

JAMES A. RHODES STATE COLLEGE  
STUDENT POLICY STATEMENT

This policy and/or procedure provides operating principles for Code of Student Conduct issues at James A. Rhodes State College. It supersedes any prior policy covering the specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College.

This policy and/or procedure is provided on-line for the convenience of access for College students and employees. It is created in Word and is in "read-only" format. The file can be opened, reviewed and/or printed for reference. The original policy will be the governing copy and is on file in the office of the Associate Vice President of Student Affairs.

(Specific Policy Follows on Next Page)

**Applies to:** Students  
**Policy Number:** 10.1  
**Title:** Code of Student Conduct  
**Issued BOT:** Original Catalog Copy: 1972-1973  
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## ***Code of Student Conduct***

### **10.1 Introduction and Purpose**

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The Rhodes State College Code of Student Conduct exists to advance the core missions of the College, promote a safe and secure educational environment, foster the academic and social development of students, and protect the persons, property, processes and academic integrity of the College community. Although the Code is intended to be as comprehensive as possible, it makes no attempt to list all activities, behavior, or conduct which may adversely affect the College community.

### **10.2 Jurisdiction**

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The jurisdiction of the Code applies to the conduct of all students, with or without accommodations, and all registered student organizations while on the premises of Rhodes State College/The Ohio State University at Lima. The code also applies to the off-campus conduct of students and registered student organizations. The College reserves the right to review and take disciplinary action based on conduct occurring off campus in direct connection with:

- A. a class assignment;
- B. academic course requirements, such as clinical settings , internships, or field trips;
- C. any activity supporting pursuit of a degree;
- D. activities officially sanctioned, sponsored, conducted, or authorized by the College or by registered student organizations;
- E. any activity that causes substantial destruction of property belonging to the College or members of the College community or causes serious harm to the health or safety of members of the College community; or
- F. any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

All persons are encouraged to report code violations to a College/Campus official as soon as possible. Charges must be filed within sixty days of the incident or of the identification of the person having allegedly committed the violation. As members of the Rhodes State College community, students also are subject to city, county, state, and federal laws. Violation of city, county, state, and/or federal laws may also constitute violations of the code of conduct. The College reserves the right to proceed with disciplinary action under the code, independently of any criminal proceedings and impose sanctions for code violation, whether or not the criminal proceedings are resolved or is resolved in the student's favor.

### **10.3 Authority**

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The bylaws of the Rhodes State College Board of Trustees provide that the College President shall have the final responsibility and authority for administering and managing the College (**Board Policy 2.3**) and that any authority, including the discipline of the College's students, delegated to staff by the President shall be considered the authority of the President (**Board Policy 3.2**). The responsibility and authority for College student discipline has been delegated by the President to the Vice President for Academic Affairs or

designee in cases of academic misconduct and to the Vice President for Student Affairs or designee in cases of non-academic misconduct. The Vice President for Student Affairs or designee is also charged with the responsibility for the promulgation of rules governing student conduct.

The deans, chairpersons, and academic department heads of departments, respectively, are responsible to the President through regular disciplinary channels for the discipline of all students in the activities of their respective divisions and departments.-

## **10.4 Definitions**

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As used in the Student Code of Conduct, the following terms and definitions apply:

- A. **College Premises**  
All lands, buildings, and facilities owned, leased, or operated by Rhodes State College/ The Ohio State University at Lima;
- B. **Student**  
An individual who has registered for classes, or otherwise entered into any other contractual relationship with Rhodes State College to receive educational instruction. The status of “student” continues to exist until an individual graduates, is dismissed, or has not registered and is not in attendance after the 15<sup>th</sup> day of the quarter;
- C. **Registered Student Organization**  
Student groups that complete an annual registration process, giving them access to College facilities and providing them opportunities and resources for development; or any group, which by their nature or scope are governing, coordinating, or allocations boards for other student organizations.
- D. **Complaint**  
A written statement, on an officially approved form, documenting an alleged violation of the code of student conduct or other published rule applicable to students at Rhodes State.
- E. **Crime of Violence**  
Refers to the offenses listed in the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 USC 1092 (f)]; homicide, sex offenders, robbery, aggravated assault, burglary, motor vehicle theft, and arson. In addition, the College must provide statistics and may take disciplinary actions for the following: liquor law violations, drug law violations, and illegal weapons possession.

