

The Code of Student Rights, Responsibilities, and Conduct

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The Code of Student Rights, Responsibilities, and Conduct

Preamble

Youngstown State University is an academic community dedicated to the advancement of learning and development of its students. The University supports the right of all students to be treated with respect and dignity so they can pursue their academic goals in a positive learning community. In support of this goal, the University is committed to a campus environment that values all individuals and groups, and to non-discrimination and equal opportunity for all persons without regard to sex, race, religion, color, age, national origin, sexual orientation, handicap/disability, or identification as a disabled and/or Vietnam era veteran. The University is also committed to the principles of affirmative action and acts in accordance with state and federal laws.

As a member of a higher education community, students have an obligation to conduct themselves in a manner that is compatible with the University's purposes as an institution of higher education. Each student is expected to be fully acquainted with all published policies, procedures, and regulations of the University and is held responsible for compliance with them. Furthermore, all members of the University community are expected to assume responsibility for creating an environment conducive to the educational mission and purpose of the University.

The policies and regulations as outlined in *The Code of Student Rights, Responsibilities, and Conduct* (hereinafter referred to as *The Code*) have been established to ensure a positive educational experience for every student. As such, *The Code* serves as an official University document that outlines conditions and regulations considered essential to the effective functioning of the University.

The student conduct process at Youngstown State University adheres to procedural due process and is intended to be part of the educational process at the University. This student conduct process provides a forum for the impartial and expedient resolution of misconduct in the University community and encourages students to live responsibly and be accountable for their actions. The student conduct process is based on the University's commitment to developing integrity, respect, and responsibility among all students.

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ARTICLE I. RIGHTS AND RESPONSIBILITIES

Section A. Definitions

When used in *The Code*:

1. The term "academic dishonesty" is student misconduct that includes but is not limited to cheating and plagiarism as defined in *The Code*.
2. The term "accused student" or "respondent" shall mean any student accused of violating *The Code*.
3. The term "Appellate Board" shall mean any person or persons authorized on a case-by-case basis by the Student Conduct Administrator to consider an appeal from a Student Conduct body's determination that a student has violated *The Code* or from the sanctions imposed by the Student Conduct body.
4. The terms "can," "may," or "should" specify a discretionary provision of *The Code*.
5. The term "cheating" shall include, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, assignments, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; or (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
6. The term "club sports" shall mean those extramural sports teams identified by the Club Sports Committee.
7. The term "complainant" shall mean any person who submits a referral alleging that a student violated *The Code*. When a student believes that she/he has been a victim of another student's misconduct, the student who believes she/he has been a victim will have the same rights under *The Code* as are provided to the complainant, even if another member of the University community submitted the report of misconduct itself.
8. The term "faculty member" shall mean any person employed by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty. In certain situations, a person may be both "student" and "faculty member." One's status in a particular situation shall be determined by the relevant circumstances.
9. The terms "file" or "records" means information relating to a current or former student which is stored in a fashion that facilitates recovery of that information by reference to the individual in whatever form or medium such gathering of information is created, kept or maintained.

10. The term "function" shall mean all student activities or events occurring at the University or sponsored by registered student organizations, groups, or members of the academic community.
11. The term "group" shall mean a number of students who are associated with each other and who have not complied with University requirements for registration as an organization.
12. The term "hearing officer" shall mean a University official authorized on a case-by-case basis by the Student Conduct Administrator to review complaints, determine responsibility, and impose sanctions upon students found to have violated *The Code*.
13. The term "Student Conduct Administrator" is the Vice President for Student Affairs, or designee, who shall be responsible for the administration of *The Code* and the University student conduct process. The Associate Director of Student Life is that designee.
14. The term "Student Conduct body" shall mean any person or persons authorized by the Student Conduct Administrator to determine whether a student has violated *The Code* and to recommend imposition of sanctions.
15. The term "may" is used in the permissive sense.
16. The term "member of the University community" shall include any person who is a student, faculty member, University official, or any other person employed by the University. A person's status in a particular situation shall be determined by the Vice President for Student Affairs or designee.
17. The term "misconduct" means student behavior that violates codified or explicitly stated University rules and regulations, including but not limited to *The Code*.
18. The term "organization" shall mean a University-registered student organization which has complied with formal requirements of official registration as provided in Article V of *The Code*.
19. The term "plagiarism" shall include, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
20. The term "policy" shall be defined as the written regulations of the University as found in, but not limited to, *The Code*, Handbook for Residents, the University web page and computer use policy, and undergraduate/graduate catalogs.
21. The terms "shall," "must," "will," or "is required" specify a mandatory requirement of *The Code*.

22. The term "student" shall include all persons registered for courses, seminars, and workshops at the University, either full time or part time, pursuing undergraduate, graduate, professional studies, or continuing education programs. Persons who withdraw after allegedly violating *The Code*, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University residence halls, although not enrolled at this institution. *The Code* shall apply at all locations of the University.
23. The terms "University" and "institution" means Youngstown State University and collectively, those responsible for its operation.
24. The term "University premises" shall be defined as (1) all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets, sidewalks, and parking lots, (2) non-University facilities during a period of time when a registered student organization has been granted exclusive use, and/or (3) off-campus facilities of student groups or organizations.
25. The term "University official" shall mean any person employed by the University performing assigned administrative or professional responsibilities.
26. The term "University working day" refers to any day of the week excluding Saturdays, Sundays, or official holidays.
27. The term "weapon" shall mean any instrument, device, substance, or thing capable of causing injury or inflicting death and designed or specifically adapted for use as a weapon or possessed, carried, or used as a weapon.
28. All other terms have their natural meaning unless the context otherwise dictates.

Section B. Basic Rights

The following enumeration of basic rights shall not be construed to deny or disparage other rights and privileges retained by students in their capacity as members of the student body or as citizens of the community at large:

1. The right of free inquiry, expression, and/or assembly.
2. The right to pursue educational goals and appropriate opportunities for learning in the classroom and on campus.
3. The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizure.
4. The right to retain ownership of class projects/assignments authored by a student and submitted to fulfill requirements of a course, except as provided by *Ohio Revised Code*, Section 3345.14.

Section C. Basic Responsibilities

Students, as members of the University community, shall have the following responsibilities which are inherent in the basic rights delineated above:

1. To maintain standards of academic performance as established by their faculty.
2. To be responsible for acting in such a manner as to ensure other students the rights declared in Section B of this article.
3. To be responsible for their actions with respect to, and to follow, all University regulations and policies.
4. To be responsible for their actions with respect to provisions of local, state, and federal law.
5. To conduct themselves in a manner which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the University community are respected.
6. To have in their possession a validated University Identification Card when on University premises.
7. To be responsible for adhering to the Drug-Free Environment Policy approved by the University's Board of Trustees in accordance with the Federal Anti-Drug Abuse Act of 1988 and the Drug-Free Schools and Communities Act of 1989 and 1994.
8. To ensure adherence to the Smoke-Free Environment policy approved by the University's Board of Trustees which forbids smoking in University buildings, vehicles, and posted facilities, except in designated student residences.

ARTICLE II. INSTITUTIONAL GOVERNANCE

The University recognizes the importance of student involvement in the formulation of rules, regulations, and policies directly affecting student life. This involvement is fostered in the following way:

1. Two students are appointed by the Governor to serve a two-year term on the Youngstown State University Board of Trustees.
2. Fifteen students are annually elected by the student body to serve as members of the Academic Senate.
3. Students are designated as voting members of most administrative boards and advisory committees and standing committees of the Academic Senate.
4. Student Government comprises two branches, the executive and legislative, and is primarily responsible for conducting all student elections; enforcing Student Government rules,

regulations, and legislative actions; nominating students to serve on University-wide committees; and budgeting and administering funds allocated to it. The Student Government Constitution and Bylaws and Administrative Budget Procedures provide the structure and procedures for the implementation of its responsibilities.

ARTICLE III. STUDENT CONDUCT AUTHORITY

The President has delegated the authority for the University student conduct system to the Vice President for Student Affairs. The Vice President for Student Affairs, or designee, serves as the Student Conduct Administrator responsible for the administration and operation of *The Code* and the student conduct process. The Vice President for Student Affairs has designated the Associate Director of Student Life as that designee.

The Student Conduct Administrator shall determine the composition of Student Conduct bodies and appellate boards and determine which Student Conduct body, hearing officer, and appellate board shall be authorized to hear each case.

The Student Conduct Administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are not inconsistent with provisions of *The Code*.

Decisions made by a Student Conduct body and/or Student Conduct Administrator shall be final, pending the normal appeal process.

A Student Conduct body may be designated as arbiter of disputes within the student community in cases that do not involve a violation of *The Code*. All parties must agree to arbitration and to be bound by the decision with no right to appeal.

