

Code of Student Conduct

1. Introduction

Bowling Green State University aspires to create an academic environment grounded in intellectual discovery and guided by rational discourse and civility. Within our learning community we endeavor to act on our Core Values:

- We respect one another and foster diversity and a culture of inclusion.
- We collaborate with each other and our community partners in the region, the State of Ohio, the nation and the world.
- We promote intellectual and personal growth through curricular and co-curricular efforts.
- We foster an environment of creativity, innovation, and entrepreneurship.
- We expect excellence in all we do.

This Code of Student Conduct is intended to ensure students, as members of our community, and their organizations conduct themselves in accordance with these values including the expectation that all students participate in an environment that respects differences of sex, sexual orientation, race or color, marital status, ethnicity, religion or creed, ancestry, national origin, disability, age, and veteran's status.

This Code thus creates a set of expectations of student conduct, ensures a fair process for determining responsibility when student behavior may have deviated from those expectations and provides appropriate sanctions when a student or student organization has violated the Code of Student Conduct. Every effort will be made to balance the needs and rights of the individual with the welfare of the community as a whole.

2. Definitions

- A. The term "University" means Bowling Green State University.
- B. The term "student" means all persons who have been notified of their acceptance, expressed intent to and/or registered for classes, or otherwise entered into any other contractual relationship with the University to take instruction. This includes, but is not limited to all individuals:
 1. Taking classes in person or through distance learning whether on a part-time and full-time basis, pursuing undergraduate or graduate degrees, or
 2. Who reside in University-owned housing or who live off campus,
 3. Who are not enrolled for the current term but who have a continuing relationship with the University. Student status ceases when an individual graduates, is not enrolled for two consecutive terms including the summer term, or an individual who is suspended, dismissed, or expelled for any reason.
- C. The term "Code" means the Code of Student Conduct.
- D. The term "University official" includes any person employed by the University and any person serving the University in an official capacity.
- E. The term "member of the University community" includes any person who is a student, University official, trustee, or any other person serving the University in an official capacity. The Vice President for Student Affairs and Vice Provost shall determine a person's status.
- F. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, whether in Bowling Green, Ohio, or elsewhere.
- G. The term "organization" means any registered student organization. The terms "shall" and "will" are used in the imperative sense.
- H. The term "may" is used in the permissive sense.
 - i. The term "day" means business days (Monday – Friday) when the University is open, regardless of whether classes are in session. In determining any deadlines as set forth in the Code, references to a number of "days" prior to or after occurrence of an event shall not include the day of the incident.
- J. The term "Complainant" means any person filing an Incident Report of alleged misconduct or otherwise bringing a complaint to the attention of a University official charged with receiving, investigating and remedying a complaint. In Title IX or sexual misconduct cases, this person may be referred to as the Reporting Party and a BGSU staff member may be referred to as the Complainant. The term "Respondent" means a student or organization against whom an Incident Report of alleged misconduct has been filed under this Code. In Title IX or sexual misconduct cases this person may be referred to as the Responding Party.
- K. The term "health" means physical or mental well-being.
- L. For the purposes of the Code of Student Conduct, the term "residence hall" means any hall, house or other living unit owned or leased by the University for the principle purpose of providing student housing.
- M. The term "Incident Report" means any accusation of alleged misconduct submitted through the "Report an Incident" function at <http://www.bgsu.edu/dean-of-students/student-conduct/report-an-incident.html>. The University treats law enforcement agency reports and citations as incident reports.

3. Conduct Authority

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

4. Jurisdiction of the University

University jurisdiction shall address conduct, which occurs on or off University premises, which includes in person or electronically, and adversely affects the University community and/or the pursuit of its objectives, including but not limited to creating a positive academic environment, promoting responsible citizenship, and fostering an inclusive community, on and off University premises. All students and organizations shall be responsible for their individual conduct during the duration of their student or organization status.

5. Violation of Law and University Policy

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

6. Prohibited Conduct

Any student or organization found to have committed one or more of the following acts of prohibited conduct will be subject to sanctions. The standard of proof in determining whether a student or organization has violated the Code is "more likely than not".

