

Student Code of Conduct

Student Conduct
at Owens Community College



OWENS
COMMUNITY COLLEGE

Office of Student Conduct & Student Life
Rev. 07/24/2015

Table of Contents

Article I. Introduction.....page 2

Article II. Definitions.....page 2

Article III. Student Code Authority.....page 4

Article IV. Jurisdiction of the Student Code of Conduct.....page 4

Article V. Prohibited Conduct.....page 4

Article VI. Interim Suspension.....page 7

Article VIII. Student Code of Conduct Procedures.....page 8

Article IX. Student Rights.....page 10

Article X. Disciplinary Sanctions.....page 12

Article XI. Appeals.....page 12

Article XII. Interpretation and Revision.....page 13

Article XIII. Links to College Policies.....page 13

Article I: Introduction

Owens Community College is committed to the academic achievement, the growth and development of its students, and the wellness and safety of the members of its community. In addition, the College is committed to preserving peace, maintaining a civil and respectful academic atmosphere, supporting a moral and just climate, and protecting its property and that of its community members. The College, therefore, has established this Student Code of Conduct to communicate its expectations of students as positive members of the College community.

The primary purpose of the Student Code of Conduct and student conduct system is to protect the campus community and foster a safe, non-threatening environment that advances the academic mission of the College. Accordingly, students will be held accountable for violations of College policies. Within this context, reasonable efforts will be made to foster the personal and social development of all parties involved.

Owens Community College strongly opposes and will not tolerate harassment or discrimination on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity, military status, or veteran status in any educational programs, activities or employment. For questions about equal opportunity and non-discrimination or to report discrimination or harassment, please contact the Equal Opportunity and Inclusiveness Office at (567) 661-2211 or equalopportunity@owens.edu.

Article II: Definitions

When used in the Student Code of Conduct:

The terms *Owens* or *College* means Owens Community College including the Toledo-area and Findlay-area campuses, Learning Center(s), extension locations, and any other premises or online environments owned, leased, managed or operated by the College.

The term *student* includes all persons taking courses at Owens or Owens affiliated programs, either full-time or part-time, pursuing a degree, certificate or non-matriculating, or enrolled in a non-credit course, program, or College-sponsored activity.

- a. It further includes persons who withdraw after allegedly violating the Student Code;
- b. Who are not officially enrolled for a particular term but who have a continuing relationship with the College (i.e. a person who is enrolled or seeking to be enrolled in upcoming semesters);
- c. Who have been notified of their acceptance for admission; and/or
- d. Applies to students at all locations of the College, and extends to student conduct involving College computing or network services, which may include behaviors that occur off-campus or in external online environments.

The term *faculty member* means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

The term *College official* includes any person employed by the College, performing assigned administrative or professional responsibilities.

The term *member of the College community* includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Director of Student Conduct and Student Life.

The term ***College premises*** includes all lands, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).

The ***Director of Student Conduct and Student Life*** is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.

The term ***student conduct board*** means a group of College faculty and staff authorized by the Director of Student Conduct and Student Life to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed when a violation(s) has been committed. The Director of Student Conduct and Student Life will serve as the chair of the student conduct board.

The term ***appeal body*** means any person(s) authorized by the Director of Student Conduct and Student Life to consider an appeal from a student conduct hearing or conduct board's determination as to whether a student has violated the Student Code and/or sanction(s) imposed.

The term ***shall*** is used in the imperative sense.

The term ***may*** is used in the permissive sense.

The term ***knowing*** means conduct one undertakes with reasonable awareness.

The term ***reckless*** means conduct one should reasonably be expected to know would create a substantial risk of harm to person or property, or which would otherwise be likely to result in interference with normal College or College-sponsored activities.

The term ***policy*** means the written rules and regulations of the College as found in, but not limited to, the Student Code of Conduct, the College catalog and web pages, Board of Trustees policies, and academic program handbooks.

