

AMENDMENTS TO THE *CODE OF STUDENT CONDUCT*

Synopsis: Approval of the following amendments to the *Code of Student Conduct*, is proposed.

WHEREAS the University Senate, pursuant to rule 3335-5-48.4 (B)(8) of the Administrative Code, is authorized to recommend to the Board of Trustees the adoption of amendments to the *Code of Student Conduct* as proposed by the Council on Student Affairs and approved by the University Senate; and

WHEREAS the proposed changes to the *Code of Student Conduct* were approved by the University Senate on January 24, 2019:

NOW THEREFORE

BE IT RESOLVED, That the Board of Trustees hereby approves that the attached amendments to the *Code of Student Conduct* be adopted as recommended by the University Senate.

**CHAPTER 3335-23 CODE OF STUDENT CONDUCT
As of September 2, 2016**

3335-23-01 Introduction and purpose.

The code of student conduct, a part of the Ohio Administrative Code, is established to foster and protect the core missions of the university; to foster the scholarly and civic development of the university's students in a safe and secure learning environment, and to protect the people, properties and processes that support the university and its missions. The core missions of the university are research, teaching and learning, and service. Preservation of academic freedom and free and open exchange of ideas and opinions for all members of the university are central to these missions.

(Board approval date: 4/6/2012)

3335-23-02 Jurisdiction.

The code applies to the on-campus conduct of all students and 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:

- (A) Academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad, or student teaching;
- (B) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
- (C) Any activity sponsored, conducted, or authorized by the university or by registered student organizations;
- (D) 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 creates or could reasonably create a hostile environment on campus as defined in the sexual misconduct policy; or
- (E) 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 could constitute a criminal offense as defined by local, state or federal law, regardless of the existence or outcome of any criminal proceeding.

The code may be applied to behavior conducted online, via e-mail, text, or other electronic medium. Students should also be aware that online postings such as web postings and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The university does not routinely search for violations of this code, but may take action if and when such information comes to the attention of university officials.

Students or a registered student organization may also be held accountable for their guest's or member's behavior when the student or members of the registered student organization has knowledge of, facilitates, or contributes to the guest's or member's misconduct.

The code governs all campuses of the university. ~~However, s~~Students attending regional campuses, centers, or institutes are advised to consult their local resources for additional information or rules pertaining to those locations, ~~which may create hearing bodies or processes for the locations, consistent with these rules.~~

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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. The university may, within its discretion, place a hold or other notation on the student's transcript while the matter is pending. The university may, within its discretion, place a hold or other notation on the student's transcript while the matter is pending.

Students continue to be subject to federal, state, and local 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.

(Board approval dates: 3/2/2001, 12/7/2007, 4/6/2012, 4/8/2016, 9/2/2016)

3335-23-03 Definitions.

As used in the code:

- (A) "University premises" includes all lands, buildings, facilities, and resources owned, leased, managed, or operated by the university.
- (B) "Student" includes an individual ~~who has been admitted to the university, to whom an offer of admission has been extended,~~ paid an acceptance fee, registered for classes, or otherwise entered into ~~any other contractual relationship~~ another agreement with the university to take instruction.
 - (1) ~~It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the university;~~ Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two complete, consecutive terms, and includes those with a continuing educational relationship with the university;
 - (2) "Student" also includes registered student organizations.
 - (3) This Code also applies within the discretion of an appropriate university official to former students for violations committed while a student.
- (C) "Members of the university community" includes, but are not limited to, students, faculty, staff, and visitors to the campus.
- (D) "Complaint" includes information alleging a violation of the code of student conduct or other published rule, policy, standard, or guideline applicable to students at the university, provided to ~~an authorized~~ the university official, per paragraph (A) of rule 3335-23-05 of the Administrative Code.
- ~~(E) "Crime of violence" includes the offenses stated in section 2001.01 of the Revised Code.~~

(Board approval dates: 3/2/2001, 12/7/2007, 4/6/2012, 4/8/2016, 9/2/2016)

3335-23-04 Prohibited conduct.

Any student found to have engaged, or attempted to engage, in any of the following conduct while within the university's jurisdiction, as set forth in rule 3335-23-02 of the Administrative Code, will be subject to disciplinary action by the university. For the purposes of this section, attempt shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct.

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(A) Academic misconduct.