## **10.5 Prohibited Conduct**

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Any student found to have engaged in the following conduct while within the College’s jurisdiction, as set forth in **Section 10.2**, will be subject to disciplinary action by the College.

- A. **Academic misconduct**  
Academic misconduct is defined as any activity that tends to compromise the academic integrity of the College, or subvert the process of education. Academic misconduct includes, but is not limited to:
  - 1. violation of course rules as contained in the course syllabus or other information provided to the student by the College; violation of program regulations established by the academic department and made available to students;
  - 2. knowingly providing or receiving unauthorized information prior to, during, or after examinations and/or quizzes; or the possession and/or use of unauthorized materials during those examinations;
  - 3. knowingly providing to or using assistance in graded laboratory, field work, course assignments, or completed assignment for course completion, unless such assistance has specifically been authorized.

4. submitting plagiarized work [representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work] for an academic requirement;
5. submitting substantially the same work to satisfy requirements for one course that has been previously submitted and satisfied the requirements for another course, without permission of the instructor of the course for which the work is being submitted;
6. falsification, fabrication, or dishonesty in reporting attendance records, time cards, laboratory results, or use of unauthorized assistance in clinical settings, lab situations, or other learning experiences, such as internships;
7. serving as, or enlisting the assistance of a substitute for a student in the taking of examinations;
8. alteration of grades or marks by the student in an effort to change the earned grade or credit;
9. alteration of academically-related College forms or records, or unauthorized use of those forms;
10. engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system.

**B. Endangering health or safety**

Actual or threatened action that endangers the safety, physical, or mental health, or life of any person, whether intentional or as a result of reckless disregard.

**C. Sexual misconduct**

Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent. For the purposes of this rule, consent shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. An individual cannot consent who is obviously incapacitated by any drug or intoxicant; or who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority. (**College Policy 5.2, Sexual Harassment**)

**D. Destruction of property**

Actual or threatened damage to or destruction of College/Campus property or property of others, whether done intentionally or as a result of recklessness with reckless disregard.

**E. Dangerous weapons or devices**

Use, storage, or possession of dangerous weapons or devices including, but not limited to, firearms, explosives, dangerous chemicals, fireworks or other weapons, unless authorized by an appropriate College official or permitted by a College policy.

**F. Dishonest conduct**

Dishonest conduct, including, but not limited to: knowingly making false accusation of misconduct; misuse or falsification of College documents, such as forgery, alteration, or improper transfer; submission to a College official of information known by the submitter to be false; and knowingly reporting a false emergency.

**G. 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.

**H. 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 a disciplinary sanction.

**I. Drugs**

Use, production, distribution, sale, or possession of drugs in a manner prohibited under Local, State and Federal law. (**College Policy 5.9, Drug Free Campus.**)

**J. Alcohol**

Use, production, distribution, sale, or possession of alcohol in a manner prohibited under Local, State or Federal law or applicable **College Policy 5.9.**

**K. Unauthorized presence**

Unauthorized entrance to or presence in or on College premises.

**L. Disorderly or disruptive conduct**

Disorderly or disruptive conduct that unreasonably interferes with College activities including teaching, research, administration; or other activities conducted, sponsored, or permitted by the College or any member of the College community.

**M. Hazing**

Performing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation into or continued membership or participation in any group, organization, or activity that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

**N. Discipline proceedings abuse**

Abuse of any College discipline proceedings, including but not limited to:

1. falsification, distortion, or misrepresentation of information during an administrative hearing or before a judicial panel;
2. disruption or interference with the orderly conduct of an administrative or judicial panel proceeding;
3. attempting to discourage an individual's proper participation in, or use of, a College discipline proceeding;
4. attempting to influence the impartiality of a member of an administrative or judicial panel prior to, and/or during the course of a judicial proceeding;
5. harassment (verbal or physical) and/or intimidation of the administrative hearing official and/or member of a judicial panel prior to, during, and/or after a judicial proceeding;
6. failure to comply with one or more sanctions imposed under the code of student conduct; and
7. encouraging another person to commit an abuse of a College disciplinary proceeding.

