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) 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, Residential Living Agreement, parking and traffic regulations, policies governing recognized student organizations and other published policies.
(3) 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.

(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) Harm to Others- Endangering, threatening, intimidating, or attempting to causing physical harm to another person, 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 cause harm.

(b) Harassment- Any severe, persistent, or pervasive action or communication (verbal, written, or electronic) that causes a reasonable person to feel emotionally or mentally distressed or frightened whether after having been asked to stop or continuing actions to such a degree that a reasonable person, subject to contact, would regard the contact as unwanted. Harassment also includes communication or action that interfere with a person’s participation in an educational, work, or university activity or environment.

(2) Hazing- When done intentionally, knowingly, or recklessly, for the purpose of initiating, admitting, or affiliating an individual into or with a band, athletic team, club, or recognized student organization, or for the purpose of continuing or enhancing an individual’s membership or status in an a band, athletic team, club, or recognized student organization, the Code prohibits causing, coercing, or forcing an individual to do any of the following:

(a) Consume any food, liquid, drug, or other substance.

(b) Endure any act of a physical nature including, but not limited to, whipping, beating, branding, paddling, kicking, pushing, shoving, tackling, calisthenics, or exposure to the elements.

(c) Endure any act which may adversely affect the mental health or dignity of the individual including, but not limited to, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment or degradation.
Any activity which has the potential to be frightening, degrading, or unduly deceptive, including deception designed to convince the individual of impending pain, injury, or non-initiation including, but not limited to, promoting servitude, berating or verbally harassing individuals, throwing items at or on individuals, forcing individuals to carry items, forcing individuals to yell when entering or departing a physical structure or in the presence of designated individuals, forcing individuals to use designated entrances or exits, requiring individuals to run personal errands, intentionally creating labor or clean-up work, and requiring individuals to wear scant clothing or to be nude.

Endure or participate in any act of a sexual nature.

Any activity which endangers or has the potential to endanger the academic performance of the individual, such as not allowing adequate time for or interfering with academic commitments.

Any destruction or removal of public or private property.

Any violation of federal, state, or local law or rule or university policy.

Hazing does not include reasonable and customary athletic, law enforcement or military training, contests, competitions, or events that are explicitly relevant to the mission of the band, athletic team, club, or recognized student organization.

Expressed or implied consent to hazing does not prevent the behavior from being considered a violation of this policy.

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.

Sexual Misconduct, Dating Violence, and Stalking

(a) Sexual Assault: See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.

(b) Sexual Harassment: See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.

(c) Stalking: See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.

(d) Dating Violence: See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.

(e) Domestic Violence: See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.

(f) Retaliation: See University Policy 3341-2-41: Title
(g) Violation of Mutual Restrictions on Contact Between Parties: See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.

(5) Sexual Misconduct: Sexual misconduct is a term which may include any intentional touching of a sexual nature or attempted touching of a sexual nature without consent that is not prohibited by the Title IX Sexual Harassment and Policy and Procedures. Sexual misconduct may also include touching for the purposes of sexual gratification in areas of the body that does not include breasts, buttocks, groin, or genitals. Sexual misconduct may also include sexual exploitation (such as voyeurism or non-consensual recording of sexual activity), and lewd or obscene sexual behavior (such as public masturbation or exposure of oneself without another's consent).

(E) Offenses Against Property

(1) Attempted or actual theft or possession of stolen property, whether knowingly or should have reasonably known.

(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 premises.

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

(5) Theft or other abuse of computer facilities, accounts, or 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 computing facilities, accounts, or resources to send obscene or abusive messages.

(f) Use of computing facilities, accounts, or email 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 Information Technology Policies.

(6) Littering.

(F) Offenses Disrupting Order or Disregarding Health and Safety

(1) Drugs

(a) Use and/or possession of controlled substances including marijuana or substances derived from marijuana, except as expressly permitted by law.

(b) Use and/or possession of drug related paraphernalia except as expressly permitted by law.

(c) The abuse, misuse, sale, or distribution of prescription drugs.

(d) Manufacture, distribution, sale and/or offer for sale of any controlled substance or drug, except as expressly permitted by law.

(e) Intentionally or recklessly inhaling or ingesting substances (e.g. nitrous oxide, glue, paint, etc.) that will alter a person’s state of mind.

(f) Misconduct under the influence of drugs including, but not limited to, operating a vehicle under the influence of drugs or disorderly conduct due to the influence of drugs.

(2) Alcohol

(a) Use and/or possession of alcoholic beverages except as expressly permitted by law and university policy. This includes, but is not limited to, the underage possession or consumption of alcohol.

(b) Selling, distributing, or furnishing of alcoholic beverages except as expressly permitted by law and university policy. This includes, but is not limited to, providing alcohol to a person under the legal drinking age.

(c) Misconduct under the influence of alcohol including, but not limited to, operating a vehicle under the influence, disorderly conduct due to intoxication, or public intoxication.

(d) Failure of a recognized student organization to take all
necessary steps to ensure that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents.

(3) Weapons- Possession of firearms, explosives, incendiary devices, or illegal or unauthorized possession of weapons, or dangerous chemicals.

(4) Fire Safety

(a) Failing to properly evacuate during a fire alarm.

(b) Falsely reporting a fire-related emergency.

(c) Tampering with, or improperly engaging a fire alarm, smoke detector, or sprinkler system.

(d) Improper use or possession of fire safety equipment.

(e) Intentionally or recklessly causing a fire, regardless of whether it damages property, or causes injury to another.

(5) Gambling- Illegal gambling or wagering.

(6) Disruptive Behavior

(a) Disrupting and/or interfering with university operations including, but not limited to, obstruction of teaching, research, and/or administrative activities.

(b) Causing, inciting, or participating in any conduct that unnecessarily disturbs others or disrupts local municipalities, including, but not limited to, participating in or inciting a riot.

(c) Failure to comply with lawful orders of university officials or law enforcement officers acting within the scope of their job duties, and/or failure to identify oneself to these persons when requested to do so.

(d) An act, which deliberately interferes with the freedom of speech of any member or guest of the university community.

(e) Urinating in public.

(G) Violation of State, Federal or Local Laws

Any act or omission that constitutes a violation of federal, state or local laws, which is not otherwise covered in the Code.
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 whether in person or via digital platform such as email or social media.

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.

6. Intentionally delaying a conduct investigation, meeting, or hearing.

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 recognized student 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 recognized student organization.

Registered Date: March 12, 2015