



# HOCKING COLLEGE

## **Office of Student Conduct Handbook**

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## **Office of Student Conduct Mission Statement**

The mission of the Office of Student Conduct is to support the mission of Hocking College through implementation of the Student Code of Conduct, promote concepts of fairness and due process in the student conduct setting, intervention programs/sanctions. Through outreach and education to the college community, the Office of Student Conduct teaches and supports community standards and fosters positive relationships while holding students accountable for behavior detrimental to their academic, personal or social development; their peers; and the larger community.

In order to carry out this mission, we strive to:

- Provide outreach, educational materials and advisement to students, faculty and staff;
- Demonstrate care for individual students, their educational aspirations and personal development;
- Hold students accountable for Code of Conduct violations;
- Increase retention by encouraging students to make appropriate, ethical and positive choices;
- Decrease risk behaviors through intervention and appropriate sanctions; and
- Ensure that students' due process rights are protected.

## **Referrals to the Office of Student Conduct**

Members of the Hocking College community, students, faculty, or staff may file a referral to the Office of Student Conduct. The Hocking College Incident Reporting Form is available on the college website, [hocking.edu](http://hocking.edu). The form is available at the bottom of every Hocking College webpage under "student Incident Report" When filing the report, the report should be filed under report type, "Judicial Referral/Code of Conduct Violation." The incident reporting form may also be accessed directly by entering the following URL in to any web browser:  
<https://publicdocs.maxient.com/incidentreport.php?HockingCollege>

When members of the Hocking College community encounter behavior on the part of their fellow students that they believe may be in violation of a college policy, they are urged to seek advice from the Residence Life Staff, The Director of Student Conduct, or a representative from the Student Affairs Office.

### ***Referral Guidelines***

As it relates to student conduct, an individual is considered to be a student of the college from the time the student enrolls in coursework until they successfully complete their degree or certificate program. As such the student is expected to abide by the expectations set forth by the Student Code of Conduct. Any reported violation should be submitted within 48 hours off the alleged event. Reports will be accepted after the 48 hour window but it is strongly encouraged to report the event as close the alleged event as possible.

Once the report has been received the hearing officer will conduct an inquiry to determine the validity of the alleged violations of the Code of Conduct. If it is determined that there may have been a violation of the Code, any involved students will receive written notification of alleged violations as part of the notification letter sent from the Office of Student Conduct. This letter will also include a set time and date of the meeting between the hearing officer and the student

alleged of violating the Code of Conduct. This meeting is known as the *procedural interview* and will be set within a reasonable period of time, usually within seven calendar days of the receipt of the initial report. This time allotment may be extended at the discretion of the Director of Student Conduct, by a representative from the Associate Vice President of Student Affairs Office, or if there are mitigating factors requiring the interview or hearing to be delayed.

If the alleged behavior is not a direct violation of the Student Code of Conduct, a meeting can still be requested by the Office of Student Conduct to discuss the behavior in question as well as the impact that alleged behavior has had, or may have had, on the campus community.

### Referral Notifications

In specific situations, individuals outside of the Office of Student conduct may be notified if a particular student is listed as being alleged of a violation of the Code of Conduct. The list below is not all inclusive. There may be instances in which there is an academic or safety need to report out on referrals. In such cases, only those individuals with a legitimate need to know will have information shared with them.

- *Residential Students*: The building complex supervisor or Hall Director may be notified if a student living in their building complex was alleged to have been involved in a situation either inside or outside of the building complex.
- *Student Athletes*: Athletic coaches may be notified if a student on their team is listed as allegedly violating the Code.
- *Self-Harm or Incidents of Violence*: In order to maintain a safe and secure campus for all college community members, incidents of violence may be forwarded to the Hocking College Police Department for follow-up. Additionally, incidents involving self-harm may be forwarded to the Hocking College Counseling Center or other support services for follow-up.
- *Drug/Alcohol*: Incidents involving either drugs or alcohol may be referred to the Choices diversion and education course. Additionally, for students under 21 years of age, when contact information is available, parents of the alleged student may be notified in the event that the student is found in violation of the drug or alcohol policies
- *Students Listed in Multiple Reports*: Those students listed as allegedly being involved in multiple incidents will have their histories discussed with the Hocking College Behavioral Intervention Team (BIT). The BIT may request a follow-up meeting with the individual student if it is determined that an individual intervention is required.

## **Hearing Authorities**

### ***The Director of Student Conduct***

The Director of Student Conduct has the responsibility for hearing cases involving alleged violations of Code I and II offenses, determining the merit of a referral, accepting student admissions regarding incidents, and imposing sanctions. The Director of Student Conduct has responsibility to present facts, circumstances, and evidence before hearing boards. The Director of Student Conduct also has the responsibility to review incidents involving alleged violations and acts as an advisor, to both the complainant and respondent in matters concerning code procedures.

T. Dane Bennett

Dane serves as the Director of Student Conduct. Originally from Vermilion, Ohio, Dane received his undergraduate degree from the University of Rio Grande. Afterwards he attended Ohio University in Athens, Ohio to obtain his Master's in Higher Education.