Section A. Jurisdiction of the University Student Code

1. The University Student Code shall apply to conduct which adversely affects the University community or interferes with the pursuit of its mission or educational objectives and programs that occurs on University premises, at University sponsored activities, and to off-campus conduct. Formal charges may be imposed by the University whenever a student and/or group/organization behavior interferes with the University's responsibility to ensure a positive educational environment or its subsidiary responsibilities of protecting the rights, health, and safety of persons in the University community; maintaining and protecting property; keeping accurate records; and/or providing necessary services and non-classroom activities. In addition, a student and/or group/organization will be subject to the University student conduct process from circumstances occurring off campus, when the action or behavior of a student and/or group/organization adversely affects the University community or interferes with the pursuit of its mission or educational objectives and programs. The Vice President for Student Affairs or designee shall decide whether *The Code* shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

2. Students shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded).
The Code shall apply to a student's conduct even if the student withdraws from the University while a matter of misconduct is pending.

ARTICLE IV. MISCONDUCT

Section A. Conduct Regulations

Any student and/or group/organization found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Article VII, Section E.

1. Acts of dishonesty, including, but not limited to, the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty.
 - b. Furnishing false information to any University official, faculty member, or office.
 - c. Forgery, alteration, or misuse of any University document, record, credit card, or instrument of identification.
 - d. Tampering with the election of any University recognized student organization.
 - e. Failing to maintain correct address and telephone information with the Registrar.
 - f. Misrepresenting enrollment status and/or achievement at the University to non-University officials and/or on non-University documents.
2. Disruption or obstruction of teaching, research, administration, student conduct proceedings, other University activities, including its public-service functions on or off campus, or other authorized non-University activities, when the act occurs on University premises.
3. Theft or other abuse of information technology and resources, including, but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - 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 resources to interfere with the normal operation of the University computing system originating from an on-campus or off-campus source.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the University Computer Use Policy.
4. Conduct which endangers or tends to endanger the safety, health, or life of any person (including self), including, but not limited to:
 - a. Physical abuse, verbal abuse, threats, intimidation, harassment, stalking, and/or coercion.
 - b. sexual contact or advances without permission, any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent.
 5. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
 6. Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored, or participated in, by the University or members of the University community. Disorderly conduct includes but is not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
 7. Attempted or actual theft including possession of stolen property and/or action which damages or tends to damage property of the University, or property of a member of the University community, or other personal or public property, on or off campus.
 8. Failure to meet all financial obligations to the University.
 9. Unauthorized possession, duplication, or use of keys to any University premises or unauthorized entry to or use of University premises.
 10. Use, possession, manufacturing or distribution of marijuana, heroin, narcotics, or other controlled substances in either refined or crude form including the use of drug-related paraphernalia, except as expressly permitted by law and/or under the direction of a licensed physician. No student shall sell or give drugs to any other person.
 11. Public intoxication or use, possession, manufacturing or distribution of alcoholic beverages, except as expressly permitted by law and/or University regulations. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.

12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
13. Participation in an on-campus or off-campus demonstration, riot, or activity which disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
14. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or -supervised functions.
15. Gambling or wagering of any form except as expressly permitted by law and/or University regulations.
16. Violations, alleged or convicted of federal, state, or local law occurring on or off-campus when such violation of the law has or may have an adverse impact upon the university community.
17. Entering false fire alarms or bomb threats or tampering with fire extinguishers, alarms, smoke detectors, or other safety equipment.
18. Offenses of violence as defined in *Ohio Revised Code*, Section 2901.01.
19. Violation of published University policies, rules, or regulations including those available electronically on the University website.
20. Failure to comply with directions and/or oral or written instructions which are given by any University official, student, faculty member, or staff who is acting in an official University capacity and/or failure to identify oneself to these persons when requested to do so.
21. Abuse of the student conduct system, including, but not limited to:
 - a. Failure to obey the summons of a student conduct body or University official to appear for a meeting or hearing as part of the student conduct system.
 - b. Falsification, distortion, or misrepresentation of information before a student conduct body.
 - c. Disruption or interference with the orderly conduct of a student conduct proceeding.
 - d. Institution of a student conduct proceeding knowingly without cause.
 - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
 - f. Attempting to influence the impartiality of a member of a Student Conduct body prior to, and/or during the course of, the student conduct process.

- g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct body prior to, during, and/or after a student conduct proceeding.
- h. Failure to comply with the sanction(s) imposed by the Student Conduct body.
- i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

Section B. Violation of Law and University Conduct Regulations

1. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of *The Code*, student conduct action may result and sanctions may be imposed for misconduct that adversely affects the University community or interferes with the University's mission or its educational objectives and programs. The University, at its sole discretion, may pursue action against a student while the student is also subject to criminal or civil proceedings. The University reserves the right to pursue action taking the University's educational interests into account even if criminal charges are pending, reduced, or dismissed. In all cases, hearings within the University will be held according to the procedures set forth in Article VII. Since the University student conduct process is educational in nature, differing judgments may result.
2. University student conduct proceedings may be instituted against a student charged with a violation of law which is also a violation of *The Code*; for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under *The Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.
3. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of that person's status as a student. The University will cooperate, to the extent permitted by law, with law enforcement and other agencies in the enforcement of all laws.

ARTICLE V. CAMPUS STUDENT ORGANIZATIONS

Student organizations may exist for any appropriate purpose that does not conflict with University policies and regulations or with local, state, and/or federal laws. The development of policies and guidelines for student organizations is the responsibility of the Vice President for Student Affairs. Such policies may not conflict with other University regulations or policies.

Section A. Provisional Registration

1. Groups wishing to become registered student organizations may be granted provisional registration for a period not to exceed thirty days. Provisional registration shall only permit the student organization to use University facilities for a maximum of three organizational meetings.

2. Groups may be granted provisional registration after submitting the following to the Office of Campus Recreation and Student Programming:
 - a. A statement of name and purpose of the proposed organization; and
 - b. The name, student identification number, and phone number of the person(s) requesting provisional registration.

Section B. Registration of Student Organizations

1. Application forms shall be made available by the Office of Campus Recreation and Student Programming.
2. A group will become registered with the University after an application for registration has been reviewed and approved by the Office of Campus Recreation and Student Programming
3. Organizations (except those listed by the University as honorary organizations) shall have only students currently enrolled for credit as active members.
4. Groups shall provide the following information in order to be considered for registration:
 - a. Name of proposed group and a statement of purpose;
 - b. Membership requirements;
 - c. For organizations affiliated with external groups, the constitution and bylaws of their outside affiliate;
 - d. Listing of dues, initiation fees, and any other fees assessed by the group;
 - e. Names, student identification numbers, and phone numbers of all officers (including a treasurer, if use of Student Government funds is anticipated); and
 - f. A charter containing the signature of at least six currently enrolled students (excluding continuing education students) who shall become members of the organization if it becomes registered (officers must be registered for two-thirds of a full-time load and be in good academic standing).
5. Organizations shall submit the name and signature of at least one faculty or staff advisor. Appointed annually by the Vice President for Student Affairs, or designee, the advisor agrees to maintain contact with the organization and to be familiar with its programs and personnel. An advisor's manual of specific responsibilities is available from the Office of Campus Recreation and Student Programming.
6. Student organizations register annually. Organizations shall submit an application between May 1 and May 31 if they wish to be reregistered for the following academic year.
7. Organizations wishing to be reregistered shall complete an annual report form as part of their Student Organization Registration Form.

8. After becoming officially registered, a minimum of two organization officers must attend an organization workshop conducted by the Office of Campus Recreation and Student Programming .
9. Registration may be withdrawn by the Office of Student Life if the organization violates University regulations or engages in activities which are not consistent with University policies or procedures; adversely affects the University community; or interferes with the University's pursuit of its educational objectives and programs. Notice of and opportunity for a hearing will be provided to the officers of the organization in question.

Section C. Privileges of Registered Student Organizations

Within the guidelines of this article, registered student organizations that are not under an active sanction shall be permitted the following:

1. To apply for the use of University space as provided for in Article V, Section F, Paragraph 17;
2. Use of University name as provided for in Article V, Section F, Paragraph 16;
3. Assistance of a faculty/staff advisor appointed by the Vice President for Student Affairs;
4. To invite guests and speakers to the University as provided for in Article V, Section F, Paragraph 18;
5. To apply for Student Government funds;
6. To apply for office space in Kilcawley Center;
7. To solicit or raise funds at the University as provided for in Article V, Section F, Paragraph 15;
8. To have a mailbox in the Student Organization area of Kilcawley Center;
9. Use of the services of the Office of Campus Recreation and Student Programming; and
10. Use of University vehicles for travel purposes (as per Student Organization Travel Procedures).

Section D. Denial or Loss of Registered Status

The Director of Campus Recreation and Student Programming may recommend to the Office of Student Life that the registration of a group be denied, and organizations may lose registered status for any of the following reasons:

1. Non-compliance with University regulations;
2. Failure to provide the information required for registration prior to the deadline established by the Office of Campus Recreation and Student Programming for receiving such materials;

3. Providing false information in the application for registration;
4. The purpose of the group/organization is judged by the Director of Campus Recreation and Student Programming to be in conflict with University policies and regulations and/or state and federal regulations;
5. Misuse or abuse of University space;
6. Failure to adhere to stated purposes of the group/organization's constitution and bylaws;
7. Failure to pay outstanding debts incurred by the group/organization;
8. Being under sanction of deactivation and/or suspension by the University or by the group/organization's outside governing bodies;
9. Request by the organization/group that the ties with the University be severed; and
10. Failure to attend the organization workshop (see Article V, Section B, Paragraph 8).

