

3357:13-15-01 Code of Student Conduct

(A) Introduction and purpose. North Central State College is a learning community in which all persons--students, faculty, administration and staff--share responsibility for its growth and continued welfare. The Code of Student Conduct is established to foster and protect the core missions of the College, to foster the scholarly and civic development of the College's students in a safe and secure learning environment, and to protect the people, properties and processes that support the College and its missions. As members of the College community, students can reasonably expect that the following rights will be respected by all College offices, programs, employees, and organizations.

- (1) Academic Pursuits: Students have the right to accurate and plainly stated information relating to maintenance of acceptable academic standing, graduation requirements, and individual course objectives and requirements. Students can expect instruction from designated instructors at appointed class times and reasonable access to those instructors. Students have the responsibility to attend class and know their appropriate academic requirements.
- (2) Quality Environment: Students have the right to expect a reasonably safe environment supportive of the College's mission and their own educational goals. Students have the responsibility to protect and maintain that environment and to protect themselves from all hazards to the extent that reasonable behavior and precaution can avoid risk.
- (3) Non-Discrimination: Students have the right not to be discriminated against by North Central State College for reasons of race, color, religion, gender, gender identity or expression, national origin (ancestry), military status (past, present or future), disability, age (40 years or older), status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, status as a foster parent, genetic information, or sexual orientation.
- (4) Speech/Expression: Students have the right to express themselves freely on any subject provided they do so in a manner that does not violate the Code of student conduct. Students in turn have the responsibility to respect the rights of all members of the College to exercise these freedoms. This Code of student conduct shall not be construed or applied to restrict academic freedom at the College, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.
- (5) Confidentiality: Students have the right to access and control access to their education records as provided in the federal Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. These include the rights to review and challenge the content of education records, to control disclosure of education records to

third parties, and to limit the routine disclosure of all or some information defined as "directory information" by the Act.*

(a) Please note that there are specified exceptions to FERPA, and therefore the student's right to access and privacy is not absolute.

(b) *The above statement is also true for international students except where specified by the legislation, rules, and regulations governing the particular visa status.

(6) Students have the responsibility to keep name, address, telephone and other demographic information correct and up to date and to notify the College immediately of any changes to this information.

(7) Religion/Association: Students have the right to exercise their religious convictions and associate with religious, political, or other organizations of their choice, provided they do so in a manner that respects the rights of other members of the community and complies with the Code of Student Conduct. Students have the responsibility to respect the rights of other members of the College community to free exercise of their religious convictions and to free association with organizations of their choice.

(B) Jurisdiction. The Student Code of Conduct at North Central State College will apply to conduct that occurs on College premises or College property, at any location at College sponsored activities, and in off-campus buildings occupied by students by virtue of their association with a group/organization given formal registration by the College. The Student Code of Conduct may also apply off-campus, when the administration determines that the off-campus conduct affects a substantial College interest.

(1) A substantial College interest is defined to include:

(a) Academic course requirements or any credit-bearing experiences, such as internships, clinical or practicum experience, field trips, or student teaching;

(b) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;

(c) Any activity sponsored, conducted, or authorized by the College or by registered student organizations; or

(d) Any activity that causes destruction of property belonging to the College or members of the College community or causes serious harm to the health or safety of him/herself or members of the College community.

(2) Each student will be responsible for his or her conduct from the time he or she applies for admission until the actual awarding of a degree, including during the academic year, during breaks and between academic terms, before classes begin and after classes end,

during periods between terms of actual enrollment, and including conduct whether or not discovered until after a degree is awarded. The Student Code of Conduct will apply to a student's conduct even if the student withdraws from school while a matter is pending.

