

CLEVELAND STATE UNIVERSITY

THE STUDENT CONDUCT CODE

Includes:

STUDENT CONDUCT CODE

**PROCEDURES FOR
INVESTIGATING COMPLAINTS
OF DISCRIMINATION
AND HARASSMENT**

**TOBACCO FREE CAMPUS
POLICY**

**ACADEMIC REGULATIONS
AND PROCEDURES**

**STUDENT GRIEVANCE
PROCEDURE**

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The Division of Student Affairs

THE STUDENT CONDUCT CODE

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STUDENT CONDUCT CODE

3344-83-01 Introduction and Purpose

- (A) In order to carry out its mission, the university community shall promulgate and enforce appropriate rules, regulations and policies and take action when violations of such rules, regulations and policies occur.
- (B) Students voluntarily enter into membership in the university community and, in so doing, assume obligations of performance and behavior reasonably expected by that community for the purpose of furthering its mission, objectives, processes and functions.
- (C) Students accept the rights and obligations set forth in the Student Conduct Code and other university rules, regulations, and policies when they are admitted to the university. Students are also subject to the laws of the state of Ohio and the regulations, codes of honor and conduct and academic standards of any unit within the university to which the student belongs.
- (D) The Provost of the university, or designee, shall have the final responsibility and authority for the discipline of all students at the university. Duly constituted student judicial bodies and appellate bodies as defined in the Student Conduct Code are authorized to conduct student or student organization disciplinary hearings and appeals and to impose university disciplinary action as set forth in the Student Conduct Code. Disciplinary action may be taken on the basis of university rules, regulations, policies and procedures and may include but is not limited to counseling, admonition, sanctions or separation from the university community. When extenuating circumstances warrant, the Vice President for Student Affairs may extend the deadlines set forth in the Student Conduct Code. Extenuating circumstances including, but are not limited to, delays caused by semester breaks, serious illness or unavoidable periods where the student does not have access to mail or email.
- (E) As a public institution of higher education, Cleveland State University seeks to advance knowledge, promote scholarship and create an environment conducive to the intellectual and personal growth and development of all its students. In keeping with these aims, the university recognizes the following rights of students:

- (1) **Nondiscrimination** - Students have the right to be free from discrimination on the basis of race, sex (including pregnancy), religion, color, age, national origin, veteran and/or military status, genetic information, or disability and discrimination/harassment toward individuals for other reasons such as sexual orientation, gender identity and/or expression, marital status or parental status.
 - (2) **Freedom of Expression** - Students have the right of expression to the extent permitted by law and university rules and regulations.
 - (3) **Freedom of Assembly** - Students have the right to assemble, provided that the operation and functioning of the university is not disrupted, the movement of individuals is not restricted and the activity complies with applicable laws, and university rules and regulations.
 - (4) **Due Process** - Students have the right to be treated in an impartial and judicious manner by the university, as provided for by law and university rules and regulations.
 - (5) **Participation** - Students have the right to establish and elect a democratic student government, to organize and join student organizations, and to be selected or appointed as members of appropriately designated university committees, in accordance with university rules and regulations.
 - (6) **Redress of Grievances** - Students have the right of access to copies of university rules and regulations directly affecting them and to petition for the redress of grievances, within the university's grievance procedures.
- (F) All of the above rights can be exercised only in accordance with university rules and regulations and federal, state and local laws.

3344-83-02 Jurisdiction

- (A) The Student Conduct Code applies to the on-campus conduct of all students and recognized or registered student organizations, including conduct using university computing or network resources. The Student Conduct Code also applies to the off campus conduct of students and registered student organizations in direct connection with:
- (1) Academic course requirements or any credit-bearing experiences, such as internships, field trips, study abroad, or student teaching;
 - (2) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
 - (3) Any activity sponsored, conducted, or authorized by the university or by registered or recognized student organizations;
 - (4) Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community; or
 - (5) Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.
- (B) The Student Conduct Code governs all campuses of the university. The university reserves the right to administer the Student Conduct Code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.
- (C) Students continue to be subject to city, state, and federal laws while at the university, and violations of those laws may also constitute violations of the Student Conduct Code. In such instances, the university may proceed with university disciplinary action under the Student Conduct Code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation

of the Student Conduct Code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.

- (D) In addition, in cases of criminal charges involving certain offenses of violence, a student faces possible immediate suspension or probation and ultimate dismissal in accordance with the Ohio Revised Code Sections 3345.22 and 3345.23.

3344-83-03 Definitions

As used in the Student Conduct Code:

- (A) **"Appropriate Party"** shall refer to any member of the university who is authorized to have access to a student's academic record, or the alleged victim of any crime of violence or a nonforcible sex offense.
- (B) **"Authorized University Function"** shall mean events and activities, which the university presents or authorizes.
- (C) **"Eligible Party"** shall refer to any member of the university community who has a right of appeal.
- (D) **"Judicial Affairs Officer"** (JAO) shall mean the Judicial Affairs Officer who shall be the administrative liaison to the university judicial process.
- (E) **"Members of the University Community"** shall mean students and employees of the university, including faculty, professional staff members, classified service staff members, and administrators, and shall also mean members of the Board of Trustees.
- (F) **"Reckless"** shall mean conduct which one knows or should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with authorized university functions.
- (G) **"Student"** shall mean any person who is admitted, currently registered or has been registered at the university any time during the last academic year.
- (H) **"Student Conduct Officer"** (SCO) shall mean the faculty or administrator who is authorized to impose sanctions upon students found to have violated the Student Conduct Code.
- (I) **"Student Organization"** shall mean a university recognized or registered student organization which has complied with the formal requirements of official recognition or registration set forth in the Policy on Recognition and Registration of Student Organizations.

- (J) **"University" and "Institution"** shall mean Cleveland State University and, collectively, those responsible for its operation.
- (K) **"University Official"** shall mean any member of the university community acting in an official capacity, upholding and enforcing rules, regulations, and policies of the university.
- (L) **"University Premises"** shall mean (1) any university owned or controlled property or (2) non-university property during the period of time when it is used for authorized university functions including, but not limited to, registration, classroom or laboratory instruction, lectures, concerts, receptions, assemblies, intramural activities or intercollegiate athletic events. University premises do not include off-campus property used for student organization events or activities.
- (M) **"Vice Provost/Vice President"** shall mean the administrative officer bearing such title, related title, or designee.
- (N) **"Working Day"** refers to any day of the week excluding Saturdays, Sundays and official university holidays.
- (O) All other terms have their natural meaning unless the context otherwise dictates. Singular terms may be read as plural when appropriate. "And" shall mean "or" and vice versa when appropriate.

3344-83-04 Violations

For a student or student organization to be found in violation of the Student Conduct Code, it shall be determined by a preponderance of the evidence, or in other words, that it is more likely than not that the student or student organization has violated the Student Conduct Code. Students or student organizations found in violation of the Student Conduct Code are subject to one or more of the sanctions described in Section 3344-83-07 of the Student Conduct Code.

- (A) **Disruption** - Interrupting or disrupting an authorized university function or academic activity which impedes the normal continuation of that activity; or interfering with the freedom of movement of any member of the university community, guest, or visitor of the university or impeding or interfering with the rights of any person to enter, use or leave any university facility or authorized university function or impeding or interfering with the rights of any university official to perform his or her normal functions and duties.
- (B) **Infliction, Threat of, Use of or Attempted Use of Physical Force** - The threat of, use of or attempted use of physical force upon any person, including, but not limited to:

- (1) Inflicting bodily harm upon any person;
 - (2) Taking any action for the purpose of inflicting bodily harm upon any person;
 - (3) Taking any action without regard for bodily harm which could result to any person; or
 - (4) Threatened use of force to inflict bodily harm upon any person.
- (C) **Harassment** - Any act of harassment, whether on the basis of race, gender or otherwise, as defined in the applicable university policy against harassment and discrimination. Charges related to a violation of this provision of the Student Conduct Code shall be investigated and responded to through the procedures for investigating complaints of discrimination and harassment not through Sections 3344-83-08 through 3344-83-10 of the Student Conduct Code.
- (D) **Sexual Misconduct** - Any act of sexual violence, sexual exploitation or sexual harassment, as defined in the applicable university policy against harassment and discrimination, whether such conduct occurs on or off campus. Charges related to a violation of this provision of the Student Conduct Code shall be investigated and responded to through the procedures for investigating complaints of discrimination and harassment not through Sections 3344-83-08 through 3344-83-10 of the Student Conduct Code.

Non-consensual sexual intercourse, defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by any person upon any person without consent.

- (1) Non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object by any person upon any person without consent;
- (2) Sexual exploitation, defined as taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in nonconsensual voyeurism, and knowingly transmitting or exposing another person to a sexually

transmitted infection (STI) without the knowledge of the person;

- (3) Sexual Harassment, as defined in the Student Conduct Code and in applicable university policy;
- (4) Indecent Exposure, defined as the exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the accused may be readily observed;
- (5) For the purposes of the Student Conduct Code, 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.

(E) **Endangering Health and Safety** - Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, including, but not limited to, stalking, relationship violence or domestic violence, as defined in the applicable university policy against harassment and discrimination. When charges related to a violation of this provision of the Student Conduct Code involve stalking, relationship violence or domestic violence, they shall be investigated and responded to through the procedures for investigating complaints of discrimination and harassment not through Sections 3344-83-08 through 3344-83-10 of the Student Conduct Code.

(F) **Hazing** - Any conduct, act, method of, or coercion of another to do an act of initiation or admission into any organization which occurs on or off university premises and which willfully or recklessly causes or creates a substantial risk of causing physical or mental harm to any student or other person. Examples include, but are not limited to, extended deprivation of sleep or rest; forced consumption of food, liquor, other beverages, or drugs; beating or branding; forced exclusion from social contact; and/or forced conduct which could result in embarrassment to any person. Any activity or behavior meeting the definition as described in this paragraph shall be considered a forced activity, notwithstanding the willingness of the individual involved to participate in such activity.

- (G) **Theft of Property** - Theft or attempted theft of university property or the property of any person or other entity, including possession or use of stolen property. This shall also include theft of university property while off university premises.
- (H) **Unauthorized Entry into a University Facility** - Attempted or forcible breaking or unauthorized entry into any building or facility.
- (I) **Failure to Vacate University Premises** - Failure to vacate university facilities at the closing hour or at the request of a university official, unless prior approval is obtained to remain on the premises.
- (J) **Creation of Safety Hazard(s)** - Creating a fire hazard, including the setting or attempted setting of fires, or otherwise endangering the safety of persons or property or the improper use or possession of inflammable or hazardous substances.
- (K) **False Reporting of an Emergency** - Intentionally making a false report of a bomb, fire, or other emergency in any building, or facility by means of activating a fire alarm or in any other manner.
- (L) **Unauthorized Use or Alteration of Emergency or Safety Equipment** - Unauthorized use or alteration of fire-fighting equipment, safety devices or other emergency or safety equipment.
- (M) **Interference with Emergency Evacuation Procedure** - Interference with emergency evacuation procedures, including failure to evacuate, prescribed for any building or facility.
- (N) **Possession, Use, Distribution or Sale of Controlled Substances or Drug-related Paraphernalia** - Knowingly possessing, using, distributing or selling drug related paraphernalia and/or controlled substances, including, but not limited to, narcotics, barbiturates, hallucinogens, marijuana, or amphetamines, except as authorized by law.
- (O) **Illegal Use of Alcoholic Beverages** - Knowingly possessing, keeping, consuming, allowing to consume, serving, purchasing, selling, making available to another person or directly providing funding for alcoholic beverages in violation of state or local statutes, ordinances, or university rules and regulations.
- (P) **Falsification of Records, Fraud and False Testimony** - Furnishing false or misleading information or identification to a university official, office, investigation or proceeding; or without proper authorization, reproducing, copying, forging, tampering, altering, falsifying, misusing, or attempting to do the foregoing to any record, document, or identification used or maintained by the university.