**O. Computing resources**

Misuse or abuse of the College's computer resources and/or facilities by any means, including, but not limited to:

1. use of computing resources to interfere in any way with the normal operation of the College/Campus;
2. failure to comply with all federal, Ohio, and other applicable law; all generally applicable college rules and policies; and all applicable contracts and licenses (i.e., laws of libel, privacy, copyright, trademark, obscenity, and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit "hacking", "cracking", and similar activities; the college's code of student conduct; the

college's sexual harassment policy (College Policy 5.2); and all applicable software licenses).

3. unauthorized use, including, but not limited to;
  - a. use of identification numbers, accounts, and passwords shared with, or used by, persons other than those to whom they have been assigned by the College;
  - b. use of computing resources for personal commercial purposes or for personal financial or other gain;
  - c. use of computer resources to speak on behalf of the College (implied or stated) ;
  - d. use of computer resources to access and utilize College trademarks and logos without authorization to do so;
  - e. unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
  - f. unauthorized transfer of a file;
4. use of computing resources to interfere with, interrupt, or disrupt the work of another College/Campus student or faculty or staff member;
5. use of computing resources to transmit, menacing, or harassing messages or materials;

**P. Violation of college rules**

Violation of other published College regulations, policies, or rules, or violations of Local, State, or Federal law. These College regulations, policies, or rules include, but are not limited to, those which prohibit the misuse of computing resources (**College Policy 6.14**), sexual harassment (**College Policy 5.2**), infectious disease (**College Policy 5.12(C)(3)**), misuse of facilities (**College Policy 6.14**), copyright/royalty and licensing (**College Policy 5.11**), drug free campus (**College Policy 5.9**), non-smoking (**College Policy 6.10**), and rules for student groups or organizations as outlined in the Student Organization Handbook.

**Q. Riotous behavior**

1. Riotous behavior is the 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. Prohibiting 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;
  - b. actual or threatened damage to or destruction of College property or property of others, whether done intentionally or with reckless disregard;
  - 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.
2. This rule shall not be interpreted as prohibiting peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.



## ***Disciplinary Procedures***

## 10.6 Initiation and Investigation of Student Code Violations

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### A. Initiation

A person(s) witnessing or experiencing what they believe to be a possible code violation should present the information to an authorized College official. Information and/or complaints about possible non-academic code violations should be provided to the Dean of Student Development Education. Information and/or complaints regarding academic misconduct should be referred to the Vice President for Academic Affairs. 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 the Dean of Student Development Education and the appropriate law enforcement agency. The College will review all information and/or complaints received and may conduct a preliminary investigation of the possible violation. Whether or not a preliminary investigation is conducted, is left to the discretion of the appropriate Vice President (**Section 10.3**) or his/her designee.

1. **Academic Misconduct.** Information and/or complaints about possible academic code violations should be provided to the Vice President for Academic Affairs or designee. The Vice President for Academic Affairs is authorized to investigate allegations involving academic misconduct. The following specific procedures are to be followed when pursuing academic misconduct:
  - a. When a faculty member believes that a student has committed an act which is believed to be academic misconduct, the faculty member should have a conference with the student in private at the earliest opportunity. At such time the student should be informed verbally as to the alleged infraction and the basis for the belief that an infraction has occurred.
  - b. Further contact with the student concerning the issue should be conducted only in the presence of the department Chairperson or Dean. A Chairperson or Dean who is a member of the Academic Integrity Council should make arrangements for a substitute Chairperson or Dean to attend any meeting between the student and the faculty member if the topic to be discussed is the alleged misconduct.
  - c. The faculty member will file a written report on the alleged academic misconduct. The report will include all relevant evidence and original documents, such as, the allegedly plagiarized paper, test, and computer printouts. Sources of plagiarized materials, with the passages plagiarized clearly marked, should also be provided. Whenever a laboratory or clinical standard is violated, the faculty member shall file a written report on the alleged incident. Such incidents could include, but are not limited to, the falsification of records, violations of safety principles, and violations of professional codes of ethics.
  - d. The chairperson of the academic unit will review the written report and then submit the report to the Vice President for Academic Affairs or designee.
  - e. The Vice President for Academic Affairs or designee, on behalf of the College Council, will file the charge(s) of academic misconduct.
  - f. Students suspected of academic misconduct, whether acknowledging involvement or not, should be allowed to continue in the course without prejudice pending action by the College Council. If the course ends before the Council has acted, the faculty member shall assign the student the grade of Incomplete with an alternate grade.
2. **Non-academic Misconduct.** Information and/or complaints about possible non-academic code violations should be provided to the Dean of Student Development Education. The following specific procedures are to be followed when pursuing non-academic misconduct:

- a. The Dean of Student Development Education will review the written report.
- b. The Dean of Student Development Education, on behalf of the Vice President of Student Affairs and the College, will file the charge(s) of non-academic misconduct.
- c. Students suspected of non-academic misconduct, whether acknowledging involvement or not, should be allowed to continue at the College without prejudice pending action by the Judicial Panel or Dean of Student Development Education.

#### **B. Investigation**

The appropriate law enforcement agency shall have primary responsibility for the investigation of acts that involve suspected violation of federal, state, local laws. The Vice President for Student Affairs or other designated college personnel are authorized to investigate alleged violations other than those involving academic misconduct. The Vice President for Academic Affairs is authorized to investigate allegations involving academic misconduct. When a preliminary investigation is authorized by the appropriate Vice President, the students will be notified in writing that an investigation will commence and describe the alleged violation. The written notice may request that the student, allegedly involved in misconduct, make an appointment to discuss the matter, and specify 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. 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, or initiating charges with the appropriate college judicial hearing body.

### **10.7 Filing of Complaint and Initiation of Charges**

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A formal written complaint alleging a violation of the code of student conduct must be filed with the College within sixty (60) days of the identification of the student allegedly committing the violation.

### **10.8 Notice of Charges**

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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 accused student's address on file in the office of records and registration. All students are required to maintain an accurate and current address with the office of records and registration. Following notification of charges, students are strongly encouraged to and shall be afforded the opportunity to meet with an identified authorized College official for the purpose of explaining the discipline proceedings, due process, and charges.

### **10.9 Hearings**

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A student who is formally charged with a code violation will have their case heard by the appropriate College judicial hearing body. Failure of the accused student to respond to the initiation of charges or schedule a preliminary meeting will not prevent the College from scheduling a judicial hearing and conducting the hearing in the student's absence.

### **10.10 Administrative Decision**

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In all cases, a student charged with one or more violations of the student code has the right to a hearing. However, in non-academic cases, and in both academic and non-academic cases where a charged student admits such violations, the student may request in writing to have an administrative decision as to appropriate action made by a hearing officer (**Section 10.14**). In such situations, the student waives the right to a panel hearing and the related procedural guarantees of a panel hearing. Following an administrative decision, the student retains the right to request an appeal of the original decision, based upon the grounds established under **Section 10.22 (A)(3)**.

## **10.11 Notice of Hearing**

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If a hearing is to be held, written notification will be provided. The notice may be hand delivered or mailed to the last known address of the student, either by certified mail or first class mail, no fewer than ten (10) calendar days prior to the hearing. Unless already provided to the student, the notification will include the charge (s), date, time, and location of the hearing, the designated hearing officer or panel, a statement of the student's rights, information on the hearing procedures, and copies of the Code of Student Conduct.

The accused student may request a postponement for reasonable cause, or a hearing separate from other persons who may have been involved in the violation. A request for a postponement for reasonable cause must be made in writing, include supporting rationale and be received in the Office of the appropriate Vice President, or the person sending the hearing notification, at least two (2) calendar days before the scheduled hearing.

## **10.12 Hearing Procedures**

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All students have a right to a due process hearing. Hearings are conducted in order to review the facts and circumstances of the allegation in order to determine whether or not a violation of the code 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 be included within the hearing notice:

**A. Case File Review**

A student charged with misconduct may review the witness documents within three (3) calendar days prior to the hearing by contacting the Office of the appropriate Vice President.

**B. Accused Student Attendance**

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the accused is expected to attend and participate. If an individual does not choose to attend a hearing, waiving their right to personally appear, 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 accused student to attend the hearing or answer the charges.

**C. Attendance Limitations**

Attendance at hearings is limited to those with information relative to the case or those requested to attend by the student, a hearing officer, or hearing body. The hearing officer or body will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.

