

**3341-2-28 Code of Student Conduct.**

Applicability	Students, Recognized Student Organizations, and Student Groups
Responsible Office	Office of the Dean of Students
Responsible Administrator	Dean of Students

**(A) Policy Statement and Purpose**

The Bowling Green State University (BGSU) community is committed to fostering an environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct and conflict resolution function within the Office of the Dean of Students is committed to an educational and developmental process that balances the interests of individual students, recognized student organizations, and student groups with the interests of the University community. Within our learning community, we endeavor to act on our Core Values:

- (1) Intellectual and personal growth;
- (2) Creativity, innovation and entrepreneurship;
- (3) Diversity and belonging;
- (4) Collaboration with each other and our partners; and
- (5) Excellence in all we do.

A community exists on the basis of shared values and principles. At BGSU, students, recognized student organizations, and student groups are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct.

Each member of the BGSU community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these values by engaging in violations of the rules set within this Code of Student Conduct, the proceedings outlined within are used to assert and uphold the Code of Student Conduct.

The student conduct process at BGSU is not intended to punish students, recognized student organizations, or student groups; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. This Code of Student Conduct is intended to ensure that students, recognized student organizations, and student groups conduct themselves in accordance with the values of the University by participating in an environment which respects differences of sex, sexual orientation, gender identity, gender expression, race or color, marital status, ethnicity, religion or creed, ancestry, genetic information, pregnancy, national origin, disability, age, and veteran's status. Sanctions are intended to challenge moral and ethical decision-making and to help bring behavior into accord with our community expectations. When a student, recognized student organization, or student group is unable to uphold community expectations, the student conduct process may determine that the student, recognized student organization, or student group should no longer share in the privilege of participating in this community.

The student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all but are not an extension of, or replacement for, the local, state, or federal legal system. Due process, as defined within these procedures, assures written notice and an opportunity to be heard before an objective decision-maker. No student, recognized student organization, or student group will be found in violation of this Code without information showing that it is more likely than not a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student, recognized student organization, or student group.

Students, recognized student organizations, and student groups are responsible for knowing the information, policies, and procedures outlined in the Code of Student Conduct. BGSU reserves the right to make changes to this Code of Student Conduct as necessary and once those changes are

posted online, they are in effect. Students, recognized student organizations, and student groups are encouraged to check online for the updated versions of all policies and procedures.

(B) Definitions

- (1) The term “Code” means the Code of Student Conduct.
- (2) The term “student(s)” means any person from the time they are admitted to the University up through the date of graduation. This term includes, but is not limited to:
  - (a) Newly admitted student(s) who have attended orientation;
  - (b) Currently enrolled individual(s), including dual-enrolled student(s); and/or
  - (c) An individual who has been enrolled in classes within the prior two semesters (i.e., summer, fall, or spring).
- (3) The term “recognized student organization” means a group of people who are associated with each other and who have registered with the University as a student organization as outlined in University Policy 3341-2-36.
- (4) The term “student group” means a group of people who are associated with the University and each other, but who have not registered, or are not required to register as a student organization (e.g., athletic teams, spirit groups, military organizations, honor societies, musical or theatrical ensembles, bands, and/or clubs).
- (5) The term “University official” includes any person employed by the university and any person serving the University in an official capacity.
- (6) The term “member of the University community” includes any person who is a student, University official, trustee, or any other person serving the University in an official capacity. The Dean of Students or designee shall determine a person’s status as a member of the University community.

- (7) For the purposes of the Code, the term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, controlled by, or supervised by the University, whether in Bowling Green, Ohio, or elsewhere.
- (8) The terms “shall” and “will” are used in the imperative sense.
- (9) The term “may” is used in the permissive sense.
- (10) The term “day” means business days (Monday – Friday) when the University is open, regardless of whether classes are in session. In determining any deadlines as set forth in the Code, references to a number of “days” prior to or after occurrence of an event shall not include the day of the event.
- (11) The term “complainant” means any person filing an incident report of alleged misconduct or otherwise bringing a complaint to the attention of a University official charged with receiving, investigating, and remedying a complaint.
- (12) The term “respondent” means a student or recognized student organization against whom an incident report of alleged misconduct has been filed under this Code. When the respondent is a recognized student organization, the presiding officer or an appointed student affiliated with the organization shall serve as the official representative throughout the conduct process.
- (13) The term “health” means physical and/or mental well-being.
- (14) For the purposes of the Code, the term “residence hall” means any hall, house or other living unit owned or leased by the University for the principal purpose of providing student housing.
- (15) The term “incident report” means any allegation of misconduct submitted through <http://bgsu.edu/reportit>. The University also treats law enforcement agency reports and citations as incident reports.
- (16) The term “conduct administrator” means an individual or entity authorized by the Dean of Students or designee to facilitate the

investigation and informal resolution process involving alleged violations of the Code.

- (17) The term “decision-maker” means an individual or entity authorized by the Dean of Students or designee to facilitate the formal resolution process involving alleged violations of the Code.
- (18) The term “preponderance of the evidence” is the standard of proof for alleged violation(s) of the Code. A preponderance of the evidence means that, based on all the reliable, relevant evidence and reasonable inferences from that evidence, the respondent is more likely than not in violation of the Code.
- (19) The term “not in good conduct standing” is defined as a student, recognized student organization, or student group that is currently on University Conduct Probation. This standing is to alert a student, recognized student organization, or student group that their behavior(s) do not adhere to the Code of Student Conduct and any subsequent policy violation(s) will likely result in suspension or expulsion. Recognized student organizations and student groups may choose to limit a student’s involvement or participation with as well as benefits from (e.g., receiving awards, scholarships, or forms of recognition) when a student is not in good conduct standing.