A. Offenses Against the University Community

1. Acts of dishonesty, including but not limited to the following:
 - a. Furnishing false information to the University or any University official.
 - b. Forgery, alteration, or misuse of any University or government document, record, or instrument of identification.
 - c. Tampering with the election of any organization.
Note: Violations of the Code of Academic Honesty are not included in this section.
2. Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.
3. Failure to comply with directions of University officials and law enforcement officers acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
4. Violations of other published University policies, rules or regulations. Such policies, rules or regulations include but are not limited to Residence Life Community Living Standards and Residential Living Agreement, Information Technology Policies, parking and traffic regulations, policies governing student organizations and other published policies.
5. Recording a lecture or other classroom interaction, selling class notes, or being paid for taking class notes, without the permission of the instructor or of Accessibility Services staff.
6. Using electronic or other means to make a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge or permission in each instance, when such a recording is likely to cause injury, distress, or damage to reputation. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited. Faculty have the right to control the classroom environment and to permit or deny permission to do electronic video or audio recording at their discretion.
7. Littering on University premises.

B. Offenses Against Persons

1. These behaviors include but are not limited to any contact or communication that are intended to threaten, harass or injure a person(s):
 - a. Endangering, threatening, or attempting to cause physical harm to another individual or to oneself, causing reasonable apprehension of such harm or engaging in conduct or communications that a reasonable person would interpret as a serious expression of intent to cause harm;
 - b. **Harassment** – any severe or pervasive verbal, written, or electronic communication or action that causes a reasonable person to feel emotionally or mentally distressed or frightened whether after having been asked to stop or continuing actions to such a degree that a reasonable person, subject to contact, would regard the contact as unwanted. Harassment also includes communication or action that interfere with an individual's participation in an educational, work, or University activity or environment;
 - c. **Stalking** – intentional repetitious or continuous actions that would cause a reasonable person to feel frightened, harassed, annoyed, threatened, or alarmed whether after having been asked to stop or continuing actions to such a degree that a reasonable person, subject to contact, would regard the contact as unwanted. Such actions could be either implicit or explicit threats against a specific person; an acquaintance, friend, family member, or pet of that person; or that person's property;
 - d. **Domestic Violence** - Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that persons' acts under the domestic or family violence laws of the jurisdiction;
 - e. **Other conduct that threatens or endangers the health or safety of any person.**
2. **Sexual misconduct** – As more specifically described in the University Policy on Sexual Misconduct, sexual misconduct is any physical contact or other non-physical conduct, however slight, of a sexual nature in the absence of consent or when it involves compelling a person to submit to such conduct by force, threat of force, use of intoxicants to impair a victim's ability to give consent, or otherwise taking advantage of any impairment that might render a person incapable of making a decision about sexual activity. This includes sex-based violence and sexual harassment.
 - Consent is present when an individual has the capacity to voluntarily, knowingly and affirmatively agree to engage in a sexual activity.

- An individual cannot give consent when the individual:
 - Is substantially impaired by any drug or intoxicant; or
 - Has been compelled by force, threat of force, deception; or other coercion.; or
 - Is unaware that the act is being committed; or
 - Ability to voluntarily, knowingly and affirmatively give 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.
 - An individual must be of legal age to give consent, as defined by the State of Ohio.
 - Any action or behavior that violates Title IX of the Education Amendments Act of 1972, is a violation of BGSU policy.
 - Students should consult the University Policy on Sexual Misconduct for more detailed definitions and explanations.
3. **Hazing** – any mental or physical action, requirement, request of, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member) which could be harmful to the health, welfare or academic progress of the person; or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person; or which destroys or removes public or private property; or which violates any federal, state, or local laws, or University policy, whether on or off-campus. No member of the University community shall fail to report hazing. A person’s consent to hazing is not an excuse under this section.
 4. **Retaliation** – a student or organization shall not retaliate against any member of the BGSU community who files an Incident Report or who brings forward a complaint or concern.

C. Offenses Against Property

1. **Attempted or actual theft or possession of stolen property**, whether knowingly or unknowingly.
2. **Attempted or actual damage or vandalism to property.**
3. **Unauthorized possession, duplication, or use of keys and other entry codes** or devices to any University premises.
4. **Unauthorized presence in or unauthorized use of university property, resources, or facilities.**
5. **Theft or other abuse of computer facilities and resources**, including but not limited to:
 - a. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual’s identification and/or password.
 - d. Use of University computing facilities and resources to interfere with the work of others.
 - e. Use of University computing facilities and resources to send obscene or abusive messages.
 - f. Use of University computing facilities and/or e-mail to send unsolicited or unauthorized messages with the intention of reaching a mass of users.
 - g. Use of University computing facilities and resources to interfere with normal operation of the Bowling Green State University computing system.
 - h. Use of University computing facilities or resources in violation of copyright laws.
 - i. Any violation of Bowling Green State University’s Information Technology Policies.
6. Intentionally setting fire to property.

