

335941-01 Code of student conduct of the university of Akron.

(A) Introduction, purpose and disciplinary authority of the university

- (1) The disciplinary power of the university is inherent in its responsibility to protect its educational purposes and processes through the setting of standards of conduct and scholarship for its students and through the regulation of the use of its facilities. The university of Akron's code of student conduct (CSC) reflects and supports the educational mission of the institution, balancing the ideals of individual rights and responsibilities with community citizenship and responsibility. The CSC expresses the university's values of civility, integrity in all matters, and responsible behavior on- and off-university premises. Students also are required to abide by applicable federal, state, and local laws.
- (2) Students at the university of Akron are responsible to know and abide by all university rules, regulations and policies. Failure to abide by the university's rules, regulation and policies may result in sanction by the university. Students are subject to public laws, which the university police and other law enforcement agencies are empowered to enforce on or off university premises, either through their statutory jurisdiction or pursuant to a mutual aid agreement. Public laws include federal, state and local laws and ordinances. Should a student's conduct violate public law and the CSC, the university may proceed with its own investigation and disciplinary action under the CSC without awaiting the outcome of concurrent criminal, administrative or civil proceedings.
- (3) There are significant differences between the university of Akron's conduct process and state and federal criminal processes. Criminal processes are adversarial, with one side opposing the accused. The conduct process is designed to be a tool for student learning and development while still protecting the interests of complainants, accused, victims and all members of the university community. Although the university of Akron's student disciplinary process is not designed to function as a court of law, there are policies and procedures in place to ensure that each student is treated in a fair and equitable manner. However, the formal rules of criminal procedure that apply to the criminal justice system do not apply to the student disciplinary process.

- (4) The overarching goal of the enforcement of the CSC is to focus on the growth of the individual student, encourage discipline, and maintain a civil environment that is safe and conducive for learning. Each intervention within the university's conduct process is intended to assess the cause of a student's inappropriate behavior and to develop resolutions that will benefit the individual student and the university community.
- (5) Involvement of parents or guardians in these proceedings will be governed by the "Family Educational Rights and Privacy Act" as provided in rule 3359-1-08 of the Administrative Code.
- (6) These rules shall not be interpreted, construed or applied in any manner that abridges or denies to any student his or her constitutional rights as guaranteed under the constitutions of the United States or the state of Ohio.

(B) Definitions.

- (1) "Advisor." "Advisor" includes anyone assisting or supporting a student during his or her involvement in a student judicial affairs proceeding, including but not limited to, an attorney, parent(s), guardian, social worker, student advocate, professor, (, )-1nyone(qus)-1( )]n(e)-6

- (4) "Complainant." "Complainant" means any person who submits a report alleging that a student has violated this code of student conduct.
- (5) "Contract professional." "Contract Professional" means persons who are fulltime or parttime nonteaching professional personnel of the university as described in paragraph (A) of rule ~~33501~~ 33501 of the Administrative Code.
- (6) "Disciplinary hold." "Disciplinary hold" is a restriction placed on a student's account that prevents a student from obtaining certain university services, including but not limited to: registering for classes; obtaining enrollment or degree verification; receiving an official transcript; and/or issuance of a housing contract.
- (7) "Disciplinary referral." "Disciplinary referral" is communication to the department of student judicial affairs of information about a possible violation of the code of student conduct with a request that the department of student judicial affairs initiate action concerning the alleged violation.
- (8) "Faculty member." "Faculty member" means any person hired by the university to conduct classroom or teaching activities, research activities or who is otherwise considered by the university to be a member of the faculty.
- (9) "Investigating officer". "Investigating officer" refers to representative of the department of student judicial affairs who: investigates allegations of student misconduct; meets with the accused student; decides whether to proceed to a hearing; determines sanction(s) if student accepts responsibility for alleged violation; and presents information about the alleged misconduct to the hearing board or, if the accused student has waived his or her right to have the case heard by a hearing board, to the student conduct administrator.
- (10) "Member of the university community." "Member of the university community" includes students, university employees, and persons lawfully present on university premises.



