

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

Student Conduct	4-001 STUDENT SERVICES June 2013
------------------------	---

POLICY

- 1.01 Student Conduct policy and procedures contained herein are applicable to all OSU Institute of Technology (OSUIT) students, regardless of race, color, national origin, sex, marital status, and are intended to accomplish the following:
- A. Create and promote a productive living and learning community/environment which fosters the intellectual, personal, cultural and ethical development of its students.
 - B. Promote self-discipline and respect for the rights and privileges of others to the educational process and to good citizenship.
 - C. Teach students to take on the responsibility to observe and help maintain standards of personal behavior that are a positive contribution to this academic community.

DISCIPLINARY PROCESS

- 2.01 The following procedures are listed to inform students of the due process procedures in place at OSUIT for resolving alleged violations of the Institution's regulations. The procedures are designed to allow for fact finding and decision making in the context of the OSUIT educational community. The objective is to provide adequate procedural safeguards to balance the rights of the individual with the legitimate interests of the university.
- 2.02 Complaints
- A. Any member of the university community (faculty, staff, student, or the university) may file a complaint against a student alleging that a violation of the Code of Conduct has occurred.
 - B. Such complaint shall be filed with the official having jurisdiction as soon as possible but within 30 days of the alleged violation, and 180 days for alleged violations concerning sexual assaults or sexual harassment. The time may be extended at the discretion of the Vice President of Student Services. If an individual is unsure of where to direct a complaint, contact the Student Conduct Office for advice.

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

- C. The complaint must be submitted in writing and signed by the complainant(s). Included must be the date, time, place, name(s) of person(s) involved and sufficient detail to make a determination of whether disciplinary action may be warranted.
- D. Name(s) of witness(es) should be included.

2.03 Evidentiary Standards

The official having jurisdiction will be responsible for compiling sufficient information/evidence to substantiate the charge(s). The evidence must support a determination that it is “more likely than not” that a violation of the Code of Conduct occurred for cases in which the potential sanction is less than expulsion. If expulsion is a possible sanction, the standard of proof shall be that of “clear and convincing evidence”. Hearsay evidence and personal testimony may be considered and will be weighed accordingly.

2.04 Disposition of Charges

Alleged violations of university regulations are resolved through an informal or formal hearing process with a Student Conduct Officer. If the Residential Life Conduct Officer believes that suspension or expulsion from OSUIT is a possibility, the student will be referred to the Student Conduct Office where the formal hearing procedures will be explained to the student.

2.05 Formal and Informal Hearings

- A. Upon determination that sufficient evidence exists to believe that a violation of the Code of Conduct may have occurred, the Student Conduct Officer with jurisdiction will notify the student in writing of the alleged charges against him/her. The written notice will be hand delivered directly to the student or mailed to the student’s local address as filed in the Registrar’s Office. Students are responsible for providing and maintaining a current local address to the Registrar’s Office.
- B. At the formal or informal hearing the student will be provided with the following:
 - 1. An explanation of the allegations which have been made;
 - 2. A summary of the facts and information which substantiate the allegations;
 - 3. The opportunity to reflect upon and give his/her account of the incident or circumstances involved with the allegation(s);

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

- C. Following the formal or informal hearing the student will be provided with an explanation of the decision of the Student Conduct Officer. The letter of explanation may be delivered to the student verbally or the most advantageous means decided by the Student Conduct Officer. The results may include one of the following:
1. The allegation(s)/charge(s) may be dismissed as unfounded;
 2. Student may admit to the allegation(s) and a sanction imposed;
 3. The student may be found responsible for violating the Code of Conduct and a sanction imposed.
- D. Failure to respond to a written allegation of charges or failure to complete the assigned sanction(s) will result in either a hold being placed on the student's enrollment privileges or graduation, additional disciplinary action, or a decision being made based on the information available at the time. If the student does not attend the hearing, the hearing will proceed.
- E. Possible sanctions may include but not be limited to verbal or written reprimand, restrictions, volunteer project/community service, educational class or program, restitution, graduation hold, cancellation of enrollment, conduct probation, suspension and/or expulsion.
- F. Decisions reached at formal or informal hearings may be appealed as follows:
1. Student Conduct Office formal hearings may be appealed to the Chief Conduct Officer or Vice President of Student Services or his/her designee.
 2. Residential Life informal hearings may be appealed to the Director, Residential Life.
- G. Honesty Statement: The university expects that all information presented will be truthful and accurate. Be advised that if false information is willfully provided, a student will be in violation of the Code of Conduct of and may be subject to disciplinary action. (*Student Rights and Responsibilities Governing Student Behavior*, Section III Prohibited Conduct; Article 27.)