- (3) The Student Code of Conduct applies to guests of community members, whose student hosts may be held accountable for the misconduct of their guests. Visitors to and guests of the College may initiate grievances for violations of the Student Code of Conduct committed against them.
- (4) Student organizations may be charged with violations of the Code for behavior occurring on or off campus. A student organization and its officers may be held collectively or individually responsible when violations of the Code by those associated with the group or organization have received the tacit or overt consent or encouragement of the leaders, officers, or spokespersons. While student organizations not registered by the College are exempt from this Code, student members of such organizations may be held accountable for their behavior under this Code. When considering allegations involving collective responsibility, the College may make individual findings with respect to the involvement of each student.
- (5) The College will treat an attempt to commit a violation listed in the Student Code of Conduct as if the attempted conduct had been completed.
- (6) Students continue to be subject to city, state, and federal laws while at the College, and violations of those laws may also constitute violations of the Code. In such instances, the College reserves the right to initiate an allegation and to initiate conduct proceedings without a formal allegation by the victim or witnesses of misconduct and may impose sanctions for violation of the Code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.
- (7) NCSC will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make a false report of any policy violation or violation of any federal, state, or local law.
- (8) The College encourages the reporting of Conduct Code violations. To this end, and at the sole discretion of designated College officials, a student who may have conduct violations related to an incident and who self-reports violations related to that incident may receive a lesser sanction for conduct violations related to that incident.
- (9) Behavior conducted online, such as harassment delivered by e-mail, can subject students to Code of student conduct violations. Students should be aware that blogs, web pages, social networking sites and other modes of electronic communication are in the public sphere, are not private, and can subject a student to allegations of misconduct. NCSC

does not seek out this information, but may take action if and when such information is brought to the attention of NCSC officials.

- (10) Any question of interpretation or application of the Student Code of Conduct shall be referred to the appropriate vice president or designee for final determination.
- (11) The Student Code of Conduct shall be reviewed periodically under the direction of the Chief Student Conduct Officer or designee. Recommendations for changes will be submitted to Shared Governance as needed.

(C) Authority

- (1) The President shall have the final responsibility and authority for the discipline of all students of the College. This responsibility and authority has been delegated by the President to the Chief Academic Officer in cases of academic misconduct and to the Chief Student Conduct Officer in cases of non-academic misconduct. The Chief Student Conduct Officer is also charged with responsibility for promulgation of rules governing student conduct, subject to approval by the College's Board of Trustees.
- (2) The North Central State College Code of student conduct is an official publication of the College. All petitions for revision and amendment of this Code of student conduct should be submitted through the office of the Chief Student Conduct Officer. Proposed revisions to the Code shall be reviewed, in draft form, by student representation, Faculty Caucus, Staff Caucus, Management Advisory Council, and President's Staff, with final approval granted by the College's Board of Trustees. No revision shall become effective unless approved by the President's Staff, and Board of Trustees, and until printed notice of such revisions is made available to students.

(D) Definitions

- (1) The term "NCSC", "College", or "the College" means North Central State College.
- (2) The term "student", for the express purposes of the Student Code of Conduct, includes: all persons taking courses at or through NCSC, persons who withdraw after allegedly violating the Student Code of Conduct, persons who are not officially enrolled for a particular term but who have a continuing relationship with NCSC, persons who have been notified of their acceptance for admission, and persons who have applied for admission to the College but have not yet been notified of acceptance.
- (3) For purposes of this policy, the term "faculty member" means any person hired by NCSC to conduct classroom or teaching activities, or who is otherwise considered by NCSC to be a member of its faculty.

- (4) The term “NCSC official” includes any person employed by NCSC, performing assigned administrative, academic or professional responsibilities.
- (5) The terms “member of NCSC community” or “NCSC community” or “College community” may be used interchangeably and include any person (or persons collectively) who is a student, faculty member, administrator, staff member, and any other person employed by NCSC. A person’s status in a particular situation will be determined by the Chief Student Conduct Officer.
- (6) The term “NCSC premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, leased or controlled by NCSC including adjacent streets and sidewalks.
- (7) The term “NCSC property” includes vehicles, equipment, furniture, identification badges, parking passes and other similar items owned, used or controlled by NCSC.
- (8) The term “President’s Staff” includes the President of the College and Vice Presidents.
- (9) The term “student organization” means any number of persons who have complied with the formal requirements for NCSC registration through the Student Activities and Athletics Office.
- (10) The term “hearing board” means the Student Conduct Committee.
- (11) The term “conduct officer” or “hearing officer” means an NCSC official authorized on an ongoing or case-by-case basis by the Chief Student Conduct Officer to make determinations including but not limited to, the hearing procedures, whether a student’s behavior violates the Student Code of Conduct, the conduct’s impact upon the NCSC community, recommendations for responsibility by the student, recommendations for sanctions.
- (12) The term “will” is used in the imperative sense.
- (13) The term “may” is used in the permissive sense.
- (14) The term “policy” means the written regulations of NCSC found in, but not limited to, the student handbook, College catalog, and the enacted College policies and procedures.
- (15) The term “preponderance of evidence” means information that would lead a reasonable person to conclude that it is more likely than not that a student’s behavior occurred and/or violated the Student Code of Conduct.