**D. Advisor**

The accused student may have an advisor present at 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 hearing officer or panel.

**E. Witnesses**

The accused may submit a written statement(s), 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 submit written statements, present witnesses, as well as question those presented by the accused. Witnesses shall not attend the entire hearing, but will be called to present information by the judicial body chair at the appropriate time.

**F. Separate Hearings**

When more than one student is involved in alleged misconduct the College does not provide separate hearings. Students may request, in writing, a separate hearing at least two (2) working days before the scheduled hearing. The appropriate Vice President will be responsible for reviewing such requests and promptly informing the student(s) of his/her decision on the request.

**G. Supporting Documentation**

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.

**H. Consultants**

In cases requiring special expertise, the appropriate Vice President or his or her designee may appoint individuals with appropriate expertise to serve as consultants to the panel. The consultants may be present and provide information as called upon during the hearing but will not vote.

**I. Opportunity to Speak**

Hearings of the Council shall be conducted such that all present have reasonable opportunity to speak and express their views or facts about the issue at hand.

**J. Presumption of Innocence**

Students are entitled to a presumption of innocence. Hearings, unlike proceedings of courts of law, do not require conclusive proof; instead the greater weight of evidence is the standard applied for the hearing body to make a decision. Therefore, a student will not be found in violation unless the following are achieved:

1. In cases of academic misconduct a preponderance of the evidence supports the charge(s).
2. In all other cases of prohibited behavior, the greater weight of the evidence supports the charge(s).
3. A simple majority of the hearing body membership shall constitute a quorum. A quorum of the hearing body must be present to conduct a hearing, unless the student waives the quorum rule in writing.
4. In the event of a tie, the panel will continue to deliberate. If after the panel determines that exhaustive deliberations have occurred and a majority decision is not reached the student will be found not in violation.

**K. Written Record**

At the conclusion of the hearing, the hearing body chair, will submit a written record, containing the hearing panel's disposition and suggested sanctions, to the appropriate Vice President or designee within a reasonable amount of time, but not to exceed ten calendar(10) days.

1. **Academic Sanctions.** Upon finding a violation of academic misconduct, the College's Council of Academic Integrity may recommend sanctions to the Vice President for Academic Affairs. In addition to authorizing the instructor to award a failing or lowered grade in the course, a loss of credit on the assignment or examination, the College Council can also recommend:
  - a. Disciplinary warning;
  - b. Disciplinary probation;
  - c. Suspension;
  - d. Disciplinary dismissal; and
  - e. Other sanctions as appropriate.
2. **Non-academic Sanctions**  
Upon finding a violation of non-academic misconduct, the College Judicial Panel may recommend sanctions to the Vice President for Student Affairs. In addition to other suggested sanctions deemed appropriate to the student and the conduct violation, the College Judicial Panel can recommend :
  - a. Disciplinary warning;
  - b. Disciplinary probation;

- c. Suspension;
- d. Disciplinary dismissal; and
- e. Other sanctions as appropriate.

**L. Notification of Sanctions**

Within a reasonable period of time, normally within 2 – 3 weeks, not to exceed 30 days after receipt of the hearing body record, the appropriate Vice President or designee shall notify the student(s) of his/her decision and, where applicable, imposition of a sanction(s). If the student has been found to have violated the code, the letter shall inform the student of his/her right to appeal under the Code (**Section 10.22**).

### **10.13 Administrative Hearing Officers**

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The Dean of Student Development Education, and the Vice President for Academic Affairs, as official College hearing officers, may hear cases of alleged violations of the code affording accused students the same procedural guarantees as provided in hearings by the College Judicial Panel or Academic Integrity Council.

### **10.14 Committee on Academic Integrity**

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The Committee on Academic Integrity exists to protect the academic standards and integrity of the College.

**A. Hearing Officer Role**

The hearing officer shall investigate or establish procedures for investigation of all reported cases of student academic misconduct, and shall serve as Council ex-officio without vote.

**B. Council Membership**

The Academic Integrity Council membership includes:

1. Up to five (5) regular faculty members to be appointed by the Vice President for Academic Affairs in consultation with the President of the Rhodes State College Faculty Association;
2. One (1) or two (2) Rhodes State College students to be appointed by the Vice President for Academic Affairs;
3. One (1) Academic Chairperson to be appointed by the Vice President and for Academic Affairs in consultation with the President of the Rhodes State College Faculty Association; and
4. A quorum for a hearing shall be no less than four (4) voting members of the panel who shall include no less than one (1) student member and three (3) faculty members.