The term ***academic misconduct*** is defined as an action, attempted or performed, which misrepresents one's involvement in an academic task in any way, or permits another student to misrepresent the latter's involvement in an academic task by assisting in the misrepresentation. For a complete description of acts of academic misconduct, please refer to the College's [Academic Misconduct Policy](#).

The term ***complainant*** means any person or group who submits a charge alleging that a student violated the Student Code of Conduct.

The term ***respondent*** means any student accused of allegedly violating this Student Code of Conduct.

The term ***advisor*** means a person who accompanies a respondent, complainant, or victim to a hearing for the limited purpose of providing support and guidance. *NOTE: An advisor may not directly address the Director of Student Conduct and Student Life, student conduct board, question witnesses, or otherwise participate in a student conduct hearing.*

The term ***business day*** means any day, Monday through Friday, that the College is open for normal business.

The term ***preponderance of evidence*** represents the standard of proof governing the student conduct system and means that "more likely than not," a violation of the Student Code of Conduct has occurred.

Article III: Student Code Authority

The Director of Student Conduct and Student Life shall develop policies for the administration of the student conduct system and procedural rules of student conduct proceedings that are consistent with provisions of the Student Code of Conduct. The Director of Student Conduct and Student Life shall determine the composition of student conduct boards and appeal bodies for each matter. All decisions shall be final, pending the appeal process.

Article IV: Jurisdiction of the Student Code of Conduct

The College reserves the right to take any necessary and appropriate steps to protect the safety and well-being of the College community. While the jurisdiction of the College shall generally be limited to conduct of students that occurs on College premises, at College-sponsored events, or utilizing the College's computing or network services, the Student Code of Conduct may also be applied off-campus when it is determined that the conduct has a substantial effect on the Owens Community College community. A substantial effect includes, but is not limited to, the following:

- An allegation, arrest, charge or conviction of a criminal offense as defined by Ohio law;
- Any situation where the student presents a danger or threat to the health and safety of him/herself or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of Owens Community College.

Students are subject to city, state, and federal law while at the College, and violations of those laws may also constitute violations of the Student Code of Conduct. The College may independently proceed with the student conduct process while criminal/civil proceedings are in progress, and will not be subject to be challenge based upon the grounds that criminal charges connected with the same incident are pending, have been dismissed, reduced, resolved in favor of or against the criminal law defendant, or withdrawn.

Each student shall be responsible for his/her conduct from the time he/she applies for admission through the actual awarding of a degree. This includes conduct discovered after completion of degree requirements and shall apply to a student's conduct even if the student subsequently withdraws from the College, is no longer in classes, or subsequently fails to meet the definition of a "student" while a student conduct matter is pending.

Visitors and guests of the College are also protected under the Student Code of Conduct and may initiate complaints for violations of the Student Code of Conduct committed against them.

Article V: Prohibited Conduct

Students are required to engage in responsible social and civil conduct. Although not inclusive, the following actions, activities, behaviors, or attempts are expressly prohibited:

1. **Acts of dishonesty**, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty as described in the [Academic Misconduct Policy](#);
 - b. Furnishing false or misleading information to any College official, faculty member, or office;
 - c. Having false or misleading information furnished to the College through a third party on behalf of the student; and/or
 - d. Forgery, alteration, or misuse of any College document, record, or instrument of identification.