(C) Conduct Authority

Ultimate authority for student conduct is vested in the Board of Trustees of the University. The Board of Trustees has delegated authority for student conduct to the University’s President. The Dean of Students is the person designated by the President to be responsible for the administration of the Code. Conduct authority may be delegated to University officials and committees as set forth in this Code, in accordance with other University policies, rules, or regulations, and as deemed appropriate by the Dean of Students or designee.

(D) Jurisdiction

- (1) This Code applies to the conduct of students, recognized student organizations, and student groups that occurs on or off University premises, which adversely affects members of the University community and/or the pursuit of its objectives including, but not

limited to, creating a positive academic environment, promoting responsible citizenship, and fostering an inclusive community.

- (2) This Code applies to a student's conduct if the student was considered a student, as defined in this Code, at the time of the alleged incident, even if the student withdraws from the University while a conduct matter is pending. This Code applies to a recognized student organization's conduct if the student organization was registered with the University as a student organization at the time of the alleged incident, even if the student organization surrenders or loses its recognition while the conduct matter is pending.
- (3) This Code may be applied to behavior conducted online, via email, or another electronic medium. Students, recognized student organizations, and student groups should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject a student, recognized student organization, or student group to allegations of conduct violations if evidence of policy violations is posted online.

(E) Violation of Law and University Policy

An incident report may be filed against a student, recognized student organization, or student group charged with a violation of a law that is also a violation of this Code if both violations result from the same factual situation, independent of any pending criminal prosecution or civil litigation. Proceedings under the Code may be carried out prior to, simultaneously with, or following criminal prosecution or civil litigation.

(F) Intersection with Title IX Sexual Harassment and Policy and Procedures

- (1) The Title IX Sexual Harassment and Policy and Procedures, University Policy 3341-2-41, has certain jurisdictional limitations. An allegation of prohibited conduct as defined under that policy that is outside the scope of that policy's jurisdiction, but within the jurisdiction of the University under the Code, will be treated as an allegation of prohibited conduct under this Code.

- (2) A matter may be referred for jurisdictional reasons from the Title IX process to the Code process at any time or may originate in the Office of the Dean of Students and will be considered Non-Title IX Sexual Misconduct. Interim measures under this Code may be applied as warranted. The Code process for a referred matter is set forth in this Code. The Dean of Students (or designee) will review each referred matter to determine if additional incident reporting, conduct meetings, or investigation are needed.
- (3) If the respondent disputes an allegation of prohibited conduct under this Code, the case will proceed in accordance with the hearing procedures set forth in the Code. The appeal process will follow in accordance with the Code.

(G) Prohibited Conduct

Any student, recognized student organization, or student group 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 recognized student organization has violated the Code is the preponderance of the evidence.

- (1) Offenses Against the University Community
  - (a) Acts of dishonesty including, but not limited to:
    - (i) Furnishing false information to the University or any University official.
    - (ii) Furnishing or possessing false, falsified, or forged materials, documents, accounts, records, identification, or financial instruments.
    - (iii) Tampering with the election of any recognized student organization or student group.
    - (iv) Unauthorized use of University, recognized student organization, or student group funds.
  - (b) Violation(s) of the University's Community Living Standards and/or Residential Living Agreement.

- (c) Violation(s) of other published University policies, rules, or regulations. Such policies, rules, or regulations include, but are not limited to parking and traffic regulations, policies concerning recognized student organizations and other published policies.
  - (d) 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. Unless otherwise expressly permitted by the instructor, permission to record a class applies exclusively to the student who received permission from the instructor. The recording may not be accessed or utilized by any other individual. No replication of the recording may be made without the instructor's expressed permission.
- (2) Offenses Against Persons
- (a) Harm to Others – Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
  - (b) Threatening Behaviors – Conduct or actions that causes a reasonable expectation of injury to the health or safety of any person or damage to any property, or intimidation which is defined as implied threats or acts that cause a reasonable fear of harm in another.
  - (c) Unwanted Conduct – Unwelcome conduct (including written or electronic communication) that is so severe, pervasive, and objectively offensive that it substantially interferes with the ability of a person to work, learn, live or participate in, or benefit from the services, activities, or privileges provided by the university. In no event shall this provision be used to discipline a student, recognized student organization, or student group for speech protected by the First Amendment of the United States.

- (d) Discrimination or Harassment – See University Policy 3341-5-51: Non-Discrimination in Employment and Education which prohibits:
  - (i) Adverse education action taken under University authority against a person based upon that person’s protected class.
  - (ii) Unwelcome verbal, nonverbal, or physical conduct directed toward a person that is based on the person’s protected class.
- (e) Unauthorized Recording or Monitoring - Using electronic or other means to watch or monitor, and/or 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.
- (f) Hazing
  - (i) Hazing means doing any of the following or pressuring, causing, forcing, soliciting, or coercing any person to do any of the following, for the purpose of initiating, admitting, or affiliating an individual into or with a student group or student organization; continuing, reinstating, or enhancing an individual’s membership or status in a student group or student organization; or perpetuating or furthering a tradition or ritual of a student group or student organization:
    - (a) Engage in any conduct prohibited by federal, state and/or municipal criminal law, regardless of whether an arrest is made, or criminal charges are brought;
    - (b) Take into their body any food, liquid (including alcohol), drug, or other substance

that subjects the person to a substantial risk of mental or physical harm; and /or