- (Q) **Destruction or Misuse of Property** - Damaging, destroying, defacing, abusing, tampering, misusing, or attempting to damage, destroy, deface, abuse, misuse or tamper with university property or property of any person or other entity on or off university premises. This includes any attempt to alter the function or performance of university equipment or property, including, but not limited to university computers.
- (R) **Bribery** - Offering money, any item or service to a student, administrator, faculty, staff member, so as to receive university property and/or services for one's self or another or to gain an advantage or special treatment for one's self or for another.
- (S) **Unauthorized Access to Records** - Gaining or attempting to gain unauthorized access to university records, including, but not limited to paper records, computer files or systems.
- (T) **Unauthorized Use of University Computers** - Gaining use or attempting to gain use of university computers without proper authorization, including, but not limited to unauthorized:
 - (1) Use of computer and/or data processing equipment;
 - (2) Access to computer systems;
 - (3) Possession of computer software or data;
 - (4) Copying or use of computer software or data;
 - (5) Use of computer accounts; or
 - (6) Use of computer-related equipment.
- (U) **Possession or Use of Weapons** - Unauthorized possession or use of any type of firearm, explosive, other weapon, or fireworks. "Weapon" shall mean any instrument, device, substance or item capable of causing or inflicting injury or death and designed or specifically adapted for use as a weapon or possessed, carried or used as a weapon. Weapons used legitimately on campus for martial arts or similar practice shall be permitted provided they are transported and stored in a manner which makes them functionally inaccessible.
- (V) **Misuse of Identification** - Refusing to present identification when requested by a university police officer or other university official who identifies her/himself; using or attempting to use any means of identification or other document or card not rightfully issued to the individual; or altering, tampering with or misusing a university identification card or other university-issued means of identification.

- (W) **Improper Use of Keys** - Knowingly using, duplicating, or causing to be duplicated, any key for any facility, building or room without proper authorization or failure to return university-issued keys to the proper university officials.

- (X) **Misuse of University Telephone or Communications Devices** - Charging any long distance telephone call, telegraph message or electronic facsimile to any university telephone without proper authorization.

- (Y) **Gambling** - Violation of applicable gambling laws.

- (Z) **Failure to Follow Directions of University Officials** - Failure to follow reasonable directions of a university official, made in the performance of her or his duties which are necessary for the proper conduct of authorized university functions.

- (AA) **Abuse of the Student Conduct Code Procedures** - Abuse of the Student Conduct Code procedures, including, but not limited to:
 - (1) Falsification, distortion or misrepresentation of information to the Judicial Affairs Officer or before the Student Conduct Officer, the University Judicial Board, or the University Appeal Board;
 - (2) Disruption or interference with the orderly conduct of a proceeding under the Student Conduct Code;
 - (3) Institution of a proceeding under the Student Conduct Code knowingly without cause;
 - (4) Attempting to discourage an individual's proper participation in, or use of the Student Conduct Code's procedures;
 - (5) Attempting to influence the impartiality of the Student Conduct Officer, or a member of the University Judicial Board or the University Appeal Board prior to, and/or during the course of a proceeding under the Student Conduct Code;
 - (6) Harassment (verbal or physical) and/or intimidation of the Student Conduct Officer or a member of the University Judicial Board or the University Appeal Board prior to and/or during the course of a proceeding under the Student Conduct Code;
 - (7) Failure to comply with any sanction imposed under the Student Conduct Code; or

- (8) Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code procedures.
- (BB) **Unauthorized Sales and Solicitation of Funds** - Unauthorized sale or solicitation of funds including unauthorized solicitation of funds off university premises.
- (CC) **Misuse of University Name, Logo, or Seal** - Use of the university's name without the express authorization of the university except to identify institutional affiliation in the authorized manner. University approval or disapproval of any political or social issue may not be stated or implied by an organization; or use of official letterhead stationery, envelopes, logo or seal as part of any publication, correspondence or other printed material without prior submission of the material to, and written permission received from the appropriate university official.
- (DD) **Misuse of University Funds/Student Organization Funds** - The misuse or unauthorized use of university funds or student organization funds administered through the university.
- (EE) **Unauthorized Posting or Distribution of Materials on University Premises** - Failure to abide by university policies, rules, and regulations on posting and distribution of materials on university premises.
- (FF) **Violations of University Rules and Regulations** - Violating other university regulations or policies, which have been posted or publicized. Violations of applicable harassment and discrimination policies shall be investigated and responded to through the procedures for investigating complaints of discrimination and harassment not through Sections 3344-83-08 through 3344-83-10 of the Student Conduct Code.
- (GG) **Failure to Comply with University Sanctions** - Failure to comply with sanctions imposed pursuant to university policy and/or regulations.
- (HH) **Repetitions of Misconduct** - More than one violation of the Student Conduct Code for which a sanction has been previously imposed. When the repeated misconduct involves a violation of subsections (C), (D), or (E) of this Section, it shall be investigated and responded to through the procedures for investigating complaints of discrimination and harassment not through Sections 3344-83-08 through 3344-83-10 of the Student Conduct Code.
- (II) **Participation as an Accomplice** - Knowingly participating in any action or event that constitutes any violation of the Student Conduct Code. When the participation as an accomplice involves a violation of subsections (C), (D), or (E) of this Section, it shall be investigated and responded to through the procedures for investigating complaints of discrimination and harassment

not through Sections 3344-83-08 through 3344-83-10 of the Student Conduct Code.

- (JJ) **Violation of State, Federal or Local Law** - Violating state, federal or local law whether the violation occurs on or off campus. When the violation of state, federal or local law involves a violation of subsections (C), (D), or (E) of this Section, it shall be investigated and responded to through the procedures for investigating complaints of discrimination and harassment not through Sections 3344-83-08 through 3344-83-10 of the Student Conduct Code.
- (KK) **Domestic Violence** - Knowingly or recklessly causing or attempting to cause physical harm to a family or household member. A family or household member is any of the following who is residing or has resided with the accused student: (1) a spouse or partner, or person living as a spouse or partner or former partner or spouse; (2) a parent, foster parent, child of the accused student or another person related by blood to the accused student.
- (LL) **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; the frequency of interaction between the persons involved in the relationship.
- (MM) **Stalking** - Engaging in a course of conduct directed at another person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.
- (NN) **Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment or participation in any university activity;
 - (2) Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making decisions affecting instruction, employment, or other university activity;
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creates an intimidating, hostile or offensive university environment.

3344-83-05 Residence Hall Resident Behavior

- (A) Students residing on campus in the residence hall are also held to the policies set forth in the residence hall policies and procedures handbook. Violations of residence hall policies will be reviewed by the Director of Residence Life or the designee of the Director and adjudicated within the residence hall judicial system. In instances where residence hall residents may have violated the Student Conduct Code, formal judicial charges will be forwarded to the Office of Judicial Affairs.

- (B) The Director of Residence Life has the authority to take reasonable actions in maintaining a safe living environment for all student residents. This authority may include, but is not limited to immediate suspension of housing privileges, a reassignment to another residence hall or residence hall room. This authority may be exercised whether or not a formal charge has been filed with the Office of Judicial Affairs and this authority may be exercised prior to the rendering of any decision in the judicial process.

3344-83-06 Student Organizational Behavior

- (A) Students are encouraged to organize and join associations and organizations to promote their common interests. Student organization activities, events or programs held off university premises are the responsibility of the sponsoring student organization and not the university. However, it is expected that members of organizations individually and collectively will act consistently with the provisions of the Student Conduct Code, the organization's constitution, university rules and regulations, and applicable laws. The presiding officer of an organization is responsible for informing members that the organization and its members are governed by the terms and conditions of the Student Conduct Code and university rules and regulations.
 - (1) If the actions set forth in subsections (C)(1) to (C)(6) of the Student Conduct Code occur on university premises, the student organization can be subject to the university judicial system set forth in Sections 3344-83-10 to 3344-83-12 of the Student Conduct Code and may incur one or more of the sanctions described in Section 3344-83-07 of the Student Conduct Code. For actions on or off university premises, a university official may bring charges of failure to follow university policies to the Student Life Committee of Faculty Senate which may suspend or revoke recognition or registration

of a student organization and/or dictate conditions by which a student organization may maintain or re-establish recognition or registration in accordance with the committee's procedures set forth in the student handbook.

(2) An organization may be held responsible for violations under any of the following conditions:

(a) When the act is in violation of the Student Conduct Code, the organization's constitution, or applicable university rules and regulations and is committed by one or more officers or members of an organization and is supported by any of the following of the organization:

- (i) Constitution;
- (ii) By-laws;
- (iii) Regulations;
- (iv) Policies;
- (v) Practice, custom; or
- (vi) Tradition.

(b) When the act is in violation of the Student Conduct Code, the organization's constitution, university rules and regulations and is, by one or more officers or members of the organization acting on behalf of the organization and within the scope of their office or membership:

- (i) Authorized;
- (ii) Requested;
- (iii) Encouraged; or
- (iv) Tolerated.

(c) When the act is in violation of the Student Conduct Code, the organization's constitution, or applicable university policies and was committed by one or more officers or members of the organization acting on behalf of the organization or within the scope of their office or membership;

(d) When the organization, through one or more of its officers or members, fails to take an action or discharge a duty expressly imposed upon such organizations by the Student Conduct Code, the organization's constitution, university rules or regulations.

Sanctions

- (A) In the event that a student or student organization is found to have violated the Student Conduct Code by the appropriate hearing body, one or more of the following sanctions may be imposed:
- (1) "Recommendation of Expulsion" - Recommendation to the Provost or designee for a permanent separation of the student from the university, preventing readmission to the institution. This sanction shall be recorded on the student's academic transcript if it is upheld by the Provost or designee. If the Provost or designee does not support the recommendation for expulsion, the Provost or designee may impose an alternate sanction. The Provost or designee shall respond to the recommendation within five working days after the conclusion of any appeals process.
 - (2) "Recommendation of Suspension" - Recommendation to the Provost or designee for separation of the student from the university for a specified period. This sanction shall be recorded on the student's academic transcript if it is upheld by the Provost or designee. If the Provost or designee does not support the recommendation for suspension, the Provost or designee may impose an alternate sanction. The Provost or designee shall respond to the recommendation within five working days after the conclusion of any appeals process.
 - (3) "Disciplinary Probation" - Formal written warning that the conduct is in violation of university policies. The continued enrollment of the student depends upon the maintenance of satisfactory behavior during the specified period of probation.
 - (4) "Reprimand" - A written statement placed in the student's disciplinary file of the student or student organization to be kept in the Department of Student Life, or an oral statement of

the violation of university rules and regulations.