All student appointments shall be for one-year terms beginning with the fall quarter. To be eligible for appointment, a student must possess a minimum 2.5 cumulative grade point average and be under no current disciplinary sanction from the College. Students may be reappointed to subsequent terms.

### **10.15 College Judicial Panel**

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The College Judicial Panel is responsible for adjudicating allegations of non-academic misconduct referred by the Vice President of Student Affairs.

**A. Coordinator Role**

The Dean of Student Development or designee shall serve as Judicial Panel Coordinator. The panel coordinator shall investigate or establish procedures for investigation of all reported cases of student non-academic misconduct, and shall serve as panel ex-officio without vote.

**B. Panel Chair Role**

The panel chair shall manage the Judicial Panel Hearing in alignment with the Hearing Procedures (**Section 10.12**) and coordinate the writing and submission of the report to the appropriate Vice President.

**C. Judicial Panel Membership**

The College Judicial Panel membership includes:

1. One (1) Division Dean or chairperson appointed by the Vice President for Student Affairs and serving as the Panel Chair;
2. One (1) or two (2) faculty members recommended to the Vice President for Student Affairs by the Vice President for Academic Affairs;
3. One (1) or two (2) professional or administrative staff members assigned to Student Affairs and appointed by the Vice President for Student Affairs; and
4. One (1) or two (2) Rhodes State College students appointed a Rhodes State Student Senate officer or when the Senate is not functioning, appointed by the Vice President for Student Affairs.
5. A quorum for a hearing shall be no fewer than four (4) voting members of the panel which shall include no less than one (1) student members.

All student appointments shall be for one-year terms beginning with the fall quarter. To be eligible for appointment, a student must possess a minimum 2.5 cumulative grade point average and be under no current disciplinary sanction from the College.



## *College Sanctions*

### **10.16 General Guidelines for Sanctions**

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Sanctions to be imposed by the College are varied and should be commensurate with the violation(s) found to have occurred. In determining the sanction(s) to be imposed, the consideration should be given to mitigating circumstances and any aggravating factors including, but not limited to, any past misconduct by the student, provocation by the subject of the conduct that constituted the violation, 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. One or more of the following courses of action may be taken when a student has been found to have violated the code of student conduct.

**A. Disciplinary Warning**

A disciplinary warning to a student represents a formal written admonition for a specific conduct violation. A student under warning shall continue to exercise all rights and privileges of the College as a student in good standing. Upon issuance of a formal warning, a discipline file is created in the office of the appropriate Vice President. The file will be consulted in determining sanctions for any further proven code violation.

**B. Disciplinary Probation**

Disciplinary probation is a sanction imposed for a specific period of time and may include conditions restricting the student’s privileges or eligibility for and participation in activities. Such privileges and eligibility are automatically restored upon completion of the probationary period if the student has complied satisfactorily with all conditions and has refrained from further Code

violation. Upon issuance of a formal probation, a discipline file is created in the Office of the appropriate Vice President. The file will be consulted in determining sanctions for any further proven code violation.

**C. Suspension**

Suspension is a sanction that terminates the student's enrollment, separating the student from the College for a period not to exceed three (3) full academic quarters (including Summer) following the effective date of the imposition of the suspension. Readmission at the end of the suspension period may require satisfactory completion of specified stipulations to be met. Upon issuance of a formal suspension, a discipline file is created in the Office of the appropriate Vice President. The file will be consulted in determining sanctions for any further proven code violation.

**D. Disciplinary Dismissal**

Disciplinary dismissal is a sanction by which the student is involuntarily separated from the College for four (4) full quarters or more following the effective date of the imposition of the dismissal. Upon reinstatement, a student may be required to meet other conditions imposed by the appropriate Vice President such as ineligibility to participate in specified student activities; or periodic contact with a designated College staff member or counseling agency. Upon issuance of a formal dismissal, a discipline file is created in the Office of the appropriate Vice President. The file will be consulted in determining sanctions for any further proven code violation.

