**3341-2-28 Prohibited Conduct.**

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<th>Applicability</th>
<th>All University Units</th>
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<td>Responsible Unit</td>
<td>Office of the Dean of Students</td>
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<td>Policy Administrator</td>
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(A) Policy Statement and Purpose

The purpose is to articulate behaviors the university defines as inappropriate for students to engage in as well as what a student can be charged with as the result of a student conduct investigation.

(B) Policy

Any student or organization found to have committed one or more of the following acts of prohibited conduct will be subject to sanctions. The standard of proof in determining whether a student or organization has violated the Code is “more likely than not”.

(C) Offenses Against the University Community

(1) Acts of dishonesty, including but not limited to the following:

   (a) Furnishing false information to the university or any university official.

   (b) Forgery, alteration, or misuse of any university or government document, record, or instrument of identification.

   (c) Tampering with the election of any organization.

Note: Violations of the Code of Academic Honesty are not included in this section.
(2) Disruption or obstruction of teaching, research, administration, conduct proceedings, or other university activities, including its public service functions, whether on or off campus, and other authorized non-university activities, which occur on university premises.

(3) Failure to comply with directions of university officials and law enforcement officers acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

(4) Violations of other published university policies, rules or regulations. Such policies, rules or regulations include but are not limited to Residence Life Community Living Standards and Residential Living Agreement, Information Technology Policies, parking and traffic regulations, policies governing student organizations and other published policies.

(5) Recording a lecture or other classroom interaction, selling class notes, or being paid for taking class notes, without the permission of the instructor or of Disability Services staff.

(6) Using electronic or other means to make a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy without the person’s prior knowledge or permission in each instance, when such a recording is likely to cause injury, distress, or damage to reputation. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited. Faculty have the right to control the classroom environment and to permit or deny permission to do electronic video or audio recording at their discretion.

(7) Littering on university premises.

(D) Offenses Against Persons

(1) These behaviors include but are not limited to any contact or communication that are intended to threaten, harass or injure a person(s):

(a) Endangering, threatening, or causing physical harm to any member of the university community or to oneself, causing
reasonable apprehension of such harm or engaging in conduct or communications that a reasonable person would interpret as a serious expression of intent to harm.

(b) Harassment- any severe or pervasive verbal, written, or electronic communication or action that causes a reasonable person to feel emotionally or mentally distressed or frightened. Harassment also includes communication or action that interfere with an individual’s participation in an educational, work, or university activity or environment;

(c) Stalking- intentional repetitious or continuous actions that would cause a reasonable person to feel frightened, harassed, annoyed, threatened, or alarmed. Such actions could be either implicit or explicit threats against a specific person; an acquaintance, friend, family member, or pet of that person; or that person’s property;

(d) Domestic Violence- Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that persons’ acts under the domestic or family violence laws of the jurisdiction;

(e) Other conduct that threatens or endangers the health or safety of any person.

(2) Sexual misconduct- As more specifically described in the university policy on Sexual Misconduct, sexual misconduct is any physical contact or other non-physical conduct, however slight, of a sexual nature in the absence of consent or when it involves compelling a person to submit to such conduct by force, threat of force, use of intoxicants to impair a victim’s ability to give consent, or otherwise taking advantage of any impairment that
might render a person incapable of making a decision about sexual activity. This includes sex-based violence and sexual harassment.

(a) Consent is present when an individual has the capacity to voluntarily, knowingly and affirmatively agree to engage in a sexual activity.

(b) An individual cannot consent when the individual:

(i) Is substantially impaired by any drug or intoxicant; or

(ii) Has been compelled by force, threat of force, deception, or other coercion; or

(iii) Is unaware that the act is being committed; or

(iv) Ability to voluntarily, knowingly and affirmatively give consent is impaired because of a mental or physical condition; or

(v) Who is coerced by supervisory or disciplinary authority.

(c) Consent may be withdrawn at any time.

(d) Prior sexual activity or relationship does not, in and of itself, constitute consent.

(e) An individual must be of legal age to give consent, as defined by the State of Ohio.

(f) Any action or behavior that violates Title IX of the Education Amendments Act of 1972, is a violation of BGSU policy.

(g) Students should consult the university policy on Sexual Misconduct for more detailed definitions and explanations.

(3) Hazing– any mental or physical action, requirement, request of, or obligation placed upon any person (including but not limited to a
pledge, associate member, affiliate, prospective member, guest, initiate or team member) which could be harmful to the health, welfare or academic progress of the person; or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person; or which destroys or removes public or private property; or which violates any federal, state, or local laws, or university policy, whether on or off-campus. No member of the university community shall fail to report hazing. A person’s consent to hazing is not an excuse under this section.