Office Location: JL 269

Office Phone: (740)753-7043

Email: [bennett@hocking.edu](mailto:bennett@hocking.edu)

### ***Residential Hearing Officers***

Residential hearing officers are responsible for hearing lower-level code violations and offenses that occur on residential complexes, accepting student admissions regarding incidents under their purview, and imposing sanctions in these cases. Residential Housing hearing officers include the Assistant Director of Residence Life and Housing and building complex Hall Directors.

#### Scot Danhart

Scot serves as the Assistant Director of Residence Life and Housing. His responsibilities as such include serving as the residential complex coordinator for Downhour and North Halls. He received his undergraduate degree from the University of Rio Grande.

Office Location: Downhour 101

Office Phone: (740)753-6175

Email: [danharts@hocking.edu](mailto:danharts@hocking.edu)

#### Bailie Prater

Bailie serves as the Hall Director for Hocking Heights. She has completed her Associates of Applied Science at Hocking College and is working toward completing her Bachelor's.

Office Location: Hocking Heights 106

Office Phone: (740)753-6177

Email: [prater-clarkb@hocking.edu](mailto:prater-clarkb@hocking.edu)

#### Corey Lianez

Corey serves as the Hall Director for Summit on the River and Sycamore Hall. He is currently working toward completing his Associates of Applied Science.

Office Location: Sycamore Hall Staff Office

Office Phone: (740)753-3913

### ***Hocking College Hearing Board***

The Hearing Board has the authority to hear cases involving alleged violations of code offenses under the following circumstances:

1. The Director of Student Conduct (or a designee) has determined that the nature of the alleged violation, the severity of the probable sanction(s), or the accused student's pattern of behavior warrants special attention.
2. The accused student requests a formal hearing.

#### Hearing Board Composition

Each hearing board is typically comprised of five (5) members. Hearings may be conducted with as few as three (3) board members. The Hearing Board shall be comprised of some, any, or all of the following individuals:

- The Director of Student Conduct (or designee)
- Director of Campus Safety (or designee)
- Academic Administrator (or designee)
- Disability Services representative
- Other members of the Hocking College community

## **Student Rights and Options**

### ***Rights of the Complainant***

The complainant has the following rights and options throughout the student conduct process:

- The right to have a referral handled in a forthright and timely manner;
- The right to be accompanied throughout the process by another member of the college community, i.e. an administrator, faculty member, staff or student in good standing;
- The right to request and be provided accommodation in the event of a disability;
- The right to request removal of a panel member due to perceived or real conflict(s) of interest;
- The right to have unrelated behavior excluded from the process;
- The right to submit an oral or written statement about the impact of an offense to be considered in determining the disciplinary sanction;
- The right to be advised of the determination of a referral in cases involving federally defined crimes of violence and non-forcible sex offenses.

### ***Rights of the Accused***

Throughout the college student conduct process, a student or student organization accused of an alleged violation of the Hocking College Student Code of Conduct is provided the following rights and options:

- The accused student has the right to notification regarding the alleged offense and a Procedural Interview to respond to the charges. The notification will be hand or post delivered to the last address on file with the Registrar or delivered to the accused student. The notification will include a copy of the referral notice with facts pertinent to the violation. The date, time, and location of the Procedural Interview will be included, as well.
- The purpose of the Procedural Interview is to provide the accused student the opportunity to discuss the facts and circumstances that led to the referral. The Director of Student Conduct (or designee) will clarify the rights and options of the accused and describe a potential sanction for the violation.
- The accused student must attend the Procedural Interview. If an accused student fails to appear at the scheduled Procedural Interview, a decision may be made in their absence. Procedural Interviews may be rescheduled due to mitigating circumstances. Such a request must be made to the Director of Student Conduct within 24 hours of the scheduled meeting. Failure to contact the Director of Student Conduct (or designee) within 24 hours will result in a determination and the accused being informed of any related sanctions.
- At the Board Hearing level, accused students are required to attend the scheduled Hearing. Having received notification and failing to appear will result in the Hearing Board proceeding without the accused in attendance.

- Any time before or during a hearing a student may ask for the removal of any member of the Hearing Board, by presenting evidence of bias on the part of the member. The Director of Student Conduct (or designee) may excuse the Hearing Board member or permit the hearing to continue with no modification. A charge of bias against the Director of Student Conduct (or designee) must be submitted to the Vice President of Academic and Student Affairs prior to the hearing. Upon determining the validity of the claim, the Vice President may excuse the Director of Student Conduct (or designee) or permit the hearing to continue with no modification.
- Accused students have the right to be accompanied by a member of the college or another person of your choice to serve as an advisor. The advisor may be present during the hearing or interview, but are not permitted to speak on behalf of the student. It is not the role of the advisor to “win” the case for the student. Rather, the advisor may assist the student in preparing for the hearing/interview, attending the hearing/interview, and, if necessary, assisting the student with an appeal. It is the responsibility of the student to initiate contact with an advisor. It is also the students responsibly to confirm the advisor’s availability for the hearing/interview. Accused students have the right to request and are provided accommodation in the event of a disability. Assistance can be obtained through the 504 Compliance Officer.
- With the exception of college expulsion, suspension, and academic holds pending a hearing, disciplinary sanctions shall not be made part of the student’s academic transcript. All other interactions of the Student Code of Conduct will be recorded and maintained by the DSC.
- When a student withdraws from Hocking College after engaging in conduct that may violate the Code of Conduct but before the alleged violation can be adjudicated, a hold will be placed on the student’s record. This hold will prevent the student from re-enrolling until the violations have been resolved.