- (5) "Restitution" - A requirement that the student or student organization reimburse the university or another person or entity for damages.
- (6) "Restriction" - Temporary or permanent loss of privileges for the use of any or all university facilities and/or services.
- (7) "Community Service" - A requirement that the student or student organization render a designated amount of specified service to the university and/or the community.
- (8) "Counseling" - A requirement that the student meet with a professional staff member of the university's Counseling Center and comply with the recommendations of the Counseling Center professional staff.
- (9) "Holds" - Annotations on student records indicating that the student is not in good standing due to a Student Conduct Code violation. When a hold is placed on a record, the registrar may prohibit the student from registering, or receiving an official transcript or a diploma unless the appropriate university official placing the hold releases it, in all or part.
- (10) "Recommendation of Suspension of Status" - Recommendation to the Student Life Committee of Faculty Senate for suspension of the recognized or registered status of a student organization for a specified or indefinite period of time.
- (11) "Recommendation of Termination of Status" - Recommendation to the Student Life Committee of Faculty Senate for termination of the recognized or registered status of a student organization.
- (12) "Other" - Other sanctions may be imposed as appropriate instead of or in addition to those specified in subsections (1) to (11) of this Section,

as deemed necessary by the hearing body.

(B) Interim Sanctions

- (1) Prior to holding a hearing, in circumstances involving a significant risk of substantial harm to persons or property or serious disruption of the educational process, an interim suspension may be imposed during the judicial process through any appeal. In such circumstances, the Provost or designee may order an interim suspension of the student or student organization. The procedure set forth in this section does not apply if the basis for the interim suspension is conduct that may constitute a violation under subsections (C) or (D) of Section 3344-83-04 or subsection (E) of Section 3344-83-04 of the Student Conduct Code where the violation involves stalking, relationship violence or domestic violence. Interim suspensions related to those violations will be determined and reviewed through the procedures issued by the Office for Institutional Equity for investigating complaints of discrimination and harassment.
- (2) Within 24 hours of such suspension, or as soon as possible prior to such action, the Provost or designee shall cause notice of the suspension, explaining why the suspension cannot await a hearing. The notice shall be delivered in person whenever possible. If it is not possible to deliver the notice in person, it should be emailed and mailed by regular and certified mail to the last known address and University email address of the student or student organization. The student or student organization will be given three working days from the date the letter was sent to submit a written response to the notice to the Judicial Affairs Officer. Within three working days of receipt of the response of the student or student organization, or the date the response was due if no response was received, the University Appeal Board shall review the facts and the

reasons for the suspension, any written material submitted by the student or the student organization, and shall make recommendations to the Provost or designee as to whether or not the suspension under this provision should remain in effect prior to the final determination of the case by the University Judicial Board or Student Conduct Officer. Within three working days of receipt of the recommendation, the Provost or designee shall make the final decision as to whether to affirm or revoke the suspension. If the suspension is revoked, other interim measures may be imposed.

3344-83-08 University Judicial Procedures

The procedures outlined below and in Sections 3344-83-09 or 3344-83-10 will not be used in cases of an alleged Student Conduct Code violation under Sections 3344-83-04(C) or (D), or Section 3344-83-4(E), where the violation involves stalking, relationship violence or domestic violence.

(A) Procedures for Filing Charges

(1) Any member of the university community may file a written charge alleging the following:

- (a) Violation of the Student Conduct Code by any student or student organization;
- (b) Disputes between student organizations;
- (c) Disputes between individuals and student organizations;
- (d) Disputes involving student organizations' constitutions; or
- (e) Disputes involving student publications.

- (2) The Vice President for Student Affairs or designee may file a written charge on behalf of the university community.
- (3) The written charge shall be filed with the Judicial Affairs Officer (JAO) in the Department of Student Life. Charges filed against student organizations will be reviewed by the JAO in consultation with the Vice President for Student Affairs and the chairperson of the Student Life Committee (SLC) to decide whether the charge is to be referred to the SLC or processed through university judicial procedures. In the event that the JAO has filed a charge, will be a witness in a proceeding, or otherwise has a conflict of interest, the Vice President for Student Affairs will appoint a temporary replacement to serve as the JAO on that matter.

(B) Notice of Charge

Upon receipt of a written notice the JAO shall send notification to the charged student using the student's CSU email address, campus mail address and by regular and certified mail to the last address on file with the registrar, or to the presiding officer of the student organization and its advisor at the address on file with the Department of Student Life. The notification shall set forth:

- (1) The charge and the name of the charging party;
- (2) The violation with which the student or student organization is charged;
- (3) The right of the charged student or student organization to choose between an administrative hearing before the Student Conduct Officer (SCO) or a University Judicial Board (UJB) hearing, unless the student or student organization is charged

during the summer semester in which case, the SCO will hear the case;

- (4) Any interim measures imposed by the JAO until the judicial process is over. The JAO may alter a student's academic status or rights and privileges as a student on an interim basis. An interim suspension may only be imposed pursuant to 3344-83-07 of the Student Conduct Code; and
- (5) An explanation that the charged party must respond to the notice within five working days or the matter will be referred to the UJB.

(C) Response to Notice of Charge

- (1) Whether the student or student organization selects an SCO or UJB hearing, the JAO will set the hearing date for no more than fifteen working days from the receipt of the written response to the notice of the charge.
- (2) A student or student organization who admits responsibility to the JAO may waive the option for a formal hearing and the JAO will apply appropriate sanctions.

(D) Hearing Procedures

(1) Notice of Hearing

Written notice of the hearing and the name of the charging party shall be sent by the JAO, not less than five working days before the hearing, to the parties and shall include the date, time and location of the hearing. The notice will be sent to the student's email address and by regular and certified mail to the last address on file with the Registrar or by hand-delivery. In the case of student organizations, it will be sent to the presiding officer and the advisor of the organization to the email

addresses and mail addresses on file in the Department of Student Life. The notice shall indicate that the judicial procedures are set forth in the Student Conduct Code; and, the notice shall also include the following information:

- (a) The charge, the name of the charging party, and the potential Student Conduct Code violation with which the student or student organization is charged.
- (b) That all parties must notify the JAO no later than three working days prior to the date and time of the scheduled hearing of any witnesses who will be participating, any other parties who will be attending, or of a request for a postponement of the hearing, and must provide copies of any materials that will be presented;
- (c) That requests for postponement will be granted by the JAO only for good cause which is beyond the control of the requesting party; and
- (d) That the charging party and the charged party shall have equal access to all witness statements and hearing materials and shall receive a list or copies of materials from the JAO no later than 24 hours before the hearing.

(2) Hearing

- (a) After consultation with University Legal Counsel, and the Vice President for Student Affairs, the JAO may require, limit and/or postpone actions or activities of a charged student or student organization to prevent danger to health or safety of persons or property or the disruption of the educational process until the administrative hearing decision is presented to the parties and all available appeals have been exhausted;
- (b) Both the charged student or student organization and the charging party have the right to seek assistance from members of the university community and have one such member of the university community present at the hearing (the community support person). Additional members of the university community may be permitted to be present at the hearing at the discretion of the JAO after consultation with the involved parties. Only the charged student, or student members of the student organization, or the advisor of the charged organization, and the charging party shall be permitted to make any presentations during the hearing. This restriction does not apply to witnesses.

- (c) The same person may not serve as a community support person and a witness simultaneously; nor can the advisor of the charged student organization serve as a witness and an advisor simultaneously. The name of the community support person who will be attending the hearing must be submitted to the JAO no later than three working days prior to the date and time of the scheduled hearing.
- (d) Witnesses may be sequestered until needed to make presentation;
- (e) Hearings shall be closed and will be recorded to provide an accurate record of the proceedings;
- (f) In hearings involving more than one charged student or student organization, separate hearings may be held at the discretion of the JAO;
- (g) The SCO or chairperson of the UJB will present the charge(s) filed against the student or student organization;
- (h) The party who filed the charge will explain the circumstances of the alleged violation and present witnesses in support of the charge. The hearing body may ask appropriate questions regarding the incident;

- (i) The charged student or student organization will respond to the charge(s) presented. In doing so the student or student organization may present witnesses in support of the student or student organization's actions in connection with the alleged violation. The hearing body may ask appropriate questions regarding the incident;
- (j) The charged party may refrain from testifying at the hearing;
- (k) If either party fails to appear, the hearing will be held in the party's absence and the hearing body will make a decision based on the materials submitted.

(3) Decision

Within five working days of the completion of the hearing, the SCO or the UJB will provide the JAO with a written decision. The written decision will include the alleged violations of the Student Conduct Code, a description of the materials reviewed by the SCO or UJB, a determination of whether the charged party is responsible or not responsible for violating university policy, any recommended sanctions, and a description of the applicable appeal process outlined in the Student Conduct Code. The JAO will forward the written decision and any sanction(s) to the appropriate university party. The JAO will provide a copy of the decision to the charged party, the charging party and any other party required to receive notice of the decision as required by law. The JAO will discuss the outcome and appeal process with them.

(E) Enforcement of Sanctions

A student who does not comply with sanctions may be subject to further disciplinary actions for non-compliance with university sanctions pursuant to 3344-83-04(DD)(7). The JAO will monitor all sanctions and initiate appropriate actions to ensure compliance. These actions may include holds on records and graduation, increases in sanctions, and additional formal judicial charges.

(F) Records

All materials relating to the hearing, including the final decision and the recording of the hearing, will be secured in the Department of Student Life, Office of Judicial Affairs.

(G) Parental/Guardian Notification

The Vice President for Student Affairs will notify the parent(s)/guardian(s) of a student under the age of twenty-one who has been found in violation of an alcohol or drug provision of the Student Conduct Code. Parent(s)/guardian(s) will be notified by regular and certified mail at the student's permanent address on file in the registrar's office.

3344-83-09 University Judicial Board

The University Judicial Board (UJB) is an administrative hearing body charged with hearing violations of the Student Conduct Code.

(A) Membership

(1) The membership of the University Judicial Board shall be composed of seven student members and two faculty members. Student members shall be elected in the spring semester all-campus student elections. Faculty members shall be appointed by the Steering Committee of Faculty Senate.

(2) Members of the University Judicial Board shall elect one student member as the Chairperson and one student member as the Vice Chairperson.

(B) Candidate Qualifications

(1) A candidate for the University Judicial Board shall be a currently enrolled full-time student, with a cumulative grade-point average and the previous semester average of not less than

2.50; first-year law students who have earned, but not yet received grades are eligible for election. Candidates shall expect to be enrolled full time during their entire term of office.

- (2) Candidates for the University Judicial Board shall not simultaneously be candidates for other student government association or student bar association positions.
- (3) Candidates for the University Judicial Board shall otherwise abide by the rules and regulations established by the student government elections board for the spring election.