- (c) Cause or create a substantial risk of causing mental or physical harm to another and/or engage in any act or omission that contributes to the death of another.
- (ii) See University Policy 3341-2-49 for reporting obligations and options, investigation procedures, corrective action, and zero tolerance sanctions.
- (iii) Per University Policy 3341-2-49, the following acts constitute prohibited conduct:
  - (a) Purposefully, knowingly, recklessly, or negligently hazing any person.
  - (b) Involvement in the planning of hazing and/or being present during hazing.
  - (c) Failing to intervene to prevent or stop hazing if the individual has knowledge of a planned hazing activity.
  - (d) Failing to assist or seek assistance for if the individual knows or reasonably should know that another is in danger from effects of hazing.
  - (e) Knowingly making a false accusation of hazing.
  - (f) Failing to report any information about past, current, or planned hazing.
  - (g) Failing to cooperate in an investigation of hazing.
  - (h) Retaliating against or taking adverse action towards any reporting party and/or person

participating in a hazing investigation or disciplinary proceeding.

- (g) Retaliation – a student, recognized student organization, or student group shall not take any adverse action against any person who files an incident report, brings forward a complaint or concern, serves as a witness, assists, or participates in any investigation or in any University proceeding.
- (h) Sexual Assault, Sexual Harassment, Dating Violence, Sexual Misconduct and Stalking – All complaints or reports of sexual harassment, sexual assault, stalking, dating violence, and domestic violence by or on behalf of students, recognized student organizations, and student groups will initially be referred to the University’s Title IX Coordinator or designee for review and determination of whether the allegation is covered by University Policy 3341-2-41. If the alleged sexual misconduct is not within the definitions or jurisdictional elements of the University’s Title IX Sexual Harassment Policy and Procedures, such alleged misconduct will be referred to as “Non-Title IX Sexual Misconduct.” The procedures for Non-Title IX Sexual Misconduct are set forth in this Code. Title IX and this Code prohibit the following acts:
  - (i) Sexual Assault – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
  - (ii) Sexual Harassment – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
  - (iii) Stalking – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
  - (iv) Dating Violence – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.

- (v) Domestic Violence – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
  - (vi) Retaliation – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
  - (vii) Violation of Mutual Restrictions on Contact Between Parties – See University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
  - (viii) Sexual Misconduct – Sexual misconduct may also 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; touching for the purposes of sexual gratification in areas of the body that does not include breasts, buttocks, groin, or genitals; sexual exploitation (such as voyeurism, peeping, forwarding of pornographic or other sexually inappropriate material to non-consenting persons, non-consensual recording of sexual activity, or any activity that goes beyond the boundaries of consent); lewd or obscene sexual behavior (such as public masturbation, engaging in sexually explicit activity in public spaces including online, or exposure of oneself without another's consent). For purposes of this section, “consent” has the meaning as in University Policy 3341-2-41: Title IX Sexual Harassment and Policy and Procedures.
- (3) Offenses Against Property
- (a) Attempted or actual theft or possession of stolen property, whether knowingly or should have reasonably known.
  - (b) Attempted or actual damage or vandalism to property.
  - (c) Unauthorized possession, duplication, or use of keys and other entry codes or devices to any premises.

- (d) Unauthorized presence in or unauthorized use of property, resources, or facilities.
  - (e) Theft or other abuse of computer facilities, accounts, or resources including, but not limited to:
    - (i) Unauthorized entry into a file or University system to use, read, or change the contents, or for any other purpose.
    - (ii) Unauthorized transfer of or tampering with a file.
    - (iii) Use of another individual's identification and/or University credentials.
    - (iv) Use of computing facilities, accounts, or resources to interfere with the work of others.
    - (v) Use of computing facilities, accounts, or resources to send obscene or abusive messages.
    - (vi) Use of computing facilities, accounts, or e-mail to send unsolicited or unauthorized messages with the intention of reaching a mass of users.
    - (vii) Use of computing facilities, accounts, or resources to interfere with normal operation of the University computing system.
    - (viii) Use of computing facilities, accounts, or resources in violation of copyright laws.
    - (ix) Any violation of the University's information technology policies.
  - (f) Littering.
- (4) Offenses Disrupting Order or Disregarding Health and Safety
- (a) Drugs

- (i) Use and/or possession of controlled substances including prohibited cannabis or substances derived from prohibited cannabis, except as expressly permitted by law. Note, while Ohio has legalized both medical and recreational marijuana, the use, possession, and/or storage of medical or recreational marijuana is strictly prohibited on University premises and at University sponsored events and activities because marijuana remains illegal under federal law.
  - (ii) Use and/or possession of drug-related paraphernalia except as expressly permitted by law.
  - (iii) The misuse, sale, or distribution of prescription drugs.
  - (iv) Sell, distribute, furnish, manufacture, cultivate and/or offer for sale of any controlled substance or drug, except as expressly permitted by law.
  - (v) Intentionally or recklessly inhaling or ingesting substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a person's state of mind.
  - (vi) 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.
- (b) Alcohol
- (i) 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.
  - (ii) Sell, distribute, furnish, produce and/or offer for sale except as expressly permitted by law.