Section E. Student Conduct Authority

1. Enforcement of social activities regulations is within the jurisdiction of the Vice President for Student Affairs, or designee, as provided for in the regulations of the Board of Trustees.
2. Student groups and registered student organizations may be charged with violations of *The Code* in the following circumstances:
 - a. An organization is responsible for its actions and shall be held responsible when the organization fails to comply with a responsibility imposed by a written University policy, including, but not limited to, improper membership education and initiation; improper organizational registration of activities for which registration and/or permission is required; failure to meet all financial obligations in relation to organizational sponsored activities; misuse of University property, facilities, or equipment; violations of University regulations and policies regarding alcohol; and violations of any other regulation or policy related to groups/organizations.
 - b. When one or more officers refuses or neglects to perform responsibilities as outlined in *The Code* and as described in Section E.2.a, above.
 - c. Groups/organizations will be held responsible for the actions of one or more of its members or guests and alumni who violates *The Code* when the actions are related to the activities of the organization or adversely affect the University community.
3. A student group or registered student organization and its officers may be held collectively or individually responsible for violations of *The Code*.

Section F. Regulations

1. Organizations/groups shall be responsible for complying with all University conduct regulations as outlined in Article IV, Section A.
2. Organizations/groups shall not discriminate in their activities, programs, operations, or membership selection on the basis of race, color, sex, religion, age, national origin, disability, sexual orientation, or identification as a disabled and/or Vietnam era veteran. (Social fraternities and sororities and certain sports are exempted from Title IX of the Education Amendments of 1972's restrictions against discrimination by sex.)
3. Officers of organizations (except those listed by the University as honorary organizations) must be registered for two-thirds of a full-time load and be in good academic standing.
4. Officers are responsible for guests attending organizations' activities and for compliance with University regulations.
5. Organizations shall inform the Office of Campus Recreation and Student Programming of any changes in officers or other information submitted in the application for registration within fifteen days after the change occurs.
6. Officers shall keep the faculty/staff advisor(s) informed of the organization's activities, operations, programs, and membership.
7. All social fraternities and sororities shall maintain regular membership in either Interfraternity Council, National Pan Hellenic Council, or Panhellenic Council.
8. Organizations that have probationary membership (e.g., fraternal organizations) shall not pledge, initiate, or activate any student who is not registered for two-thirds of a full-time load and in good academic standing.
9. Organizations/groups shall take no action which involves hazing (see Article IV, Section A, Paragraph 5). Acts of hazing include, but are not limited to, coercion of any form, extended deprivation of sleep or rest; forced consumption of food, alcohol, other beverages, or drugs; beating or branding; forced exclusion from social contact; and/or forced conduct that could result in embarrassment to any person.
10. Organizations/groups shall not hold any activity in the form of a lottery, raffle, or game of chance without securing permission from the Vice President for Student Affairs or designee.
11. The University shall not be responsible for any contracts entered into or debts incurred by groups/organizations.
12. Organizations/groups shall observe the University policies and regulations governing marketing, promotion, and sponsorship related to alcohol.

13. Alcoholic beverages are not permitted at any student organization/group program that involves recruiting new members. No student organization/group, collectively or individually, shall purchase, serve, or sell alcoholic beverages to any minor (i.e., those under legal drinking age).
14. The use of alcohol at events sponsored by student organizations/groups is governed by University regulations and federal, state, and local laws which prohibits persons under twenty-one years of age from possessing, ordering, purchasing, buying, sharing the cost of, or consuming alcoholic beverages.
15. Soliciting
 - a. Solicitations and sales on campus, sponsored and conducted by organizations and/or groups, must be registered in advance with the appropriate office and carried out in the designated areas (see Article V, Section F, Paragraph 17).
 - b. Students or registered student organizations may not solicit for funds from any on-campus group and/or agency unless granted permission by the Vice President for Student Affairs or designee.
 - c. Students or groups/organizations shall not engage in, or invite any firm or corporation to engage in, the business of selling or advertising any services or products or take orders or make contracts for the delivery of services or products on University premises without the prior approval of the Vice President for Student Affairs or designee.
 - d. Students or groups/organizations may not solicit for off-campus funds unless permission has been requested and obtained in writing from the Director of Development.
 - e. Students and/or groups/organizations may not conduct lotteries, raffles, or games of chance unless permission has been requested and obtained in writing from the Vice President for Student Affairs or designee.
16. Use of University Name
 - a. Student organizations/groups may not use the University's name without the expressed authorization of the University except to identify institutional affiliation. University approval or disapproval of any political or social issue may not be stated or implied by any organization.
 - b. The official letterhead stationery, envelopes, logo, seal, or trademarks of the University may not be used in, or for, any publication, correspondence, or other printed material prepared or distributed by the organization/group or its officers without prior submission of the material to and written permission received from the Director of Development.
 - c. In the event that the name of the University is used in a letterhead on organizational stationery, it must appear in accordance with guidelines as set forth in the graphic standards policies.
17. Use of University Space
 - a. In order to ensure availability of the desired facility, arrangements should be made as far in advance of the event as possible. Use of all Kilcawley Center and University housing

facilities must be scheduled in the Office of Kilcawley Center Reservations. Use of athletic-related and other University facilities must be scheduled with the Events Preparation Coordinator, Office of Special Events and Events Preparation.

- (1) Institutional facilities may only be used by registered student organizations for regular business meetings or special programs. The University may develop policies that limit or restrict access to persons who are not currently enrolled students, faculty, or staff. Organizations' use of space must be consistent with all policies of the University.
- (2) Reasonable conditions may be imposed to regulate the timeliness of requests, determine the appropriateness of the space assigned, regulate time and use, and ensure proper maintenance and order. This may include staffing and security requirements.
- (3) A rental fee may be assessed for the use of specifically designated University facilities.
- (4) The organization requesting space must state the general purpose of any meeting.
 - (a) For all functions and meetings, the Vice President for Student Affairs, or designee, may require other personnel to be present in a supervisory, advisory, or security role.
 - (b) Officers of an organization must take all precautions to ensure that no social event or function shall interfere with the University's pursuit of its educational objectives and programs. The sponsoring organization(s) shall be responsible for the behavior of persons attending the function and for any illegal, negligent, and/or intentional misconduct either engaged in or knowingly permitted by the organization, including illegal sale and/or excessive consumption of alcoholic beverages. Officers of an organization shall be responsible for activities of the organization and for its compliance with University regulations. They shall ensure that a public nuisance does not occur as a result of a social event or function sponsored by the organization.
 - (c) Sponsoring organization(s) may require presentation of a valid University ID Card for admission to events held on University premises. An organization may limit functions to members of the sponsoring organization(s) and their invited guests.
 - (d) Functions which are held in University facilities must end no later than the established closing hour of the facility concerned, unless prior arrangements are made through the Office of Kilcawley Center Reservations (for Kilcawley Center and University housing facilities) or Office of Special Events and Events Preparation (for other University facilities).

18. Invitation of Off-Campus Speakers

The freedoms of speech and assembly guaranteed by the First and Fourteenth Amendments to the United States Constitution shall be enjoyed by the members of the University community regarding the opportunity to hear off-campus, or outside, speakers on the campus.

However, there is no absolute right to assemble or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable

consequences of such meeting or speech. In order that the rights of all students might be assured, the calendaring of outside speakers shall be subject to the following:

- a. A request in writing to invite an outside speaker will be considered by the Vice President for Student Affairs only when made by a registered student organization at least ten University working days in advance of the scheduled event. This request shall include (a) the name of the sponsoring organization; (b) name of the speaker; (c) time and date; (d) desired location of the meeting; (e) expected size of the audience; and (f) topic of speech.
- b. A request for space shall be made to the Office of Kilcawley Center Reservations (for the use of Kilcawley Center and University housing facilities) or to the Events Preparation Coordinator (for other University facilities) by an officer of the registered student organization sponsoring the speaker not later than ten University working days prior to the date of the proposed speaking engagement.
- c. A request made by a registered organization may be denied only if the Vice President for Student Affairs determines, after proper inquiry, that the proposed speaker will constitute a clear and present danger to the institution's orderly operation by the speaker's advocacy of such actions as:
 - (1) The violent overthrow of the government of the United States, the State of Ohio, or any political subdivision thereof;
 - (2) The willful damage or destruction, or seizure and subversion, of the institution's buildings or other property;
 - (3) The forcible disruption or impairment of, or interference with, the institution's regularly scheduled classes or other educational functions;
 - (4) The physical harm, coercion, intimidation, or other invasion of lawful rights of the institution's officials, faculty members, or students, or other campus disorder of a violent nature; and/or
 - (5) In determining the existence of a clear and present danger, the Vice President for Student Affairs may consider all relevant factors, including whether such speaker has, within the past five years, incited violence resulting in the destruction of property at any educational institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution.
- d. The decision of the Vice President for Student Affairs is final.
- e. In granting the request, the Vice President for Student Affairs may require that the speaking event be chaired by a member of the administration or faculty, and may further require a statement to be made at the meeting that the views presented are not necessarily those of the institution or of the sponsoring group.