(C) Qualifications for Continuing Membership

- (1) Student members of the University Judicial Board shall be full-time students at Cleveland State University and shall maintain full-time status as defined by university regulations during their tenure on the University Judicial Board or they shall be considered immediately inactive.
- (2) Student members shall have and maintain a cumulative 2.50 grade point average or they shall be considered immediately inactive. Currently enrolled first-year law students who have earned, but not yet received grades are eligible to serve.
- (3) Faculty members shall have full-time status as faculty and shall have been at the university for a minimum of two contract years.
- (4) Interim suspension of a University Judicial Board member from the University Judicial Board shall occur when that member is charged with a violation of the Student Conduct Code. The suspension shall remain in effect until the decision is presented to the party following the hearing by the appropriate hearing body.

(D) Terms of Office

- (1) Student members of the University Judicial Board shall be elected for one-year terms and may seek re-election. Student members may serve a total of two one-year terms. Faculty members of the University Judicial Board shall be appointed for two-year staggered terms and may be re-appointed.

- (2) The term of office begins the first day after the end of spring semester and concludes the last day of spring semester of the following year.
 - (3) Student vacancies in the membership of the University Judicial Board shall be filled by appointments made jointly by the President of Student Government and the President of the Student Bar Association, which shall be ratified by a two-thirds majority vote of the student senate. In case of an impasse recommendations shall be submitted directly to the Student Senate for ratification.
 - (4) Faculty vacancies shall be filled by the Faculty Senate Steering Committee.
 - (5) A student member shall be ineligible to continue his or her membership as a result of any of the following:
 - (a) A finding of violation of the Student Conduct Code;
 - (b) Unexcused absence from two sessions of the University Judicial Board or excused absence from three sessions of the University Judicial Board;
 - (c) Failure to complete the orientation and training sessions;
 - (d) Lack of discretion in maintaining confidentiality with regard to information involved in conduct cases and decisions of the University Judicial Board; or
 - (e) Failure to maintain membership requirements (subsections (D)(1) through (D)(4) of this Section).
 - (6) A member who is found ineligible to continue to serve on the University Judicial Board may appeal the decision to the University Appeal Board.
- (E) Quorum - A quorum for a University Judicial Board hearing shall be defined as a minimum of four student members and one faculty member. If vacancies exist on the University Judicial Board, the board may function with no less than three students and one faculty member present at a hearing.

- (F) Conflict of Interest - Any member of the University Judicial Board who has an actual or perceived conflict of interest in any case shall not participate in hearing that case. This shall not be considered an absence. The JAO shall determine if a conflict of interest exists if there is a dispute over an actual or perceived conflict. The JAO's decision is not subject to appeal.
- (G) Compensation - Compensation for student members of the University Judicial Board shall be in accordance with the university's stipend policy.
- (H) Training and Orientation Sessions
 - (1) Members of the University Judicial Board are required to attend the training and orientation program prior to hearing any violations, disputes or appeals.
 - (2) The Chairperson and the Vice Chairperson shall be elected during the training and orientation program, according to "Roberts Rules of Order."
- (I) Judicial Affairs Officer
 - (1) The Judicial Affairs Officer (JAO) shall be the administrative liaison to the university judicial process. The JAO works with the general administration of the University Judicial Board and enforces compliance with the policies governing the University Judicial Board, including the qualifications for continuing membership. In order to maintain the continuity necessary for an effective University Judicial Board (UJB), the JAO shall also establish the procedures for the orientation and training of members of the board. The same person shall not serve as the administrative liaison and the Student Conduct Officer (SCO) simultaneously.
 - (2) The JAO shall provide for continuity of procedures, the implementation of sanctions, and confidentiality of records as provided in Section 3344-83-08 through 3344-83-11.

3344-83-10 Appeal Process

- (A) Rights of appeal are available to the charged party.
- (B) Grounds for Appeal

A party's appeal is limited to the following considerations:

- (1) Procedural error that resulted in material harm or prejudice to the student (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
 - (2) Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body; or
 - (3) Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.
 - (4) Non-attendance by the charged student may not be the sole grounds for an appeal.
- (C) Procedures - If a decision of any university hearing body specified in this Student Conduct Code is appealed by one of the eligible parties, notice of such appeal shall be given within five working days of the receipt of the decision. Notice of appeal shall be submitted in writing to the JAO by the appealing party. The written request for appeal shall state the grounds on which the appeal is being made.
- (D) The University Appeal Board
- (1) The membership of the University Appeal Board shall consist of the Chairperson of the Student Life Committee of Faculty Senate, the Editor-in-Chief of the "Law Review" and the Vice President for Student Affairs who shall convene the board and two student representatives to the Board of Trustees. If any member of the University Appeal Board is not available to hear an appeal, the Provost or designee shall appoint a replacement for that appeal; a minimum of three board members are needed to hear an appeal.
 - (2) The University Appeal Board shall hear appeals of:
 - (a) Decisions of the Student Conduct Officer;
 - (b) Decisions of the University Judicial Board;
 - (c) Decisions of the Judicial Affairs Officer; or

(d) Any grievance or complaint regarding questions of jurisdiction of the University Judicial Board.

(3) The decision of the University Appeal Board may be appealed by one of the parties to the Provost or designee.

(E) Review Procedures

The University Appeal Board shall:

(1) Consider the grounds for appeal as stated in the written request for appeal;

(2) Review all materials of the hearing, including the recording of the hearing. This review can include a review of the process and procedures of the hearing;

(3) The recording of the hearing shall be released only to the University Appeal Board. The tape may be reviewed by an involved party for the purposes of preparing an appeal only under the supervision of the Judicial Affairs Officer (JAO) or designee; and

(4) The University Appeal Board (UAB) may hold an appeal hearing to review a case on appeal at its discretion. Both the charged party and the charging party can be present during this hearing with the respective community support persons.

(F) Decisions

The University Appeal Board may:

(1) Dismiss the appeal;

(2) Affirm the decision on which the appeal is based; or

(3) Alter the sanction imposed by the original hearing body:

(a) For appeals made by the party against whom the charges were filed, the sanction may be reduced; or

(b) If the University Appeal Board (UAB) finds a party in violation who was previously found not in violation, the University Appeal Board may impose appropriate sanctions.

- (4) Decisions of the appeal body shall be presented in writing to the parties involved within fifteen working days of the receipt the notice of appeal from the JAO.
 - (5) The decision of the University Appeal Board may be appealed to the Provost or designee by any of the parties involved. This appeal must be in writing and received by the Provost or designee within five working days of the presentation of the UAB's written decision. Failure to deliver timely, the appeal may result in the Provost or designee dismissing the appeal. This appeal is limited to those grounds found in 3344-83-10(B). The Provost or designee can affirm the UAB decision, reverse it, or return the appeal to the UAB for further consideration. The Provost or designee decision is final.
- (G) Training and Orientation Sessions. The Provost or designee and members of the UAB are required to attend the training and orientation program prior to hearing any appeals.

3344-83-11 Amendment

- (A) This document may be amended and revised only according to the following procedures:
- (1) Any member of the university community, or any constituent body thereof, may propose amendments and revisions and submit them to the Student Life Committee of Faculty Senate;
 - (2) The Student Life Committee shall review all proposed amendments and revisions forwarded to them and may accept, reject, or amend them. It shall, thereafter, send its proposed amendments to the Student Senate for its advice, which shall be rendered within thirty days;
 - (3) The Student Life Committee shall then submit any approved amendment or revision to the Faculty Senate. Upon approval, the Faculty Senate shall submit the proposal to the Provost or designee for referral to the Board of Trustees;
 - (4) The Board of Trustees shall review all proposed amendments and revisions forwarded to it. It may approve the proposal, at which time it shall become effective (or on any date specified for it

- to become effective), or reject the proposal and return it to the Provost or designee;
- (5) The university community shall be promptly informed of any new amendments or revisions.

- (B) Repeal of Contradictory Policies. Section 3344-83 of the Student Conduct Code shall supersede any existing disciplinary policies and procedures, which are inconsistent with Section 3344-83 of the Student Conduct Code.

3344-83-12 PROCEDURES FOR INVESTIGATING COMPLAINTS OF DISCRIMINATION AND HARASSMENT

I. Introduction

The University is committed to address allegations and suspected instances of discrimination and/or harassment in accordance with applicable law and policies. The Office for Institutional Equity is ultimately responsible for appropriately investigating all complaints of discrimination and/or harassment. In some instances appropriately trained units or individuals may be delegated authority to investigate in partnership with the Office for Institutional Equity.

Any employee, student, campus visitor or person participating in a university activity, whether on or off-campus, who believes he or she has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. While all individuals are encouraged to report, certain individuals are required to do so in accordance with applicable laws and policies. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

The University reserves the right to investigate circumstances that may involve discrimination and/or harassment where no complaint has been filed. In situations where a complainant is reluctant to proceed, the complainant will be notified in advance when such action is necessary. In such situations, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to established University policies, procedures and where appropriate, collective bargaining agreements.

In the event that circumstances involve potential criminal conduct, the University will determine whether it is necessary to notify law enforcement and/or other authorities. If a criminal investigation and/or a criminal proceeding are commenced, the University will continue to conduct its own investigation and will still take immediate and prompt steps that it deems necessary to protect the University community.

The University also reserves the right to take provisional actions departing from these Procedures, including but not limited to any

and all necessary and immediate steps to protect a complainant or the University community. Such actions may include taking interim steps before the determination of the final outcome of an investigation; however, the respondent will be given the notice and opportunity to respond as specified in the herein Procedures.

Inquiries and complaints about discrimination and/or harassment may be brought to the Office for Institutional Equity. The management of all complaints of discrimination and/or harassment, regardless of where they are initially received, and the implementation of these procedures is the responsibility of the Office for Institutional Equity.

II. General Provisions

Advisory Committee

The committee selected by the Hearing Officer upon appointment by the Director of the Office for Institutional Equity to advise the Hearing Officer pursuant to Section VIII of these Procedures. The committee members serve in an advisory role at the discretion of the Hearing Officer after completing training approved by the Office for Institutional Equity.

Complainant(s)

A person or persons making a complaint under these Procedures.

Days

Working days.

Hearing Officer

The Vice President of Student Affairs/Vice President of Student Affairs' designee when a student has submitted a matter for further determination.

Investigator

A person designated to investigate a complaint pursuant to these Procedures.

Procedures

The procedures set forth in this document.

Respondent

The person or persons whose conduct is the subject of concern under these Procedures.

III. General Provisions

These Procedures apply to all complaints of discrimination and/or harassment (including Title IX), whether the parties are students, recognized student organizations, employees, campus visitors or persons participating in a university activity. Employees who are students involved in activities subject to these Procedures may be treated either as students, employees or both at the sole discretion of the University. Student employees will be treated as students. Allegations of discrimination and/or harassment involving only students acting in their capacities as students will be adjudicated under these Procedures only and not under the Code of Student Conduct. If a dispute as to which policy/procedure will address discrimination and/or harassment, the final decision regarding which policy/procedure will be used for the investigation and determination will be made by the Chief Compliance Officer.