- (16) For purposes of this policy and its procedures, the term “advisor” refers to the individual who assists a student or student organization with hearing preparation and process. An advisor may be any member of NCSC community.
- (17) The term “interim action” means temporary exclusion from NCSC premises and/or NCSC events and/or other sponsored activities imposed by the Student Conduct Officer.
- (E) Misconduct is defined as any activity by a student which violates College/campus rules and regulations (including academic integrity) and/or which tends to jeopardize the orderly operation of the College/campus. Prohibited conduct under this section includes, but is not limited to:
- (1) Violation of the College’s Discrimination, Harassment, Sexual Misconduct and Retaliation Policy 15-03 (Discrimination Policy) is a violation of this Code of Student Conduct. The definitions of discrimination, harassment, sexual misconduct, are contained in the Discrimination Policy.
 - (2) Destruction of property- actual or threatened damage, misuse or destruction of College property or resources, or property or resources of others, whether done intentionally or with reckless disregard.
 - (3) Dangerous weapons or devices- illegal or unauthorized possession, use or unauthorized storage of firearms, fireworks, ammunition, dangerous chemicals, switchblade knives, knives with blades three inches or more, other weapons, or realistic replicas of weapons on College premises or use of any such item, even if it is legally possessed, in a manner that harms, threatens, or causes fear of physical safety to others.
 - (4) Dishonest conduct- dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of College documents by actions such as forgery, alteration, or improper transfer; submission to a College official of information known by the submitter to be false. Other dishonest conduct includes but is not limited to improper disclosure of confidential information. Other than public information, the disclosure of information that is privileged and/or confidential, including information pertaining to patients and their care, research subjects, clients, or other students that is accessible to the student through association with North Central State College, its clinical, practicum or affiliated sites.
 - (5) Financial Responsibilities - failure to promptly meet financial responsibilities to the institution, including, but not limited to: knowingly passing a worthless check or money order in payment to the institution or to an official of the College acting in an official capacity.

- (6) Theft/unauthorized use of property -theft or attempted theft, or the unauthorized use or possession of College property or services, or the property of others.
- (7) Failure to comply with College or civil authority- failure to comply with legitimate directives of authorized College officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of an action plan or disciplinary sanction.
- (8) Use, possession, or distribution of a narcotic, inhalant or other controlled substances, as well as drug paraphernalia, except as expressly permitted by law.
- (9) Abuse or misuse of prescriptions or over-the-counter medications.
- (10) Alcohol use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable College policy. Alcoholic beverages may not in any circumstance be used by, possessed by, or distributed to any person under twenty- one (21) years of age.
- (11) Unauthorized presence -unauthorized entrance to or presence in or on College premises.
- (12) Disorderly or disruptive behavior- includes but is not limited to violence or threat of violence against self or any member or guest of the College, obstruction of teaching, research, administration, disciplinary proceedings or other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises. Disruption is an action or combination of actions by an individual or a group, which unreasonably interferes with, hinders, obstructs, or prevents the right of others to freely participate in the College's programs, services, or academic settings. This may include, but is not limited to a disruption by the use of pagers, cell phones or any other communication devices. (NOTE: Faculty may determine that disruptive conduct on the part of one or more students is interfering with the activities of the classroom. If this occurs, the faculty member may direct the student(s) to leave the classroom for the remainder of the class period. When necessary, the faculty member may ask a campus security officer to escort disorderly or disruptive student(s) from the classroom. Suspension for more than one class period requires formal disciplinary action.)
- (13) Unauthorized gambling for money or other items of value, including the unauthorized exchange of currency or items of value through betting or games.
- (14) Threatening or causing physical harm, which includes but is not limited to: physical contact that puts a person in fear for his/her physical safety, or causes the person to

suffer actual physical injury; and, threatening behavior which is defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.