19. Use of Bulletin Boards

Bulletin board space is provided in numerous locations throughout campus. Regulations governing the posting of materials on bulletin boards are described below. Posting of materials on trees, posts, buildings, or other non-bulletin board surfaces (e.g., auto/truck windshields) is prohibited.

- a. Official University/departmental bulletin boards are located in all University buildings. Regulations governing the posting of materials on these boards are determined by the department responsible.
- b. Student Government regulations govern individual student and registered student organization materials posted on student bulletin boards located in buildings throughout campus.
- c. Posting of materials in Kilcawley Center is governed by the *Kilcawley Center Policy Manual*. Posting and/or distribution of materials in residence hall facilities (including Christman Dining Commons) are governed by the Handbook for Residents.
- d. Material not related to registered student organizations or campus activities must be approved by the News Editor, University Relations, prior to distribution or posting.
- e. The University reserves the right to deny posting privileges or remove materials that violate any provisions of *The Code* or other University regulations or policies.

20. Students acting individually or on behalf of a registered student organization/group may distribute written material at designated on-campus locations after reserving those locations with the appropriate office (see Article V, Section F, Paragraph 17).

21. Functions of organizations/groups that involve unique circumstances for members or to others, as determined by the Director of Campus Recreation and Student Programming may be required to secure special approval for registration by the Vice President for Student Affairs. For the protection of the organization and its members, the University may require special liability and/or health insurance coverage on the part of the organization and/or individual members and participants, and may also require a release and waiver of liability by the participants.

22. Organizations shall comply with all University regulations as well as state and federal laws. Names and addresses of officers shall be required as a condition of registration and access to institutional funds or facilities. Membership lists are not required.

ARTICLE VI. STUDENT PUBLICATIONS

The University supports several student publications that provide an avenue for students to express their literary and artistic talents. Policies and procedures concerning student publications are recommended to the Vice President for Student Affairs by the Student Publications Committee. Copies of current policies and procedures are available from the Vice President for Student Affairs or designee.

ARTICLE VII. STUDENT CONDUCT PROCEDURES

Section A. General

1. In order to ensure fairness and the basic elements of due process, the following procedures have been established for use in all student conduct proceedings involving students of the University.
2. The Student Conduct Board is annually appointed by the Vice President for Student Affairs or designee. This Board, composed of students, faculty, and administrators, is charged with:
 - a. Reviewing *The Code* and student conduct policies and procedures and recommending any changes deemed necessary;
 - b. Conducting hearings related to alleged violations of University regulations by students, determining responsibility, and issuing appropriate sanctions;
 - c. Conducting appeal hearings; and
 - d. Reviewing decisions of hearing panels at the request of any member of the Student Conduct Board, Vice President for Student Affairs, or designee.
3. Hearing panels shall be comprised of three members of the Student Conduct Board, identified by the Student Conduct Administrator. At least one faculty/staff member shall be selected to serve on all hearing panels. Each hearing panel shall be chaired by a faculty/staff member identified by the Student Conduct Administrator.
4. The standard of proof utilized in all University student conduct proceedings shall be a preponderance of evidence.

Section B. Initiation of Complaints and Student Conduct Charges

1. Any member of the University community may file charges against any student for alleged misconduct. Charges shall be prepared in writing and directed to the Student Conduct Administrator responsible for the administration of the University student conduct system. Any charges should be submitted as soon as possible after the event takes place, but not later than thirty (30) days following the incident. Exceptions to this limitation period (e.g., sexual assault cases) will be reviewed by the Student Conduct Administrator.
2. The Student Conduct Administrator shall review complaints and may initiate investigations of possible violation(s) of *The Code* to determine if the charges have merit. In reviewing complaints, the Student Conduct Administrator will determine whether the alleged violations may be resolved through a conduct conference or a conduct hearing. Students or groups/organizations who might be subject to University suspension or expulsion shall be provided a hearing before a hearing panel of the Student Conduct Board. All other cases will be initially scheduled for review through a conduct conference or at the discretion of the Student Conduct Administrator referred to a hearing before the Student Conduct Board.

3. All charges shall be presented to the student and/or group/organization in written form and delivered to the accused in person or by certified mail to the student's official address of record at the University. A notification of the certified mailing will be sent to the accused student's official University email. The student and/or group/organization shall be instructed to schedule a conduct conference with the Student Conduct body to discuss the charges, or informed that a hearing panel has been convened to review the charges. In the event the student and/or group/organization does not respond as requested, the Student Conduct body may proceed to conclude the case.

Section C. Conduct Conference

1. During the scheduled conduct conference, the Student Conduct body will discuss the nature of the alleged charges with the accused student and/or group/organization. The accused will have the opportunity to accept or deny responsibility for the alleged violations of University conduct regulations, present relevant information, and exercise the option of resolving the charges either within the conduct conference or by proceeding to a hearing panel. The Student Conduct Administrator may withdraw any charges deemed in his or her opinion to be without basis.
2. In cases where the outcome and sanction(s) can be agreed upon by the Student Conduct body and the accused student and/or group/organization, the student shall be issued a written notice indicating the findings and sanction(s). Resolution of the case in this manner will constitute a waiver of the right to a hearing and any appeal.
3. In cases where the outcome and sanction(s) cannot be agreed upon, the student shall maintain the right to appeal the outcome of the conduct conference. Appeals will be heard by the Student Conduct Administrator or referred to an appeal panel of the Student Conduct Board.
4. In the event a student and/or group/organization fails to appear at the scheduled conduct conference, the Student Conduct body may review the facts in support of the charges and render a decision and issue appropriate sanctions. Findings and sanctions shall be based on the facts and not the accused student's and/or group/organization's failure to appear. The decision by the Student Conduct body may be appealed according to Section G of this article.

Section D. Conduct Hearings

1. A time shall be set for a hearing, not less than five nor more than fifteen calendar days after the student has been notified of the charges. Maximum time limits for scheduling of hearings may be extended at the discretion of the Student Conduct Administrator. In cases in which an examination period or break intervenes between the time of notice and the hearing date, a reasonable effort will be made to schedule the hearing during the break. In the event that this is not possible, hearings will always be held during the first week on which classes resume.
2. Hearings shall be conducted by a hearing panel of the Student Conduct Board according to the following guidelines:
 - a. Hearings shall normally be conducted in private.

- b. The complainant, accused student, and their advisors, if any, shall be permitted to attend the entire portion of the hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the chair of the hearing panel in consultation with the Student Conduct Administrator.
- c. In hearings involving more than one accused student, the chairperson of the hearing panel, in consultation with the Student Conduct Administrator, may permit the hearings concerning each student to be conducted separately or jointly.
- d. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused are responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a Student Conduct body. Students or groups/organizations who have selected an attorney as their advisor shall provide the Student Conduct Administrator with the name and phone number of the attorney three University working days prior to the hearing. Advisors may not appear in lieu of the student or group/organization. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing since delays will not normally be permitted due to the scheduling conflict of an advisor.
- e. The complainant, the accused, and the Student Conduct body shall have the privilege of presenting witnesses and the right of cross-examination.
- f. The chair of the Student Conduct body may limit the time of presentations by witnesses, and witnesses will be separated from the hearing during the presentation of information of other witnesses.
- g. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct body at the discretion of the chairperson.
- h. The Student Conduct body may hear all pertinent information and conclude the case if the student, without prior notification of just cause to the Student Conduct Administrator, does not appear as requested.
- i. All procedural questions are subject to the final decision of the chairperson of the hearing panel in consultation with the Student Conduct Administrator. Any person disrupting a hearing or who fails to adhere to the decisions of the chairperson shall be removed from the hearing.
- j. After the hearing, the hearing panel shall meet in closed session to determine, by majority vote if the Student Conduct body consists of more than one person, whether the student has violated each section of *The Code* that the student is charged with violating.
- k. The decision of the panel will be announced to the student immediately after the conclusion of the hearing and will be confirmed later in writing.

- l. The hearing panel's determination shall be made on the basis of whether it is more likely than not that the accused student violated *The Code*.
3. There shall be a single verbatim record, such as a tape recording, of all hearings before a hearing panel (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the University.
4. Except in the case of a student charged with failing to obey the summons of a Student Conduct body or University official, no student may be found to have violated *The Code* solely because the student failed to appear before a Student Conduct body. In all cases, the information in support of the charges shall be presented and considered.
5. The accused student and/or group/organization shall be afforded the following procedures in order to uphold due process:
 - a. Written notice of charge(s);
 - b. Specific regulations alleged to be violated;
 - c. General information regarding the nature of the incident and adequate time to prepare for the hearing;
 - d. Charges being processed in a timely manner;
 - e. Written notification of date, time, and location of hearing and information about hearing procedures. The notice will be delivered by certified mail to the student's official address of record at the University or by email to the student's official University email address. Students are expected to maintain current mailing addresses and are expected to activate and regularly monitor their YSU email account;
 - f. Questioning a Student Conduct Board member's ability to participate fairly in a hearing, and rejecting any board member when just cause has been demonstrated;
 - g. Being accompanied by an advisor (see this article, Section D, Paragraph 2.d);
 - h. Having witnesses appear on his/her behalf during the hearing. If a witness cannot appear, a signed statement from the witness can be used as long as it is notarized by an appropriate official;
 - i. Being entitled to know the nature and source of information, and to be informed of the final outcome of the case in writing;
 - j. Understanding that all conferences/hearings shall be closed to the extent allowed by law to ensure the student's confidentiality; and
 - k. Having the opportunity to appeal as outlined in *The Code*.