To protect both the complainant and the respondent, complaints of discrimination and/or harassment will be treated with the greatest degree of confidentiality possible. Complainants and respondents are advised, however, that confidentiality can only be respected insofar as it does not interfere with the University's obligation to investigate allegations of misconduct that require it to take corrective action and comply with obligations under the Ohio Public Records law.

If necessary, the Office for Institutional Equity will work with the appropriate department/unit to assist the complainant in making reasonable efforts to avoid contact with the respondent(s) by adjusting the workplace or academic arrangements and/or, in the case of a student, campus living arrangements. Such interim measures will be finally decided and imposed by the administrator with direct supervisory responsibility over the party; i.e. if an interim measure is to be taken with respect to a student, the VP of Student Affairs will make a final determination as to the measure and be responsible for implementing it; if the interim measure is to be taken with respect to an employee, the Chief HR Officer will make a final determination as to the measure and be responsible for implementing it; to the extent that an interim measure is to be taken with respect to a vendor, the appropriate AVP will make a final determination as to the measure and be responsible for implementing it. To the extent that agreement cannot be reached among administrators, or interim measures will be taken against a combination of students, employees and vendors, the Provost shall have final determination as to the interim measures. The Office for Institutional Equity will inform all parties of the interim measures to be taken.

The complainant or respondent may have an advisor or support person present at any point in these Procedures to provide advice or support directly to the complainant or respondent. An advisor or support person may not however, stand in place of either the complainant or the respondent, or otherwise participate in the investigation process.

All employees, students and University agents or representatives have an obligation to cooperate with these Procedures. Failure to do so may result in disciplinary action. In the event that a complainant does not cooperate by failing to furnish information requested by the investigator or to make himself or herself available for interview per an investigation, the Director of the Office for Institutional Equity may dismiss the complaint within his or her sole discretion. If a complaint is dismissed, written notice of such dismissal shall be provided to the complainant(s) and to the respondent(s). In the event that a respondent does not cooperate by failing to furnish information requested by the investigator or to make himself or herself available for interview by the investigator, the investigator shall conclude the investigation based upon information available at the time.

When extenuating circumstances warrant, the Director of the Office for Institutional Equity has the authority to extend any of the time limits contained in these Procedures except those relating to the filing of complaints or the filing of appeals.

In the event that a complaint concerns the conduct of an employee or student-worker from the Office for Institutional Equity, the Chief Compliance Officer shall designate an individual who shall be responsible for implementing the responsibilities of the Director pursuant to these Procedures. In the event that a complaint concerns the conduct of the Chief Compliance Officer, the President shall designate an individual who shall be responsible for implementing the responsibilities of the Chief Compliance Officer pursuant to these Procedures. In the event that a complaint concerns the President, the Chairman of the Board of Trustees shall be responsible for ensuring the implementation of these Procedures.

IV. Initiating a Complaint of Discrimination and/or Harassment

- (A)** Complaints can be filed by contacting the Office for Institutional Equity or by submitting a completed Discrimination/Harassment Complaint Form to the Office for Institutional Equity. Complaints of discrimination and/or harassment should be filed within 180 calendar days of notice of the event(s) that gave rise to the complaint. When the discrimination and/or harassment is of an ongoing nature, a complaint must be filed within 180 days from the most recent incident. Notwithstanding the foregoing, a complaint relating to alleged discrimination and/or harassment occurring during a complainant's employment by the University must be properly filed within 10 days following termination or separation of the complainant's employment with the University.

- (B)** Anonymous complaints will be accepted; however, the University's ability to obtain additional information may be compromised and the ability to investigate or resolve anonymous complaints may be limited.

- (C) Filing a complaint with the Office for Institutional Equity does not preclude an individual from filing a complaint with an external agency nor does it extend time limits with those agencies. Information regarding filing charges with an outside agency may be obtained from contacting the agency directly or from the Office for Institutional Equity.
- (D) Individuals who desire to make a complaint of discrimination and/or harassment may:
1. Initiate a conversation with the responsible party or seek to resolve the situation in consultation with an appropriate executive or administrative officer, such as a dean, chair/director; faculty or administrative supervisor; faculty member; coach; or human resources consultant.
 2. If the issue is not resolved or if an individual is not comfortable initiating a resolution with a supervisor as identified in Section III.D.1 above, an individual may contact the Office for Institutional Equity or submit a completed Discrimination/ Harassment Complaint Form, available from the Office for Institutional Equity.
 3. Provide witnesses and/or documentation from individuals that have first-hand knowledge of the situation.
 4. Keep the investigator informed of any new concerns or actions taken against the complaint during the investigation.

V. Responsibilities for Resolving Complaints

- (A) Duty to Act/Duty to Report
1. Any executive or administrative officers, dean, chair/director; faculty or administrative supervisor; faculty member; coach; or human resources consultant who becomes aware of information that would lead a reasonable person to believe that discrimination and/or harassment has occurred will notify the Office for Institutional Equity, by ensuring that a Discrimination/Harassment Complaint Form or other appropriate documentation is filed within five (5) working days of becoming aware of the information.

2. In addition to the duty to report sexual misconduct to the Office for Institutional Equity as identified above, in some circumstances there is a duty to report allegations of criminal conduct to law enforcement authorities. Ohio law (Ohio Revised Code § 2921.22) requires every person who knows that a felony has been or is being committed, to report it to law enforcement authorities. It is a criminal offense to knowingly fail to make the report. If you suspect or have knowledge of criminal activity occurring on university property, call CSU Police at (216) 687-2111 (in an emergency, please dial 911 immediately). Incidents that occur off campus should be reported to local law enforcement.

(B) Supervisors, Managers, Department Chairs/Directors, Human Resources Consultant Responsibilities

1. Assess the situation and attempt timely resolution of issues by notifying and collaborating with the Office for Institutional Equity.
2. Address all concerns promptly and thoroughly.
3. Respect the confidentiality and reputation of all parties to the extent possible.
4. Refer individuals to available University resources if needed.
5. If the situation cannot be successfully resolved, the complaint must be referred within five (5) working days to the Office for Institutional Equity for investigation.

(C) Office for Institutional Equity

1. Facilitate informal resolution when appropriate.
2. Conduct all investigations following these guidelines.
3. Maintain data established by policy regarding complaints of discrimination and/or harassment.

4. Collaborate with department/unit to reduce/eliminate instances of discrimination and/or harassment.
5. Communicate investigation findings to the appropriate department/unit or administrator, complainant(s) and respondent(s).
6. Recommend appropriate actions steps and/or corrective/preventative measures.
7. Monitor action steps and/or corrective measures to ensure behavioral change and compliance.

VI. Investigating Complaints of Discrimination or Harassment

The Discrimination/Harassment Complaint Form/ documentation will initiate the Office for Institutional Equity's coordination to determine how to proceed with addressing any potential discrimination/harassment concerns. Within three (3) working days following receipt of the Complaint Form/documentation, the Director of the Office for Institutional Equity will assign an investigator to investigate the complaint.

VII. Investigator Duties

(A) Investigations will be a collaborative effort between the department/unit and the Office for Institutional Equity whenever possible. Individuals will be informed of the investigation and its progress on a timely basis. Prompt notification of a complaint will be provided by the Office for Institutional Equity to the respondent(s), to the department head or supervisor and to the appropriate Vice President, Dean or head of department/unit by delivery of a copy of the complaint through hand delivery, regular U.S. Mail or electronic communication. In the event the respondent is a student or recognized student organization, the dean of students is the appropriate Dean.

(B) The investigator will discuss the following with the complainant:

1. The complainant may:
 - a. File a complaint with the Office for Institutional Equity, and/or
 - b. File a grievance under the non-discrimination clause of the

appropriate collective bargaining agreement, if applicable.

- (C) The investigator will discuss the following with the complainant and respondent:
1. The behaviors and any related issues that gave rise to the complaint.
 2. The policy under which the complaint is brought and these investigation Procedures. Copies of both will be provided.
 3. The manner and frequency with which they will be updated about the status of the investigation.
 4. The importance of confidentiality during the investigation. To the extent possible, the University will make every reasonable effort to conduct all proceedings in a manner that will protect the confidentiality of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.
 5. The prohibition of retaliation by University policy.
 6. Upon conclusion of the investigation, records may be made available to the extent mandated by law.
- (D) The investigator will ensure that the Discrimination/ Harassment Complaint Form is completed. A written complaint form is not necessary if sufficient information has been provided to the investigator to allow an investigation to proceed.
- (E) The investigator, in collaboration with the appropriate department/unit representative, will determine if special provisions are necessary to ensure that no discrimination/harassment occurs against the complainant while the investigation is pending.

VIII. Investigation Process

- (A) The purpose of the investigation is to evaluate the allegations of discrimination and/or harassment, formulate

a response that addresses the facts as they are determined.

1. The notification to the respondent(s) will include a copy of the complaint, a copy of relevant University policy and these Procedures.
2. The respondent(s) will be requested to respond in writing to the complaint within a reasonable time, not to exceed seven (7) working days from the date of hand delivery, regular U.S. Mail or electronic communication of the notification of the complaint. Any extension of time must be approved by the Director of the Office for Institutional Equity. A copy of the respondent(s)'s response will be provided to the complainant.

(B) Depending on the facts and circumstances of the case, an investigation may range along a continuum from a one-on-one conversation with the respondent with an agreement as to further interactions; to an inquiry with several witness interviews. During the investigation, the investigator will conduct a thorough fact-finding investigation and may interview complainant(s), respondent(s), pertinent witnesses who have first-hand knowledge of the events and gather relevant documents. After analyzing all the information, the investigator will prepare a written summary with findings and recommended action steps and/or sanctions, if any, to be implemented by the complainant(s), respondent(s) and department/unit. Prior to the release of the report, the Director of the Office for Institutional Equity, if he/she is not the investigator in the matter, will review the report and discuss with the investigator any procedural issues, the specific findings and necessary actions steps. In every case, a record must be made of the allegations, investigation, and action taken.

(C) Investigations should be concluded within a reasonable timeframe, ideally thirty (30) calendar days or less, from the date the complaint was filed. If this is not reasonably possible due to extenuating circumstances, the investigator should inform the complainant(s) and respondent(s) of the status of the review and an estimated conclusion date. The Director of the Office for Institutional Equity has the authority to extend any of the time limits in these Procedures except those relating to the filing of complaints or the filing of appeals.

(D) The investigator will prepare a written summary of the outcome of the investigation.

1. No violation of University policy will be found unless a preponderance of the evidence standard supports the finding of a violation. It is possible that while no violation of University policy is found, there was inappropriate conduct which occurred for which remedial and/or preventative action is necessary.
2. The report will include the basis upon which the investigator reached his or her conclusions.
3. The report will also include the investigator's determination of whether or not a violation of any University policy has occurred and a recommendation of the sanctions to be imposed, if any. E. An investigation may result in one of the following findings:
 - a. A determination that there is sufficient evidence of a violation of university policy.
 - b. A determination that there is insufficient or no evidence of a violation of university policy.
 - c. A determination that inappropriate conduct has occurred.
4. A determination that there is sufficient evidence to indicate that an allegation is false.