- (iii) 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.
  - (iv) Failure of a recognized student organization or student group 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.
  - (v) Providing a location for any individual to use or possess alcoholic beverages not expressly permitted by law or University policy.
- (c) Weapons
- (i) Possession, storage, or use of weapons including but not limited to firearms, compressed air-guns, pellet guns, etc. on University premises except as expressly permitted by law and University policy.
  - (ii) Possession, storage, or use of dangerous materials including but not limited to fireworks, explosives, or chemicals which are corrosive or explosive on University premises except as expressly permitted by law and University Policy.
  - (iii) Use of any other object not already mentioned used to intimidate, threaten, harm, and/or provide force can be considered a weapon under this provision.
- (d) Fire Safety
- (i) Failing to properly evacuate during a fire alarm.
  - (ii) Falsely reporting a fire-related emergency.
  - (iii) Tampering with or improperly engaging a fire alarm, smoke detector, or sprinkler system.

- (iv) Improper use or possession of fire safety equipment.
  - (v) Intentionally or recklessly causing a fire, regardless of whether it damages property, or causes injury to another.
- (e) Gambling – Illegal gambling or wagering.
- (f) Disruptive Behavior
- (i) Disrupting and/or interfering with University operations including, but not limited to, obstruction of teaching, research, and/or administrative activities.
  - (ii) 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.
  - (iii) Creating a health and/or safety hazard, including but not limited to, dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc., violating federal, state, local, or University public health and/or safety requirements, or exceeding the maximum occupancy of a structure.
  - (iv) Failure to comply with lawful orders of University officials or law enforcement officers acting within the scope of their job duties, including but not limited to, failure to identify oneself to these persons when requested to do so.
  - (v) An act, which deliberately interferes with the freedom of speech of any member or guest of the University community.
  - (vi) Public urination or defecation in a place that is not intended for use as a restroom.

(5) Noncompliance with the Conduct Process

This includes, but is not limited to:

- (a) Failing to obey the directives of a University official, conduct administrator, or decision-maker (e.g., failure to appear at a conduct meeting or hearing or to comply with interim actions or sanctions imposed under the Code).
- (b) Falsifying, distorting, intentionally omitting, or misrepresenting information at a University proceeding, including but not limited to, a conduct or investigatory meeting or hearing, or knowingly initiating a false statement or complaint.
- (c) Discouraging or attempting to discourage a person's proper participation in, or use of, the conduct process whether in person or via a digital platform such as e-mail or social media.
- (d) Harassing and/or intimidating a University official, conduct administrator or member of a conduct committee.
- (e) Harassing and/or intimidating any person participating in an investigation or disciplinary proceeding.
- (f) Intentionally delaying a conduct investigation, meeting, or hearing.
- (g) Destroying or concealing information of an alleged policy violation.
- (h) Influencing or attempting to influence another person to commit a violation of the conduct process.

(6) Shared Responsibility for Infractions

- (a) Any action or inaction that contributes to a violation of University policies, including but not limited to, planning,

causing, facilitating, or aiding the violation, whether present during the violation or not.

- (b) Students, recognized student organizations, and student groups 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 or student group.
  - (7) 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 this Code.
- (H) Organizational and Group Responsibility
- (1) An incident report may be filed against a recognized student organization or student group under the Code. A recognized student organization, a student group, and individual students may be held collectively and individually responsible for violations of the Code, as well as for violations of the Code conducted by those associated with the recognized student organization or student group, which includes guests and alumni. When an incident report is filed naming a recognized student organization as respondent, the presiding officer and/or students affiliated with the organization shall be required to participate in meetings and hearings as representatives.
  - (2) The following factors may be considered to determine if an activity or event is affiliated with a recognized student organization or student group:
    - (a) Multiple members, alumni, or authorized representatives were present during the activity or event.
    - (b) The purpose of the activity or event was related to initiating, admitting, or affiliating an individual into or with a recognized student organization or student group; continuing, reinstating, or enhancing an individual's membership or status in a recognized student organization or student group; or perpetuating or furthering a tradition or ritual of a recognized student organization or student group.

- (c) The activity or event was paid for by the recognized student organization or student group, paid for by personal funds collected from one or more members of the recognized student organization or student group, or paid for by funds collected from one or more guest(s) of the activity or event.
- (d) The activity or event occurred on property owned, controlled, rented, leased, or used by the recognized student organization or student group as well as any person affiliated with the recognized student organization or student group.
- (e) A reasonable person would associate the activity or event with the recognized student organization or student group based upon advertisement or communication concerning the activity or event.
- (f) One or more officers or leaders of the recognized student organization or student group helped plan or execute the activity or event.

(I) Conduct in Residential Facilities

Members of the University's residential community are responsible for their own actions as well as for the actions of their guest(s). Showing consideration for others and respect of University and personal property are the basic foundations of community living. At times, it may be necessary for the University to hold community members responsible for their actions that violate University policies. Any resident who violates a University policy, including the Community Living Standards, may be held accountable via this Code.

(J) Interim Measures

When the Dean of Students or designee has reasonable cause to believe that a student or recognized student organization may pose a risk to the safety or well-being of those involved or others in the University community, the student or recognized student organization may be issued an interim measure.

(1) Imposition of Interim Measures

Interim measures may be imposed only:

- (a) If the student or recognized student organization poses a threat to the safety and/or well-being of others or if significant disruption to normal operations of the University may occur; and/or
- (b) When otherwise provided by law.