- (15) Bullying-any act of intimidation (implied threats or acts that cause a reasonable fear of harm in another), coercion (pressuring another unreasonably until an act is not truly voluntary) or menacing (knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person).
- (16) Hazing- doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.
- (17) Judicial system abuse- abuse of any College judicial system, including but not limited to:
 - (a) Failure to obey the summons of a judicial body or College official;
 - (b) Falsification, distortion, or misrepresentation of information before a judicial body;
 - (c) Disruption or interference with the orderly conduct of a judicial proceeding;
 - (d) Institution of a judicial proceeding knowingly without cause;
 - (e) Attempting to discourage an individual's proper participation in, or use of, a College judicial system;
 - (f) Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of a judicial proceeding;
 - (g) Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding;
 - (h) Failure to comply with one or more sanctions imposed under the Code of Student Conduct; and
 - (i) Influencing or attempting to influence another person to commit an abuse of a College judicial system.
- (18) Violation of College rules- violation of other published College regulations, policies, or rules, or violations of federal, state, or local law. These College regulations, policies, or rules include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and rules specific to an academic program as specified in the program handbook.

- (19) Riotous Behavior- participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property. Proscribed behavior in the context of a riot includes but is not limited to:
- (a) Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and
 - (b) Actual or threatened damage to or destruction of College property or property of others, whether done intentionally or with reckless disregard; and
 - (c) Failing to comply with a directive to disperse by College officials, law enforcement or emergency personnel; and
 - (d) Intimidating, impeding, hindering or obstructing a College official, law enforcement or emergency personnel in the performance of their duties.

This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.

- (20) Arrest - failure of any student to accurately report the student's arrest by any law enforcement agency to the Office of the Chief Student Conduct Officer within seventy-two (72) hours of for any felony crime that occurs 1) on College premises, 2) at College sponsored activities, or 3) off-campus. A felony crime is a crime for which more than one year in prison may be imposed.
- (21) Violations of the College's Academic Integrity (Plagiarism and Cheating) is a violation of this Code of Conduct. Violations are defined and processed in accordance with the Academic Integrity Policy (see 3357:13-14-65).

(F) College Judicial Committee

The College Judicial Committee hears cases of non-academic misconduct referred by the Chief Student Conduct Officer. The Committee may also hear cases referred by the Chief Academic Officer related to academic misconduct (see 3357:13-14-65 Academic Integrity (Plagiarism) Policy).

- (1) The Committee consists of:
- (a) Two (2) faculty members recommended by the Faculty Caucus and appointed by the Chief Academic Officer for three-year terms which begin with the summer semester;
 - (b) Two (2) staff members as recommended by the Management Advisory Council for three-year terms which begin with the summer semester;

- (c) Two (2) staff members as recommended by the Staff Caucus for three-year terms which begin with the summer semester; and
- (d) One (1) student member, appointed by the Student Government or, when the Student Government is not functioning, appointed by the Chief Student Conduct Officer.

Faculty, professional staff, and support staff members serving on the committee should have at least three years of experience at the College.

Student members should have completed at least two terms at the College and must be in good academic standing. Students will be appointed by the Chief Student Conduct Officer in consultation with the Student Government. During times when Student Government is not functioning, students shall be appointed by the Chief Student Conduct Officer.

- (2) The committee will establish a member to serve as coordinator. Student members shall not serve in this role.
- (3) A simple majority of the Committee shall constitute a quorum.

(G) Procedures¹

- (1) A written complaint alleging a violation of the Code of student conduct must be filed with the College within six (6) months of the violation. Absent extraordinary circumstances, the College may initiate charges, if any, within one year of the filing of the complaint.

(2) Initiation and investigation of Code violations

- (a) Initiation. Person(s) witnessing or experiencing what they believe to be a possible Code violation should provide an authorized College official with the information. Information and/or complaints about possible Code violations other than academic misconduct should be provided to the Chief Student Conduct Officer. In cases where the alleged activity may involve a violation of criminal law in addition to a violation of the Code, information and/or complaints should be provided to North Central State College/Ohio State University Mansfield campus security officials or other appropriate law enforcement agency. The College will review all information and/or complaints received and may conduct a preliminary investigation of the alleged violation.
- (b) Investigation. Campus Security or other appropriate law enforcement agency shall have primary responsibility for the investigation of acts that involve suspected violation of federal, state, local laws. The Chief Student Conduct Officer and other designated College personnel may conduct a preliminary investigation of an alleged

violation other than those involving academic misconduct. During the investigation, the student allegedly involved in misconduct may be sent a letter describing the alleged violation, requesting the student to make an appointment to discuss the matter, and specifying a date by which the appointment must be made. Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Failure to comply with such a request to make and keep such an appointment may result in the initiation of