2. **Disorderly or disruptive conduct** that unreasonably interferes with College activities or with the legitimate activities of any member of the College community.
3. **Sexual misconduct and/or sexual assault** as defined in applicable federal, state or municipal law, or sexual harassment in violation of College’s Anti-discrimination and Harassment [Policy](#) and [Procedures](#) and/or the [Title IX/Sexual Misconduct Procedures and Guidelines](#). Sexual misconduct refers to physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent, including but not limited to:
 - a. Sexual harassment-unwelcome sexual advance(s), request(s) for sexual favor(s), or other verbal or physical conduct of sexual nature;
 - b. Hostile environment caused by sexual harassment-unwelcome conduct of a sexual nature that creates an uncomfortable work or learning environment;
 - c. Sex offense-any sexual act directed against the other person, without the consent of the victim, including instances where the victim is incapable of giving consent that includes but is not limited to rape, fondling, incest, statutory rape;
 - d. Domestic Violence-violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similar situation to a spouse of the victim; any other person against an adult or youth who is protected from that person’s act under laws where the violence occurred;
 - e. Dating Violence-violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim;
 - f. Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent; and/or
 - g. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, including sexual violence that expressly or implicitly creates an intimidating, hostile or offensive environment.

Note: For the purposes of this policy, consent shall be defined as the act of knowingly and affirmatively agreeing to engage in a sexual activity. Consent must be voluntary. An individual cannot consent who is substantially impaired by any drug or intoxicant; or who has been compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent is impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority. Consent may be withdrawn at any time. Prior sexual activity or relationship does not, in and of itself, constitute consent.

4. **Discriminatory/harassing behavior** - Engaging in any behavior that is discriminatory or harassing of any individual as follows: the term “discriminatory or harassing behavior” is any unwelcome conduct directed at a person because of his/her age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity, military status, or veteran status that creates an intimidating, hostile, offensive learning or working environment, or as described in the College’s [Anti-discrimination and Harassment Policy](#).
5. **Stalking** - Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action and includes cyber stalking, which is defined as any type of stalking on by any electronic forum (i.e. text message, Facebook, Snapchat, blog, email, etc.)

6. **Intimidation**-Conduct that threatens, intimidates, harasses, or endangers the health of a person, or causes reasonable apprehension of such harm or threat.
7. **Endangering behavior** - Intentionally, knowingly or recklessly causing physical harm to any person, or causing reasonable apprehension of such harm or threat.
8. **Theft** - Attempted or actual theft of property of the College or property of a member of the College community or other personal or public property.
9. **Destruction of Property**-Attempted or actual destruction, defacing, tampering with, materially altering or otherwise damaging property not one's own; and/or creating a condition that endangers or threatens property not one's own.
10. **Trespassing/Unauthorized Entry**-Knowingly entering or remaining in a building, office, room or any other properties at any time without appropriate permission or authorization.
11. **Hazing**-Doing, requiring, or encouraging any act to an individual or group of people in conjunction with initiation or continued membership or participation in any group that includes any action, intended or carried out, that causes or creates a substantial risk including, but not limited to: mental or physical discomfort, embarrassments, personal degradation, or ridicule, whether or not the act is voluntarily agreed upon.
12. **Reasonable Request** – Failure to comply with a reasonable request from faculty, staff, College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
13. **Unauthorized possession, duplication or use of keys to any College premises.**
14. **Violation of any College rules** – Violation of College policy, procedure, rule, or regulation available in print form or electronically on the College website.
15. **Violation of any federal, state, or local law.**
16. **Controlled Substances** - Use, possession, manufacturing, or distribution of narcotics, or other controlled substances, and/or related paraphernalia except as expressly permitted by law or any violation of the [Drug-Free School and Alcohol Prevention Policy](#).
17. **Alcohol** - Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations), and/or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age or any violation of the [Drug-Free School and Alcohol Prevention Policy](#).
18. **Weapons** - Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item.
19. **Fire/explosive devices** - Any action that causes or attempts to cause a fire or explosion (including bomb threats), false reporting of a fire; tampering of safety devices; and/or the failure to leave a College building during a fire alarm.
20. **Gambling**-including unlawful games of betting for money or anything of value and the sale, barter.
21. **Smoking** - Any violation of the College [Smoke Free and Tobacco Free Policy](#), [Smoke-Free Buildings/Vehicles Policy](#) and/or [Procedures](#).