(2) Interim Actions

- (a) Interim actions may be implemented by a conduct administrator or designee and include, but are not limited to: no contact directives(s); restriction from specific classes, campus facilities, activities, or locations; change of housing assignment; restrictions from entering certain institutional property; requirement to secure a psychological evaluation; cease and desist mandates; restriction from facilitating or participating in designated campus activities; other measures designed to promote the safety or well-being of the parties and BGSU community, etc.
- (b) An interim action shall remain in effect until removed or altered by the Dean of Students or designee or as the result of the student conduct process. With the exception of No Contact directives implemented by the Office of the Dean of Students, students or recognized student organizations may challenge an interim action in writing to the Dean of Students or designee within three days of the imposition of the interim action. Failure to comply with an interim action may result in a referral to the Office of the Dean of Students and/or the BGSU Police Department or additional interim actions including interim suspension.

(3) Interim Suspension

- (a) A conduct administrator or designee may impose or modify a University suspension and/or residence hall removal for a student or recognized student organization at any point during the conduct process. An interim suspension or

residence hall removal takes effect immediately upon notice being sent.

- (b) During an interim suspension, a student or recognized student organization may be denied access to a living unit and/or to the campus, including classes, and/or all other University activities or privileges for which the student or recognized student organization might otherwise be eligible. A recognized student organization shall discontinue all activities during an interim suspension.
- (c) A student or recognized student organization will receive written notice of the interim suspension, including a description of the alleged misconduct.
- (d) The student or recognized student organization may within three days of the imposition of the interim suspension, petition the Dean of Students or designee for reinstatement.
- (e) The petition must be in writing and must include supporting documentation or evidence that the student or recognized student organization does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or property.
- (f) The written petition and the supporting documentation or evidence will be reviewed by the Dean of Students or designee.
- (g) The Dean of Students or designee may choose to meet with the student or recognized student organization before deciding on reinstatement.
- (h) The decision of the Dean of Students or designee is final.

(K) Filing an Incident Report

- (1) Any person may file an incident report against a student, recognized student organization, or student group alleging violation(s) of this Code. An incident report shall be made in writing and directed to the Office of the Dean of Students or designated office. Though

anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of the Dean of Students and/or to the BGSU Police Department.

- (2) There is no time limit on reporting violations of the Code; however, the more time that has elapsed before submitting an incident report, the more challenging it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.
- (3) A complainant may be asked to participate in the conduct meeting or hearing as a witness and to present relevant information.
- (4) After receiving an incident report, a conduct administrator will conduct a preliminary inquiry into the nature of the incident report, jurisdiction, and information available. The conduct administrator may determine that there is insufficient information to pursue an investigation, that the behavior alleged, even if proven, would not violate the Code, or may initiate an investigation to determine if the incident report has merit and if it can be resolved by mutual consent of the persons involved on a basis acceptable to the conduct administrator. Such resolution shall be final and there shall be no subsequent proceedings. If a conduct administrator determines the incident report has merit and cannot be resolved by mutual consent, the conduct administrator may participate in any subsequent conduct meeting or hearing to resolve the incident report.
- (5) The Dean of Students or designee reserves the right to refer any incident report to any individual, entity or committee other than a conduct administrator, decision-maker, or the Title IX and Sexual Misconduct Board.
- (6) If a respondent fails to keep a meeting with the conduct administrator, a hold may be placed on the student's registration account and/or on the conferring of a degree, and a decision regarding appropriate charges, responsibility and/or sanctions may still be made.

(L) Communication

BGSU email is the official means of communication with students regarding student conduct matters. Students are responsible for all communication delivered to their BGSU email address per University Policy 3341-6-43. When the respondent is a recognized student organization or student group, the presiding officer or an appointed student affiliated with the organization or group will serve as the point of contact for communication concerning the conduct process.

(M) Investigation

- (1) Respondents will have the opportunity to meet with a conduct administrator to discuss the incident report. During the investigation meeting, the respondent will:
  - (a) Review the incident report and other relevant information.
  - (b) Be afforded the opportunity to be accompanied by one advisor of their choosing and at their expense. Respondent may, at no cost, request an advisor from the University's Office of the Dean of Students. Advisors are not allowed to speak or participate in the conduct process. Meetings will not be scheduled around the availability of an advisor. Advisors may not appear in lieu of the respondent. An attorney can be used as an advisor but is subject to the aforementioned stipulations.
  - (c) Have an opportunity to respond to the incident report and to present relevant information and/or witnesses. Witnesses are not character references and must have relevant information concerning the alleged policy violation(s).
- (2) Based on the information gathered during the investigation including statements from the respondent, a determination will be made by the conduct administrator whether the information presented warrants a charge of an alleged violation(s) of the Code, using the preponderance of the evidence standard of proof.
- (3) Respondents will be provided up to two days to choose between the informal and formal resolution options. Should the respondent fail

to decide, the case may be resolved without the input from the respondent.

(N) Informal Resolution

- (1) The respondent will receive, via electronic mail to the respondent's BGSU email address, written notice that a complaint has been received prior to the conduct meeting.
- (2) Respondents not disputing alleged policy violation(s) may choose the informal process for resolution of one or more violations of the Code.
- (3) The respondent will have the opportunity to discuss sanctions with a conduct administrator.
- (4) A final determination of sanctions will be provided in writing to the respondent through email.
- (5) As permitted by the Family Educational Rights and Privacy Act (FERPA), victims of crimes of violence will be notified of the resolution and the sanctions.
- (6) Guidelines for the implementation of sanction(s) are outlined in the Sanctions Section of this Code.