(F) A false allegation occurs when someone knowingly, or with reckless disregard for the truth, make a false report of discrimination and/or harassment or of retaliation, or gives false information during an investigation, proceeding or hearing. A person acts with reckless disregard for the truth when the person knows that the report or information given could have serious consequences, but makes no effort to determine whether it is true, or is indifferent to whether it is true. It is not a violation of policy to make a report in good faith about suspected discrimination and/or harassment or suspected retaliation that is based on a reasonable belief that the conduct has both occurred and is discrimination and/or harassment, even if, upon investigation, the report is not substantiated.

(G) At the conclusion of the investigation, the investigator will inform complainant, respondent and the appropriate department/unit or administrator of the outcome and rationale.

- (H) If discrimination, harassment, false allegation, inappropriate behavior, or other policy violation occurred; the Office for Institutional Equity will work with the appropriate department/unit to take necessary action steps to correct the behavior. The necessary action steps could include disciplinary action, action to remedy adverse effect from the violation, or action to prevent the recurrence of a violation.

- (I) The department must take prompt remedial action consistent with the severity of the offense, if any, and all applicable University rules and regulations.
 - 1. For professional staff employees, refer to the Professional Staff Personnel Policies.
 - 2. For bargaining unit employees, refer to the appropriate collective bargaining agreement.
 - 3. For students, measures may be imposed in accordance with the Section VIII and Section IX of these Procedures.

IX. Appeal

- A. A complainant, who is a student, or a respondent, who is a student, may appeal the outcome of the investigation for any of the following reasons: the investigator was biased or had a conflict of interest; there was procedural error in the investigation; there is previously unavailable relevant evidence that could significantly impact the outcome or the recommended sanction is substantially disproportionate towards the respondent.

- B. An appeal must be submitted to the Hearing Officer within five working days of the issuance date of the investigator's report.

- C. Within ten (10) working days from the issuance of the report, the Hearing Officer will convene a meeting to consider the appeal.
 - 1. A complainant or a respondent can seek to interest exists by presenting the issue to the Chief Compliance Officer at least two (2) working days before the meeting. If the Chief Compliance Officer agrees, a new Hearing Officer will be selected by the Chief Compliance Officer. If the Chief Compliance Officer does not find a conflict of interest or bias, the Hearing

Officer will proceed according to the original schedule.

2. At the Hearing Officer's discretion, a three-member advisory committee may be present during the meeting for the Hearing Officer to seek advice from prior to determination. Prior to the meeting, members of the committee will be furnished with a copy any complaint, response, report and basis for appeal to review. At the meeting, the committee will be afforded the opportunity to ask questions of any witness present at the meeting.
3. Depending on the basis for the submission for appeal, the Hearing Officer, in his or her sole discretion, may request or allow witnesses to appear and/or additional documentation to be submitted. Otherwise, the meeting will consist of a review of the investigatory record and separate discussions with the complainant and respondent, if participating, and the investigator.
4. Both complainant and respondent will be notified of the meeting scheduled by the Hearing Officer. Upon request, the complainant and respondent will be afforded an opportunity to meet directly with the Hearing Officer.
5. Within five (5) working days of the meeting, the Hearing Officer will make a determination to approve, deny or modify the investigator's finding and/or recommendations. The complainant, respondent, Office for Institutional Equity and the appropriate department/unit or administrator will be notified of the determination and rationale.

- (D)** If the outcome of an investigation is a finding of no violation(s) and the complainant is not a student, a complainant has the ability to appeal the investigator's findings to the Chief Compliance Officer. The appeal must be in writing and received by the Chief Compliance Officer within five (5) working days of the issuance of the investigator's findings with all supporting materials attached. The Chief Compliance Officer will issue a decision on the appeal to all parties involved. This decision will be issued within ten (10) days from the date the appeal was received. Any investigator's findings not appealed within such time are deemed final. The complainant's appeal is limited to the following considerations:

1. Whether these Procedures were properly followed;
 2. Whether there is previously unavailable evidence;
 3. Whether the facts were interpreted appropriately; or
 4. Whether the facts supported a finding of violation(s) of the Discrimination/Harassment policy.
- (E) Investigation outcomes not appealed within five (5) working days are deemed final.

X. Final Appeal

- (A) complaint or respondent my appeal the Hearing Officer's determination to the Provost/designee within five (5) working days of the date of the determination on the bases that (1) substantial procedural error occurred which affected the outcome of the hearing, or (2) the determination of the Hearing Officer was arbitrary and capricious. The review of the appeal by the Provost/Provost's designee will consist of a review of the record and written statements submitted by the complainant(s), respondent(s), and the Office for Institutional Equity based upon a submission deadline established by the Provost/Provost's designee. The Provost/ Provost's designee will provide a final decision to complainant(s), respondent(s) and the Office for Institutional Equity within thirty (30) days of receipt of the appeal.

XI. Corrective Action Implementation

- (A) When discrimination and/or harassment is found, steps will be taken to ensure that the behavior is stopped promptly, the effects, if any, are remedied and that reoccurrence is prevented, whenever possible. Appropriate corrective action may range from counseling, written reprimands, removal of University privileges, suspensions, or other action up to and including termination or expulsion, in accordance with established University rules, procedures and collective bargaining agreements, if applicable. Other appropriate remedies may include providing an escort, ensuring that the complainant and respondent do not attend the same class or work together, relocation to a different residence hall or work area, providing counseling services, providing additional academic support services, arranging for the

complainant to re-take a course/withdraw from a class without penalty, reviewing any disciplinary actions taken against the complainant to see if there is a casual connection between the harassment and the misconduct and adverse action, and training/education initiatives.

The Office for Institutional Equity will work with the appropriate department/unit to monitor corrective action to ensure compliance. The Office for Institutional Equity is responsible for ensuring that the necessary action steps are completed.

- (B) Corrective action may be imposed on any individual who has a duty to act in any situation of potential discrimination and/or harassment and who fails to respond in a manner consistent with the provisions of the applicable policies, and these Procedures.

XII. Enhancement of Sanctions

If a University employee, student or recognized student organization engages in conduct that constitutes discrimination and/or harassment motivated by bias based on a person's race, gender, gender identity and/or expression, religion, color, age, national origin, ancestry or disability, the sanctions for such conduct are subject to enhancement in accordance with these Procedures.

XIII. Confidentiality

To the extent possible, all information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

XIV. Retaliation

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, or enforcing University policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or group for exercising rights or performing duties under these Procedures can subject the offender to sanctions independent of the merits of the allegation. Allegations of retaliation should be directed to the Office for Institutional Equity.

XV. Record Keeping

The Office for Institutional Equity will maintain a written record of all witness interviews, evidence gathered, the outcome of the investigation, and any other appropriate documents. Investigation records will not be maintained in personnel files or student files unless they are part of a formal corrective action. If corrective action is issued, a letter documenting the action should be included in the discrimination/harassment investigation file. Investigation records will be maintained in accordance with university record retention schedules. When a complaint is filed outside the University, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

**Tobacco
Free
Campus
Policy**

Tobacco Free Campus Policy

A) Policy Statement

(1) Cleveland State University has a vital interest in maintaining a safe, healthy and respectful learning and working environment for members of the university community. The university seeks to set a model for a tobacco free workplace and promotion of healthy lifestyles now and in the future. Research findings show that use of tobacco products in general constitutes a significant health hazard.

(2) Tobacco use, including the sale, advertising, sampling and distribution of tobacco products and tobacco related merchandise is prohibited in all university facilities, on all university grounds, whether leased or owned, and at university-sponsored events, regardless of the venue.

(3) Tobacco industry and related company sponsorship of athletic events and athletes is prohibited.

(B) Definitions

(1) "Tobacco" - Tobacco is defined as all tobacco-derived or containing products, including, but not limited to, cigarettes, (clove, bidis, kreteks), e-cigarettes, cigars and cigarillos, hookah-smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff, snus).

(2) "University Facilities" - University facilities are defined as any facility or property that is owned, leased, used or occupied by the university, including but not limited to: classrooms, restrooms, auditoriums, offices, lounges, dining areas, recreational facilities, parking lots, parking garages, rooftops, storage areas, service shops, garages, walkways, enclosed bridges, thoroughfares, facilities operations areas, athletic facilities, extension locations, all university vehicles (owned or leased), and personally owned or rented vehicles when used to transport university faculty, staff or students on any school-related business, academic or student life activities.

(3) "Members of the university community" are defined as anyone on campus including but not limited to faculty, staff, students, visitors, consultants, vendors, volunteers and contractor employees.

(C) Exceptions and Limitations

(1) Tobacco use may be permitted for controlled research with prior approval of the provost, and in the case of smoking, the review and recommendation of the department of environmental safety and health.

(2) Tobacco use may be permitted for educational, clinical, or religious ceremonial purposes with prior approval of the provost and in the case of smoking, the review and recommendation of the department of environmental safety and health.

(3) Tobacco use is permitted on primary public traffic and pedestrian thoroughfares.

(4) Tobacco use may be permitted on properties the university owns, but leases or otherwise conveys an interest (e.g. an easement) to a non-university party for non-university purposes, according to the provisions of the applicable lease or agreement.

(5) Tobacco use in facilities that are not owned, leased, or controlled by the university, are subject to the non-tobacco policies applicable to those particular facilities, and are exempt from this regulation.

(D) Compliance and Enforcement

(1) The responsibility for the enforcement and communication of this policy depends on the thoughtfulness, consideration and cooperation of all members of the university community.

(2) University administration will develop administrative guidelines and procedures as necessary to implement this policy by the beginning of the fall semester 2013, including provisions for notification, communications, training, signage, complaint procedures, disciplinary consequences, and enforcement.

(E) Tobacco Usage Cessation

The university shall make available to faculty, staff and students comprehensive tobacco usage cessation programs including no cost or low cost counseling and medication based solutions.

Academic Regulations and Procedures

ACADEMIC REGULATIONS AND PROCEDURES

3.0 ACADEMIC REGULATIONS AND PROCEDURES

3.1 Academic Regulations

Academic regulations are discussed in both the Cleveland State University Undergraduate Bulletin and the Cleveland State University Graduate Bulletin. (Please refer to appropriate pages.)

3.1.1 Grade Dispute

Once a grade has been submitted to the Registrar's Office, a faculty member may change it only because of an error in computation and only with permission of the dean. If an instructor and a student disagree on a grade issued the student may request a meeting with the faculty member and his or her superior whether it be chairperson or dean. If the matter is not resolved the issue then follows collegiate procedures and may come before a review committee. Finally, a recommendation is made to the University Admissions and Standards Committee of the Faculty Senate by the college. The burden is on the student to prove that a computational error has been made or that non-uniform standards have been applied.

3.1.2 Policy on Academic Misconduct

Revised: April 1, 2000

Academic honesty is essential to maintain the integrity of the University as an institution and to foster an environment conducive to the pursuit of knowledge. The Cleveland State University Academic Community values honesty and integrity and holds its members to high standards of ethical conduct. Academic dishonesty is, therefore, unacceptable, and students must be prepared to accept the appropriate sanctions for any dishonest academic behavior as outlined in this policy on academic misconduct. Academic misconduct refers to any fraudulent actions or behaviors that affect the evaluation of a student's academic performance or record of academic progress. It includes:

Cheating - Fraudulent acquisition and/or submission of another's intellectual property. This includes but is not limited to the unauthorized giving or receiving of a copy of examination questions, the use of unauthorized or fabricated sources in carrying out assignments, and copying the examination answers of others.

