violation involves stalking, relationship violence or domestic violence. Interim suspensions related to those violations will be determined and reviewed through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment.
  - (2) Within twenty-four hours of such suspension, or as soon as possible prior to such action, the provost or provost’s designee shall cause notice of the suspension, explaining why the suspension cannot await a hearing. The notice shall be delivered in person whenever possible. If it is not possible to deliver the notice in person, it should be emailed and mailed by regular and certified mail to the last known address and university email address of the student or student organization and to the university appeal board. The student or student organization will be given three working days from the date the letter was sent to submit a written response to the notice to the judicial affairs officer. Within three working days of receipt of the response of the student or student organization, or the date the response



was due if no response was received, the university appeal board shall review the facts and the reasons for the suspension, and any written material submitted by the student or the student organization, and shall make recommendations to the provost as to whether or not the suspension under this provision should remain in effect prior to the final determination of the case by the judicial board or SCO. Within three working days of receipt of the recommendation, the provost or designee shall make the final decision as to whether to affirm or revoke the suspension. If the suspension is revoked, other interim measures may be imposed.

**3344-83-08 University judicial procedures.**

The procedures outlined in this rule and in rule 3344-83-09 or 3344-83-10 of the Administrative Code shall not be used in cases of an alleged student code of conduct violation under paragraph (C) or (D) of rule 3344-83-04 or paragraph (E) of rule 3344-83-4 of the Administrative Code, where the violation involves stalking, relationship violence or domestic violence.

(A) Procedures for filing charges.

- (1) Any member of the university community may file a written charge alleging the following:
  - (a) Violation of the student code by any student or student organization;
  - (b) Disputes between student organizations;
  - (c) Disputes between individuals and student organizations;
  - (d) Disputes involving student organizations' constitutions; or
  - (e) Disputes involving student publications.
- (2) The vice president for student affairs or designee may file a written charge on behalf of the university community.
- (3) The written charge shall be filed with the judicial affairs officer "JAO" in the department of student life. Charges filed against student organization shall be reviewed by the JAO in consultation with the vice president for student affairs and the chairperson of the student life committee ("SLC") to decide whether the charge is to be referred to the SLC or processed through university judicial procedures. In the event that the JAO has filed a charge, will be a witness in a proceeding, or otherwise has a conflict of interest, the vice president for student affairs will appoint a temporary replacement to serve as the JAO on that matter.

(B) Notice of charge.

Upon receipt of a written notice, the JAO shall send notification to the charged student using the student's CSU email address, campus mail address, or the last address on file with the registrar, or to the presiding officer of the student organization and its advisor at the address on file with the department of student life. The notification shall set forth:

- (1) The charge and the name of the charging party;
- (2) The violation with which the student or student organization is charged;
- (3) The right of the charged student or student organization to choose between an administrative hearing before the SCO or a university judicial board hearing, unless the student or student organization is charged during the summer semester in which case, the SCO will hear the case;
- (4) Any interim measures imposed by the JAO until the judicial process is over. The JAO may alter a student's academic status or rights and privileges as a student on an interim basis. An interim suspension may only be imposed pursuant to rule 3344-83-07 of the Administrative Code; and
- (5) An explanation that the charged party shall respond to the notice within five working days or the matter will be referred to the university judicial board.

(C) Response to notice of charge

- (1) Whether the student or student organization selects an SCO or university judicial board hearing, the JAO will set the hearing date for no more than fifteen working days from the receipt of the written response to the notice of the charge.
- (2) A student or student organization who admits responsibility to the JAO may waive the option for a formal hearing and the JAO will apply appropriate sanctions.

(D) Hearing procedures

(1) Notice of hearing

Written notice of the hearing and the name of the charging party shall be sent by the JAO, not less than five working days before the hearing, to the parties and shall include the date, time and location of the hearing. The notice shall be sent to the student's email address and by regular and certified mail to the last address on file with the registrar or by hand-delivery. In the case of student organizations, it will be sent to the presiding officer and the advisor of the organization to the email addresses

and mail addresses on file in the department of student life. The notice shall indicate that the judicial procedures are set forth in the code; and, the notice shall also include the following information:

- (a) The charge, the name of the charging party, and the potential code violation with which the student or student organization is charged.
- (b) That all parties shall notify the JAO no later than three working days prior to the date and time of the scheduled hearing of any witnesses who will be participating, any other parties who will be attending, or of a request for a postponement of the hearing, and must provide copies of any materials that will be presented;
- (c) That requests for postponement will be granted by the JAO only for good cause which is beyond the control of the requesting party; and
- (d) That the charging party and the charged party shall have equal access to all witness statements and hearing materials and shall receive a list or copies of materials from the JAO no later than twenty-four hours before the hearing.