## **Hearing Classifications and Procedures**

Student Conduct procedures may require expedition in the event of severe violations to the Student Code of Conduct and will occur at the discretion of the Director of Student Conduct (or designee).

### ***Hearing Classifications***

There are several different classifications of hearing permitted within the Student Code of Conduct. Regardless of the classification of the hearing, any information suggesting the possibility of Code of Conduct violation(s) that is discovered during the hearing or investigative process may result in the possibility additional charges being filed.

### **Statement of Concern**

Hearing authorities may issue a statement of concern for alleged violations of the student code of conduct in lieu of filing a formal student conduct referral. A student or student organization has the right to respond in writing to the statement of concern. Such statements will be placed in the student or student organization's disciplinary file and may be a basis for further disciplinary referrals.

### **Procedural Interview**

Any student or student organization charged with an offense of the student code of conduct will be scheduled a Procedural Interview with a hearing authority to review the allegation. The accused student has the right to notification regarding the alleged offense and a Procedural Interview to respond to the charges. The notification will be hand, post or email delivered to the last address on file with the Registrar or delivered to the accused student while attending class. The notification will include a copy of the referral notice with facts pertinent to the violation. The date, time and location of the Procedural Interview will be included, as well.

The purpose of the Procedural Interview is to provide the accused student the opportunity to discuss the facts and circumstances that led to the referral. The Director of Student Conduct will clarify the rights and options of the accused and describe a potential sanction for the violation.

The accused student must attend the Procedural Interview. If an accused student fails to appear at the first scheduled Procedural Interview, they will have 24 hours to contact the hearing officer to reschedule their interview. Failure to contact the hearing officer within 24 hours will result in a determination being made in absentia. The accused will then receive written notification as to the final determination and be informed of any related sanctions.

At the Procedural Interview, the hearing officer and the student alleged of the offense will discuss the incident in question. The hearing officer will review the information presented as well as any previous case history. The previous case history will not be used to determine whether or not a violation has taken place in the incident in questions. The accused student may admit to the alleged violation(s) and have the hearing officer impose sanctions or the student may deny the alleged violations. Admitting to a violation is an admission to a breach of the Student Code of Conduct. A denial of a violation is a rejection of the allegations of a violation of the Student Code of Conduct and at this point the hearing officer will consider the nature of the alleged offense, the severity of the probable sanction(s), and/or the accused person's pattern of

behavior. At the discretion of the hearing officer a determination may be made during the Procedural Interview. In some cases, the hearing officer may need additional time to gather additional information regarding the case or to consider the information presented during the interview. In such situations, the student alleged of violating the Code of Conduct will be notified of any findings and resulting sanctions within two (2) business days. In the event of mitigating factors, additional time may be required to permit the thorough investigation of the facts. If it is determined during the interview process that the student alleged of a Code of Conduct violation may face possible suspension or expulsion, the case may be referred to a formal Hearing Board at the discretion of the hearing officer.

### Hearing Board

Cases in which the student alleged of violating the Code of Conduct has committed a Code I offense and may face the sanction of possible suspension/expulsion, the alleged may request to have a Hocking College Hearing Board hear the case. A date for a Hocking College Hearing Board will be determined within a reasonable period of time after the initial Procedural Interview. If the accused fails to appear at a scheduled Hearing Board and the absence is not excused, the hearing may proceed in the accused's absence.

The Director of Student Conduct may be present at each Hocking College Hearing Board hearing. The role of the director is to ensure that the student code of conduct procedures are followed. The director (or designee) will answer procedural questions asked by the board, complainant, or accused. The director will also keep the proceedings focused on issues relevant to the specific allegations.

*Hearing Board Guidelines:* The chair of the hearing board will assure an orderly hearing process so that fairness and due process are observed. All Procedural Interviews and Hearings will be closed to the public in order to protect the student's right of confidentiality. The exclusion of attorneys or law-trained professionals from the hearing does not limit the student's ability to pursue the matter through legal channels. Hearing Boards will be recorded by the hearing officer to provide an accurate record of the proceedings. The recording will remain the property of and in the possession of Campus Judiciaries. For appeal purposes, the student may request to listen to the recording. Copies or transcriptions of the recording will not be provided.