22. **Theft or other abuse of computer facilities and resources**, including but not limited to:
 - a. Unauthorized entry into a file to use, read, or change the contents or for any other purpose;
 - b. Use of another individual's identification and/or password;
 - c. Use of computing facilities and resources to interfere with the work of another student, faculty member or College official;
 - d. Use of computing facilities to send or view obscene images or content, or to send abusive, insulting, or profane messages;
 - e. Use of computing facilities and resources to interfere with normal operation of the College computing and/or email systems;
 - f. Use of computing facilities and resources in violation of copyright laws; and/or
 - g. Any violation of the College's [Responsible Computing Policy](#).

23. **Abuse of the student conduct system**, including but not limited to:
 - a. Failure to obey the notice from the Director of Student Conduct and Student Life and/or student conduct board to appear for a meeting or hearing as part of the student conduct system;
 - b. Falsification, distortion, or misrepresentation of information before the Director of Student Conduct and Student Life and/or a student conduct board;
 - c. Disruption or interference with the orderly conduct of a student conduct investigation or student conduct board proceeding;
 - d. Institution of a Student Code of Conduct proceeding in bad faith;
 - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system;
 - f. Attempting to influence the impartiality of the Director of Student Conduct and Student Life and/or a member of a student conduct board prior to, and/or during the course of, the student conduct process;
 - g. Harassment (verbal or physical) and/or intimidation of Director of Student Conduct and Student Life and/or a member of student conduct board prior to, during, and/or after a student conduct process;
 - h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct; and/or
 - i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

Article VI: Interim Suspension

When there is evidence that the continued presence of a person on the College premises may pose a threat to any person or may substantially impede the functions of the College, the Director of Student Conduct and Student Life (or designee) may suspend the student from the College or a specified class or classes, restrict the student's access to College programs, services, or facilities, or bar the student from the campus, for an interim period of time pending action taken under this Student Code of Conduct.

- A student will be notified of an interim suspension by phone and/or in writing and will take effect immediately. The interim suspension will remain in effect until all student conduct proceedings have been completed. Every effort will be made to schedule the student conduct hearing as soon as possible.
- During the interim suspension, a student shall be denied access to campuses and learning centers (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Director of Student Conduct and Student Life may determine to be appropriate.

- The interim suspension does not replace the regular student conduct process, which shall proceed on the normal schedule, up to and through a student conduct board hearing. The interim suspension may not be appealed.

Faculty members may direct that a student whom they believe to be engaging in conduct in their class which violates the Student Code of Conduct to leave for the remainder of the class period, and may require a meeting with the Director of Student Conduct and Student Life prior to re-entering class. Law enforcement officers may direct that a student whom they believe to be engaging in conduct while on College premises which violates the Student Code of Conduct (1) be dismissed from campus and schedule a meeting with the Director of Student Conduct and Student Life, or (2) issue the student a warning for such behavior and require the student to meet with the Director of Student Conduct and Student Life. Failure to comply with a dismissal from campus will result in arrest and charges of criminal trespass being filed.

Article VIII: Student Code of Conduct Procedures

Any member of the College community may submit a report involving inappropriate or concerning student behavior. An account of the behavior or incident shall be prepared in writing and submitted through the electronic Incident Reporting Form via the Owens web site. Reports may be submitted at any time after an incident has occurred but should be submitted as soon as possible after the event takes place, preferably within 24 hours of occurrence.

Procedures:

1. Once a report has been received, a prompt, fair, and impartial investigation will take place to determine if a policy violation(s) of the Student Code of Conduct has allegedly occurred. All investigations will be conducted and/or coordinated by the Director of Student Conduct and Community Standards. Investigations may involve a review of the respondents prior conduct history, interview of witness(es), interview of the complainant(s), interview of the respondent, and/or requesting more information from the complainant, respondent, and/or witness(es).
2. If it has been determined that a policy violation allegedly occurred, the Director of Student Conduct and Student Life will present the charges of the Student Code of Conduct to the respondent in written form (Owens email account and/or permanent address on file) and/or by phone which will include a time for a meeting with the Director of Student Conduct and Student Life or notification to schedule a meeting. All requests for meetings must be scheduled within 24 hours of receipt of the written notification.
3. If a respondent, with notice, does not appear to a scheduled meeting and/or does not respond to the request for a meeting, the information in support of charges shall be presented and/or considered even if the respondent is not present.
4. Upon resolution, the Director of Student Conduct and Student Life will present the alleged policy violation determination and sanction(s) (if applicable) to the respondent in writing.