¹ *These procedures are followed except in cases involving complaints or reports of an alleged violation of College Policy 3357:13-15-03. For those cases only, the Discrimination Grievance Procedures (Policy 3357:13-15-031) will apply.*

charges for judicial system abuse. Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include, but is not limited to, taking no further action, deferring further action with or without conditions, initiating an informal admonition, or initiating charges.

- (3) Students shall be notified of College charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person or by mail to the student's local or permanent address on file in the office of the College Registrar. All students are required to maintain an accurate and current local and permanent address with the College Registrar. Following notification of charges, students are strongly encouraged to and shall be afforded the opportunity to meet with a College official for the purpose of explaining the College judicial process and discussion of the charges. Failure of the student to respond to the initiation of charges or schedule a preliminary meeting shall in no way prevent the College from scheduling and conducting a hearing in the absence of the student.
- (4) A student charged with one or more violations of the Code has the right to a hearing. However, in a case where a charged student admits such violations in writing, the student may request in writing to have a decision as to appropriate action made administratively by the Chief Student Conduct Officer or his/her designee rather than have the charges referred for a hearing. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a committee hearing. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the offense committed.
- (5) If a hearing is to be held, written notification will be provided. The Chief Student Conduct Officer, on behalf of the College Judicial Committee, will file the charge(s) of non-academic misconduct. Written notification to the student will be delivered to the last known address of the student by certified mail, certificate of mailing, or hand delivered to the student on campus no fewer than seven (7) calendar days prior to the

hearing. The notification will include the specific nature of the violation; date, time, and location of the hearing; a statement of the student's rights; and information on the hearing's procedures.

- (6) The student may request a continuance of up to 30 days for good cause. The student may request a hearing separate from other students who may have been involved in the violation. A request for a continuance or separate hearing must be received in the Office of the Chief Student Conduct Officer at least two (two) calendar days before the scheduled hearing. The Chief Student Conduct Officer will be responsible for reviewing and approving such a request.

(H) Hearings

Hearings of the College Judicial Committee are conducted in order to develop the facts and circumstances and to determine whether a violation of the Code has occurred.

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

- (1) A student charged with non-academic misconduct is expected to appear before the Committee, although a student may waive the right to personally appear.
- (2) A student charged with academic misconduct may review the file prior to the hearing by contacting the Office of the Chief Student Conduct Officer. However, consistent with state and federal law, the College is permitted to redact information from the file prior to the student viewing it.
- (3) A simple majority of the Committee membership shall constitute a quorum. A quorum of the Committee must be present to conduct a hearing. The coordinator or his/her designee will coordinate hearing activities.
- (4) Attendance at hearings is limited to those directly involved or those requested by the College Judicial Committee to attend. The coordinator of the Committee will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
- (5) The charged student may have an advisor throughout the hearing. The advisor may only counsel the student and may not actively participate in the hearing, unless clarification is needed as determined by the coordinator of the Committee.
- (6) The charged student may submit a written statement, may invite relevant witnesses to attend, may ask questions of witnesses called by others, and will be notified of potential

witnesses to be called. The College may present witnesses as well as question those presented by the charged student.

- (7) Written statements may be used if, for good reason, a witness cannot attend the hearing. Written statements must be notarized, absent other clear evidence of authenticity.
- (8) In cases requiring special expertise, the coordinator of the Committee may appoint individuals with appropriate expertise to serve as consultants to the committee. The consultants may be present and provide information as called upon during the hearing but will not vote.
- (9) Hearings held by the College Judicial Committee, unlike proceedings of courts of law, do not require conclusive proof. Instead a preponderance of the evidence is sufficient for the Committee to make a decision.
- (10) A majority vote of Committee members present will be required to find the student responsible for a violation of the Code as charged. In the event of a tie, the committee will continue to deliberate. If after the committee determines that exhaustive deliberations have occurred and a majority decision is not reached the student will be found not responsible.