Any activity that tends to compromise the academic integrity of the university or subvert the educational process. Examples of academic misconduct include, but are not limited to:

- (1) Violation of course rules as contained in the course syllabus or other information provided to the student;
- (2) Knowingly providing or receiving information during examinations such as course examinations and candidacy examinations; or the possession and/or use of unauthorized materials during those examinations;
- (3) Knowingly providing or using unauthorized assistance in the laboratory, on field work, in scholarship or on a course assignment;
- (4) Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriate unacknowledged use of another person's ideas;
- (5) Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement. This includes submitting the same work for courses that the student is retaking pursuant to the university's grade forgiveness rule;
- (6) Falsification, fabrication, or dishonesty in creating or reporting laboratory results, research results, and/or any other assignments;
- (7) Serving as, or enlisting the assistance of, a substitute for a student in any graded assignments;
- (8) Alteration of grades or marks by the student in an effort to change the earned grade or credit;
- (9) Alteration of academically-related university forms or records, or unauthorized use of those forms or records;
- (10) Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system;
- (11) Violation of program regulations as established by departmental committees and made available to students; and,
- (12) Providing falsified materials, documents, or records to a university official in order to meet academic qualifications, criteria, or requirements, including but not limited to submitting falsified doctor's notes and/or falsified transcripts.

(B) Endangering health or safety.

- (1) Endangering behavior: 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.

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(2) Stalking: Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action. When stalking is sex- or gender-based, it falls under sexual misconduct.

(3) Operating a vehicle while impaired by alcohol or drugs in a manner that endangers the safety of the university community.

(C) Sexual misconduct.

Sexual misconduct in any form is never acceptable. Students are responsible to know and adhere to the sexual misconduct policy which can be found at <http://hr.osu.edu/public/documents/policy/policy115.pdf>.

(D) Destruction of property.

Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.

(E) Dangerous weapons or devices.

Storage or possession of dangerous weapons, devices, or substances including, but not limited to, firearms, ammunition, or fireworks, unless authorized by an appropriate university official or permitted by a university policy, even if otherwise permitted by law. Use or misuse of weapons, devices, or substances in a manner that causes or threatens serious harm to the safety or security of others. As required by Ohio Revised Code Section 2923.1210, this section does not prohibit a student who has been issued a valid concealed handgun license from transporting or storing a firearm or ammunition when both of the following conditions are met:

(1) Each firearm and all of the ammunition remains inside the person's privately owned motor vehicle while the person is physically present inside the motor vehicle. or each firearm and all of the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately owned motor vehicle;

(2) The vehicle is in a location where it is otherwise permitted to be.

(F) Dishonest conduct.

Dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of university or related documents by actions such as forgery, alteration, or improper transfer; possession, use or manufacturing of a false identification document; submission of information known by the submitter to be false to a university official.

(G) Theft or unauthorized use of property.

Theft or the unauthorized use or possession of university property, services, resources, or the property of others.

(H) Failure to comply with university or civil authority.

Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

(I) Drugs.

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Use, being under the influence of, production, distribution, sale, or possession of drugs and/or drug paraphernalia in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.

(J) Alcohol.

Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

(K) Unauthorized presence.

Unauthorized entrance to or presence in or on university premises.

(L) Disorderly or disruptive conduct.

Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.

(M) Hazing.

Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation, continued membership, or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section.

(N) Student conduct system abuse.

Abuse of any university student conduct system, including but not limited to:

- (1) Failure to obey the summons or directives of a student conduct body or university official;
- (2) Falsification, distortion, or misrepresentation of information before a student conduct body;
- (3) Disruption or interference with the orderly conduct of a student conduct proceeding;
- (3) Knowingly instituting of a student conduct proceeding without cause;
- (5) Discouraging an individual's proper participation in, or use of, a university student conduct system;
- (6) Influencing the impartiality of a member of a student conduct body prior to, and/or during the course of a student conduct proceeding;
- (7) Harassment and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;
- (8) Failure to comply with one or more sanctions imposed under the code of student conduct; and
- (9) Influencing another person to commit an abuse of a university student conduct system.

(O) Violation of university rules or federal, state, and local laws.

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Violation of other published university rules, policies, standards, and/or guidelines, or ~~violations of behavior that could violate~~ federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.

(P) Riotous behavior.

- (1) Participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property.
- (2) Proscribed behavior in the context of a riot includes, but is not limited to:
 - (a) Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and
 - (b) Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and
 - (c) Failing to comply with a directive to disperse by university officials, law enforcement, or emergency personnel; and
 - (d) ~~Intimidating,~~ Making explicit or implied threats in a manner that causes a reasonable fear of harm in another; and
 - (e) Impeding, hindering or obstructing a university official, law enforcement, or emergency personnel in the performance of their duties.
- (3) This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.

(Q) Recording or distribution without knowledge.

Using electronic or other means to make or distribute a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video, audio, or photographic records in shower/locker rooms, residence hall rooms, and restrooms. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.

(R) Public urination or defecation.

Urination or defecation in a place such as a sidewalk, street, park, alley or yard, residence hall space, or on any other place or physical property that is not intended for use as a restroom.

(S) Retaliation.

Any intentional adverse action against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in any university investigation or proceeding.

(Board approval dates: 3/2/2001, 7/11/2003, 7/7/2006, 12/7/2007, 4/6/2012, 4/8/2016, 9/2/2016)