Informational Mutual Resolution:

Allegations of violations of the Student Code of Conduct can be resolved informally by mutual consent of the parties involved on a basis that is determined acceptable by the Director of Student Conduct and Student Life. Such disposition shall be final and there shall be no subsequent proceedings (including appeals).

Administrative Student Conduct Hearing:

If the charges cannot be disposed of informally by mutual consent or a student has an existing student conduct record, a student conduct hearing may occur with the Director of Student Conduct and Student Life in place of an informal mutual resolution. The student conduct hearing will include determination of responsibility or non-responsibility for the alleged policy violation(s), and assignment of sanctions.

Student Conduct Board Hearing:

If the alleged respondent has an existing student conduct record or the alleged violations are egregious in nature, a student conduct board hearing may occur in place of an informal mutual resolution or administrative student conduct hearing.

1. A student conduct board hearing will occur within fifteen (15) business days after the student has been notified in writing of the hearing.
2. Maximum time limits for scheduling of student conduct board hearings may be extended at the discretion of the Director of Student Conduct and Student Life.
3. Student conduct board hearings shall be conducted by a student conduct board according to the following guidelines except as provided by Article IX (C) below:
 - a. Student conduct board hearings shall be conducted in private.
 - b. The complainant, respondent and their advisors, if any, shall be allowed to attend the entire portion of the student conduct board hearing at which information is received (excluding deliberations). Admissions of any other person to the student conduct board hearing shall be at the discretion of the Director of Student Conduct and Student Life.
 - c. In student conduct board hearings involving more than one respondent, the Director of Student Conduct and Student Life, in his or her discretion, may permit the student conduct board hearings concerning each student to be conducted separately or jointly.
 - d. The complainant and the respondent have the right to be assisted by an advisor of their choosing. The advisor may be a member of the College community or external to the College community but may not be an attorney. The complainant and/or the respondent is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any student conduct hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the student conduct board hearing (delays will not normally be allowed due to the scheduling conflicts of an advisor).
 - e. The complainant, the respondent and the Director of Student Conduct and Student Life may arrange for witnesses to present pertinent information to the student conduct board. The College will attempt to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the complainant and/or respondent at least two weekdays prior to the student conduct board hearing. Witnesses will provide information to and answer questions from the student conduct board. Questions may be suggested by the respondent and/or complainant to be answered by each other or by other witnesses. This will be conducted by the student conduct board with such questions directed to the Director of Student Conduct and Student Life, rather than to the witness(es) directly.

NOTE: This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment.

 - Pertinent records, exhibits, and written statements may be accepted as information for consideration by the student conduct board at the discretion of the chair of the proceedings.
 - All procedural questions are subject to the final decision of the Director of Student Conduct and Student Life of the proceedings.
 - Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings.
 - f. After the portion of the student conduct board hearing concludes in which all pertinent information has been received, the student conduct board shall determine (by majority vote) whether the respondent has violated each section of the student code which the student is charged with violating. The student conduct board's determination shall be made on the basis of whether it is more likely than not (i.e., preponderance of evidence) the respondent violated the Student Code of Conduct.

4. There shall be a single verbatim record, such as a tape recording, of all student conduct board hearings before a student conduct board (not including deliberations). The record shall be the property of the College. No other recording devices shall be permitted.
5. The student conduct board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Director of Student Conduct and Student Life to be appropriate.

Article IX: Student Rights

The following procedural rights are provided to any student who is participating in the College student conduct process.