6. The complainant of a student conduct case will be afforded procedures (d) through (k) above, although disclosure of the outcome is limited by law and is typically not in writing. In addition, the complainant will be afforded the following:
 - a. The right to be treated with respect and dignity by all University officials;
 - b. Counseling, available medical resources, and academic assistance when requested;
 - c. Changes in campus residence and/or classes, when reasonable and requested;
 - d. The right to request that charges of misconduct be pursued;
 - e. Due process within any University student conduct proceeding; and
 - f. The right to provide information at the hearing in a seat not directly facing the accused, if the complainant requests. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where as determined in the sole judgment of the Student Conduct Administrator to be appropriate.
7. A conduct sanction imposed or other action taken by any Student Conduct body shall become effective upon conclusion of the hearing and written notification will be sent by certified mail or delivered in person to the student and/or group/organization. A notification of the certified mailing will be sent to the accused student's official University email. If the individual files a written letter of appeal with the Student Conduct Administrator, and if the appeal is denied, the sanction shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the student. The written notification shall contain the following information:
 - a. The charge(s);
 - b. The regulation(s) of *The Code* found to have been violated;
 - c. The sanction(s) imposed or other action to be taken and the effective date of the action; and
 - d. Advisement of the right of appeal in accordance with the procedures outlined in *The Code*.
8. The Student Conduct Administrator shall maintain records of information received, recording of the hearing, and action taken by any Student Conduct body. Public examination of these records shall be limited to the extent allowed by law.

Section E. Sanctions

1. The following sanctions may be imposed upon any student that has been found responsible for a violation of University regulations:
 - a. Warning of a Technical Violation: An official statement that the student has violated the letter,

but not the spirit of a University conduct regulation.

- b. **Warning:** A written statement that the student is violating or has violated University regulations. Continuation or repetition of inappropriate conduct may be cause for more severe student conduct action. A period not to exceed one academic year is attached to this sanction.
- c. **Conduct Probation:** Notice in writing that the violation of University regulations is serious, flagrant, or a repeated violation of policy and any subsequent violation(s) of University regulations may result in suspension or expulsion and/or imposition of restrictions or conditions consistent with the offense committed and the rehabilitation of the student.
- d. **Conduct Probation with Restrictions:** Notice in writing that the violation of University regulations is a serious, flagrant, or repeated violation, and that any subsequent violation(s) of University regulations may result in suspension or expulsion. In addition, an order preventing the student from holding University elective office, student employment, participating in any intercollegiate activity or sport, participating in any University sponsored program/organization, or representing the University in any other manner will be attached to this sanction.
- e. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement and may be required in addition to other sanctions as described in this section.
- f. **Developmental Sanctions:** Other sanctions may be imposed instead of, or in addition to, those specified above, e.g., community service, counseling, educational assignments, or a registration hold may be placed on records.
- g. **Deferred Suspension:** Separation of the student from the University and/or residence halls is deferred for a specified period (not to exceed one academic year). If the student is found in violation of any subsequent violations of University conduct regulations, the suspension takes effect immediately and may not be appealed. Additional sanctions appropriate to the new violation will also be issued.
- h. **Residence Hall Suspension:** Separation of the student from the residence halls for a specified period of time (not to exceed one academic year), after which time the student is eligible to return.
- i. **University Suspension:** Separation of the student from the University for a specified period of time (not to exceed one academic year), after which time the student is eligible to return.
- j. **Residence Hall Expulsion:** Permanent Separation of the student from the residence halls.
- k. **University Expulsion:** Permanent Separation of the student from the University.
- l. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University

standards in obtaining the degree, or for serious violations committed by a student prior to graduation.

- m. Withholding Degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in *The Code*, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
 3. Other than University Expulsion or revocation or withholding of a degree, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record and shall be kept confidential to the extent allowed by law. Upon graduation, the student's conduct record may be expunged of conduct actions other than Residence Hall Expulsion, University Suspension, University Expulsion, or revocation or withholding of a degree upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than Residence Hall Expulsion, University Suspension, University Expulsion or revocation or withholding of a degree shall be expunged from the student's conduct record seven years after final disposition of the case.
 4. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in Section E.1, (a) through (e).
 - b. Deactivation: Loss of all privileges, including University recognition, for a specified period of time.
 5. In each case in which a Student Conduct body determines that a student has violated *The Code*, the sanction(s) shall be determined and imposed by the same Student Conduct body. The Student Conduct Administrator shall be responsible for recommending sanctions to the hearing panels and for ensuring that sanctions imposed by hearing panels are consistent with the violation and sanctions imposed for similar violations.

Section F. Interim Suspension

In certain circumstances, the Student Conduct Administrator may impose a University or residence hall suspension prior to the hearing before the student conduct body.

1. Interim suspension may be imposed only (a) to ensure the safety and well-being of members of the University community or preservation of University property; (b) to ensure the student's own physical or emotional safety and well-being; (c) if the student poses a definite threat of disruption or interference with the normal operations of the University; or (d) if a student is charged with the commission of a trigger offense as defined in the *Ohio Revised Code*, Section 2901.01.
2. The Vice President for Student Affairs, or designee, may suspend a student from University housing and/or the University, pending consideration of the case. The interim suspension from the University provided for in this provision may also be imposed on groups/organizations.

3. In the event that an interim suspension is imposed, the student or group/organization will be advised either in person or by certified mail from the Vice President for Student Affairs, or designee, of the cause for suspension. The interim suspension becomes effective immediately upon notification. A hearing panel will convene as expeditiously as possible to review the case. The hearing will follow the procedures outlined in Article VII, Section D.2 and may proceed before, during, or after any criminal proceedings that may result from the student conduct.
4. During the interim suspension, the student or group/organization shall be denied access to all Housing facilities and/or to the campus (including classes) and/or all other University activities or privileges for which the student or group/organization might otherwise be eligible, as the Student Conduct Administrator may determine to be appropriate.

Section G. Appeals

1. The decision or sanction imposed by a Student Conduct body may be appealed by the accused student or group/organization or complainant within five University working days of the decision. Appeals shall be in writing and shall be delivered to the Student Conduct Administrator. The letter of appeal should indicate the grounds on which the decision is being appealed and provide sufficient details to support the appeal. During the period of appeal, all sanctions except interim suspension, will be held in abeyance.
2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures, giving the accused student or group/organization and complainant an opportunity to prepare and to present information regarding the allegations.
 - b. To determine whether the decision reached regarding the accused student or group/organization was based on sufficient evidence, that is, whether the facts in the case were sufficient to establish that a violation of *The Code* occurred.
 - c. To determine whether the sanction(s) imposed was/were appropriate for the violation of *The Code* which the student or group/organization was found to have committed.
 - d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.
3. The student or group/organization may, in preparing the request of appeal, have access to records of the case which must be reviewed in the Office of Student Life.
4. Appeals of decisions or sanctions imposed by a hearing officer may be reviewed by the Student Conduct Administrator. Appeals of Student Conduct bodies other than hearing officers will be reviewed by an appellate board.

5. An appellate board composed of three members from the Student Conduct Board identified by the Student Conduct Administrator will review the appeal and may decide either to deny or grant the appeal. If an appeal is granted, the matter shall be remanded to the original student conduct body for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s). If an appeal is denied, the matter shall be considered final and binding upon all involved.
6. Review of the sanction(s) by the appellate board may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the original student conduct body may, upon review of the case, reduce but not increase the sanctions imposed.
7. The decision of the appropriate Student Conduct body is final.

Section H. Conduct Procedures for University Housing

In an effort to expedite misconduct cases, Hearing Officers have been designated to review misconduct cases originating within University Housing.

1. The responsibility for the enforcement of rules and regulations governing student conduct in the residence houses, as outlined in the *Handbook for Residents*, is delegated by the Vice President for Student Affairs to a Hearing Officer.
2. Any student, faculty member, or University official may file charges against any student living in a residence house for misconduct within the residence house, campus dining facilities, or at any residence house function.
3. Upon receipt of such charges, the Hearing Officer will conduct an investigation to determine whether there is reasonable cause to believe that a violation of a regulation may have occurred. If it is determined that a violation may have occurred, the case may be heard by the Hearing Officer or referred to the Student Conduct Administrator.
 - a. The Hearing Officer will afford all parties appropriate due process (see Section D, Paragraph 2, of this article). Once all information pertinent to the case has been presented, the following may occur:
 - (1) Insufficient facts to uphold the occurrence of a violation—case is dismissed;
 - (2) Facts support the occurrence of a violation—sanction is imposed. Sanctions imposed by the Hearing Officer may include any of those sanctions listed in Article VII, Section E.1, a-f; or
 - (3) In the event a more severe sanction may be warranted, the case is referred to the Student Conduct Administrator for appropriate action.
 - b. Appeals of decisions of the Hearing Officer, shall be submitted in writing to the Student Conduct Administrator as outlined in Section G. Appeals may be reviewed by either the Student Conduct Administrator or an appellate board of the Student Conduct Board and their decision is final.