(2) Hearing

- (a) After consultation with university legal counsel, and the vice president for student affairs, the JAO may require, limit and/or postpone actions or activities of a charged student or student organization to prevent danger to health or safety of persons or property or the disruption of the educational process until the administrative hearing decision is presented to the parties and all available appeals have been exhausted.
- (b) Both the charged student or student organization and the charging party have the right to seek assistance from members of the university community and have one such member of the university community present at the hearing (the “community support person”). Additional members of the university community may be permitted to be present at the hearing at the discretion of the JAO after consultation with the involved parties. Only the charged student, or student members of the student organization, or the advisor of the charged organization, and the charging party shall be permitted to make any presentations during the hearing. This restriction does not apply to witnesses.

- (c) The same person may not serve as a community support person and a witness simultaneously; nor can the advisor of the charged student organization serve as a witness and an advisor simultaneously. The name of the community support person who will be attending the hearing shall be submitted to the JAO no later than three working days prior to the date and time of the scheduled hearing.
- (d) Witnesses may be sequestered until needed to make presentation.
- (e) Hearings shall be closed and shall be recorded to provide an accurate record of the proceedings.
- (f) In hearings involving more than one charged student or student organization, separate hearings may be held at the discretion of the JAO.
- (g) The SCO or chairperson of the university judicial board shall present the charge(s) filed against the student or student organization.
- (h) The party who filed the charge shall explain the circumstances of the alleged violation and present witnesses in support of the charge. The hearing body may ask appropriate questions regarding the incident;
- (i) The charged student or student organization will respond to the charge(s) presented. In doing so the student or student organization may present witnesses in support of the student's or student organization's actions in connection with the alleged violation. The hearing body may ask appropriate questions regarding the incident.
- (j) The charged party may refrain from testifying at the hearing.
- (k) If either party fails to appear, the hearing will be held in the party's absence and the hearing body shall make a decision based on the materials submitted.

(3) Decision

Within five working days of the completion of the hearing, the SCO or the university judicial board will provide the JAO with a written decision. The written decision will include the alleged violations of the code, a description of the materials reviewed by the SCO or university judicial board, a determination of whether the charged party is responsible or not

responsible for violating university policy, any recommended sanctions, and a description of the applicable appeal process outlined in the code. The JAO will forward the written decision and any sanction(s) to the appropriate university party. The JAO will provide a copy of the decision to the charged party, the charging party and any other party required to receive notice of the decision as required by law. The JAO will discuss the outcome and appeal process with them.

(E) Enforcement of sanctions

A student who does not comply with sanctions may be subject to further disciplinary actions for non-compliance with university sanctions pursuant to paragraph (GG) of rule 3344-83-04 of the Administrative Code. The JAO will monitor all sanctions and initiate appropriate actions to ensure compliance. These actions may include holds on records and graduation, increases in sanctions, and additional formal judicial charges.

(F) Records

All materials relating to the hearing, including the final decision and the recording of the hearing, shall be secured in the department of student life, office of judicial affairs.

(G) Parental/guardian notification

The vice president for student affairs will notify the parent(s)/guardian(s) of a student under the age of twenty-one who has been found in violation of an alcohol or drug provision of the code. Parent(s)/guardian(s) shall be notified by regular and certified mail at the student's permanent address on file in the registrar's office.