### General Operating Guidelines

- Hearing Boards are created to provide students with the opportunity to have their account of the incident heard by members of the campus community.
- All Hearing Boards are recorded and are part of the student's educational record
- Hearings are closed to the public. The accused is permitted to have representation present in the room but they are not permitted to speak on behalf of the student. Rather, their purpose is to provide guidance and support for the accused.
  - Any information brought to light in a hearing may be subject to subpoena in any pending criminal cases
- Hearings last anywhere from 90 minutes to upwards of 3-5 hours depending on the charges being heard as part of the case and any possible witness testimony.
- At the hearing:
  - All reports leading to the hearing are read aloud by the board chairperson

- The student is permitted to provide commentary on their charges to allow for corrections as they recall the event(s)
- The board is permitted to ask questions of the student pertaining to both the incident as well as their standing as a student.
- After any final questions or clarifications are made, the student is dismissed from the room and asked to wait while the board deliberates on the charge finding(s).
- The board reviews the information presented and makes a finding for each of the charges filed against the student.
- If after determination of a violation it is necessary to issue sanction(s), the board will do so after issuing a finding.
- The student is asked back in to the room and the board's findings are shared along with any applicable sanctions
- Written documentation will be provided to the student via their Hocking College email within three (3) business days of the hearing.

### ***Standard of Evidence***

Unlike the legal system, the standard of evidence for student conduct cases requires only a preponderance of the evidence. Preponderance of the evidence is defined as the greater weight of the evidence; that is evidence that outweighs or overbalances the evidence opposed to it. More simply explained, preponderance means evidence that is more probable or more persuasive. It is the quality of evidence that is weighed. Quality may or may not be identical with quantity. If the weight of the evidence is equally balanced, the complainant has not proven the charge. The burden for proving an alleged violation rests with the complainant and as such it is the responsibility of the complainant to provide all supporting documentation to their claim.

### ***Interim Measures***

To minimize the impact a potential Code of Conduct violation has on the Hocking College community, interim measures can be taken by the college to remove a student accused of violating the code. This actions can include but are not strictly limited to: interim class suspension; temporarily relocating the accused to a different residence hall or room within the same residence hall, depending on the nature of the alleged offense; or a temporary no-trespass order from campus. In instances in which interim measures are issued, care will be taken to expedite the investigative process to minimize the impact the measures have on the accused student.

### **Interim Suspension:**

When the actions of a student threaten the good order and discipline of the college, college administration may suspend the student on an interim basis, pursuant to Section 3345.24(B) of the Ohio Revised Code, pending a prompt hearing by a hearing board. The administrator alleging the inappropriate conduct will also determine whether the intermily suspended student may or may not remain on college property pending the completion of the hearing process.

If a decision is made to intermily suspend a student, the administrator managing the situation will immediately notify the student of the interim suspension and an upcoming procedural interview. The student conduct process shall occur expeditiously in accordance with the Hocking College Student Code of Conduct.

If the final decision is to suspend or expel the student, the sanction takes effect from the date of the administrative interim suspension. If the decision is a reprimand or disciplinary probation, or if the charges are not proven, for purposes of the record, the interim suspension will be deemed not to have occurred. The student has the right to appeal the final decision in accordance with the established appeal process.

## ***Sanctions***

The intended purpose of imposed sanctions is to provide the student with an opportunity to learn from their experience. Imposed sanctions are not designed to be punitive in nature. Each sanction is designed by weighing the nature of the infraction against the opportunity to restore the potential harm inflicted to the campus community. Should a student choose to not complete an imposed sanction, further disciplinary action, including the possibility of additional charges, can be taken. This action can include but is not strictly limited to a charge for Abuse of the Judicial System or a judicial hold being placed on the student's account restricting the student from registering for future course work or being provided with course transcripts.

## **Sample Sanctions**

Students and student organizations of Hocking College accept the responsibility to abide by all Hocking College policies. Disciplinary sanctions are defined as follows. The list of sanctions provided below is not all-inclusive and only serves as a list of potential sanctions:

- Verbal Warning - A verbal reprimand which expresses college dissatisfaction with the student's conduct and which clarifies expected behavior in the future. Such a warning is noted in the student's conduct file.
- Disciplinary Warning - A written reprimand which expresses college dissatisfaction with the student's conduct and which clarifies expected behavior in the future.
- Probation - Written notification that any further violations within the probationary period shall result in more severe disciplinary action. The probationary period will be for a specific period of time and/or until the completion of any specified requirements or conditions that are part of the probation.
- Suspension in Abeyance - The student remains enrolled. However, any violation of conduct regulations during the period of suspension in abeyance will, after determination of guilt, result in a minimum sanction of automatic suspension.
- Suspension - A decision that removes the student from the college for a specific period of time, usually no more than two years. The suspension might be immediate or begin after the end of the semester. In either case, the student is eligible for consideration for readmission at the end of a specific period.
- Expulsion - A decision that removes the student permanently from the college. Normally, the penalty shall also include the student being barred from the premises of the college.
- Other Sanctions - Other sanctions may include a variety of restrictions and educational related activities. These include but are not limited to:
  - Required written apology or reflection assignment;
  - Loss of Privilege: Student Employment, Athletics Participation, Residential Status, Extracurricular Participation, or other;
  - Fines;
  - Parental Notification;
  - Restitution by either way of service or financial;
  - Changing student room or residence hall assignment;
  - No-Trespass Order for campus or specific locations on campus;
  - Referral to campus support services for follow-up;
  - Drug/Alcohol Education and/or Diversion Program;
  - Placing a hold on student account and records.