- c. Cases resolved by a Hearing Officer are forwarded to the Student Conduct Administrator to be included in the student's conduct record.

Section I. Student Conduct Record

The Student Conduct Administrator shall maintain all student conduct records of information received and action taken by the respective Student Conduct bodies.

1. Conduct sanctions shall not be made part of the student's academic record but shall become part of the student's conduct record. All student conduct records, except records of residence hall expulsion, University suspension, University expulsion, and revocation or withholding of a degree shall be expunged seven years after final disposition of the case. Upon graduation, the student may petition the Student Conduct Administrator for removal of all files contained in his or her student conduct records. The student may appeal a negative response of the Student Conduct Administrator to the Student Conduct Board.
2. All material gathered from a substantiated conduct case (residence house, academic, and other) shall become part of any new case against the same individual(s) after the new charges have been substantiated.
3. Student conduct records are maintained only in the names of students found to have violated regulations.

Section J. Special Procedures

To ensure continued participation of students, faculty, and administration in the student conduct process, and to ensure speedy disposition of conduct cases, the President of the University is empowered to develop a subcommittee structure in the event of a large number of student conduct cases. Such subcommittee shall be empowered to hear and dispose of cases in accordance with the provisions of *The Code* and shall ensure that all elements of procedural due process delineated in this article are observed.

ARTICLE VIII. INTERPRETATION AND REVISION

1. Any question of interpretation or application regarding *The Code* shall be referred to the Student Conduct Administrator for final determination.
2. *The Code* shall be reviewed every two years under the direction of the Student Conduct Administrator.

ARTICLE IX. ACADEMIC PROCEDURES

Section A. Academic Dishonesty

Academic honesty is essential to the educational process and serves to protect the integrity of the University community. Therefore, all members of the University community have a responsibility of maintaining high standards of honesty and ethical practice. Cheating, plagiarism, and other forms of academic dishonesty constitute a serious violation of University conduct regulations.

Students who engage in dishonesty in any form on examinations, papers, and course assignments, or who illegally possess examinations shall be charged with academic dishonesty. Furthermore, students shall not submit the work of someone else as their own or utilize ideas taken from other sources without properly citing the source. In addition, work completed in one course that is submitted in another course may constitute academic dishonesty. Students should consult with the faculty member if they are not sure what may constitute academic dishonesty.

Students suspected of academic dishonesty shall be charged with a violation of University conduct regulations under Article IV, Section A.1. Cases of alleged academic dishonesty shall be resolved in the following manner:

1. Conference

- a. The faculty member should discuss the matter with the student as soon as possible following the alleged act of academic dishonesty that the student is suspected of committing.
- b. Following the initial discussion, the student shall be informed in writing of the allegations by the faculty member and requested to attend a conference with the faculty member and appropriate department chair.
- c. During the conference, the faculty member should discuss the allegations with the student and determine whether the student is responsible for the allegations. If the student is found to be responsible, the faculty member shall determine the sanction to be imposed. If the student is found not responsible, no further action is warranted.
- d. Prior to imposing the sanction, the faculty member shall communicate with the Student Conduct Administrator to determine if the student has been involved in any previous academic dishonesty violations.
- e. The faculty member may impose one or more of the following sanctions:
 - (1) Warn the student;
 - (2) Submit an "F" grade on the exam or paper;
 - (3) Submit an "F" grade for the course; and/or
 - (4) Request additional action from the Student Academic Grievance Subcommittee.
- f. The faculty member must file a Report of Academic Dishonesty if options 2 through 4 are imposed. The Student Conduct Administrator will then notify the student in writing of the decision as well as create a student conduct file which shall be kept confidential to the extent allowed by law.
- g. In cases where a student is found responsible for an incident of academic dishonesty that is serious, flagrant, or repeated, the student may also be referred to the Student Academic Grievance Subcommittee for consideration of additional action, including suspension and expulsion.

- h. Following the conference, the accused student has the right to file a grievance and request that the case be reviewed by the Student Academic Grievance Subcommittee.
2. Hearing
- a. Cases of academic dishonesty that are referred for a hearing shall be heard by the Student Academic Grievance Subcommittee. The Student Academic Grievance Subcommittee shall consist of two faculty members, two students, and one administrator who will chair the hearing.
 - b. Hearings for academic dishonesty before the Student Academic Grievance Subcommittee shall follow the procedures outlined in Article VII, Section D.2.
 - c. The Student Academic Grievance Subcommittee may impose any of the sanctions outlined in Article VII, Section E.
 - d. A decision of the Student Academic Grievance Subcommittee may be appealed following the procedures outlined in Article IX, Section B.3.

Section B. Undergraduate Student Academic Grievance Procedure

1. Introduction

- a. This section applies to students taking courses in pursuit of an associate's or bachelor's degree, and other students taking courses for undergraduate credit.
- b. Grievances filed concerning academic matters must conform to the process described in this section.
- c. The Student Academic Grievance Subcommittee, an appointed chartered subcommittee of the Academic Senate, is the sole body responsible for adjudicating grievances concerning academic matters. The Student Academic Affairs Committee, an appointed chartered committee of the Academic Senate, is the sole appeals body for decisions made by a Grievance Hearing Panel of the Student Academic Grievance Subcommittee. Any grievances concerning academic matters filed and adjudicated by bodies or processes not specified in this section are null and void.
- d. This procedure is not intended, nor should it be used, as a means of modifying, changing, or addressing University policies which are mandated by the Board of Trustees or adopted by any policy-making agency of the University.

2. Academic Matters That May Be Grieved

- a. Academic matters that may be grieved are the following:

(1) Sanctions imposed by faculty regarding academic dishonesty. See Section A, Academic Honesty, above.

(2) Material deviation from the grading scale or weight distribution indicated on the course syllabus by the faculty member, to the detriment of the individual student or the entire class.

(3) Material breach of faculty contractual obligations as specified in the article on Teaching Rights and Responsibilities in the Collective Bargaining Agreement, to the detriment of the individual student or the entire class.

b. Other areas of contention between a student and a faculty member may not be grieved under this section. The student should consult the department Chair of the faculty member's department or the Dean of the college housing the faculty member's department for further advisement in these situations.

3. Parties Directly Involved In The Grievance Procedure

a. The parties directly involved in the grievance procedure are as follows:

(1) Student. The student who files the grievance.

(2) Faculty member. The faculty member against whom the grievance is filed.

(3) Associate Provost for Academic Administration, or designee.

(4) Department chair. The Chairperson of the department in which the faculty member resides.

(5) Dean. The Dean of the college in which the faculty member's department is housed.

(6) Student Academic Grievance Subcommittee. An appointed chartered subcommittee of the Academic Senate charged with adjudicating undergraduate student academic grievances. The Subcommittee is composed of six faculty members, with representation from each undergraduate college of the University; six undergraduate students, with representation from each undergraduate college of the University; and the Associate Provost for Academic Administration, or designee, who serves as Judicial Chair.

(7) Grievance Hearing Panel. Conducts the formal hearing and renders a decision about the grievance. The Panel is drawn from the membership of the Student Academic Grievance Subcommittee and consists of a minimum of two faculty members, two undergraduate students, and the Judicial Chair.

(8) Student Academic Affairs Committee. An appointed chartered committee of the Academic Senate charged with making policy recommendations related to the academic sector of student affairs. In the context of this section, the Committee may hear an appeal of the Grievance Hearing Panel's decision.

(9) Appeal Panel. Considers appeals of decisions rendered by a Grievance Hearing Panel. The Panel is drawn from the membership of the Student Academic Affairs Committee and consists of a

minimum of two faculty members, two undergraduate students, and the Chair of the Student Academic Affairs Committee.

b. Further descriptions of the duties and functions of some of the parties listed above are given later in this section.

c. In all steps of the grievance process, both the student and the faculty member may avail themselves of the services of an advisor. Such an advisor may be drawn from within or outside the University community.

4. Overview of the Grievance Process

a. Depending upon the disposition of the grievance, there are three possible phases of the grievance process.

b. The three phases are:

(1) Pre-Grievance hearing activities

(2) Grievance hearing

(3) Appeal

c. Agreement may be reached between the student and the faculty member at any time during the process. Such an agreement ends the grievance.

5. Phase One: Pre-Grievance hearing activities

a. Upon discovery of an event the student wishes to grieve, the student may first attempt to resolve the conflict through discussion with the faculty member.

b. If the matter is not resolved from any such student / faculty member discussion, the student must then initiate discussion with the department chair.

c. If the matter is not resolved from the student / chair discussion, the student must then initiate discussion with the dean. This discussion with the dean is to occur as soon as possible after the student's discussion with the department chair in order to meet the time deadline discussed in item d. immediately below.

d. If the matter is not settled following these discussions, the student must submit a written statement describing the complaint on the standard Grievance Form, available from the Office of the Provost. This completed form must be submitted to the Office of the Provost no later than 5:00 PM the fourth Friday in the semester following the incident. Specifically, the Grievance Form for incidents occurring in Fall semester must be filed no later than 5:00 PM of the fourth Friday of the subsequent Spring semester; the Grievance Form for incidents occurring in Spring or Summer semesters must be filed no later than 5:00 PM of the fourth Friday of the subsequent Fall semester.

e. The Associate Provost for Academic Administration will assess the validity of the complaint within fifteen University working days of receipt of the Grievance Form, the seventh Friday of the semester.