(O) Formal Resolution – Administrative Hearing

- (1) Respondents disputing the alleged policy violation(s) are entitled to a formal administrative hearing before a decision-maker.
- (2) Procedures for an Administrative Hearing
  - (a) The respondent will receive written notice via electronic mail of the hearing date at least three days prior to the hearing.
  - (b) By a date specified that is communicated via electronic mail by the decision-maker, the respondent and conduct administrator may submit materials for the hearing packet, which may include a list of witnesses for the hearing, a

summary of the information each witness is expected to provide, advisor contact information, and any relevant documents, incident reports, or statements the respondent and conduct administrator expect to present at the hearing. In advance of the hearing, the decision-maker will provide the final hearing packet, which will include all documents, incident reports, or statements pertaining to the investigation submitted by the respondent and conduct administrator that were determined by the decision-maker to be relevant to the hearing. Materials not included in the hearing packet cannot be introduced at the hearing.

- (c) Prior to the hearing, a respondent may challenge the decision-maker on the grounds of a conflict of interest that might affect impartial consideration of the finding. The decision-maker will set a deadline for the respondent to submit a concern regarding a conflict of interest in advance of the hearing. The Dean of Students or designee will review any submissions and make a final determination if a different decision-maker will be assigned. This final determination will be provided to the respondent in writing via electronic mail.
- (d) The respondent may be accompanied by one advisor of their choosing and at their expense. Advisors are not permitted to speak or participate in a hearing. Hearings will not be scheduled around the availability of an advisor. The respondent must include their advisor's name, telephone number, and email address as part of their hearing packet materials. Advisors may not appear in lieu of the respondent; however, an advisor may consult with the respondent during a hearing and may assist with preparation for the hearing. An attorney may serve as an advisor but is subject to the aforementioned stipulations. Should an advisor not be able to attend the hearing date, the hearing will still proceed.
- (e) Admission to the hearing of persons other than the parties involved (i.e., respondent, conduct administrator, witnesses, and advisors) will be at the discretion of the decision-maker. Hearings will be closed to the public.

- (f) For incidents involving more than one respondent, the decision-maker will determine whether there will be one hearing or separate hearings for each respondent. In joint hearings, separate determinations of responsibility will be made for each respondent.
- (g) In rare instances, the University may decide to formally present a Code case using legal counsel. In such cases, the respondent will be given adequate notice in order to seek the assistance of legal counsel, if so desired. In these instances, a staff member from the Office of General Counsel or their designee will serve as the conduct administrator.
- (h) The respondent is strongly encouraged to attend and participate in the hearing; however, the respondent may choose to remain silent. If a respondent fails to appear for a hearing, the hearing may proceed without the respondent's presence. Although no inference shall be drawn against a respondent for failing to attend a hearing or remaining silent, the hearing may proceed, and the conclusion will be based on the evidence presented.
- (i) The respondent may request alternative accommodations in lieu of being physically present at the hearing (i.e., a respondent may request to participate via a virtual platform).
- (j) There will be a single verbatim record, such as an audio recording, for all formal hearings. Deliberations will not be recorded. The record will be the property of the University and maintained according to the record retention policy of this Code.
- (k) During an administrative hearing, the decision-maker will exercise control over the proceedings. The decision maker is permitted to ask questions. If any person is disruptive, they may be required to leave the hearing.
- (l) During an administrative hearing, the decision-maker will determine whether information is relevant. Information will be considered relevant if it directly relates to the facts of the

alleged violation(s) or appropriateness of a particular sanction. Formal rules of evidence (e.g., federal and state rules of evidence) shall not apply.

- (m) The conduct administrator will be the first person to present information regarding the investigation during the hearing.
- (n) The decision-maker will have an opportunity to ask questions to the conduct administrator pertaining to the investigation and/or alleged policy violation(s). The respondent will also have an opportunity to ask questions to the conduct administrator pertaining to the investigation and/or alleged policy violation(s).
- (o) The second person who may present information during the hearing, is the respondent. The respondent may verbally respond to the charges.
- (p) The respondent, conduct administrator, and decision-maker may ask questions directly. The decision-maker, at their discretion, may have questions from the respondent and conduct administrator directed through them versus allowing questions to be directly addressed to an individual.
- (q) The decision-maker may disallow any question that seeks information that is not relevant or may rephrase the question to limit it to relevant information.
- (r) Witnesses (other than the respondent and the conduct administrator) will be excluded from the hearing until it is their designated time to answer questions.
- (s) The respondent and conduct administrator will be given a final opportunity to ask concluding questions of one other.
- (t) The decision-maker will have a final opportunity to ask questions to the conduct administrator and the respondent pertaining to the investigation and/or alleged policy violation(s).

- (u) The respondent will be given an opportunity to make a concluding statement pertaining to the facts of the case. Concluding statements are limited to no more than five minutes. The hearing will end after the concluding statement from the respondent.
- (v) The decision-maker will consider the allegation(s) of prohibited conduct to determine if there was sufficient information by a preponderance of the evidence for a finding of responsibility for a Code violation(s) and will make the final determination of responsibility regarding the charge(s) and will determine all sanctions.
- (w) Prior conduct history will be considered for sanction purposes only.

(3) Hearing Outcome and Sanctions

- (a) The respondent will have the opportunity to submit impact mitigation statements prior to the hearing. If the decision-maker finds the respondent to be responsible for prohibited conduct under the Code, the decision-maker will review any impact or mitigation statements and will determine appropriate sanctions. The sanctioning process is to end the prohibited conduct, protect the best interests of the BGSU community, and promote the goals and objectives of this Policy in a manner that supports the University's educational mission. Sanctions may also be designed to promote safety, deter similar behavior, and promote University values.
- (b) The decision-maker will provide a written notice via electronic mail of the outcome of the hearing including a rationale for the finding, and any appeal rights to the respondent.
- (c) As permitted by FERPA or other applicable laws, victims of crimes of violence will be notified of the resolution and the sanctions.
- (d) Guidelines for the implementation of sanction(s) are outlined in the Sanctions Section of this Code.