D. Offenses Disrupting Order or Disregarding Health and Safety

1. **Drugs** - Use, possession, distribution or manufacture of illegal drugs including drug-related paraphernalia containing illegal residue; or prescription medications that are unmarked or not for the person in possession of them; or using materials for the purpose of an intoxicant except as expressly permitted (e.g., whip-its, huffing, etc.).
2. **Alcohol** - Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and University regulations.
3. **Weapons** - Possession of firearms, explosives, incendiary devices, or illegal or unauthorized possession of weapons, or dangerous chemicals.
4. **Demonstrations, Celebratory Riots, and Riots –**
The following policies are not intended to prohibit peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.
 - a. Participation in a campus demonstration or disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harms to others, or damages property.
 - b. Leading or inciting others to disrupt scheduled or normal activities within any campus building or area.
 - c. Intentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
 - d. Prohibited behavior in the context of a riot includes, but is not limited to:
 - i. Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and
 - ii. Actual or threatened damage to or destruction of University property or property of others, whether done intentionally or with reckless disregard; and
 - iii. Failing to comply with an order to disperse by University officials, law enforcement, or emergency personnel; and
 - iv. Intimidating, impeding, hindering, or obstructing a University official, law enforcement, or emergency personnel in the performance of their duties.

5. **Fire Safety** - Entering false fire alarms or bomb threats or tampering with fire extinguishers, alarms, smoke detectors or other safety equipment.
6. **Gambling** - Illegal gambling or wagering.
7. **Disorderly Conduct** – Engaging in violent, abusive, indecent, unreasonably loud, or otherwise disorderly conduct (e.g., causes alarm, concern, or nuisance) in which the conduct:
 - a) disrupts the normal operations of the University;
 - b) causes or provokes a disturbance within a community;
 - c) causes harm or has the potential to harm others or one’s self.
8. **Laws on University premises** - Violations of federal, state or local law on University premises or at University-sponsored or supervised activities.
9. **Laws off University premises** - Violations of federal, state or local law off University premises and not related to University-sponsored or supervised activities when the violations adversely affect the University community and/or the pursuit of its objectives.

E. Violation of State, Federal or Local Laws and University Policies

Any act or omission that constitutes a violation of federal, state or local laws and University policy, which is not otherwise covered in this Code.

F. Interfering with the Conduct Process, Including but not Limited to:

1. Failure to appear at a conduct meeting or hearing when directed to do so.
2. Falsifying, distorting or misrepresenting information at a conduct meeting or hearing, or knowingly initiating a false complaint.
3. Attempting to discourage a person’s proper participation in, or use of, the conduct process.
4. Harassment or intimidation of a University official or member of a conduct committee.
5. Failure to comply with sanction(s) imposed under the Code.

G. Shared Responsibility for Infractions

1. Presence during any violation of University policies or rules in such a way as to incite, aid or abet the violation.
2. Students and organizations may be held responsible for the conduct of their guests while on University premises, at University-sponsored or supervised activities, and at functions sponsored by any registered student organization.

7. Organizational Responsibility

An Incident Report may be filed against an organization under the Code of Student Conduct. An organization and its members may be held collectively and individually responsible for violations of the Code of Student Conduct by those associated with the organization, including guests and alumni of the organization. When an Incident Report is filed naming an organization as Respondent/Responding Party, the presiding officer and/or students affiliated with the group shall be required to participate in meetings and hearings as representatives of the group.