(1) If the complaint is assessed as non-grievable, the student is informed in writing by the Associate Provost for Academic Administration and the matter is closed.

(2) If the complaint is assessed as grievable, the Associate Provost for Academic Administration initiates Phase Two of the grievance process.

6. Phase Two: Grievance Hearing

a. Within five University working days of initiating Phase Two of the grievance process, the Office of the Provost shall distribute copies of the completed grievance form to the student, faculty member, department chair, appropriate dean, and Chair of the Student Academic Grievance Subcommittee. In addition, the Office of the Provost shall distribute a copy of this grievance procedure, an outline of each party's rights and obligations, and an Acknowledgment/Response Form to the faculty member, department chair, and dean.

b. Within six University working days of receiving the completed grievance form, the copy of the grievance procedure, and the outline of each party's rights and responsibilities, the faculty member, department chair, and dean must return the Acknowledgment / Response Form to the Office of the Provost. All these documents together constitute the Grievance Packet.

c. The Office of the Provost shall submit the entire Grievance Packet to the Chair of the Student Academic Grievance Subcommittee within two University working days of receipt of all Acknowledgment/Response Forms.

d. Upon receipt of the completed Grievance Packet, the Chair of the Student Academic Grievance Subcommittee will form a Grievance Hearing Panel to consider the complaint.

e. A hearing date, time, and place will be established by the Chair of the Student Academic Grievance Subcommittee. All affected parties will be notified so as to afford the parties an opportunity to be present. If a faculty member cannot or refuses to participate in the hearing, the faculty member's department chair shall provide a substitute who will exercise all the rights and responsibilities of the absent faculty member.

f. Grievance hearing principles and procedures

(1) No member of a Grievance Hearing Panel will hear a case directly affecting him/her.

(2) Prior to the hearing, the Grievance Hearing Panel members shall review all written materials in the Grievance Packet submitted by the affected parties.

(3) The Grievance Hearing Panel shall consider only the information contained in the Grievance Packet.

(4) During the hearing, the following rights are guaranteed to the student and the faculty member: the right to be present; the right to be accompanied by an advisor of their choice; the right to speak in support of their argument; the right to present information directly supporting their written items in the Grievance Packet, including oral testimony; and the right to refute information presented. Accompanying advisors may not speak or present testimony.

(5) After hearing both sides, the Grievance Hearing Panel shall meet in closed session to review the information presented and reach a decision.

(6) Both parties shall be informed of the Grievance Hearing Panel's decision at the conclusion of the Panel's deliberations.

g. Documentation of Grievance Hearing Panel's decision

(1) A written statement of the Grievance Hearing Panel's decision shall be prepared and signed by the Panel's chair.

(2) This written statement of the Grievance Hearing Panel's decision shall be forwarded to the student, faculty member, department chair, dean, and provost within three University working days of the Grievance Hearing Panel's decision.

(3) The forwarding of the written statement of the Grievance Hearing Panel's decision ends the Student Academic Grievance Subcommittee's involvement in the disposition of the grievance.

(4) A file of all pertinent documents of all grievances shall be kept by the Office of the Provost.

7. Phase Three: Appeal

a. There are three bases upon which a written appeal of the Grievance Hearing Panel's decision may be based:

(1) New information. Information not available at the time of the original hearing is found by the student or faculty member.

(2) Insufficient evidence. The student or faculty member believes that evidence presented was not sufficient to justify the decision.

(3) Procedural violations. The student or faculty member alleges one or more violations of the procedure leading up to and including the Grievance Hearing.

b. Either the student or the faculty member may file a written appeal of the Grievance Hearing Panel's decision. Such an appeal shall be filed at the Office of the Provost within six University working days of receipt of the written notification of the Grievance Hearing Panel's decision.

c. The Office of the Provost shall forward the written appeal to the Chair of the Student Academic Affairs Committee within two University working days.

d. If the basis of the appeal is new information or insufficient evidence as noted in item a. above, the appeal shall be reviewed by a quorum of the Student Academic Affairs Committee within twelve University working days of receipt by the Chair of the Student Academic Affairs Committee of the written appeal forwarded from the Office of the Provost. Such appeals are not heard as original cases and may be concluded by the Student Academic Affairs Committee on the basis of the written information provided.

e. If the basis of the appeal is alleged procedural violations as noted in item a. above, within twelve University working days of receipt of the written appeal forwarded from the Office of the Provost, the Chair of the Student Academic Affairs Committee shall convene an Appeal Panel to consider the appeal. This panel shall rule only on whether procedural violations occurred.

(1) If the Appeal Panel rules that no procedural violations occurred, the decision of the Grievance Hearing Panel is upheld and the matter is closed.

(2) If the Appeal Panel rules that procedural violations occurred, the case will be remanded to the full Student Academic Affairs Committee for further deliberation. Within twelve University working days of the Appeal Panel's finding of procedural violations, a quorum of the full Student Academic Affairs Committee shall undertake a full examination of the case. The decision reached by the Student Academic Affairs Committee is final and may not be appealed.

f. The Chair of the Student Academic Affairs Committee shall communicate decisions rendered on appeals cases within three University working days to the Office of the Provost.

Section C. Graduate Student Academic Grievance Procedure

The Graduate Student Academic Grievance Procedure provides the graduate students at Youngstown State University with a formal channel through which complaints concerning academic matters may be heard. It creates a system whereby the student may receive assistance in pressing a claim within the organization of the University.

Informal discussions between persons directly involved in a grievance are essential in the early stages of a dispute and should be encouraged at all stages. An equitable solution to the problem should be sought before the respective persons directly involved in the case have assumed official or public positions that might tend to polarize the dispute and make resolution more difficult. If a problem still exists after discussion, the student should bring the complaint to the attention of the graduate program director and department chair. If the problem remains unresolved, the student should bring the complaint to the School of Graduate Studies.

1. Scope

The procedure provides the student with an opportunity to seek redress for concerns involving an academic or administrative practice. This procedure may not be used as a means of modifying or changing departmental, University, and/or Graduate School policies, but may be used to address policy issues.

The Graduate Student Grievance Committee will be responsible for coordinating and implementing this formal procedure. The Committee membership will be appointed by Graduate Council and will be composed of three full-time faculty chosen by Graduate Council, three graduate students, and one representative appointed by the Vice President for Student Affairs. Any matters pertaining to conflict of interest concerning a particular grievance shall be resolved by the Committee. Two students and two faculty shall constitute a quorum. Any action taken by the Committee shall require a majority vote of a quorum.

2. Procedure

Before initiating the formal procedure, any student who has a complaint is urged to resolve the conflict through informal discussion as described above. If such discussion fails to resolve the matter, the following procedure should be implemented:

a. Step 1

- (1) The student must submit the Graduate Student Grievance Form to the Chair of the Graduate Grievance Committee within twenty-four school days (a school day is defined as any day, including Saturdays, on which classes are conducted) following an event or the student's awareness of a situation which the student wishes to grieve. Within six school days after the student files the form with the Grievance Committee Chair, the Committee shall designate three of its members, two faculty, and one student to serve as a subcommittee to attempt to resolve the issue.

The subcommittee shall meet with each involved party either on an individual basis or in a joint conference, as deemed appropriate.

- (2) Within six school days after the subcommittee completes its conferences, it shall issue a disposition notice concerning the grievance, together with a form upon which the student may indicate

(a) acceptance or rejection of the disposition, and

(b) a determination to pursue or not to pursue the issue further. The student must sign the grievance form and forward it to the Chair of the Graduate Student Grievance Committee within six school days after receiving the disposition.

b. Step 2

- (1) If the student or person against whom the grievance was filed rejects the disposition, he/she must submit a formal written grievance to the Chair of the Graduate Student Grievance Committee within six school days. The Grievance Committee may waive the deadline for submitting the formal written grievance. In this and all subsequent steps of the grievance process, the student is entitled, without cost, to the services of an advocate from the Office of the Vice President for Student Affairs or may employ at his or her own expense any other advocate. The individual against whom the grievance is directed may also be represented by an advocate.

- (2) Within eighteen school days of the receipt of the formal written grievance, the Graduate Student Grievance Committee will hold a hearing on the grievance. All parties shall be notified well in advance of the day, time, and place of the hearing. At least three school

days prior to the hearing, the Committee will receive written materials from the affected parties so that the Committee members have an opportunity to review them. This does not preclude the admission of additional written materials at the hearing.

(3) At the hearing, the following rights are guaranteed to all parties: each will appear, each may be assisted by an advocate, each may speak, each may present pertinent relevant evidence, each may confront those expressing opposing viewpoints, and each may rebut evidence.

(4) After the hearing has been concluded, the Grievance Committee will meet and within six school days reach a decision.

3. Implementation

The Committee's disposition shall be signed by its Chair and forwarded to the student and faculty/staff members who were parties to the grievance, the Dean of Graduate Studies, the chair or director of the department or college where the faculty or staff member is located, and the Provost. Copies of the disposition, along with a summary of the substantive issues of the grievance, shall be placed in the student's file, as well as in the faculty's, staff member's, or administrator's personnel file. A master file of all pertinent documents of all grievances shall be kept in the School of Graduate Studies.