### ***Sanctioning Guidelines for Drug and Alcohol Violations***

Listed are the minimum sanctioning guidelines for alcohol, marijuana and other drug offences. Failure to complete the issued sanction may result in additional charges/sanctions being issued.

#### First Offense

A first time violation of the Student Code of Conduct for *any* violation of drug or alcohol policy will result in a mandated referral to the *Choices I* drug and alcohol diversion offered by Hocking College. The cost of enrollment for this course is the responsibility of the offending student. IF found in violation of the drug/alcohol policy, the following sanctions will be issued:

- *Enrollment in Choices I*: This is an abstinence-based drug and alcohol diversion program offered by Hocking College. The duration of this course is typically 10 weeks but can be extended based on the evaluated need for the individual.
- *One semester disciplinary probation*: Any violation of the Student Code of Conduct during this probationary period may result in more severe sanctions being imposed.
- *Parental notification of the violation*: The student will be given 24 hours from the time of their procedural interview to contact their parent/guardian to notify them of the infraction. The parent will be required to submit written confirmation of the notification to the Office of Student Conduct via email. Failure to receive this confirmation will result in the Office of Student Conduct contacting the parent/guardian on behalf of the student. Notification to the parent /guardian should include the following:
  - A statement that a violation of the Student Code of Conduct in regard to the drug/alcohol policy has taken place.
  - A statement outlining the possible sanctions in the event of any subsequent violation of the drug/alcohol policy (see below).

#### Second Violation

A second alcohol violation of any drug or alcohol policy will result in the following sanctions being issued:

- Elevation to *Choices II* diversion program
- A minimum of one semester disciplinary suspension in abeyance
- A \$100 fine (depending on the severity of offense) will be billed to the student's account
- Second parental notification
- Possible eviction from campus managed housing with no refund of the current semester's housing or meal plan fees

#### Third Violation

- A minimum of one semester suspension

### ***Appeals***

Any appeal of a finding or sanction must be completed within seven (7) calendar days of the receipt of the electronic notice of the original finding or sanction sent to the student's Hocking College email account. Appeals can only be reviewed if one or more of the following are believed to have taken place:

1. *Substantial Procedural Error*: The specified error must have substantially altered the hearing in such a way that the accused student was denied a fair hearing or prevented the hearing officer from making a fair decision
2. *Inequitable Sanctioning*: The evidence presented in the hearing did not justify the resulting finding or sanction it that the resulting sanction would be considered disproportionately severe to the level or nature of the violation or based on the student's prior record.
3. *Presence of New Information*: New information has come to light that was not present or available at the time of the hearing. This information must be substantive enough in nature to alter the resulting finding/sanction

Appeals are reviewed by the Associate Vice President of Academic and Student Affairs. Notification of the review will be issued to the student within seven (7) calendar days of the submission of the appeal.

## **Types of Violations: Code I versus Code II**

The Hocking College Code of Conduct is divided into two general categories, Code I offenses and Code II Offenses. While the designations help to distinguish between the different charges, it should not be implied that one is greater or lesser than the other. A violation of the Code of Conduct is a violation, regardless of degree. The severity of the violation will be reflected in the possible sanctions issued in the event that the alleged is found in violation.

*Note:* Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Student Code of Conduct

### ***Code I Offenses***

Code I violations are subject to a maximum sanction of expulsion or any sanction not less than probation, and in most instances, mandatory referral to campus or external resources.

Examples of Code I offenses include but are not strictly limited to the following. Be advised that the bullets provided below are only for the sake of example. Students are encouraged to be familiar with the Code of Conduct in its entirety as provided on the following pages.

- Academic related offenses
- Misusing alcohol on or off campus which constitutes a danger to one's self or others
- The sale, possession, and/or use illegal or legal drugs used in a manner other than prescribed
- Possession of a weapon on campus
- Actions resulting in the harm or perceived harm of another member of the campus community
- Theft, misuse, or destruction of another's property
- Conduct in violation of federal, state, or local law
- Violation of college policy
- Repeated violation of Residence Hall Policy

### ***Code II Offenses***

Code II Offense violations are subject to a maximum sanction of disciplinary probation or any sanction not less than a reprimand. Multiple Code II offenses may yield sanctions beyond the maximum sanctions for Code II violations.

Examples of Code II offenses include but are not strictly limited to the following. Be advised that the bullets provided below are only for the sake of example. Students are encouraged to be familiar with the Code of Conduct in its entirety as provided on the following pages.

- The unauthorized use or possession of alcohol
- Minor weapons violations
- Misuse of college identification or keys
- Failing to comply with a directive of a college official
- Violation of Residence Hall policy

## **Academic Related Offenses:**

### ***Code I***

1. Academic Misconduct refers to dishonesty in examination (cheating); presenting the ideas or writing of someone else as one's own (plagiarism); knowingly furnishing false information to the college by forgery, alteration, or misuse of college documents, records, or identification. Academic dishonesty includes but is not limited to:
  - A. Permitting another student to plagiarize or cheat from your work;
  - B. Submitting an academic exercise, written work, project, or computer program that has been prepared totally or in part by another;
  - C. Acquiring improper knowledge of the contents of an exam;
  - D. Using unauthorized material during an exam;
  - E. Submitting the same paper in two different courses without knowledge and consent of all faculty members involved;
  - F. Obtaining academic material through stealing or other unauthorized means;
  - G. Falsification of research findings and methodology;
2. Disruption/Obstruction of teaching, administration, disciplinary proceeding, other hearings, or other activities on or off campus;
3. Unauthorized or Unsafe Use of any college or privately owned equipment.