(4) Administrative Review

Respondents disputing the alleged policy violation(s) of only the Community Living Standards and/or Residential Living Agreement are only entitled to an administrative review. An administrative review consists of the respondent submitting a written response. The written response must include the reasons that the student is contesting the alleged policy violation and provide additional information regarding the incident that they want considered, which can include names and statements of witnesses who have relevant information specific to the alleged violation. The administrative review officer, who is a designee of the Dean of Students, will examine the case, perform additional investigation if necessary, and render a finding regarding responsibility for the alleged violation(s) of the Community Living Standards and/or Residential Living Agreement and assign sanctions, if appropriate. If the respondent requests an administrative review but does not submit any additional information, the administrative review officer will examine the case notes and proceed with rendering a finding regarding responsibility for the alleged violation(s) of the Community Living Standards and/or Residential Living Agreement and assign sanctions, if appropriate.

(P) Amnesty

Student health and safety as well as removing barriers that might prevent the reporting of conduct that endangers people or property are substantial University interests. Per University Policy 3341-2-43, at the discretion of the Conduct Administrator, amnesty may be extended on a case-by-case basis for minor violations of the Code of Student Conduct (e.g., possession or use of alcohol or drugs) when seeking or obtaining medical assistance for self or others, as well as when reporting alleged incidents that endanger persons or property.

(Q) Alternative Resolution Program

(1) This program allows students on a case-by-case basis to resolve first-time incidents for minor violations of the Code through educational interventions that address the personal and social

responsibility related to the behavior without incurring a disciplinary record.

- (2) Educational interventions assigned to students participating in this program may include, but are not limited to, classes, community service, presentations, workshops, and/or written assignments. In situations involving alcohol and/or prohibited cannabis, parental/legal guardian notification may occur.
- (3) Participation in the program is at the discretion of the Conduct Administrator, and students must complete all educational interventions by the assigned deadline(s).
- (4) Students who fail to successfully satisfy all terms and conditions of this program shall be referred for adjudication of the original incident via the Code.

(R) Sanctions

One or more of the following sanctions may be imposed upon any student or recognized student organization found to have violated the Code:

- (1) Warning – A written reprimand specifying the violation for which the student, recognized student organization, or student group is being held responsible.
- (2) University Conduct Probation – University conduct probation is for a designated period of time and includes the probability of more severe sanctions, including suspension or expulsion, if the student, recognized student organization, or student group is found in violation of any University policy while on University conduct probation.
- (3) Suspension – Separation of the student from the University for a defined period of time, after which the student is eligible to return, and a permanent notation is placed on the student's transcript.

While on suspension, the student is prohibited from being present on all University property. Conditions for readmission or re-recognition may be specified.

- (4) Expulsion – Permanent separation of the student from the University and a permanent notation is placed on the student’s transcript. The student may also be permanently prohibited from being present on all University property.
- (5) Withholding or Revoking a Degree – The University may withhold conferring a degree or revoke a conferred degree due to a finding of prohibited conduct when the student would have been suspended or expelled for the finding had the conduct process been completed prior to the awarding of the degree.
- (6) Educational Sanctions – Work assignments, service to the University, classes, workshops, papers, or other related educational assignments.
- (7) Restrictions and Loss of Privileges – Specific limitations may be imposed by the Dean of Students or designee and the terms of this sanction may include, but are not limited to, the following:
  - (a) Reassignment to another University housing space or facility or separation of a student from University housing for a determined amount of time, including permanently. Conditions for return may be specified if the student is not permanently removed from University housing. In addition, a student may be restricted from being present in specified University housing locations.
  - (b) Ineligible to hold any office in any recognized student organization or student group or hold an elected or appointed office at the University; or
  - (c) Ineligible to represent the University to anyone outside the University community in any way including participating in the study abroad program, attending conferences, or representing the University at an official function, event, or intercollegiate competition as a player, manager, or student coach, etc.

- (d) Denial or restriction of access to certain facilities or of other privileges for a designated period of time.
- (8) Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - (9) Confiscation of Prohibited Property – Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the conduct administrator or hearing chair and/or BGSU Police.
  - (10) Additional or alternate sanctions may be created or designed as deemed appropriate to the offense with the approval of the Dean of Students or designee.
  - (11) The following are additional sanctions that may be imposed on any recognized student organization found in violation of the Code:
    - (a) Loss of status as a recognized student organization for a defined period of time or permanently. The Office of Student Engagement shall notify any national or regional governing body with which the recognized student organization is associated or that sponsors social, academic, or sports events when such action is taken. BGSU reserves the right to alter or modify sanctions if new or additional information is learned while an organization is not recognized.
    - (b) Loss or withdrawal of all student general fee dollars or other University funding for a specified amount of time.
    - (c) Restriction of Privileges – Restrictions assigned to a recognized student organization or student group that limit specific activities, events, or operations for a specific period of time which may include, but are not limited to:
      - (i) Representing the University in any official capacity.