2.06 Student Rights in Conduct Proceedings

The university views the discipline process as an educational experience that can promote growth in personal understanding of one's rights, responsibilities and privileges in an educational community.

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

A. Accused students have the right to:

1. written notice of the alleged violation(s);
2. have no code violation presumed until found responsible;
3. a timely hearing;
4. be accompanied by an advisor during the hearing (the advisor is limited to advising the student and may not present the case, question relevant parties, or make statements during the proceedings);
5. review the evidence;
6. may question his/her accuser, either directly or indirectly, at the discretion of the conduct officer;
7. may question witnesses, either directly or indirectly, at the discretion of the hearing officer;
8. present material witnesses (those with first hand knowledge of the incident);
9. a written notification of the outcome of the hearing;
10. an avenue for appeal from a formal or informal hearing.

B. Complainant/Victim Rights

To encourage students to take responsibility for reporting code violations, complainants or victims have the right to:

1. be given an explanation of the discipline process;
2. have access to evidentiary material in advance of the hearing;
3. be present during the entire hearing;
4. be accompanied by an advisor during the hearing (The advisor is limited to advising the student and may not present the case, question relevant parties, or make statements during the proceedings.);
5. a timely hearing;
6. question the accused and material witnesses, either directly or indirectly, at the discretion of the conduct officer;

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

7. request that evidence of his/her past sexual history be excluded from discussion during the hearing, in the case of sexual assault (The Student Conduct Officer has the discretion to make this decision. The past sexual history of the victim with persons other than the alleged perpetrator shall be presumed irrelevant. If the accused is found responsible for violating the Code of Conduct, the victim may submit an impact statement.);
8. be notified of the outcome of any disciplinary proceeding, in cases of crimes of violence or sexual assault.
9. an avenue for appeal from a formal or informal hearing.

2.07 Re-entry Committee

Students must submit a letter of request for re-entry into the university after suspension has occurred. A committee comprised of the Chief Conduct Officer, Chief of Police, Vice President of Student Services, and the Executive Vice President will review the file and make a decision on re-entry into the university.

Housing re-entry requests will be reviewed by the Director, Residential Life and the Vice President for Student Services.

2.08 Appeal Procedure

Discipline decisions or grievance hearing recommendation(s) made by a Hearing Officer may be appealed to the appropriate appeals officer, or his/her designee, by the accused student or the complainant student.

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from the university to the student or group charged with the offense. The student or group must show that one or more of the listed grounds for appeal have merit. (*Student Rights and Responsibilities Governing Student Behavior*, Fall 2013 Edition, Page 8; Section IV. Disciplinary Responsibility, Article V. Appeal Procedure.)

- A. Appeals for Residential Life administrative hearings must be submitted in writing to the Director, Residential Life within two (2) OSUIT working/school days of receiving the decision of the previous lower hearing. Appeals for Student Conduct Office hearings must be submitted in writing to the Vice President of Student Services within two (2) OSUIT working/school days of receiving the decision of the previous lower hearing. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
- B. The appeal must cite at least one of the following criteria as the reason for appeal and supporting argument(s):

OSU INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES

1. The original formal or informal hearing was not conducted in conformity with prescribed procedures.
 2. The evidence presented at the lower previous hearing was not “sufficient” to justify a decision against the student or group.
 3. Evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing.
 4. The sanction was not appropriate for the violation.
- C. The appropriate appeals officer, Director, Residential Life or the Vice President of Student Services, will review the record of the original hearing, including documentary evidence. It is the appeals officer’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to a hearing officer for review and/or reconsideration. If there is new evidence which is believed to substantially affect the outcome, or evidence presented at the lower previous hearing(s) was insufficient to justify a decision against the student or group, or the Appeals Officer finds that procedural error did occur, the matter may be remanded to the appropriate Student Conduct Officer with instruction for either a rehearing of the entire matter or reconsideration of specific issues.
- D. The final decision may be communicated in writing by the Director, Residential Life or the Vice President of Student Services to the appealing student or group, with a copy sent to appropriate offices. The decision will normally be communicated within ten (10) working/school days of receiving the written recommendation, but may take longer during university recesses or in a complex case.
- E. The decision of the Director, Residential Life, or the Vice President of Student Services, shall be final.

Approved: August 1996
Revised: August 2006
Revised: July 2009
Revised: June 2013