8. Conduct Procedures

A. Filing an Incident Report

1. Any person may file an Incident Report against a student or organization alleging violation(s) of this Code. An Incident Report shall be made in writing and directed to the Office of the Dean of Students or designee.
2. A Complainant or Reporting Party is normally expected to participate in the conduct meeting or hearing and to present relevant information.
3. Incident Reports should be submitted as soon as possible after the event takes place, preferably during the semester in which the event took place.
4. A staff member in the Office of the Dean of Students or designee may conduct an investigation to determine if the Incident Report has merit and/or if it can be resolved by mutual consent of the persons involved on a basis acceptable to the Office of the Dean of Students or designee. Such resolution shall be final and there shall be no subsequent proceedings. If a staff member in the Office of Dean of Students or designee determines the Incident Report has merit and cannot be resolved by mutual consent, a staff member in the Office of the Dean of Students or designee may participate in any subsequent conduct meeting or hearing to resolve the Incident Report. A staff member in the Office of the Dean of Students or designee reserves the right to reject an Incident Report without further qualification.
5. A staff member in the Office of the Dean of Students or designee will conduct a preliminary review of the Incident Report to determine whether the alleged misconduct may result in suspension or expulsion from the University. A staff member in the Office of the Dean of Students or designee will also determine whether the Respondent/ Responding Party disputes the facts that form the basis of the Incident Report. Respondents/ Responding Parties not subject to expulsion and those who do not dispute the facts of the Incident Report are entitled to an informal conduct meeting with a staff member in the Office of the Dean of Students or designee. Respondents/Responding Parties subject to expulsion and those disputing the facts of the Incident Report are entitled to a hearing before the University Conduct Committee or one of the affiliated hearing boards. The Vice President for Student Affairs and Vice Provost reserves the right to refer any Incident Report to a University official or committee other than the Office of the Dean of Students or designee, the University Conduct Committee, the Alternative Resolution Board, or the Title IX Board.

6. If a Respondent/Responding Party fails to keep a meeting with the Office of the Dean of Students or designee, a hold may be placed on the student's registration account and/or a decision regarding appropriate charges, responsibility and/or sanctions may still be made.

B. Investigation

1. Respondents/Responding Parties will have the opportunity to meet with a staff member in the Office of the Dean of Students or designee to discuss the Incident Report. During the investigation meeting, Respondents/Reporting Parties will receive:
 - Reasonable access to the Incident Report filed;
 - An opportunity to be assisted by one advisor of their choosing and at their expense. Advisors are not allowed to speak or participate in the conduct process. Meetings will not be scheduled around the availability of the advisor. Advisors may not appear in lieu of the Respondent/Responding Party. The Respondent/Responding Party has the opportunity to request an advisor from the Office of the Dean of Students or designee if they are unable to identify one on their own;
 - An opportunity to respond to the Incident Report and to present relevant information and/or witnesses.
2. Based on the information presented by the Complainant, Reporting Party and the Respondent/Responding Party, a determination will be made whether or not the information presented warrants a charge.
3. A victim will maintain Complainant rights when reporting alleged misconduct of another student(s) or organization(s) including when the incident is filed by a third party. In Title IX and sexual misconduct incidents, the Complainant/Reporting rights will have the same equal rights throughout the investigation and hearing as the Respondent/Responding Party.
4. Respondents/Reporting Parties will be provided up to two (2) days to choose between the informal and formal disposition options. Should the Respondent/Responding Party fail to make a decision, the case may be resolved without the input from the Respondent/Responding Party which also may waive the right to a formal hearing.

C. Informal Disposition - Conduct Meeting

Respondents/Reporting parties who are not subject to expulsion and those not disputing the Incident Report may choose the informal process for resolution of one or more violations of the Code.

1. The Respondent/Responding Party will receive, via electronic mail, written notice of the complaint at least three (3) days prior to the conduct meeting.
2. The Respondent/Responding Party will have the opportunity to discuss sanctions with a staff member in the Office of the Dean of Students or designee.
3. A final determination of sanctions will be provided in writing to the Respondent/Responding Party through email.
4. The right to appeal sanctions as part of the informal disposition as defined in Section 11 of the Code.
5. Victims of crimes of violence, including sexual misconduct, will be notified of the resolution and the sanctions. Title IX information can be found at <http://www.bgsu.edu/title-ix.html>

D. Formal Disposition - University Conduct Committee (UCC)

Respondents/Responding Parties subject to expulsion and those who dispute the Incident Report are entitled to a formal hearing before the UCC or one of the affiliate hearing boards.

1. *Composition of the UCC*
 - a. The UCC shall be composed of full-time faculty, full-time students and full-time administrative staff members. Members shall be appointed by the Vice President for Student Affairs and Vice Provost for a one (1) year term and may be reappointed.
 - b. A staff member in the Office of the Dean of Students or designee shall chair all UCC hearings. Quorum for a hearing is five (5) members, one each from the faculty and administrative staff members and three (3) from the student members, are necessary to hold a hearing. Recommendations from the UCC to the Dean of Students or designee shall be made by majority vote. In the event of a tie the chair will have a vote.
 - c. In the event quorum cannot be reached the complainant and the respondent can waive the five (5) member requirement. A hearing will not be conducted without a minimum of four (4) UCC members.
 - d. A staff member in the Office of the Dean of Students or designee is responsible for coordinating hearings and assigning Incident Reports.
 - e. The Vice President for Student Affairs and Vice Provost may remove a member from the UCC when the member has failed or refused to perform his or her duties or responsibilities. Student members found in violation of this Code may be removed from the UCC.
 - f. A Complainant or Respondent/Responding Party may challenge a UCC member on the grounds of a conflict of interest that might affect impartial consideration of the Incident Report. The remaining members of the UCC will conduct a secret ballot vote to determine if the challenged member shall be recused from the hearing.

