

Student Rights and Responsibilities

The Code of Student Conduct provides the procedures and definitions used to respond to complaints regarding students' behavior. Many of the rights and responsibilities found in the Code of Student Conduct are highlighted below. For a full review of all the rights and responsibilities given to students please refer to the Code of Student Conduct, which can be found at www.studentconduct.osu.edu.

- Students shall receive written notice of university charges, through one of multiple methods of communication, including: in person; in a residence hall mailbox; by email to official university email address, which may then direct the student to view the notice in a secure website; by text message or other electronic communication; or by mail to a local or permanent address. **(3335-23-08-A)**
- Students are afforded the opportunity to meet with a university official following the notification of charges. **(3335-23-08-C)**
 - o University staff members authorized to investigate complaints usually request a meeting with students prior to issuing charges.
 - o Once charges are issued, students can request another meeting.
 - o Students are strongly encouraged to meet with a university official.
- Students may choose to bring an advisor (i.e., support person) for support throughout the disciplinary process. **(3335-23-12-C)**
 - o The advisor may be any person other than a witness.
 - o The advisor may only counsel the student and may not actively participate in the process.
- Students are offered options for the resolution of charges. **(3335-23-08-D)**
 - o Generally, students may choose between an administrative hearing or a hearing before the University Conduct Board to resolve charges other than those related to:
 - Academic Misconduct **(3335-23-04-A)**
 - Discrimination and harassment, including, but not limited to sexual misconduct, based on a protected class, prohibited by university policies 1.15 and 1.10, which can be found at <http://policies.osu.edu>. **(3335-23-02-C)**
 - o NOTE: If students fail to respond to the initiation of charges and there is enough information to support finding a violation, the hearing officer may issue an administrative decision, as long as the sanctions do not include suspension or dismissal. **(3335-23-09)**
- An administrative decision allows the student to admit, in writing, to the violation(s), and serves as a request to have appropriate sanctions made by the hearing officer, rather than having charges referred to a hearing body. **(3335-23-09)**

- In these cases, the student waives rights to a hearing and any procedural guarantees that come from taking part in a hearing.
- Students have the opportunity to request a separate hearing and choose either an administrative (with one university official) or board hearing, except under special circumstances. **(3335-23-10-C)**
 - Students will receive notice of the hearing at least 10 calendars prior to the hearing, including all charge(s), logistical information, and statement of student's rights. **(3335-23-11-C)**
 - The respondent may request to postpone the hearing for a reasonable cause, which must be made in writing and received by the person sending the hearing notification at least 2 business days in advance. Decisions on postponements are made at the discretion of the university. **(3335-23-11-D)**
 - Attendance at hearings, though not mandated is strongly encouraged, and also limited to, respondents and those directly involved or requested by the hearing body.
 - Students will be informed of witnesses invited to attend the hearing by the university, and will be able to invite relevant factual witnesses to attend. **(3335-23-12-D)**
 - The respondent will have the opportunity to ask questions of all witnesses.
 - A single record of the proceedings, consisting of written notes, audio recording, or another method determined by the hearing body will be made. This will remain the property of the university but will be made available to the respondent for review during the appeal period. **(3335-23-14)**
 - Students will only be found in violation if a preponderance of evidence supports the charges. **(3335-23-12-E)**
- Students found in violation of the code, or who accept responsibility for violating the code, will receive sanctions that should be commensurate with the violations found to have occurred. **(3335-23-17)**
 - A disciplinary sanction: a formal reprimand; disciplinary probation; suspension; or dismissal, will be given in addition to (in most cases) educational outcomes.
- Students found to have violated the code of student conduct have the right to appeal the original decision. **(3335-23-18)**
 - All appeals must be sent within five working days after the date on which notice of the decision was sent to the student, unless the deadline was extended in response to an extension request as described in 3335-23-18-A(2).
 - Students who accept responsibility through an administrative decision waive their right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.

- Students are limited to one appeal of a decision, and the decision of the appeal officer is final.
- Information on how to submit an appeal, including grounds for appeal, will be included with communication following a decision from the appropriate hearing body.

3335-23-12 Hearing procedures

[Board of Trustees](#) | [Bylaws and Rules](#) | [Code of Student Conduct](#) | 3335-23-12 Hearing procedures

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

(A) Attendance.

Attendance at hearings is limited to those directly involved or those requested by the hearing body to attend. The hearing body will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.

(B) Timelines.

Except as expressly provided by this code, the university may set deadlines related to the investigation and hearing process. Absent extraordinary circumstances, respondents must submit all witness names and evidence for submission at least two business days prior to a scheduled hearing.

(C) Advisor.

The respondent may choose to bring an advisor for support throughout the disciplinary process. The advisor (i.e., support person) may be any person other than a witness. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing body.

(D) Witnesses.

1. The respondent may invite relevant factual witnesses to attend, ask questions of witnesses called by others, and will be notified of potential witnesses to be called.
2. The university may present witnesses as well as question those presented by the respondent and will notify the respondent of invited witnesses.
3. Respondents may also invite up to three character witnesses to submit written statements for the hearing body's review. A character witness is considered to be a person who attests to another's moral conduct and reputation. Character witness statements will only be considered during sanctioning process if a violation is found.

4. Expert witnesses are not permitted. In cases requiring special expertise, the hearing body may appoint individuals with appropriate expertise to serve as consultants to the hearing body. The consultant may be present and provide information as called upon during the hearing but will not vote.

(E) Standard of evidence.

A student will only be found in violation if a preponderance of evidence supports the charges.

(F) Majority vote required.

A student will not be found in violation unless a majority of the hearing body finds the student in violation. In the event of a tie, the hearing body will continue to deliberate. If after the hearing body determines that exhaustive deliberations have occurred and a majority decision is not reached the student will be found not in violation.

(G) In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the respondent may be offered the option of an administrative review consisting of an administrative decision or administrative hearing. The respondent may decline such expedited review without the expectation that the process can be completed on an expedited timeline.

(Board approval dates: 3/2/2001, 7/11/2003, 12/7/2007, 4/6/2012, 4/8/2016, 9/2/2016, 5/31/2019)



3335-23-09 Administrative decision.

[Board of Trustees](#) | [Bylaws and Rules](#) | [Code of Student Conduct](#) | [3335-23-09 Administrative decision.](#)

In a case where a respondent admits to a violation(s) in writing, the student may request in writing to have a decision as to appropriate sanction made administratively by a hearing officer rather than have the charges referred to a hearing body. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing body. Administrative decisions in academic misconduct cases involving graduate students may be made in consultation with the graduate school. Following an administrative decision, the student retains the right to request an appeal (see Administrative Code section 3335-23-18) of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.

When a respondent fails to respond to the initiation of charges and information exists to support finding a violation, the hearing officer may issue an administrative decision so long as sanctions do not include suspension or dismissal. In this circumstance, the respondent retains the right to request an appeal of the decision under all grounds found in Administrative Code Section 3335-23-18. If the respondent is suspended or dismissed in a subsequent case, the respondent may appeal both the outcome in the subsequent case and an administrative decision issued due to a failure to respond.

(Board approval dates: 3/2/2001, 7/7/2006, 12/7/2007, 4/6/2012, 4/8/2016, 5/31/2019)