**E. Other Sanctions**

Other sanctions that the hearing officer, panel, or Council deems appropriate to the student and the conduct violation in question may be imposed, singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to, research assignments, community service projects, and special workshop participation, making restitution for property damage or misappropriation of College property or services, or the property of any person, restriction of access to specified campus facilities and/or property, and/or referral to medical resources or counseling personnel. These can be assigned as recommended sanctions or as conditions to another sanction. Upon issuance of a formal suspension, a discipline file is created in the Office of the appropriate Vice President. The file will be consulted in determining sanctions for any further proven code violation.

**F. Other Registered Student Organization Sanctions**

In addition to other sanctions that are imposed, registered student organizations may lose privileges or registration for violation of the Code or the regulations contained within the Student Organization Handbook.

## **10.17 Conditions of Suspension and Dismissal**

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A student who has been dismissed or suspended from the College shall be denied all privileges afforded a student and shall be required to vacate campus at a time determined by the hearing officer or hearing body. 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, in the absence of express written permission from the Vice President of Student Affairs or designee. To seek such permission, a suspended or dismissed student must file a written petition to the Vice President for Student Affairs or designee.

## **10.18 Interim Suspension**

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When the Vice President for Student Affairs or his/her designee has reasonable cause to believe that the student has violated College rules and 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 and temporarily 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.

The immediate, temporary suspension will be confirmed in writing and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of the College. The student may, within three (3) calendar days of the imposition of the interim suspension, petition the Vice President for Student Affairs or his or her designee 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 appropriate Vice President of Student Affairs or his/her designee.

### **10.19 Continued Suspension**

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Following an Interim Suspension Hearing, the student's suspension from the College may be continued for an indefinite period of time if the appropriate Vice President of Student Affairs or his/her designee determines that the student's behavior poses an imminent danger of causing physical harm to himself/herself or to others; or directly and substantially disrupts or impedes the lawful activities of other members of the campus community, including faculty, staff, students, visitors, and guests of Rhodes State College and The Ohio State University at Lima.

Under the terms of a Continued Interim Suspension, the student:

- A. Will be required to leave campus immediately upon notification;
- B. Will not be allowed to return to the campus without authorization from the college official who ordered the Separation or his/her designee;
- C. Will be eligible to receive a refund of tuition and fees for the quarter of separation in accordance with the "Refund Schedule" posted in the current college catalog;
- D. Will have the grade "AW" (Administrative Withdrawal) entered upon his/her official college transcript for any courses not completed during the quarter of separation (the "AW" grade will not be calculated in the student's GPA);
- E. Will have the comment "Involuntarily Separated from the College" entered upon his/her official college transcript;
- F. Will have a hold placed upon his/her file to prevent future unauthorized registration at the College.
- G. Whether the student is allowed to return or whether there is a continued suspension, the College will move forward on the investigation and conduct an appropriate administrative or Judicial Panel Hearing based on the merits of the circumstances.

### **10.20 Administrative Disenrollment and Other Restrictions**

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- A. A student may be administratively disenrolled 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 the Vice President for Student Affairs or designee determines that:
  1. The student's continued presence poses a significant risk of substantial harm to the health or safety of themselves, others, or to property; or
  2. 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 Vice President for Student Affairs or designee shall notify the student in writing of the reasons that disenrollment or other action is being considered, provide the student with an opportunity to respond, and consult with appropriate College personnel. The Vice President for Student Affairs or designee may also consult with any other persons whom the Vice President for Student Affairs or designee deems appropriate under the circumstances.

- B. In those cases under **Section 10.21 (A)(1)** 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 section **10.21 (A)(2)** of this rule, the Vice President for Student Affairs 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 Vice President for Student Affairs or designee may request the student to undergo an appropriate examination, as specified by the Vice President for Student Affairs 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 **10.21 (A)(1)** or **(A)(2)**, the Vice President for Student Affairs or designee shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.
- C. A student who has been administratively disenrolled; prohibited from College premises, College-related activities or registered student organization activities; or permitted to remain only under specified conditions may petition the Vice President for Student Affairs for revision of that status. The petition must include supporting documentation or evidence that:
  - 1. The conditions found to have existed under section **10.21 (A)(1)** or **(A)(2)** no longer exist and will not recur, and
  - 2. 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 Vice President for Student Affairs or designee shall evaluate the evidence and may consult with the student, any appropriate College personnel, and any other persons whom the Vice President for Student Affairs or designee deems appropriate. The Vice President for Student Affairs 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.