(4) Retaliation— a student or organization shall not retaliate against any member of the BGSU community who files an Incident Report or who brings forward a complaint or concern.

(Any action or behavior that violates Title IX of the Education Amendments Act of 1972, is a violation of section 6. B. of the Code of Conduct. Information on Title IX is located in the Policies and Procedures section of the Student Handbook.)

(E) Offenses Against Property

(1) Attempted or actual theft or possession of stolen property, whether knowingly or unknowingly.

(2) Attempted or actual damage or vandalism to property.

(3) Unauthorized possession, duplication, or use of keys and other entry codes or devices to any university premises.

(4) Unauthorized presence in or unauthorized use of university property, resources, or facilities.

(5) Theft or other abuse of computer facilities and resources, including but not limited to:

(a) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.

(b) Unauthorized transfer of a file.

(c) Use of another individual’s identification and/or password.
(d) Use of university computing facilities and resources to interfere with the work of others.

(e) Use of university computing facilities and resources to send obscene or abusive messages.

(f) Use of university computing facilities and/or e-mail to send unsolicited or unauthorized messages with the intention of reaching a mass of users.

(g) Use of university computing facilities and resources to interfere with normal operation of the Bowling Green State University computing system.

(h) Use of university computing facilities or resources in violation of copyright laws.

(i) Any violation of Bowling Green State University’s Network and Computer Policies.

(6) Intentionally setting fire to property.

(F) Offenses Disrupting Order or Disregarding Health and Safety

(1) Drugs- Use, possession, distribution or manufacture of illegal drugs including drug-related paraphernalia containing illegal residue; or prescription meds that are unmarked or not for the person in possession of them; or using materials for the purpose of an intoxicant except as expressly permitted (e.g., whip-its, huffing, etc.).

(2) Alcohol- Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and university regulations.

(3) Weapons- Possession of firearms, explosives, incendiary devices, or illegal or unauthorized possession of weapons, or dangerous chemicals.
(4) Demonstrations, Celebratory Riots, and Riots - The following policies are not intended to prohibit peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.

(a) Participation in a campus demonstration or disturbance with the purpose to commit or incite any action that present a clear and present danger to others, causes physical harms to others, or damages property.

(b) Leading or inciting others to disrupt scheduled or normal activities within any campus building or area.

(c) Intentional obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.

(d) Prohibited behavior in the context of a riot includes, but is not limited to:

(i) Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and

(ii) Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and

(iii) Failing to comply with an order to disperse by university officials, law enforcement, or emergency personnel; and

(iv) Intimidating, impeding, hindering, or obstructing a university official, law enforcement, or emergency personnel in the performance of their duties.

(5) Fire Safety - Entering false fire alarms or bomb threats or tampering with fire extinguishers, alarms, smoke detectors or other safety equipment.

(6) Gambling - Illegal gambling or wagering.
(7) Disorderly Conduct- Engaging in violent, abusive, indecent, unreasonably loud, or otherwise disorderly conduct (e.g., causes alarm, concern, or nuisance) in which the conduct:

(a) disrupts the normal operations of the university;

(b) causes or provokes a disturbance within a community;

(c) causes harm or has the potential to harm others or one’s self.

(8) Laws on university premises- Violations of federal, state or local law on university premises or at university-sponsored or supervised activities.

(9) Laws off university premises- Violations of federal, state or local law off university premises and not related to university-sponsored or supervised activities when the violations adversely affect the university community and/or the pursuit of its objectives.

(G) Violation of State, Federal or Local Laws and University Policies

Any act or omission that constitutes a violation of federal, state or local laws and university policy which is not otherwise covered in the Code.

(H) Interfering with the Conduct Process, Including but not Limited to:

(1) Failure to appear at a conduct meeting or hearing when directed to do so.

(2) Falsifying, distorting or misrepresenting information at a conduct meeting or hearing, or knowingly initiating a false complaint.

(3) Attempting to discourage a person’s proper participation in, or use of, the conduct process.

(4) Harassment or intimidation of a university official or member of a conduct committee.

(5) Failure to comply with sanction(s) imposed under the Code.
(I) Shared Responsibility for Infractions

(1) Presence during any violation of university policies or rules in such a way as to incite, aid or abet the violation.

(2) Students and organizations may be held responsible for the conduct of their guests while on university premises, at university-sponsored or supervised activities, and at functions sponsored by any registered student organization.

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