### **Alcohol Related Offenses:**

The Family Educational Rights and Privacy Act, more commonly known as FERPA, allows the Office of Student Conduct (or designee) to notify parents of students under the age of 21 in the event of alcohol and other drug violations.

*Note:* Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Student Code of Conduct.

#### ***Code I***

1. Misuse of alcohol on or off the Hocking College Campus, which demonstrate danger to one's self and/or others
2. Repeated alcohol policy violation

#### ***Code II***

1. Unauthorized Use of Alcoholic Beverages including, but not limited to:
  - A. Possession or consumption of alcoholic beverages on campus except during special events or in circumstances where alcohol use has been authorized by college officials;
  - B. Failure to comply with state or college regulations regarding the use or sale of alcoholic beverages.
2. Remaining within a residence hall area where alcohol is being consumed furnished or sold.

## **Drug Related Offenses:**

The Family Educational Rights and Privacy Act, more commonly known as FERPA, allows the Office of Student Conduct (or designee) to notify parents of students under the age of 21 in the event of alcohol and other drug violations.

*Note:* Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Student Code of Conduct.

### ***Code I***

1. Manufacture, distribution, sale, offer for sale, or possession of legal or illegal drugs or narcotics including, but not limited to:
  - A. Barbiturates;
  - B. Hallucinogens;
  - C. Amphetamines;
  - D. Marijuana;
  - E. Cocaine;
  - F. Opium;
  - G. Heroin.
2. Use of illegal drugs or legal medications used in a fashion other than directed;
3. Possession/Use of marijuana when such possession would constitute a minor misdemeanor;
4. Possession of drug paraphernalia;
5. Repeated drug-related violation of the Hocking College Code of Conduct.

## **Weapon Related Offenses:**

### ***Code I***

1. Unauthorized Possession of Weapons including, but not limited to:
  - A. Firearms;
  - B. Dangerous Chemicals;
  - C. Explosive devices of any description;
  - D. Fireworks;
    - a. Unauthorized use of any not permitted for use in the State of Ohio;
    - b. Unauthorized possession or use of any commercial fireworks;
2. Illegal knives or other implements that could be considered as dangerous;
3. Other objects used in such a manner in which harm could occur due to inappropriate use.

### ***Code II***

1. Unauthorized possession of any fireworks not permitted for use in the State of Ohio or inappropriate use of any permitted devices.

## **Mental or Bodily Related Offenses:**

The college has special concern for incidents in which persons are subject to victimization because of identification with any particular group.

### ***Code I***

1. Abuse of others includes, but is not limited to:
  - A. Verbal, written, graphic, or electronic abuse
  - B. Bullying, defined as the repeated use of written, verbal, or electronic/cyber expression and/or communication and/or a verbal, electronic or physical act or gesture or any combination thereof directed at a member of the college community that:
    - a. Causes physical, psychological and/or emotional harm to a college community member or damage to his/her property
    - b. Places a college community member in reasonable fear of harm to him/herself or damage to his/her property
    - c. Creates a hostile, threatening, intimidating, humiliating or abusive environment (at the college) for a college community member or substantially interferes with his/her educational performance, opportunities or benefits. For purposes of this section, bullying may include, but is not limited to:
      - Social exclusion or isolation
      - Humiliation or degradation
      - Threats
      - Intimidation
      - Harassment
      - Stalking
      - Theft and/or damage/destruction of property
    - d. The perpetuation of any of the conduct listed in this section by inciting, soliciting, or coercing others to demean, embarrass, humiliate or cause emotional, psychological or physical harm to a member of the college community.
  - C. Taking any reckless, but not accidental, action from which bodily or mental harm could result to any person
  - D. Causing a person to believe that the offender may cause harm to another or the property of another
  - E. Any act, which demeans, degrades, or disgraces any person including one's self
  - F. Disorderly, lewd, or indecent conduct refers to behavior that a reasonable person believes to be offensive, degrading, or insulting.
  - G. Harassment  
In general, harassment is unwelcome verbal or physical conduct, based upon race, color, religion, sex, sexual orientation, gender, national origin, age, disability, status as a military veteran or protected activity (e.g., opposition to prohibited discrimination or participation in the statutory complaint process), that unreasonably interferes with the person's work or educational performance or creates an intimidating or hostile work or educational environment. Violations of this policy are very serious and will subject the offender(s) to more serious levels of sanctioning.
    - a. Attempting or threatening to subject another person to unwanted physical contact.
    - b. Pursuing, stalking or following another person in or about a public place or places.