## *Appeal Process*

### **10.21 Appellate process**

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#### **A. Right to Appeal**

A student found to have violated this code has the right to appeal the original decision of the judicial hearing body.

- 1. A student may continue to attend classes and exercise other rights and privileges of a registered student during the appeal process, but the College reserves the right to impose the sanction(s) retroactively to the date of sanction(s) cited in the original notification from the appropriate Vice President or his/her designee.
- 2. A hold will be placed on a student's record pending completion of the due process appeal.
- 3. An appeal must be based upon one or more of the following grounds:
  - a. Procedural error;
  - b. Misapplication or misinterpretation of the rule alleged to have been violated;

- c. Findings of facts not supported by the greater weight of the evidence.
  - d. Discovery of substantial new facts that were unavailable at the time of the hearing; and
  - e. That the disciplinary sanction imposed is grossly disproportionate to the violation committed.
4. An appeal of a decision must be submitted in writing and postmarked or hand delivered to the appropriate Vice President or his or her designee within ten (10) calendar days after the date on which written notice of the decision is sent to the student.

**B. Appropriate Appeal Officers**

1. Appeals from the College Judicial Panel or Academic Integrity Council will be submitted for decision to the appropriate Vice President or his/her designee.
2. Appeals from the administrative hearing officer(s) will be submitted for decision to the appropriate Vice President or designee.

**C. Appeal Proceedings**

1. The Vice Presidents, as appeal officers, shall dismiss the appeal if it is not based upon one or more of the grounds set forth in **Section 10.22 (A)(3)**.
2. The appeal officer may decide the appeal based upon a review of the record.
3. The appeal officer may request additional written information or an oral presentation from any relevant person(s) and then decide the appeal based upon the enhanced record.

**D. Possible Dispositions by the Appeal Officer**

The appeal officer, after a review of the record may pursue the following:

1. Uphold the original sanction;
2. Dismiss the original sanction, or impose a lesser sanction;
3. Remand the case to the original hearing body; or refer the case to a new hearing officer or panel to be reheard. If possible, a new hearing officer or panel should be different from the one that originally decided the case. If a case is reheard by a hearing officer or panel, the sanction imposed can be greater than that imposed at the original hearing.



## *General Provisions*

### **10.22 Maintenance and Confidentiality of Student Conduct Records**

A single record consisting of written notes, tape recording, or other medium selected by the hearing body will be made of all hearings. Such record will remain the property of the College. A completed file for each case of misconduct shall be maintained in the office of the appropriate Vice President or his/her designee for two years. In the case of a dismissal of more than two years, the file will be maintained for one year after the term that the dismissal expires.

In general, materials, relating to a disciplinary action are confidential and may be made available, pursuant to the Family Education and Privacy Act (**FERPA 20 U.S.C. §1232g. et.seq.**) guidelines and standards. A written notice of the decision and, if found in violation, information regarding appeal procedures (**Section 10.22**) will be provided to the accused student.

### **10.23 Modifications from Procedure**

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A student and hearing officer may agree in advance to minor modifications from procedure. Such deviations are not then subject to appeal. Minor modifications are acceptable as long as such modifications are for good cause and are not found to be unreasonably harmful to the student or violate due process rights, policies and rules of Rhodes State College.

### **10.24 Revisions and Amendments**

The Rhodes State College Code of Student Conduct is an official publication of the College as approved by the Board of Trustees. All petitions for revision and amendment of Code should be submitted through the Office of the Dean of Student Development Education for consideration by the appropriate governing bodies and recommendation to the President. Proposed revisions to the Code shall be reviewed, in draft form, by the President, Vice President for Academic Affairs, and the appropriate student governing body before being presented for approval to the Councils of Academic and Student Affairs. Revisions must have the approval of the College Board of Trustees, and no revision shall become effective until printed notice of such revision is made available to students. Revisions made to this Student Code of Conduct Policy and Procedure since the date of its publication is available in the Office of the Dean of Student Development Education.