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- (2) Each student shall be responsible for his or her conduct from the

- (iii) Use of sources prohibited by the faculty member in writing papers, preparing reports, solving problems, or carrying out other assignments.
- (iv) Inappropriate acquisition and/or improper distribution of tests or other academic materials without the permission of the faculty member.
- (v) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or during class discussion.

Paragraphs (D)(1)(a)(iii)(iv) and (v) of this rule shall not be interpreted as permitting a faculty member to limit a student's right to responsibly engage in free inquiry and expression, when relevant to the subject under study or discussion, to be treated fairly in the academic setting and to have his/her performance evaluated solely on an academic basis.

- (b) Plagiarism, including but not limited to:
  - (i) Intentional or unintentional representation of ideas or works of another author or creator ~~in~~ or in part as the student's own without properly citing the original source for those ideas or works.
  - (ii) The use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- (2) Knowingly furnishing false or misleading information to university officials or faculty members either verbally, in writing or in any other form of communication or on university records, including but not limited to forgery, alteration, or misuse of any university document, record, or instrument of identification.
- (3) Engaging in or threatening physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which intentionally or recklessly threatens or endangers the health, welfare or safety of any person.

- (4) Disorderly, disruptive, lewd or indecent conduct.
- (5) Unauthorized use of an electronic or other device(s) to make an audio or video recording of any person without his or her prior knowledge or consent, except as is otherwise permitted by law and except in a public setting where there is not a reasonable expectation of privacy and such use is consistent with the law.
- (6) Unauthorized distribution or dissemination of an audio or video recording or photograph of any person without his or her prior knowledge or consent, even if the audio or video recording or photograph originally had been produced with the person's consent.
- (7) Sexual misconduct, sexual assault as defined in applicable federal, state or municipal law, or imposition or sexual harassment in violation of rule 33591-1-13 of the Administrative Code. Sexual misconduct includes but is not limited to:
  - (a) Any physical act of a sexual nature perpetrated against an individual without consent or when an individual is unable to freely give consent.
  - (b) Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment for an individual's:
    - (i) Academic pursuits;
    - (ii) University employment;
    - (iii) Participation in activities sponsored by the university or organizations or groups related to the university, or
    - (iv) Opportunities to benefit from other aspects of university life.

- (8) Theft or attempted theft, or willfully, recklessly, or negligently destroying, damaging, injuring, or using another's property without the consent of the owner.
- (9) Use, possession, manufacture, cultivation, distribution or facilitating the distribution of marijuana or any narcotic, hallucinogenic, or other controlled substances as defined in applicable federal, state or municipal law.
- (10) Use, possession, manufacture or distribution of alcoholic beverages, or public intoxication in a manner prohibited by law or university policy including but not limited to any violation of rule 335947-01 of the Administrative Code. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twentyone years of age.
- (11) Unlawful gambling or participating in unlawful games of chance as defined in applicable federatate and municipal law.
- (12) Unlawful or unauthorized possession of firearms, fireworks, explosives, other weapons, or dangerous chemicals, or using any such item, even if lawfully possessed, in a manner that harms, threatens or causes fear to others.
- (13) Commission of any felony or misdemeanor under applicable federal, state and municipal law.
- (14) Unauthorized possession, distribution, duplication, retention or use of keys to any university premises or unauthorized entry into, presence in, or use of university facilities.
- (15) Behavior that the student knew or reasonably should have known would cause a disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other university activities, including its public service functions on or off university premises, or of other authorized noniuniversity activities occurring on university premises.
- (16)

in the context of a riot includes but is not limited to those behaviors prohibited by federal, state and municipal law and:

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- (d) Use of computing facilities and resources to interfere with the work of another student, faculty member or university official.
- (e) Use of computing facilities and resources to send obscene or abusive messages.
- (f) Use of computing facilities and ~~res~~ources to interfere with normal operation of the university computing system.
- (g)