(I) Findings, Recommendations and Range of Sanctions

A written report of the Committee's findings and recommendations shall be forwarded by the coordinator to the Chief Student Conduct Officer within seven (7) calendar days of the conclusion of the proceedings. The Committee will base any recommendations for sanctions on the approved College sanctions outlined in section VII of this document. Based on this report, the Chief Student Conduct Officer will determine the appropriate sanction(s), where appropriate.

(J) Student Notification and Imposition of Sanctions

Within 7 days of the Committee's report, the Chief Student Conduct Officer will notify the student in writing of the Committee's findings, as well as sanctions and date that sanctions will take effect, and the student's right to appeal.

(K) Appeal procedure

A student who has been found to have violated the Code has the right to appeal the findings and/or the assigned sanctions. The College reserves the right to impose the sanction retroactively to the date cited in the original notification from the Chief Student Conduct Officer.

- (1) The student may submit a written appeal to the President's Staff within seven days of receipt of the notification letter.

- (2) President's Staff may grant for good cause an extension not to exceed thirty calendar days for the filing of an appeal.
- (3) An appeal hearing shall be scheduled by President's Staff within ten calendar days after the institution receives the appeal.
- (4) The student will meet with the President's Staff to present his/her appeal.
- (5) A simple majority of the President's Staff membership will constitute a quorum.
- (6) President's Staff will review the record and facts of the matter and any other relevant information. By majority vote, President's Staff may affirm, overturn, or modify the previous decision or refer the issue back to the Chief Student Conduct Officer for a new hearing. The Chief Student Conduct Officer will abstain from voting in this matter. An appeal cannot result in a more severe sanction being imposed.
- (7) The President's Staff will notify the student in writing of the decision within 10 calendar days of the hearing.
- (8) The decision of the President's Staff is final.

(L) Attendance

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the charged student is expected to attend and participate. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the charged student to attend the hearing or answer the charges.

(M) Record of proceedings

A single record consisting of written notes, tape recording, or other method selected by the Committee will be made of all hearings. Such record will remain the property of the College but will be made available to the charged student for review during the appeal period, and can be copied at his or her expense.

(N) College Sanctions. Definitions and guidelines for sanctions

Sanctions should be commensurate with the violation(s) found to have occurred. In recommending the sanction(s) to be imposed, the committee should take into account any mitigating circumstances and any aggravating factors including, but not limited to, any provocation by the subject of the conduct that constituted the violation, any past misconduct by the student, any failure of the student to comply fully with previous sanctions, the actual

and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will be considered an aggravating, and not a mitigating, factor. Sanctions are effective upon date of first notice, whether oral or written, unless specified within such notice. One or more of the following sanctions may be imposed upon any student or student organization found to have violated one or more provisions of the Code:

- (1) **Disciplinary Warning.** A disciplinary warning to a student represents a formal written admonition for a specific conduct violation, and is considered a disciplinary sanction. A student under warning shall continue to exercise the right and privileges of a student in good standing.
- (2) **Conduct probation.** This probationary condition is for a specified period of time but without loss of privileges as a student in good standing. Further violation of College policies during the probationary period will be viewed not only as the act itself, but also as a violation of the probation, which could result in further sanctions including but not limited to disciplinary probation, suspension or dismissal.
- (3) **Disciplinary probation.** This probationary condition is in effect for a specified period of time and may involve the loss of specified privileges. Further violation of College policies during the probationary period will be viewed not only as a violation based upon the act itself but also as a violation of the probation, which shall result in further sanction up to and including suspension or dismissal.
- (4) **Suspension.** Suspension is a sanction that terminates the student's enrollment at the College for a specified period of time. Satisfactory completion of specified stipulations may be required for readmission at the end of the suspension period.
- (5) **Expulsion.** Expulsion is a sanction which permanently separates a student from the College without opportunity to re-enroll in the future.

Conditions of suspension and expulsion- A student who has been suspended or dismissed from the College shall be denied all privileges afforded a student and shall be required to vacate campus at a time determined by the committee. In addition, after vacating campus property, a suspended or dismissed student may not enter upon campus and/or other College property at any time, for any purpose.