- c. Non-consensual communication, including but not limited to: initiating or attempting contact by any means with no purpose of legitimate conversation; written letters; e-mail; text messaging; instant messaging; voicemail; unwanted gifts; surveillance or other types of photographing or observation; trespassing; vandalism; and non-consensual touching.
  - d. Directing obscene language or gestures at another person or group of people.
  - e. Directing verbal abuse at another person because the individual is carrying out duties and responsibilities associated with his/her role as faculty, staff or student staff at the college.
  - f. Distributing information about another individual without their consent using paper, electronic or telecommunication devices. Examples include but are not limited to: on-line journals, blogs, instant messages, text messages, and digital recording devices.
  - g. Making any unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy including but not limited to showers/locker rooms, residence hall rooms and restrooms is prohibited. Also prohibited is the storing, sharing and/or other distribution of such unauthorized images by any means.
- H. Endangering Behavior - conduct demonstrating that the student constitutes a threat to others or to the proper functioning of the college.
- I. Discrimination refers to intentional public discrimination against a person on the basis of race, color, religion, sex, sexual orientation, political persuasion, national origin, ancestry, age, handicap, or veteran's status.
- J. Inappropriate Sexual Behavior/Sexual Violence/Sexual Misconduct offenses include, but are not limited to:
- a. Sexual Harassment
    - unwelcome, gender-based verbal or physical conduct that is,
    - sufficiently severe, persistent or pervasive that it,
    - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational programs and/or activities, and is
    - based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation

(Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying)
  - b. Sexual Assault
    - With penetration, defined as the oral, anal, or vaginal penetration by an inanimate object, penis, or other bodily part without consent The act of penetration will be considered without consent if there is a condition of which the offending student was or should have been made aware, such as drug and/or alcohol intoxication, coercion, and/or verbal or physical threats, including being threatened with future harm.
    - Without penetration, defined as the unwanted touching of the intimate body parts of another (for example: breasts, buttocks, groin, genitals, or the clothing

covering them) or the unwanted touching of a body part not usually considered intimate such as massage). These acts will be considered unwanted and without consent if the victim was unable to give consent due to a condition of which the offending student was or should have been aware, such as drug and/or alcohol intoxication, coercion, and/or verbal or physical threats, including being threatened with future harm.

c. Sexual Misconduct

- Any unwanted act that is intended in a sexual nature. Examples include, but are not limited to:
- Exposing one's genitals or other intimate body parts to a particular person or to the general public
- Repeated sexually charged verbal abuse related to one's gender
- Repeated obscene phone calls or mail
- The viewing, filming, and/or disseminating any recording of any type of sexual acts, partial or full nudity, inappropriate materials, sounds, or images of another person without the knowledge and expressed permission of all parties involved

d. Non-Consensual Sexual Contact (or attempts to commit same)

- Any intentional sexual touching however slight with any object by a man or a woman upon a man or a woman that is without consent and/or by force

e. Non-Consensual Sexual Intercourse (or attempts to commit same)

- Any sexual intercourse however slight with any object, by a man or a woman on a man or a woman, that is without consent and/or by force

f. Sexual Exploitation

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples include, but are not limited to:

- invasion of sexual privacy
- prostituting another student
- non-consensual video or audio recording of sexual activity
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you have consensual sex)
- engaging in voyeurism
- knowingly transmitting and sexually transmitted infection to another student
- exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- sexually-based stalking and/or bullying may also be forms of sexual exploitation

### ***Additional Applicable Definitions***

The definitions listed below are specifically in reference to cases involving sexual misconduct. Please refer to the individual listings for specific explanations for each term.

#### Consent

Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create a mutually understandable, clear permission regarding willingness to engage in sexual activity. Consent cannot be given by a person who is mentally or physically incapacitated by any means.

#### Incapacitation

A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Incapacity can result from mental disability, sleep, involuntary physical restraint, or by alcohol or other drug use, unconsciousness or blackout. Sexual activity with someone who one should know to be, or based on the circumstances should reasonably have known to be, incapacitated constitutes a violation of the Code of Conduct.

#### Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

#### Coercion

Coercion is unreasonable pressure for sexual activity and differs from seduction based on the type of pressure someone uses to get consent from another. When someone makes it clear to you that they are not interested in participating in sex conduct, that they no longer wish to continue in sexual conduct, or do not wish to continue past a determined point, continued pressure to do so can be defined as coercive.

### ***Victim's Rights as Related to Sexual Misconduct***

Because the college values the dignity of each member of its community, the college wants to ensure the individual rights of anyone from this community who reports sexual assault or rape. Therefore, the college endorses and upholds the rights listed in the Victim's Rights Section.