- (d) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
  - (e) Attempting to influence the impartiality of a member of the hearing board prior to, and/or during the course of, the hearing board proceeding.
  - (f) Failing to comply with the sanctions imposed under the code of student conduct.
  - (g) Influencing or attempting to influence another person to commit an abuse of the student conduct system.
- (22) Willfully, recklessly, or knowingly engaging in conduct that violates any university policy, rule, or regulation. It is not a defense that the student was unaware of the policy, rule, or regulation.
- (E) Investigation of student misconduct.
- (1) It is the intent of this provision that the department of student judicial affairs shall be the exclusive administrative unit that has authority to investigate reports of misconduct as defined in this rule and to implement the procedures and sanctions as provided in this rule. While other units and organizations such as residence halls, athletic teams and professional schools may have separate rules and administer separate penalties or sanctions, whether by contract or otherwise, that may apply to certain categories of students, the commission of misconduct as defined in this rule shall also be reported to the department of student judicial affairs for action as appropriate under this rule.
  - (2) The factfinding process shall be as follows:
    - (a) The department of student judicial affairs, generally within five business days of receipt of a disciplinary referral, will send written notice to any student or student organization identified as allegedly being in violation of university rules. Notice may be given in person or by mail to the student or student organization's last known address or by any other

official means of notification adopted by the university now or in the future. The department of student judicial affairs must request, and the vice president for student engagement and success student affairs or his or her designee must within three days of such request either deny or approve, any extension of time that will delay notice to the student beyond fifteen business days. A copy of the request for an extension, and the final decision as to that request, shall be included in the student's disciplinary file.

- (b) The student or authorized representative of the student organization shall be required to appear before an officer of the department of student judicial affairs no more than five business days following receipt of notice, unless otherwise determined by the department of student judicial affairs. Upon his or her appearance in the department of student judicial affairs, the student or authorized representative of the student organization shall be informed of the initial report that alleges violations of university rules and regulations. All available materials related to the alleged violation of university rules shall be made available to the student or authorized representative of the student organization at this meeting in advance if practicable.

The student or authorized representative of the student organization shall be requested to make a statement concerning the reported violation, but prior to this request the student shall be informed that:

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- (c) Investigation(s) generally will be completed within fifteen business days of the initial meeting. If additional time is needed to gather more information, student judicial affairs shall make a request to the vice president for student engagement and success ~~student affairs~~ or his or her designee for a time extension ~~(s)~~ if the vice president determines that the circumstances warrant an extension.
- (d) Upon completion of the investigation, the finding process shall be concluded if both of the following conditions are satisfied:
- (i) The student or authorized representative of the student organization denies the alleged misconduct, and
  - (ii) Based on the information gathered, the student conduct administrator determines that no university rule or regulation was violated.

If these conditions are satisfied, the student or authorized representative of the student organization shall be informed that the matter is closed with no prejudice to him or her.

- (e) If the investigation reveals that there is sufficient information to support an allegation that the student or the student organization has violated university rules, the department of student judicial affairs may place a

- (g) If the student or authorized representative of the student organization does not agree with the charge(s), and if the investigating officer determines that the charge(s) are appropriate based upon the information collected, the student or authorized representative of the student organization may choose to pursue a determination of responsibility before a student conduct administrator or a university hearing board. An explanation of the

authorized representative of the student organization, either by certified mail or first class mail or given via any method officially recognized by the university now or in the future. Notice of the hearing generally will be provided at least five business days prior to the scheduled hearing. The student or authorized representative of the student organization may be granted an earlier hearing upon written request to, and approval by the department of student judicial affairs.

- (3) Alternative resolution process. Based on the nature of the incident and the willingness of the complainant and the accused to participate, the department of student judicial affairs may recommend to the parties that the matter be addressed through an educational conference, mediation or restorative justice process. Such mediation sessions shall be conducted by a person chosen by the department of student judicial affairs who has been trained in mediation based on the principles of restorative justice. No such mediation shall be conducted unless the accused student and the

imposed for any single violation. Individual circumstances, attitude, and prior conduct history are some of the factors that are considered when determining the sanction(s).