- (6) **Restitution-** Restitution is a sanction that requires the student to make reimbursement for damages to, destruction of, or misappropriation of College or campus property or the property of any person. This sanction may be ordered in lieu of or in connection with another sanction.

- (7) Other sanctions- Other appropriate sanctions may be imposed singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to, lowering a grade (in the case of academic misconduct), administrative removal from a specific course or courses, removal from an academic program or technology, removal from a practicum or internship worksite, research assignments, community service projects, special workshop participation, and/or referral to medical resources or counseling personnel.
- (8) Revocation of admission or degree - Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a Student prior to graduation.
- (9) Withholding degree - The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

(O) Suspension or Dis-Enrollment Based on Risk of Substantial Harm

Interim Suspension-When the Chief Student Conduct Officer or the Chief Academic Officer (or designee) has reasonable cause to believe that the student's presence on College premises or at a College-related or registered student organization activity poses a significant risk of substantial harm to the health or safety of others or to property, the student may be immediately suspended from all or any portion of College premises, College-related activities or registered student organization activities, and is not permitted to participate in, or complete academic coursework. This temporary suspension will be confirmed by a written statement and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of North Central State College. The student may, within three (3) working days of the imposition of the suspension, petition the Chief Officer imposing the suspension for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A hearing on such petition will be conducted without undue delay by the Chief Officer imposing the suspension or his/her designee.

(1) Administrative dis-enrollment and other restrictions

A student may be dis-enrolled from the College; prohibited from all or any portion of College premises, College-related activities or registered student organization activities; and/or permitted to remain only under specified conditions when Chief Student Conduct Officer or the Chief Academic Officer (or designee) finds that there is clear and convincing evidence that:

- (a) The student's continued presence poses a significant risk of substantial harm to the health or safety of themselves, others, or to property; or
 - (b) The student, as a direct result of an apparent health condition, is engaged in substantial, continuing disruption of teaching, learning, research, administration or other College-related activities. Before making such a determination, the Chief Student Conduct Officer or the Chief Academic Officer (or designee) shall notify the student in writing of the reasons that dis-enrollment or other action is being considered, provide the student with an opportunity to respond, and consult with appropriate College personnel. The Chief Student Conduct Officer or the Chief Academic Officer (or designee) may also choose to consult with any other persons deemed appropriate under the circumstances.
- (2) In those cases under paragraph (O)(1)(a) of this rule in which it appears that the risk posed by the student is a result of a health condition or a disability as defined by the Americans with Disabilities Act, and in all cases under paragraph (O)(1)(b) of this rule, the Chief Student Conduct Officer or the Chief Academic Officer (or designee) shall also determine whether the risk or disruption can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is made. The Chief Student Conduct Officer or the Chief Academic Officer (or designee) may request the student to undergo an appropriate examination, as specified by the Chief Student Conduct Officer or the Chief Academic Officer (or designee), to determine whether any such condition exists and whether any such accommodation is possible. If the student fails to undergo such an examination, and if the other available evidence supports a finding under either paragraph (O)(1)(a) or (O)(1)(b), the Chief Student Conduct Officer or the Chief Academic Officer (or designee) shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.
- (3) A student who has been dis-enrolled; prohibited from College premises, College-related activities or registered student organization activities; or permitted to remain only under specified conditions may petition the Chief Student Conduct Officer or the Chief Academic Officer (or designee) for revision of that status. The petition must include supporting documentation or evidence that:
- (a) The conditions found to have existed under paragraph (O)(1)(a) or (O)(1)(b) no longer exist and will not recur, and
 - (b) The student meets all normal and appropriate standards for admission and enrollment in any academic unit in which the student seeks to re-enroll. Upon receipt of such a petition, the Chief Student Conduct Officer or the Chief Academic Officer (or designee) shall evaluate the evidence and may consult with the student, any

appropriate College personnel, and any other persons whom Chief Student Conduct Officer or the Chief Academic Officer (or designee) deems appropriate. The Chief Student Conduct Officer or the Chief Academic Officer (or designee) may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition.

(P) The Code of Student Conduct is maintained by Office of the Student Conduct Officer

Effective: November 24, 2020

Next Review: November 1, 2025

Review Dates: 8/1/08, 12/1/15, 8/10/20, 11/24/20