**3344-83-09 University judicial board.**

- (A) “Jurisdiction” - the university judicial board is an administrative hearing body charged with hearing violations of the student code of conduct.
- (B) Membership.
  - (1) The membership of the judicial board shall be composed of seven student members and two faculty members. Student members shall be elected in the spring quarter all-campus student elections. Faculty members shall be appointed by the steering committee of the faculty senate.
  - (2) Members of the judicial board shall elect one student member as the chairperson and one student member as the vice chairperson.
- (C) Candidate qualifications.
  - (1) A candidate for the judicial board shall be a currently enrolled full-time student, with a cumulative grade-point average and the previous quarter average of not less than 2.50; first-year law students who have earned, but not yet received, grades are eligible for election. Candidates shall expect to be enrolled full time during their entire term of office.
  - (2) Candidates for the judicial board shall not simultaneously be candidates for other student government association or student bar association positions.
  - (3) Candidates for the judicial board shall otherwise abide by the rules and regulations established by the student government elections board for the spring election.
- (D) Qualifications for continuing membership.
  - (1) Student members of the judicial board shall be full-time students at Cleveland state university and shall maintain full-time status as defined by university regulations during their tenure on the judicial board or they shall considered immediately inactive.
  - (2) Student members shall have and maintain a quarterly and cumulative 2.50 grade point average or they shall be considered immediately inactive. Currently enrolled first-year law students who have earned, but not yet received grades are eligible to serve.
  - (3) Faculty members shall have full-time status as faculty and shall have been at the university for a minimum of two contract years.

- (4) Interim suspension of a judicial board member from the judicial board shall occur when that member is charged with a violation of the student conduct code. The suspension shall remain in effect until the decision is presented to the party following the hearing by the appropriate hearing body.
- (E) Terms of office.
- (1) Student members of the judicial board shall be elected for one-year terms and may seek re-election. Student members may serve a total of two one-year terms. Faculty members of the judicial board shall be appointed for two-year staggered terms and may be re-appointed.
  - (2) The term of office begins the first day after the end of spring quarter and concludes the last day of spring quarter of the following year.
  - (3) Student vacancies in the membership of the judicial board shall be filled by appointments made jointly by the president of student government and the president of the student bar association, which shall be ratified by a two-thirds majority vote of the student senate. In case of an impasse recommendations shall be submitted directly to the student senate for ratification.
  - (4) Faculty vacancies shall be filled by the faculty senate steering committee.
  - (5) A student member shall be ineligible to continue membership as a result of any of the following:
    - (a) A finding of violation of the student conduct code;
    - (b) Unexcused absence from two sessions of the judicial board or excused absence from three sessions of the judicial board;
    - (c) Failure to complete the orientation and training sessions;
    - (d) Lack of discretion in maintaining confidentiality with regard to information involved in conduct cases and decisions of the judicial board; or
    - (e) Failure to maintain membership requirements (paragraphs (D) (1) to (D) (4) of this rule).
  - (6) A member who is found ineligible to continue to serve on the judicial board may appeal the decision to the university appeal board.



- (F) “Quorum” – a quorum for a judicial board hearing shall be defined as a minimum of four student members and one faculty member. If vacancies exist on the judicial board, the board may function with no less than three students and one faculty member present at a hearing.
- (G) Conflict of interest - any member of the judicial board who has an actual or perceived conflict of interest in any case shall not participate in hearing that case. This shall not be considered an absence. The JAO shall determine if a conflict of interest exists if there is a dispute over an actual or perceived conflict. The JAO’s decision is not subject to appeal.
- (H) Compensation - compensation for student members of the judicial board shall be in accordance with the university’s stipend policy.
- (I) Training and orientation sessions.
  - (1) Members of the judicial board are required to attend the training and orientation program prior to hearing any violations, disputes or appeals.
  - (2) The chairperson and the vice chairperson shall be elected during the training and orientation program, according to “Roberts Rules of Order.”
- (J) Judicial affairs officer.
  - (1) The judicial affairs office “JAO” shall be the administrative liaison to the university judicial process. The JAO works with the general administration of the university judicial board and enforces compliance with the policies governing the university judicial board, including the qualifications for continuing membership. In order to maintain the continuity necessary for an effective university judicial board, the JAO shall also establish the procedures for the orientation and training of members of the board. The same person shall not serve as the administrative liaison and the student conduct officer simultaneously.
  - (2) The JAO shall provide for continuity of procedures, the implementation of sanctions, and confidentiality of records as provided in paragraphs (D)(2)(a) and (E) of rule 3344-83-09 and paragraph (D)(2) of rule 3344-83-11 of the Administrative Code.