2. **Alternative Resolution Board (ARB)**

In an effort to more effectively deal with student behaviors directed toward oneself or others, which adversely affect or disrupt the campus community, Bowling Green State University may choose to utilize an alternative formal process. Respondents subject to expulsion, those who refute the Incident Report, and those who have caused serious disruptions to the community may be assigned to the ARB for resolution of the case.

Composition of the ARB

- a. The ARB shall be composed of one staff member each from the Falcon Health Center, Psychological Services, and Accessibility Services as appointed by the Vice President for Student Affairs and Vice Provost. The Director of Residence Life or designee will serve on ARB when the hearing involves a residential student.
- b. A staff member in the Office of the Dean of Students or designee shall chair all ARB hearings. All members, except the chair, shall have voting rights. Recommendations from the ARB to the Dean of Students or designee shall be made by majority vote. In the event of a tie the chair will have a vote.
- c. A staff member in the Office the Dean of Students or designee is responsible for coordinating ARB hearings and assigning Incident Reports.
- d. All committee members hearing a case should not have a direct, firsthand knowledge of the case before the ARB.
- e. A Complainant or Respondent/Responding Party may challenge an ARB member on the grounds of a conflict of interest that might affect impartial consideration of the Incident Report. The remaining members of the ARB will conduct a secret ballot vote to determine if the challenged member shall be recused from the hearing.

3. **Title IX Board**

In an effort to more effectively deal with student behaviors that may fall under Title IX of the Education Amendment of 1972, which prohibits discrimination on the basis of a person's gender in educational programs or activities operated by recipients of federal financial assistance, Bowling Green State University may choose to utilize an alternative formal resolution process. Respondents/Responding parties subject to expulsion or those who refute the Incident Report may be assigned to the Title IX Board for resolution of the case. The Title IX Board may adjudicate student cases related to any of the following, but not limited to:

- Sexual harassment
- Sexual assault
- Sexual misconduct
- Stalking
- Intimate partner and relationship violence
- Intimidation or harassment, including bullying or cyber-bullying
- Domestic Violence

Composition of the Title IX Board

- a. The Title IX Board shall be composed faculty and staff members appointed by the Vice President for Student Affairs and Vice Provost or designee who have received training and certifications related to sexual misconduct and incidents related to discrimination based on gender.
- b. A staff member in the Office of the Dean of Students or designee shall chair all Title IX Board hearings. Recommendations from the Title IX Board to the Dean of Students or designee shall be made by majority vote. Quorum for a hearing is three members.
- c. A staff member in the Office of the Dean of Students or designee is responsible for coordinating Title IX Board hearings and assigning Incident Reports.
- d. All committee members hearing a case should not have a direct, firsthand knowledge of the case before the hearing.
- e. A Complainant, Reporting Party or Respondent/Responding Party may challenge a Title IX Board member on the grounds of a conflict of interest that might affect impartial consideration of the Incident Report. The remaining members of the Title IX Board will conduct a secret ballot vote to determine if the challenged member shall be recused from the hearing.

4. **Formal Hearing Procedures**

The following procedures are followed in all formal hearings:

- a. The Complainant, Reporting Party and Respondent/Responding Party will receive written notice of the Incident Report and hearing date at least five (5) days prior to the hearing.
- b. On a date specified by a staff member in the Office of the Dean of Students or designee, the Complainant, Reporting Party and Respondent/Responding Party will submit to the Office of the Dean of Students or designee a list of witnesses for the hearing, a summary of the information each witness is expected to provide and any document(s) the Complainant, Reporting Party and Respondent/Responding Party expect to present at the hearing. The Office of the Dean of Students or designee will make copies of this information available to the Complainant, Reporting Party, Respondent/Responding Party and the hearing board prior to the hearing.
- c. The Complainant, Reporting Party, and Respond/Responding Party may be assisted by one advisor of their choosing and at their expense. Advisors are not permitted to speak or participate in a hearing. Hearings will not be scheduled around the availability of an advisor. The Complainant, Reporting Party, Respondent/Responding Party shall notify the Office of the Dean of Students or designee of their advisor's name and telephone number at least three (3) days prior to the hearing. Advisors may not appear in lieu of the Complainant, Reporting Party, or Respondent/Responding Party; however, an advisor may consult with the Complainant, Reporting Party, and Respondent/Responding Party during a hearing and may assist with preparation for the hearing. An attorney can be used as an advisor but is subject to the aforementioned stipulations. Should an advisor not be able to attend the hearing date, the hearing will still proceed.
- d. In the event that the University chooses to proceed through legal counsel, the Complainant, Reporting Party, and Respondent/Responding Party will be notified three (3) days prior to the hearing and also shall have the