Plagiarism - Stealing and/or using the ideas or writings of another in a paper or report and claiming them as your own. This includes but is not limited to the use, by paraphrase or direct quotation, of the work of another person without full and clear acknowledgment.

Tampering - Altering through forgery, fabrication, deletion, and/or misrepresentation one's own or another's academic record. This includes but is not limited to the tampering of graded material, grade

books, or electronic records of graded material and the misrepresentation of degrees awarded, honors received, or sanctions issued.

For the purpose of differentiating the degree of seriousness of acts of academic misconduct and the sanctions that should be imposed, the following definitions apply:

Minor Infraction - Minor infractions comprise those instances of cheating, plagiarism, and/or tampering which affect the grade of an individual class assignment or project of lesser (<25% of grade) importance. Multiple instances of minor infractions within a course or across courses constitute a major infraction.

Major infraction - Major infractions comprise those instances of cheating, plagiarism, and/or tampering which affect the overall course grade, such as a major/comprehensive exam, term paper or project, final grade evaluation, or academic standing and status. Major infractions automatically result in an entry on the student's permanent record that the student has engaged in academic misconduct (see 3.1.2.A (2) (b)).

Allegations of cheating, plagiarism or tampering can be raised by any member of the University Community. However, appropriate action for alleged instances of academic misconduct, as spelled out in the procedures and sanctions sections below, should be conducted by the faculty member of record or the instructor (hereafter referred to as the faculty member) or the department chairperson or college dean (hereafter referred to as the academic administrator) in accordance with the circumstances. That individual will inform the student of all allegations and proposed sanctions immediately upon their determination. A resolution may be reached through an informal meeting between the faculty member or academic administrator and the student charged with academic misconduct, with the student satisfied that the allegation was accurate and that the sanction imposed was appropriate. If the student disagrees with the charge made by a faculty member or academic administrator, or with the sanction imposed, the disagreement will ordinarily be resolved through the normal academic channels of the department chairperson and college dean. If no resolution is reached at these levels, the student has the right to a hearing and resolution of the matter before the Academic Misconduct Review Committee (hereafter referred to as the Review Committee (see 3.1.2.(C)).

A. Procedure

1. At the time of the incident, the faculty member or academic administrator weighs the evidence and determines the appropriate sanction as specified in the sanction section of this policy. However, academic suspension or expulsion shall be invoked only by recommendation to and confirmation by the Review Committee (see 3.1.2.B (2) (b, c)).

If the Review Committee confirms the recommended suspension or expulsion from the university, this recommendation is forwarded to

the President of the University who may decide to support the recommendation or impose an alternate sanction.

2. If, after discussing the infraction with the student suspected of academic misconduct, a faculty member or academic administrator concludes that misconduct did occur, that individual will choose an appropriate sanction and inform the student in writing of the decision, the basis for the decision, and the penalty imposed.

a. If the misconduct is course-related, a copy of this letter shall be sent to the chairperson of the department in which the course is offered. If the infraction is not course related, the letter shall be sent to the chairperson of the student's major department.

b. For major infractions, the chairperson of the department will confirm in a mailed correspondence to the student the infraction and sanction. A copy of this letter shall also be sent to the College Dean and to the University Registrar. The Registrar will make an entry on the student's permanent record that the student has been disciplined for academic misconduct. This notation shall remain on the permanent record for a period of three years from the date of entry or until the student's graduation, whichever comes earlier. Thereafter, the entry is to be removed from the student's permanent record, from any existing copies thereof, and from all student files in which the notation may have been placed, provided that the student has not been found guilty of a second instance of academic misconduct.

3. If, after meeting with the faculty member, the student feels that she or he is innocent of the charge or is being unreasonably penalized, the first redress is to the chairperson of the department in which the course is offered (for course-related misconduct) or to the chairperson of the student's major department (for misconduct that is not course related). The faculty member will coordinate a meeting between him/herself, the student, and the chairperson. The matter may be resolved at this level through informal discussion, with both faculty member and student presenting their cases.

a. If the chairperson concurs with the student by determining that no violation has occurred, and the faculty member is in agreement, the notation placed in the permanent record shall be removed and destroyed.

b. If the chairperson concurs with the faculty member by determining that an infraction has occurred, and the student is in agreement, the chairperson may impose the recommended sanction. S/he will inform the student in a mailed correspondence of this decision. For a course related infraction, a copy of the letter is also sent to the instructor of the course. In the case of a major infraction, a copy of the letter is also sent to the College Dean and to the University Registrar, who will make an entry on the student's permanent record as described above (3.1.2.A(2)(b)).

4. If, after meeting with the chairperson, the student feels that she or he is innocent of the charge or is being unreasonably penalized, or the faculty member is not in agreement with the chairperson's decision, the issue shall be submitted in writing by the chairperson to the dean of the college in which the course is offered. If the charge of academic misconduct does not involve a course, the issue shall be submitted in writing to the dean of the college in which the student is admitted. The dean will hear both the instructor and the student. The matter may be resolved at this level through informal

discussion with both faculty member and student presenting their cases.

a. If the dean concurs with the student by determining that no violation has occurred, and the faculty member is in agreement, the notation placed in the file shall be removed and destroyed.

b. If the dean concurs with the faculty member by determining that an infraction has occurred, and the student is in agreement, the dean may impose the recommended sanction. S/he will inform the student in a mailed correspondence of this decision. A copy of the letter is also sent to the instructor of the course and the department chairperson. In the case of a major infraction, a copy of the letter is also sent to the University Registrar, who will make an entry on the student's permanent record as described above (3.1.2.A(2)(b)).

5. If after such prior proceedings the student or faculty member is dissatisfied with the findings, the sanction, or the nature of the notation in the student's file, the student or faculty member may, within 20 days of the student being informed in writing of the College Dean's decision, petition the Review Committee for a hearing. Neither the finding of misconduct nor the sanction previously suggested or imposed shall in any way limit the options available to the Review Committee, and the hearing shall be in the nature of a de novo proceeding. The burden of submitting all relevant evidence to the Review Committee is on the student, faculty member, or academic administrator petitioning for review. The Review Committee will not gather evidence to investigate the charge independently.

a. If the Review Committee determines that no violation occurred, the notation placed in the file shall be removed and destroyed.

b. If the Review Committee finds that a violation has occurred, it shall impose the appropriate sanction as specified in the sanction section of the University Academic Misconduct Policy.

6. These rules shall not be applicable to professional schools at the graduate level which have adopted misconduct codes of their own which are consistent with high academic principles and the standards of their professions or their accreditation organizations.

B. Sanctions

The sanction options listed in this section and the basis for invoking these sanctions are guidelines for the faculty member and academic administrators, designed to achieve uniformity throughout the University in dealing with academic misconduct. Options within infraction classifications are not mutually exclusive and may be employed in combination.

1. Minor Infractions

a. Reprimand - A written statement of the student's violation of a University regulation placed in the student's disciplinary file within the major department and college.

b. "F" Grade on Assignment - "F" grade on an individual assignment or project in which an incidence of academic misconduct occurred.

2. Major Infractions

a. "F" Grade in the Course - "F" grade in the course in which an incidence of academic misconduct occurred. The "F" grade is not open to the grade dispute process, having been reviewed by the department chairperson and made available for assessment by the Review Committee. A course in which an "F" is issued due to academic misconduct is not open to late withdrawal through college

or university petition, having been reviewed by the college dean and having had the potential to be reviewed by the Review Committee.

b. Recommendation of Suspension - Recommendation to the President for separation of the student from the University for a period of no less than one semester and not to exceed three (including Summer Semester). A student shall be suspended from the University only by Review Committee recommendation after consultation with the college in which the student is enrolled and with the support of the President. The President shall respond to the recommendation of the Review Committee within 5 working days of notification of the sanction. A second suspension may result in dismissal from the University, upon recommendation by the Review Committee.

c. Recommendation of Expulsion - Recommendation to the President for a permanent separation from the University, without readmission to the institution. A student shall be expelled only by Review Committee recommendation after consultation with the college in which the student is enrolled and with the support of the President. The President shall respond to the recommendation of the Review Committee within 5 working days of notification of the sanction.

C. Academic Misconduct Review Committee

The Review Committee is a standing committee of two faculty members elected at large by the faculty, drawn from the entire University faculty, one student member of the University Judiciary, elected by the members of that body, and the Judicial Affairs Officer, as a non-voting, ex-officio member. The jurisdiction of the Review Committee is limited to academic misconduct grievances between a student and faculty member or academic administrator. In any matter brought before it the Review Committee, with due notice, shall hear the matter. The student charged shall have the right to be present, with or without counsel, and to examine all evidence and witnesses. The hearing will be closed to the public unless the student specifically requests in writing that it should be open. The Judicial Affairs Officer shall serve as the repository of the records of this Committee.

3.1.3 Credit by Examination

At Cleveland State University matriculated students can earn credit toward degree requirements through examination. The Credit by Examination program permits a student to begin college work at a level consistent with his or her academic background, to avoid repeating course material already mastered, to pursue a more flexible schedule, and to reduce the time required for graduation. Students may use the Credit by Examination program to demonstrate college level achievements and proficiencies acquired outside a university classroom. Most often this means knowledge gained by independent study, employment, specialized study courses, or honors courses in high school.

A. Cleveland State University recognizes four different types of examinations for credit.

1. Advanced Placement Program. This is the oldest credit by examination program. It is offered under the auspices of the College

Entrance Examination Board to high school students who have completed an official advanced placement course. Arrangements for testing are made through the high school in which the student is enrolled. CSU grants freshman year credit, (4-12 term credits), for each examination score of 3, 4, or 5. Credit is available in art, biology, chemistry, computer science, economics, English, foreign languages, history, mathematics, music, physics, political science, and psychology. A transfer student who received APP credit at another institution should have the official score report mailed directly to the CSU Admission Office.

2. Departmental Examinations. Some departments at the University have developed end-of-course examinations for certain courses or learning sequences in the curriculum. The administration and grading of these examinations, as well as the level of achievement required for credit, are in the hands of the department chairperson. Questions about course examinations for credit should be directed to the appropriate department office.

3. College Level Examination Program-General Examinations. This is a series of five comprehensive examinations developed under the auspices of the College Entrance Examination Board. CLEP-General Exams are administered at the CSU Counseling and Testing Center as well as at other testing centers across the country and by the Defense Activity for Non-Traditional Education Support. For a score of 500 or above, credit is granted as follows: Humanities, 12 term hours; mathematics, 4 term hours; natural sciences, 12 term hours; social science - history, 12 term hours. For a score of 500 and a satisfactory essay, 4 term hours are granted in English. Registration forms for the CLEP-General Examinations are available at the CSU Counseling and Testing Center, Rhodes Tower, Room 1235. A transfer student who received credit for the CLEP-General Exams at another institution should have the official score report sent to the CSU Admission Office along with his or her college transcript.