Possible sanctions include, but are not limited to:

- (i) Deactivation – a student organization’s loss of all privileges, including university recognition, for a specified period of time.
- (ii) Educational sanctions/other appropriate sanctions may be imposed, including but not limited to workshops, work assignments, essays, service at university, residence hall actions up to and including cancellation of contract, or other related discretionary sanctions.
- (iii) Fine – monetary charge assigned for a violation in accordance with the schedule approved by the board of trustees.
- (iv) Formal reprimand- a notice in writing to the student that the student is violating or has violated university regulations and that future violations will result in further charges and sanctions.
- (v) Loss of privileges – denial of specified privileges for a designated period of time.
- (vi) Probation – probation is imposed for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any university regulation(s) during the probationary period. Students shall not be considered to be in good standing with the university until the probationary period has ended. Probation may affect a student’s ability to participate in athletics, serve in a leadership capacity in a student organization or act as a representative of the university of Akron.
- (vii) Revocation of an academic degree.

(viii) Revocation of admission (for violations that occur

When a student is suspended in this manner, the department of student judicial affairs shall convene the hearing board as soon as practical. This interim suspension does not replace the regular judicial process, which shall proceed on the normal schedule, up to and through a university hearing.

- (f) Prior to a conduct hearing, a representative of the department of student judicial affairs shall inform the student in writing of the reasons for the proposed disciplinary action. The department of student judicial affairs will make available to the charged student copies of all information related to the conduct hearing that is in its possession.
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full-time faculty member from his or her college and forward the nominee(s)' name(s) to the director of the department of student judicial affairs. The director of the department of student judicial affairs shall compile the list of all interested nominees and forward it, along with his or her recommendations to serve, to the senior vice president, provost and chief operating officer. The senior vice president, provost and chief operating officer will review these nominees and recommendations and forward to the vice president for student engagement and success his or her recommendations for hearing board membership.

shall be forwarded to the vice president for student engagement and success ~~student affairs~~

- (b) The vice president for student engagement and success ~~student affairs~~ shall review the pool of nominees and the recommendations submitted by the director of the department of student judicial affairs and the senior vice president, provost and chief operating officer and shall forward to the president his or her final, recommended nominees for hearing board membership.
- (c) The president initially shall appoint ten faculty members and ten contract professionals from the list of nominees to serve as hearing board members. Of the initial appointees, five members from each group shall serve a year term and five shall serve a one year term. The president also shall appoint fifteen students, graduate/professional and undergraduate, to serve one year renewable appointments as hearing board members
- (d) Following the first year appointments, the president thereafter shall appoint annually five faculty members and five contract professionals from the list of nominees to two-year appointments as hearing board members. Fifteen students, graduate/professional and undergraduate, to serve one-year renewable appointments as hearing board members.
- (2) Composition of the board. The university hearing board shall be composed of five members as follows:
- (a) Three faculty members or contract professionals,
- (b) Two student members
- (c) Hearing boards shall be organized by the director of the department of student judicial affairs and shall be organized into standing hearing boards. Alternate hearing board members also may be designated to participate in standing hearing boards as needed.

- (d) Each hearing board shall have a minimum of one faculty member for nonacademic charges and a minimum of two faculty members for a hearing in which a student is charged with academic misconduct.
- (e) In the case of a graduate or professional student accused of misconduct, the student members of the hearing board will be graduate or professional students.
- (f) The chairperson for the hearing board shall be appointed by the vice president of student engagement and success ~~the vice president of student engagement and success~~ student affairs upon recommendation by the director of the department of student judicial affairs from among the board members.
- (g) The accused student shall have the right to challenge any member of the university hearing board, for good cause. If the student conduct administrator determines that good cause has been shown, the challenged member shall be excused and a substitute member appointed by the student conduct administrator.
- (h) The student conduc