A. Respondent Rights

1. The right to receive notification of the alleged violation and the date, time, and place of any conduct proceeding on the alleged violation.
2. The right to challenge the objectivity or fairness of any of the persons serving in a conduct proceeding. The decision to uphold any challenge made by the respondent rests with the Director of Student Conduct and Student Life.
3. The right to introduce documents, to call witnesses, and present other evidence during a conduct proceeding. *NOTE: The right to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness, in writing, at least two business days in advance of a meeting or hearing to the student conduct administrator.*
4. The right to be provided access to any information that may be used at a conduct proceeding. Access will be provided to such materials in advance of a meeting/hearing upon request to the Director of Student Conduct and Student Life.
5. The right to pose questions of witnesses presented against the student at a student conduct proceeding. All questions posed by the respondent are to be directed towards the Director of Student Conduct and Student Life during proceedings.
6. The right to not be compelled to be a witness against oneself or to have his or her silence taken as an indication of responsibility for a violation.
7. The right to a decision of responsibility or not based on the preponderance of evidence and to be notified of such decision in writing.
8. The right to be accompanied by an advisor of his or her own choosing. Advisors may only consult with the respondent and are not permitted to speak on the respondent's behalf.
9. The right to request postponement of a disciplinary proceeding if circumstances warrant. In most cases, a postponement will only be granted due to an academically related commitment. The decision to postpone a disciplinary proceeding rests with Director of Student Conduct and Student Life.
10. The right to appeal the decision of a disciplinary proceeding in accordance with Student Code of Conduct appeal procedures.

B. Complainant Rights

1. The right to be accompanied in a conduct proceeding by an advisor of his or her own choosing. Advisors may only consult with the complainant and are not permitted to speak on the complainant's behalf.
5. The right to be kept informed of the status of proceedings throughout the process.

6. The right to request the ability to answer questions posed by the respondent outside of the physical presence of the respondent. The Director of Student Conduct and Student Life will determine if such a request will be granted.
7. The right to submit, orally or in writing, an impact statement to any conduct body after the respondent has been found responsible for one or more of the alleged violations.

C. In Cases of Sexual Misconduct, Sexual Harassment, Endangering or Stalking

The following additional rights are provided to a complainant who reports an alleged violation of sexual misconduct, sexual harassment, endangering behavior or stalking as described in Article V of this Student Code of Conduct and the College's Anti-discrimination and Harassment Policy and Procedures:

1. The right to decide whether or not to notify local law enforcement authorities and/or to file a report with the Office of Student Conduct.
2. The right to be provided with information about victim advocacy, Student Mental Health Services, or other available community resources.
3. The right to know how to report retaliation or harassment as a result of reporting acts of misconduct.
4. The right to answer questions posed by the respondent outside of the physical presence of the accused.
5. The right to remain present throughout the entire conduct proceeding (except deliberations).
6. The right to not have his/her past behavioral history discussed during the conduct proceeding. The Director of Student Conduct and Student Life shall determine the relevance of each question.
7. The right to be provided with written notification as to:
 - a. The standard of evidence used during conduct proceedings;
 - b. Any available assistance for changing academic, living, transportation, and working situations, if requested by the victim;
 - c. Information concerning victim's option to decline to notify law enforcement and/or campus authorities;
 - d. The victim's rights and the institution's responsibilities regarding protection orders, no contact orders, restraining orders, or similar lawful orders;
 - e. Information concerning victim advocacy, Student Mental Health Services, or other available community resources; and
 - f. How to report retaliation or harassment as a result of reporting acts of misconduct.
8. The right to be granted a reasonable change in academic arrangement or other steps necessary to prevent unnecessary or unwanted contact.
9. The right to timely notification, in writing, of the outcome of any student conduct proceeding decision and any sanction(s) that may have been assigned.
10. The right to be granted, if reasonably available, a change in academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact.
11. The right to appeal the decision of a conduct proceeding in accordance with Student Code of Conduct procedures.