- (ii) Receiving awards or other forms of recognition from the University.
  - (iii) Maintaining an office or other assigned space(s) on University property, including but not limited to, loss of small-group housing in a University premises.
  - (iv) Participating in intramurals or other University activities.
  - (v) Being a sponsor, co-sponsor, or participant in specified activities.
  - (vi) Using University specified resources (e.g., facilities or vehicles).
  - (vii) Soliciting or selling items on campus.
  - (viii) Traveling as a recognized student organization or student group.
- (12) Prior conduct history may be a factor in decisions regarding sanctions.
- (13) Failure to complete sanctions or attend a Code of Student Conduct meeting may result in a University hold being placed on a student's ability to register for subsequent semesters or change a class schedule as well as the University may withhold the conferring of a degree.
- (S) Criminal Conviction for Crime(s) of Violence

In accordance with Ohio Revised Code 3345.23, students are subject to dismissal if they are criminally convicted for one or more of the following offenses of violence that occurred on University premises and/or affected persons affiliated with or property owned by the University: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, permitting child abuse, aggravated menacing, menacing by stalking, menacing, kidnapping, abduction, extortion, rape, sexual battery, gross sexual imposition, aggravated arson, arson, terrorism, aggravated robbery, robbery, aggravated

burglary, burglary, inciting to violence, aggravated riot, riot, inducing panic, domestic violence, intimidation, intimidation of crime victim or witness, escape, improperly discharging a firearm at or into a habitation or school, endangering children or felonious penetration.

(T) Parental/Legal Guardian Notification – The University reserves the right to notify parents/legal guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/legal guardians of non-dependent students when under the age of 21 concerning drug violations and alcohol violations. Parental/legal guardian notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

(U) Resolution and Sanctions for Student Groups

The conduct administrator will determine if a student group by a preponderance of the evidence after having investigated a report of alleged misconduct. If this determination is made, the Dean of Students or designee and the divisional or unit leader or designee (e.g., dean or vice president) will assign appropriate sanction(s), and that decision is final and unreviewable. For cases that fall under 3341-2-49 Anti-Hazing Policy, the Hazing Prevention Coordinator or designee will also assist with this determination.

(V) Appeals

(1) Right to Appeal

Unless otherwise specified, a respondent may appeal the sanction(s) imposed by a conduct administrator (informal resolution) or the decision rendered by the decision-maker or administrative review officer (formal resolution).

(2) Grounds for Appeal

Appeals requests are limited to the following grounds:

(a) A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures);

- (b) To consider new evidence, unavailable during the original hearing or investigation, that could have substantially impacted the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or
- (c) The sanctions imposed are substantially disproportionate to the severity of the violations.

(3) Appeal of Informal Resolution

Appeals shall be made to the Dean of Students or designee within five days of the date that the respondent was emailed the sanction notification letter rendered by the conduct administrator. The appeal shall be in writing and is limited to the sanctions imposed are substantially disproportionate to the severity of the violations. The decision of the Dean of Students or designee is final.

(4) Appeal of Formal Resolution

Appeals shall be made to the Dean of Students or designee within five days of the date that the respondent was emailed the outcome of the formal resolution process as determined by the decision-maker. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Dean of Students or designee is final.

(5) Appeal Proceedings

- (a) An appeal is confined to the criteria set in this Code.
- (b) No appeal may be taken when disciplinary action is not imposed.
- (c) The decision of the Dean of Students or designee is final.
- (d) The written appeal and the supporting documents will be reviewed in determining the outcome.
- (e) The appeal officer may choose to meet with the respondent before determining the outcome.

(6) Potential Appeal Outcomes

- (a) Uphold, modify, or eliminate the original sanction(s) in both the informal and formal resolution processes;
- (b) Dismiss the case or individual charge(s) against the student or recognized student organization in the formal resolution process; or
- (c) Order a new hearing or remand the matter to the original hearing authority, as appropriate. This process may include a new finding on responsibility and, if applicable, sanctions.

(W) Implementation of Sanction(s)

Sanctions are effective immediately upon notice. Upon submission of appeal, sanctions will be held in abeyance until the appeal process has been exhausted. New deadlines may be reassigned as necessary. The Dean of Students or designee may impose interim measures during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

(X) Conduct Records

Other than suspension and expulsion, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record. All incidents involving the imposition of sanctions other than suspension, expulsion, and/or loss of status as a recognized student organization shall be removed from the student's, recognized student organization's, or student group's conduct record seven years from the year in which the offense occurred. Incidents involving the imposition of suspension, expulsion, and loss of status as a recognized student organization shall remain permanently on a student's, recognized student organization's, or student group's conduct record.

(Y) Refund Policy

In the event of a suspension, expulsion, or residence hall removal, the University will follow the regular tuition refund schedule outlined by the Office of Registration and Records. In the case of a student residing on

campus, the University will follow the regular refund schedule concerning room and board.

(Z) Code of Student Conduct Interpretation and Review

- (1) Staff within the Office of the Dean of Students may develop procedural rules for the administration of hearings that are consistent with provisions of this Code. Material deviation from these rules will, generally, only be made as necessary and will include reasonable notice to the parties involved, either by posting online and/or in the form of written communication. The decision-maker may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The decision-maker may make minor modifications to procedure that do not materially jeopardize the fairness of the process for any party. Any question of interpretation of the Code will be referred to the Dean of Students, whose interpretation is final.
- (2) The Code shall be reviewed annually under the direction of the Dean of Students or designee. Questions of interpretation regarding the Code or Student Handbook shall be referred to the Office of the Dean of Students. In keeping with normal University policy approval processes, the Code and Student Handbook may, at the sole discretion of the University, be amended at any time.

Equity Impact Statement: The policy has been assessed for adverse differential impact on members of one or more protected groups.