- (a) The department of student judicial affairs shall notify the student in writing of the time and place of the hearing, the specific university rule(s) or regulation(s) that the student is charged with violating, information on the hearing procedures and the facts surrounding the incident that led to the charges.
- (b) If the accused student does not appear before the university hearing board or the university student conduct administrator, the charges shall be reviewed as scheduled on the basis of the information available and a decision shall be made.
- (c) The accused student shall not be required to testify against himself or herself. No inference may be drawn against the student for failing to attend a hearing or remaining silent. The conclusion shall be based on the evidence presented and, if applicable, the sanction shall be imposed in accordance with the findings.
- (d) The student has the right to have his or her responsibility or lack of responsibility determined by the university hearing board. It is the responsibility of the complainant to present information to support the allegation(s) that the student has violated university rules. To provide for a fair and impartial hearing the following processes shall apply:
  - (i) No member of the university hearing board shall be a party to prior investigation of the alleged violation against the student, nor should any member of the university hearing board be placed in a position of developing or presenting the information related to the charges. If any member is unavoidably involved, s/he must disclose and shall not participate in the proceedings as a member of the hearing board.
  - (ii) The student conduct administrator shall begin the hearing by reviewing the hearing board procedures.





conclusions reached by it on ~~the~~ basis of such evidence, its conclusion as to the finding of responsibility and, if applicable, sanction(s). The report shall be signed by all members of the university hearing board and shall be final, subject only to the student's right of appeal to the university appeals board and to the limited right for presidential review pursuant to ~~section~~ (I).

- (h) The representative of the department of student judicial affairs shall transmit the report of the university hearing board in writing to the student.
  - (i) Consistent with the requirements of the "Family Educational Rights and Privacy Act," disciplinary records and information concerning students may be provided from time to time to other university officials, in accordance with rule 335941-08 of the Administrative Code or others as prescribed by law. In such instances, neither the consent of the student nor that of the student's parents shall be required.
- (H) University appeals board.
- (1) Composition.
    - (a) The university appeals board shall be composed of three members including one student and at least one faculty member; it may include one contract professional. The appeals board shall be selected by the director of the department of student judicial ~~affairs~~ from the pool of hearing board members. No appeals board member may have participated in the initial adjudication of the case. All appeals board members must be members of the hearing board pool.
    - (b) The university appeals board shall meet in ~~closed~~ session to review all records of the hearing and to determine whether the grounds presented for appeal have merit.
  - (2) Procedures.



- (c) To determine, based solely upon a review of the original hearing record, whether there was a reasonable basis for the hearing board's or student conduct administrator's conclusion that a violation of the code of student conduct had been proven by the applicable standard of the evidence;
  - (d) To determine whether the sanction(s) imposed were grossly disproportionate to the violation(s) of the code of student conduct for which the appellant(s) was found responsible; or
  - (e) To consider new evidence unavailable to the appellant(s) at the time of the hearing, which is sufficient to alter a decision.
- (4) Possible dispositions by the university appeals board. The university appeals board may exercise one of the following options in response to the appeal:
- (a) The appeal may be denied and the outcome of the hearing upheld.
  - (b) The case may be remanded for a new hearing.
  - (c) The university appeals board may reverse the finding of responsibility in whole or in part, made by the university hearing board or student conduct administrator.
  - (d) The university appeals board may uphold, reduce or increase the sanction(s) imposed by the university hearing board or student conduct administrator.
  - (e) The university appeals board may dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in paragraphs (H)(3)(a) to (H)(3)(e) of this rule.
  - (f) The decision of the university appeals board is final, subject only to the limited right for presidential review pursuant to paragraph



member's records. A copy shall be sent to the department of student judicial affairs and the student.

- (b) If the student and faculty member disagree about the facts of the incident or the proposed sanction(s), then the matter shall be referred to the department of student judicial affairs for adjudication as provided in the code of student conduct. The matter also may be referred directly to the department of student judicial affairs if the faculty member does not wish to have the matter resolved informally as provided in this rule. Such decision by the faculty member shall not prejudice the student's case.
- (2) When the alleged misconduct of the student creates an immediate health and safety concern, including but not limited to, clinical and internship environments, in addition to any other academic disciplinary processes, the student may be immediately removed from the clinical or internship environment upon recommendation of the academic dean, in accordance with the rules of the academic program, professional governing body or contract between the university and the site, pending the outcome of the university judicial process.
- (K) Authority for amendments.

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Prior Effective Dates Prior to 11/4/77, 12/6/85, 1/16/86, 12/4/99, 11/24/01,  
8/3/03, 9/5/03, 7/5/10, 8/20/11