Article X: Disciplinary Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:
 - a. **Warning** – A notice in writing to the student that the student is violating or has violated institutional regulations.
 - b. **Probation** – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of progressively more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during or after the probationary period.
 - c. **Loss of Privileges** – Denial of specified privileges for a designated period of time.
 - d. **Restitution** – Compensations for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - e. **Discretionary Sanctions** – Work assignments, essays, service to the College, or other related discretionary assignments.
 - f. **College Suspension** – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - g. **College Expulsion** – Permanent separation of the student from the College.
 - h. **Revocation of Admission and/or Degree** – Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violations of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - i. **Withholding Degree** – The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record.
4. In situations involving both respondent(s) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the respondent(s) and the student(s) claiming to be the victim; this is because the educational career and chances of success in the academic community of each may be impacted.
5. In each case in which it has been determined that a student has violated the Student Code of Conduct, the sanctions(s) shall be determined by the Director of Student Conduct and Student Life. Following the student conduct proceeding, the Director of Student Conduct and Student Life shall advise the respondent (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

Article XI: Appeals

1. A decision reached by the Director of Student Conduct and/or a student conduct board or a sanction imposed may be appealed by the respondent or complainant. *NOTE: Informal resolutions cannot be appealed.*
2. The appeal must be made, in writing, to the appeal body within seven (7) business days of the announcement of findings/sanction and specifically describe the grounds with which the appeal is being sought.
3. An appeal may be sought on the following grounds:

- On a claim of error in the hearing procedure that substantially affected the decision;
 - On a claim of new evidence or information material to the case that was not known at the time of the hearing and which reasonably could have affected the decision of the hearing body; and/or
 - On a claim that the sanction(s) is grossly disproportionate to the severity of the misconduct.
4. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the student conduct proceeding and supporting documents for one or more of the following purposes:
 - a. To determine whether the student conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated, and giving the respondent a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - b. To determine whether the decision reached regarding the respondent was based on substantial information; that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code of Conduct occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct which the student was found to have committed.
 - d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the student appealing at the time of the original student conduct proceeding.
 5. The appeal body has the authority to dismiss an appeal not sought on proper grounds. If the appeal body determines that the asserted grounds for appeal are valid, the appeal body may uphold, dismiss, or modify the sanctions of the Director of Student Conduct and Student Life. The decision of the appeal body is final and binding upon all involved.

Article XII: Interpretation and Revision

- A. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Director of Student Conduct and Student Life or his or her designee for final determination.
- B. The Student Code of Conduct shall be reviewed every two (2) years under the direction of the Director of Student Conduct and Student Life.

Article XIII: Links to College Policies

Academic Misconduct Policy:

<https://www.owens.edu/trustees/procedures/proc3358-11-2-55.pdf>

Anti-discrimination and Harassment Policy:

https://www.owens.edu/trustees/board_policies/11-4-17.pdf

Anti-discrimination and Harassment Procedures:

<https://www.owens.edu/trustees/procedures/proc3358-11-4-17.pdf>

Drug-Free School and Alcohol Prevention Policy:

https://www.owens.edu/trustees/board_policies/11-3-01.pdf

Responsible Computing Policy:

https://www.owens.edu/trustees/board_policies/11-4-10.pdf

Smoke-free Buildings/Vehicles Policy (this policy will end on 12-31-15):

https://www.owens.edu/trustees/board_policies/11-4-03.pdf

Smoking Procedures (this procedure will end on 12-31-15):

<https://www.owens.edu/dps/smoking.html>

Smoke-free and Tobacco-free College Policy (this policy will go into effect 1-1-16):

https://www.owens.edu/trustees/board_policies/11-4-22.pdf

Title IX/Sexual Misconduct Procedures and Guidelines:

<https://www.owens.edu/trustees/procedures/proc3358-11-4-17-titleIX.pdf>