**3344-83-10 Appeal process.**

- (A) Rights of appeal are available to the charged party.
- (B) Grounds for appeal

A party's appeal is limited to the following considerations:

- (1) Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
  - (2) Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body; or
  - (3) Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.
  - (4) Non-attendance by the charged student may not be the sole grounds for an appeal.
- (C) Procedures - If a decision of any university hearing body specified in this Code is appealed by one of the eligible parties, notice of such appeal shall be given within five (5) working days of the receipt of the decision. Notice of appeal shall be submitted in writing to the JAO by the appealing party. The written request for appeal shall state the grounds on which the appeal is being made.
- (D) The university appeal board (UAB).
- (1) The membership of the university appeal board shall consist of the chairperson of the student life committee of faculty senate, the editor-in-chief of the "law review" and the vice provost for student affairs who shall convene the board, and two student representatives to the board of trustees. If any member of the university appeal board is not available to hear an appeal, the provost shall appoint a replacement for that appeal; a minimum of three board members are needed to hear an appeal.
  - (2) The university appeal board shall hear appeals of:
    - (a) Decisions of the student conduct officer;
    - (b) Decisions of the judicial board;

- (c) Decisions of the judicial affairs officer, or
  - (d) Any grievance or complaint regarding questions of jurisdiction of the judicial board.
- (3) The decision of the university appeal board may be appealed by one of the parties to the university president.
- (E) Review procedures.

The UAB shall:

- (1) Consider the grounds for appeal as stated in the written request for appeal; and
  - (2) Review all materials of the hearing, including the recording of the hearing. This review can include a review of the process and procedures of the hearing.
  - (3) The recording of the hearing shall be released only to the university appeal board. The tape may be reviewed by an involved party for the purposes of preparing an appeal only under the supervision of the JAO or the JAO's designee.
  - (4) The UAB may hold an appeal hearing to review a case on appeal at its discretion. Both the charged party and the charging party can be present during this hearing with the respective community support persons.
- (F) Decisions.

The UAB may:

- (1) Dismiss the appeal;
- (2) Affirm the decision on which the appeal is based; or
- (3) Alter the sanction imposed by the original hearing body:
  - (a) For appeals made by the party against whom the charges were filed, the sanction may be reduced; or
  - (b) If the appeal board finds a party in violation who was previously found not in violation, the appeal board may impose appropriate sanctions.

- (4) Decisions of the appeal body shall be presented in writing to the parties involved within fifteen (15) working days of the receipt the notice of appeal from the JAO.
  - (5) The decision of the UAB may be appealed to the provost or the provost's designee by any of the parties involved. This appeal must be in writing and received by the provost or the provost's designee within five working days of the presentation of the UAB's written decision. Failure to deliver timely the appeal may result in the provost or the provost's designee dismissing the appeal. This appeal is limited to those grounds found in 3344-83-10(B). The provost or the provost's designee can affirm the UAB decision, reverse it, or return the appeal to the UAB for further consideration. The provost's or the provost's designee's decision is final.
- (G) Training and orientation sessions. The provost or the provost's designee and members of the UAB are required to attend the training and orientation program prior to hearing any appeals.

**3344-83-11 Amendment.**

- (A) This chapter may be amended and revised only according to the following procedure:
- (1) Any member of the university community, or any constituent body thereof, may propose amendments and revisions and submit them to the student life committee of the faculty senate.
  - (2) The student life committee shall review all proposed amendments and revisions forwarded to them and may accept, reject, or amend them. It shall, thereafter, send its proposed amendments to the student senate for its advice, which shall be rendered within thirty days.
  - (3) The student life committee shall then submit any approved amendment or revision to the faculty senate. Upon approval, the faculty senate shall submit the proposal to the president for referral to the board of trustees.
  - (4) The board of trustees shall review all proposed amendments and revisions forwarded to it. It may approve the proposal, at which time it shall become effective (or on any date specified for it to become effective), or reject the proposal and return it to the president.
  - (5) The university community shall be promptly informed of any new amendments or revisions.
- (B) Repeal of contradictory policies. Chapter 3344-83 of the Administrative Code shall supersede any existing disciplinary policies and procedures, which are inconsistent with Chapter 3344-83 of the Administrative Code.

**3344-83-12 Sections 3345.22 and 3345.23 of the Revised Code.**

Sections 3345.22 and 3345.23 of the Revised Code are incorporated into the student conduct code.