ARTICLE X. STUDENT DISCRIMINATION COMPLAINTS

Section A. Introduction

The purpose of this article is to inform students of their rights to secure equitable and expedient resolutions to student complaints of discrimination. As expressed in the Equal Opportunity Discrimination Complaint Procedure, the University is committed to a campus environment that values all individuals and groups, and to non-discrimination and equal opportunity for all persons without regard to sex, race, religion, color, age, national origin, sexual orientation, gender identity and/or expression, disability, or identification as a disabled and/or Vietnam era veteran. The complaint procedure is intended to provide assistance and guidance for those alleging some form of discrimination.

Section B. Definition

A complaint of discrimination is any claim of an injury, injustice, or wrong based on the person's sex, race, religion, color, age, national origin, sexual orientation, gender identity and/or expression, handicap/disability, or identification as a disabled and/or Vietnam era veteran.

Section C. Procedure

The procedure for filing complaints of discrimination is outlined in the Equal Opportunity Discrimination Complaint Procedure available in the Office of Equal Opportunity and Diversity.

ARTICLE XI. POLICY STATEMENTS

Section A. Sexual Harassment

1. Purpose

The purpose of this policy is to establish a strong commitment to prohibit sexual harassment and establish a procedure for investigating and resolving internal complaints of sexual harassment. The sexual harassment procedures are designed to aid in the process of educating members of the University community, serve as a means of preventing sexual harassment, and promptly and fairly respond to alleged incidents of sexual harassment.

2. Scope

- a. Any individual in the University community may lodge a complaint against any other member of the University community, or any other individual acting on behalf of the University.
- b. University community includes, but is not limited to, faculty, staff, students, members of the Board of Trustees, campus visitors, and contractual employees working on the campus.
- c. The Director, Office of Equal Opportunity and Disability Services, serves as the coordinator for the administration of this policy.

3. Definition of Sexual Harassment

Sexual harassment is a form of sex discrimination that represents unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may occur when:

- a. Submission to that conduct is made either explicitly or implicitly a term or condition of an individual's education, employment, or involvement in University-related activities.
- b. Submission to or rejection of such conduct by an individual is used as a component for academic, employment, or activities-involvement decisions affecting that individual.
- c. The conduct has the purpose or effect of substantially interfering with an individual's curricular, co-curricular, or work performance or creating an intimidating, hostile, or offensive educational, employment, or on-campus living environment.

4. Examples of inappropriate conduct which may constitute sexual harassment include, but are not limited to, the following, when such acts or behaviors come within one of the above definitions:

- a. Either explicitly or implicitly conditioning any term of education, employment, or involvement in University-related activities on the provision of sexual favors.
- b. Touching or grabbing a sexual part of an individual's body.
- c. Continuing to ask an individual to socialize on or off campus when that person has indicated no interest in such activity.

- d. Displaying or transmitting sexually suggestive language, pictures, objects, cartoons, or posters.
 - e. Writing sexually suggestive notes or letters.
 - f. Referring to or calling a person a sexually oriented name.
 - g. Telling sexual jokes or using sexually vulgar or explicit language.
 - h. Derogatory or provoking remarks about or relating to an individual's sex or sexual orientation.
 - i. Harassing acts or behavior directed against a person on the basis of an individual's sex or sexual orientation.
 - j. Off-campus conduct which falls within the above definition and affects the individual's on-campus environment.
5. Procedure
- The procedure for filing sexual harassment complaints is outlined in the University Guidebook and the policy is available in the Office of Equal Opportunity.

Section B. Statement on Sexual Assault

1. Introduction

Youngstown State University is an academic community dedicated to the advancement of learning and development of the individual student. It is a community that values the dignity of the individual. Any activity that may threaten its ideals, especially sexual assault, will not be tolerated. Sexual assault includes, but is not exclusive to, rape and/or acquaintance rape.

When there is probable cause that a sexual assault of any kind has occurred on campus, the University will pursue strong disciplinary action through its own channels. This discipline includes the possibility of severing the relationship between the University and the accused.

The University will fully cooperate with any investigation and will not request or agree to special consideration for any student, faculty, or staff member who is criminally charged.

Youngstown State University is committed to creating an environment that is safe and secure, where learning can take place without concern for one's safety. The University is also committed to providing support services, through its existing departments, for those individuals who have been sexually assaulted.

2. Procedure for Handling Date/Acquaintance Rape

Any person from the University who receives a report from an individual who experiences a sexual assault should encourage the individual to file a report with the University Police who will have primary responsibility for any investigatory activities. The person who receives the initial

report may want to maintain ongoing contacts with the victim. However, the Counseling Center is responsible for providing assistance which will facilitate the victim's return to a normal campus schedule.

If the victim decides not to contact the police, the person who receives the report of an assault should encourage the victim to seek medical attention as soon as possible after the sexual assault.

The person who receives a report should advise the Chief of University Police about the case. The University Police Department is the agency that is responsible for conducting an investigation, coordinating with appropriate University personnel, and keeping the victim informed. The Chief of University Police will, in turn, notify key University personnel including, but not limited to, the President and Vice President for Student Affairs. The Vice President for Student Affairs will notify other offices as appropriate (e.g., Director of Housing & Residence Life, Executive Director of Intercollegiate Athletics, etc.).

If an assault occurs on campus and charges are filed, the University Police Department is responsible for contacting the alleged assailant and informing this individual of his/her rights and responsibilities. If a sexual assault occurs off campus, the University Police Department will assist the victim in taking action through appropriate off-campus agencies.

When a victim files a report with the University Police Department, this department is responsible for advising the victim about the options available for filing charges. If the victim refuses to file such a report, the person who initially receives the report should inform the victim about the options. Legal action may be channeled through the criminal or civil courts and, if the attacker is a University student, the University student conduct process may also be available.

Section C. Computer Use

University computing facilities are a resource, and they are to be regarded, used, and protected like any other resource. In the particular case of computing resources, activities by individual(s) which cause harm or inconvenience to other computer users or which threaten the security or integrity of computing facilities are of a special concern to the University. Students are responsible for understanding and adhering to specific policies, procedures, and guidelines for computer use on campus and University computing resources. Policies for computer use are available from the Office of Computer Services.

Section D. Parental/Guardian Notification Of Alcohol and Other Drug Offenses

Youngstown State University is committed to an educational environment that promotes the safety, responsible decision-making, and social and intellectual development of all students. Furthermore, the University is concerned with taking a proactive approach in regards to students that may be experiencing problems with alcohol or other drugs. In accordance with state law, Youngstown State University has a no-tolerance policy for drugs and alcohol and, therefore, notifies parents of students under 21 years of age if such students have been found responsible for violating

institutional policies regarding alcohol or other drugs in an effort to create a positive support network for students.

1. Parameters

- The Parental Notification Policy will be applied in situations where students under the age of 21 have been found responsible for a first violation of University conduct regulations regarding drugs or a first violation of University conduct regulations regarding alcohol.
- The Office of Student Life shall be responsible for administering all procedures of the Parental Notification Policy.

2. Procedures

- a. The policy will be included in *The Code*. Copies are available in the Office of the Vice President for Student Affairs and the Office of Student Life.
- b. Parents/guardians may be notified when the underage student is found responsible for the first drug or alcohol violation and any subsequent drug or alcohol violation(s).
- c. The Vice President for Student Affairs, or designee, may make an exception to the parental notification policy if in his/her judgment it is determined that harm would come to the student as a result of parental notification.
- d. The notification will be provided in writing from the Office of Student Life and will be mailed to the student's home address.
- e. The notification letter will inform parents that their student has been found responsible for a violation of alcohol or other drugs. Included with the letter will be answers to frequently asked questions. Parents will be encouraged to discuss the incident with their student.
- f. The Office of Student Life will be responsible for responding to questions from parents/guardians. If a parent is interested in reviewing his/her student's conduct file, the student must sign a waiver to release information.
- g. The Office of Student Life shall be responsible for collecting data on the outcome of parental notification.

Section E. Policy Regarding the Use of Dune Buggies, Go-Carts, Skateboards, Roller Skates, Roller Blades, and Bicycles on Campus

Skateboards, roller skates, roller blades, dune buggies, go-carts, or similar types of recreational vehicles are permitted to be used on University property in specifically designated areas. All such recreational riding should be conducted in a safe and responsible manner. Bicycles are permitted on University property but must be walked across the central core of campus. They must be parked in the provided bike racks and are not permitted in campus buildings.

ARTICLE XII. AMENDMENT PROCEDURE

Any member of the University may recommend a change in *The Code* to the Vice President for Student Affairs. The Vice President for Student Affairs shall then distribute copies of this recommendation to the appropriate areas of the University community to allow for their reaction. If

endorsed by the Vice President for Student Affairs, the proposal and any appropriate recommendations will be forwarded to the President. If the amendment is adopted, it will be officially announced to the entire University community and published in the next edition of *The Code*.

The Code was adopted by the YSU Board of Trustees on June 20, 2008.