4. College Level Examination Program-Subject Examinations. These are essentially end-of-course-examinations for thirty-five widely taught undergraduate courses. The examinations are administered at the CSU Counseling and Testing Center as well as at testing centers across the country and by the Defense Activity for Non-Traditional Education Support.

Examinations are available for courses taught in the departments of accounting, biology, business law, chemistry, computer and information science, economics, English, foreign languages, history, management, marketing, mathematics, political science, psychology, and sociology. Either 4 or 8 term hours of credit, depending upon whether the course covers one or two terms of work is available for each examination. With the exception of the mathematics examinations all CLEP-Subject Examinations are composed of an objective and an essay section. An objective examination score of 52 and, for most courses, the essay section approved by the department concerned is necessary for credit to be granted. Registration forms for the CLEP-Subject Examination and additional information about the examinations are available from the CSU Counseling and Testing Center, Rhodes Tower, Room 1235. A transfer student who received credit for CLEP-Subject Examinations at another institution should have the official score report and essay

sent to the CSU Admission Office along with his or her college transcript.

B. The following regulations apply to the Credit by Examination program:

1. Credit is available only to matriculated degree seeking students.
2. Credit granted for successful completion of an examination will be entered on the student's permanent record as hours earned. A grade is not assigned.
3. If a student does not receive a score high enough for credit, no entry is made on the student's permanent record.
4. Credit will not be granted for areas of study or for particular courses in which a student has already earned or been granted CSU credit.
5. Credit will not be granted for a course if the student has previously earned or been granted credit for a more advanced course in a learning sequence.
6. Generally, CSU does not approve for credit the score made when an examination has been repeated.
7. CLEP credit may not be part of a student's final 45 term hours.
8. The maximum amount of credit for each type of examination is listed below:

Advanced Placement Program	no limit
Departmental Examinations	45 term hours
CLEP-General Examinations	44 term hours
CLEP-Subject Examinations	44 term hours

All students are urged to discuss their plans with their academic advisors before taking any examinations for credit.

C. For graduate students, not more than one-half the credits required for the degree may be earned by a combination of examination and transfer.

3.1.4 Grade Reporting

Each term the Registrar's Office sends to each college grade sheets and instructions. Grades are due in the Registrar's Office forty-eight hours after the completion of each final examination. Grades not returned on time will be recorded as double asterisk (**) on the students' grade reports. The double asterisk (**) will be changed to an NR if the grade sheet is not returned to the Registrar's Office by the first date corrections are updated for the term. The NR grade is computed as an F in the term and cumulative average. The grade can be changed according to the regulations applying to I grades. If not removed, the grade remains an NR, carrying the same quality point value as an F. Graduate student's NR grades are not immediately computed as an F. However, if not changed in the prescribed time, the NR will become an F. Grades are to be delivered in person to the Registrar's Office, not through the U.S., mail or campus mail. The Vice Provost of the Undergraduate College, the Dean of the Graduate College, and the Provost are all notified of any instructors who fail to return grades by the deadline.

3.1.5 Incomplete Grade

The grade of Incomplete (I) is given when the work in a course has been generally passing, but when some specifically required task has not been completed through no fault of the student. The grade of I will be changed to F if the student does not complete the remaining work by established university deadlines as follows: If the grade of I was assigned for a Fall, Spring, or Summer Term, the deadline is the last day of classes of the following term. If the grade of I was assigned for a Spring Term, the deadline is the Friday of the fourth week of classes of the following Fall Term. These deadlines apply both to undergraduate and graduate students. These deadlines apply whether or not the student is enrolled for the term during which the deadline falls. An earlier (but not a later) deadline may be assigned by the instructor. An extension of a university deadline date may be obtained only if approved by the College which offered the course.

There are two important conditions for giving an Incomplete:

1. the student can receive a passing grade if she or he completes all of the work of the course, and
2. failure to complete through no fault of the student.

Assignment of an Incomplete also assumes that the incomplete part of the course represents only some limited portion such as the final examination or a term paper or a laboratory report. The extent of the permissible deficiency would have to be left to the instructor. It should be assumed that the instructor is aware of the reasons for the student's failure to complete the work and has given permission for the student to make up the work. Failure of a student to appear for the final examination without an explanation to the instructor would not be sufficient ground for giving an Incomplete. In general the grade should be avoided except where it is clearly justified as in the case of illness or accident.

3.1.6 Releasing Information About Students

The Registrar's Office has available copies of the University policies dealing with the Family Privacy Act.

Student Grievance Procedures

STUDENT GRIEVANCE PROCEDURES

3.2 STUDENT GRIEVANCE PROCEDURE

It is the policy of the University to provide students with an opportunity to seek redress of grievances, modifications of University policies, or amendments of University rules and regulations. No academic or disciplinary action shall result against any student who has filed a grievance in good faith in accordance with the procedure set forth below. In an effort to assist students in resolving their grievances, the University has established the following Student Grievance Board and process:

3.2.1 Student Grievance Board

Membership of the Student Grievance Board shall be constituted as follows:

- A. Student Government President or his or her designee;
- B. Student Bar Association President or his or her designee;
- C. An undergraduate student appointed by the Student Appointments Board;
- D. Dean of Students ex officio, non-voting;
- E. Three faculty members to be appointed by the Faculty Senate Steering Committee to serve for two years;
- F. If a Student Grievance Board member is a party to or could have a conflict of interest as a result of a complaint, that member shall not sit for that hearing. The remaining Student Grievance Board members shall select an individual from the same category (student, faculty, or administrator) for that hearing;
- G. The Board shall elect its chair from among its members.

3.2.2 Jurisdiction

The jurisdiction of the Student Grievance Board shall include the following matters:

- A. Any grievance or complaint alleging any policy, procedure, or practice that would be prohibited by Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973.
- B. Any grievance or complaint regarding University administrative procedures, policies, or actions except:
 - 1. Any matter concerning the awarding of a grade or the evaluating of performance on an examination (see individual college procedures);
 - 2. Student employee grievance (see financial aid manual);
 - 3. Academic misconduct (see Academic Misconduct Policy);
 - 4. Appeals of decisions to the University Judicial Board;
 - 5. Financial Aid Award decisions;
 - 6. Appeals relating to academic program requirements;
 - 7. Grievances against individuals.
- C. Any grievance or complaint alleging illegal discrimination caused by any University policy, procedures or practice.

D. Any grievance or complaint alleging the deprivation of a right recognized in the Constitution or laws of the United States or the State of Ohio.

3.2.3 Procedure

A. Complaint: Any student may file with the Office for Institutional Equity or the Ombudsperson a written complaint, which shall include a statement of the grievance; the particular University regulations, policy, rule, or action at issue; the harm alleged to have been suffered by the complaining party; and the relief sought.

1. Discrimination grievances: Complaints alleging some kind of prohibited discrimination shall be filed with the University Office for Institutional Equity.

2. Other grievances: All other grievances covered by this section shall be filed with the University Ombudsperson.

B. Informal Resolution: Upon receipt of a written complaint, the University Ombudsperson or the University Office for Institutional Equity will see that the grievance is discussed informally (in an attempt to solve it) with the student and all involved parties, and subsequently with the appropriate supervisor, or vice president, if necessary, within three weeks. The University Ombudsperson or Office for Institutional Equity may inform the student that the case seems to have little merit. This opinion will not be forwarded to the hearing panel if the student wishes to proceed.

C. Hearing

1. In the event that the student's grievance is not resolved informally, the grievance will be forwarded by the University Ombudsperson or the Office for Institutional Equity to the Student Grievance Board through the Office of the Dean of Students. Upon receipt of the grievance, that office shall forward it to the Student Grievance Board within three (3) working days. The Student Grievance Board will hold a hearing within ten working days from the date of receipt of the complaint unless an involved party cannot be notified within the specified time frame (see 3.2.3.D.3) or unless all involved parties agree to an extension.

2. If the Grievance Board determines that the substance of the grievance has been essentially dealt with in an earlier grievance, it may vote not to hold a hearing. It will then forward its decision to the President.

D. Procedures: At their residence or by personal service, involved parties will be notified of the time and place for the hearing in writing, by means that require a return receipt or some other signed acknowledgment of the date and time of the addressee's having received it. Such notice must be received at least five (5) working days before the date of the hearing.

1. The student shall have the right to have a member of the University community as an advisor at the hearing.

2. The hearing shall be closed to the public unless otherwise requested by one and agreed to by all involved parties. If, within three (3) working days of receipt of notice of the hearing, an involved party does not inform the Dean of Students of his or her desire to have an open hearing, the right is deemed to have been waived.

3. Request for postponement must be received by the Dean of Students within three (3) working days prior to the hearing date.

4. The student will have an opportunity to present his or her grievance to the Board.

5. The University and any faculty member, staff member, or administrator involved shall have an opportunity to respond to the student's grievance, if desired, and shall have the right to have a member of the University community as an advisor at the hearing.

6. The Student Grievance Board shall deliberate and make a recommendation in writing to the President of the University within five (5) working days. The recommendation shall include the vote and may include minority opinion(s) as well as the redress sought. Copies of the recommendation shall be sent to the Office for Institutional Equity or Ombudsperson, as appropriate, and to the concerned parties, and it shall be considered confidential.

E. Final Determination

1. The President of the University shall give written notification of her or his decision to the concerned parties, the Office for Institutional Equity or the Ombudsperson, and the Student Grievance Board within ten working days of receipt of the recommendation of the Student Grievance Board.

2. The President's decision shall terminate this process within the university.

EFFECTIVE AUGUST 1, 2015

3344-83-01
3344-83-07
3344-83-08

EFFECTIVE AUGUST 17, 2014-NOVEMBER 17, 2014

Interim Approvals of the Board of Trustees

STUDENT CONDUCT CODE

Approved by the Student Life Committee
of the Faculty Senate
March 2000

Approved by the Board of Trustees
May 2014
Effective Fall 2014

Faculty Senate
February 2001
Approved by the Faculty Senate
April 2000

FERPA Revisions per Legal Affairs
April 2004

Revisions Approved by:

Student Life Committee of the Faculty Senate
August 2004

Faculty Senate
September 2004

Parental/Guardian Notification
Approved by Board of Trustees
February 2002

Revisions Approved by:

Student Life Committee of the Faculty Senate
January 2001

**PROCEDURES FOR INVESTIGATING COMPLAINTS OF
DISCRIMINATION AND HARASSMENT**

Adopted July 2014

TOBACCO FREE CAMPUS POLICY

Adopted Fall 2013

ACADEMIC REGULATIONS AND PROCEDURES

Revised April 2000

STUDENT GRIEVANCE PROCEDURE

Adopted March 1996

The University reserves the right to alter these policies and regulations as are necessary and appropriate. These policies and regulations do not constitute all of the University rules and regulations. Please consult the Department of Student Life for policy changes. Cleveland State University is an Affirmative Action/Equal Opportunity institution. No person will be denied opportunity for employment or education or be subject to discrimination in any project, program or activity because of race, color, religion, sex, sexual orientation, national origin, age, handicap or disability, disabled veteran or Vietnam era veteran status.