## **Theft, Misuse, Destruction, and Trespass Related Offenses**

### ***Code I***

1. Negligent Destruction of Property refers to the intentional or reckless, but not accidental, damage, destruction, defacement, or tampering with college property or the property of any person while on college premises or during any college-related function.
2. Theft refers to the theft of property or services of the college or members of the Hocking College community.
3. Possession of Stolen Property refers to possessing property reasonably suspected to be stolen that may be identified as property of the college or a member of the Hocking College community.
4. Forcible Entry to Trespass refers to forcible or unauthorized entry into any building, structure, or facility.
5. Misuse or Abuse of Computers and Communication Equipment refers to misuse or abuse of any computing, resources including: computer system, service, program, data, or communication network, software and host files. (See Computer and Network Usage Policy)
6. Misuse of Electronic Resources and Social Media refers to electronic systems or methods (for example, email, mobile phone, instant messaging, chat rooms and message boards, video-hosting sites, webcams, social networking sites, virtual learning environments) to steal, misrepresent, threaten, harass, or bully (including cyber bullying), sending inappropriate comments, images, or videos, or violations of the Computer and Network Usage Policy and/or any other computer or system use.
7. Misuse of Safety/Security Equipment refers to unauthorized use or alteration of firefighting equipment, safety devices, smoke alarm detectors, security cameras, or other emergency safety/security equipment.
8. Repeated Occurrences of Financial Irresponsibility refers to students who repeatedly fail to meet financial responsibility to the college, including but not limited to the writing of checks on accounts with insufficient funds, and failure to meet financial obligations due to the college.
9. Arson refers to intentionally engaging in the open burning of any material or substance on any part of the college property without privilege or expressed authorization, such as part of an instructional class or session.

### ***Code II***

1. Unauthorized Use of Property or Service refers to the unauthorized use or possession of property or services of the college or members of the Hocking College community.
2. Unauthorized Use of College Keys refers to the unauthorized use, distribution, duplication, or possession of any key issued for any college owned or controlled building, laboratory, facility, or room.
3. Misuse of Identification refers to forging, transferring, lending, borrowing, altering, or otherwise misusing college identification cards, other college identification, or any other college document or record.

## **College Policy, Criminal Law, and Judicial Process Related Offenses**

### ***Code I***

1. Insubordination includes, but is not limited to the act of willfully disobeying an authority figure.
2. Dishonesty includes but is not limited to:
  - A. Furnishing false information to the college by forgery, alteration, or misuse of, among other things, college documents or records;
  - B. Furnishing to the college a written or verbal false statement;
  - C. Furnishing false identification to a college official.
3. Violation of Probation refers to the violation of the Student Code of Conduct while on probation, or violation of the terms of probation.
4. Impeding refers to the obstruction of the free flow of pedestrian or vehicular traffic on college premises or a college sponsored function.
5. Civil Disturbance refers to any conduct that involves disturbing the peace. Disturbing the peace can include, but is not limited to:
  - A. Disorderly conduct;
  - B. Failure to comply with the directives of Campus Safety or other college officials;
  - C. Failure to comply with an order of dispersal;
  - D. Other such conduct, which can reasonably be construed to involve disturbing the peace and good order of the college community;
  - E. If the conduct is deemed to be of a lesser magnitude, the Director of Student Conduct (or designee) may charge the student with a lesser charge of Disturbing the Peace (Code II).
6. False Reporting of an Emergency refers to causing, making, or circulating a false report or warning of a bomb, fire (including activation of the fire alarm), explosion, crime, or other emergency.
7. Conduct in Violation of Federal, State, or Local Laws refers to conduct, which could be perceived as a violation of federal, state, or local laws.
8. Abuse of the Judicial System includes, but is not limited to:
  - A. Failure to obey the summons of a judicial body or college official;
  - B. Falsification, distortion, or misrepresentation of information before a judicial body;
  - C. Disruption or interference with the orderly conduct of a judicial proceeding;
  - D. Attempting to discourage an individual's proper participation in or use of the judicial system;
  - E. Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding;
  - F. Verbal or physical harassment and/or intimidation of a member of the judicial body prior to and/or during the course of the judicial proceeding;
  - G. Harassment (verbal or physical) and/or intimidation of a student member of a Conduct Board prior to, during, and/or after a student conduct code proceeding;
  - H. Failure to comply with the sanctions imposed under the Student Code;
  - I. Influencing or attempting to influence another person to commit an abuse of the judicial system.
9. Aiding or Abetting refers to helping, procuring, or encouraging another person to engage in the violation of a Code I offense.
10. Joint Responsibility refers to everyone present when and where one or more policy violations is/are occurring, who choose to remain there.
11. Disruption/Obstruction refers to the disruption or obstruction of activities related to supporting a safe and orderly campus.

12. Repeated Violation of Residence Hall Policies refers to members of or visiting members of the Residence Life Community who repeatedly fail to abide by the rules and regulations set forth by the Residence Life Policy Handbook.

***Code II***

1. Disturbing the Peace refers to disturbing the good order of the college by, among other things, fighting, quarreling, or being intoxicated.
  - A. If the conduct is deemed to be of a greater magnitude, the Director of Student Conduct (or designee) may charge the student with a greater charge of Civil Disobedience (Code I)
2. Failure to Comply or Identify refers to failure to comply with reasonable directions or identify oneself to college officials, campus safety officer, or other law enforcement officers acting in the performance of their duties. Reasonableness will be determined by the person or board hearing the case.
3. Violation of Residence Hall Policy refers to members of or visiting members of the residential campus community who fail to abide by the rules and regulations set forth by the Resident Handbook.
4. Smoking in an unauthorized area, which is outlined in the Hocking College Smoking Policy.
  - First Time Offense - "On Notice" Warning letter
  - Second Time Offense - "On Probation" and a \$100.00 fine