- right to proceed through counsel. Counsel may not appear in lieu of the Complainant, Reporting Party, or Respondent/Responding Party.
- e. If a Complainant, Reporting Party, or Respondent/Responding Party fails to appear for a hearing, the hearing will proceed without the Complainant, Reporting Party, or Respondent/Responding Party presence.
 - f. The Complainant, Reporting Party, and Respondent/Responding Party may request alternative accommodations in lieu of being physically present at the hearing.
 - g. Witnesses, other than the Complainant, Reporting Party, and Respondent/Responding Party, will be excluded from the hearing during the testimony of other witnesses.
 - h. The chairperson will exercise control over the proceedings. Any person disrupting a hearing or who fails to abide by the decisions of the chairperson may be removed or excluded from the hearing.
 - i. Violations will be determined on the basis of whether it is “more likely than not” that the Respondent/Responding Party violated the Code.
 - j. The chairperson shall determine what information the hearing board will consider. Information will be considered if it directly relates to the facts of the Incident Report or appropriateness of a particular sanction. Formal rules of evidence shall not apply.
 - k. The Complainant, Reporting Party, Respondent/Responding Party, and hearing board may examine the information accepted by the chairperson and may question all witnesses.
 - l. Respondents/Responding Parties may speak on their own behalf; however, they will not be forced to speak against themselves and their silence shall not be used to their detriment.
 - m. Should the Respondent/Responding Party be recommended responsible for any violation of the Code, the Complainant, Reporting Party and Respondent/Responding Party will be given the opportunity to provide relevant information regarding possible sanction outcomes. The Respondent/Responding Parties prior conduct record may be considered only to recommend an appropriate sanction.
 - n. Recommendations by the hearing board shall be by majority vote.
 - o. The hearing will be recorded and the recording will remain the property of the University.
 - p. Within three (3) days of the hearing, the hearing board’s recommendation will be forwarded in writing to the Dean of Students or designee. The Dean of Students or designee will inform the Complainant, Reporting Party, and Respondent/Responding Party of the decision and appeal rights in writing through email.
 - q. Victims of crimes of violence, including sexual misconduct, will be notified of the resolution and the sanctions.
 - r. Appeals shall be made to the Vice President for Student Affairs and Vice Provost in writing stating the grounds of the appeal within five (5) days of the date that the decision letter was emailed to the respondent and/or complainant. The decision of the Vice President for Student Affairs and Vice Provost or designee is final. Grounds for appeal are found in Section 11-D of this Code of Student Conduct.
 - s. Guidelines for the implementation of sanction(s) are outlined in Section 11-G of this Code of Student Conduct.

9. Sanctions

A. The following sanctions may be imposed upon any student found to have violated the Code:

1. *Warning*—Notice in writing that continuation or repetition of prohibited conduct may be cause for additional conduct action.
2. *Conduct Probation*—A written reprimand specifying the violation for which the student is held responsible. Students on probation are not considered to be in good standing with the University. Probation is for a designated period of time and includes the probability of more severe conduct action if the student is found in violation of any University policy during the probationary period.
3. *Deferred Suspension*—Separation from the University for a defined period of time unless specified educational sanctions are successfully completed. Upon successful completion of educational sanctions, conduct probation will be assigned for a defined period of time. Failure to complete educational sanctions will result in suspension from the University.
4. *Suspension*—Separation of the student from the University for a defined period of time, after which the student is eligible to return, and a permanent notation on one’s transcript. Conditions for readmission may be specified.
5. *Expulsion*—Permanent separation of the student from the University, and a permanent notation on one’s transcript.
6. *Residence Hall Suspension*—Separation of a student from one or more of the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
7. *Residence Hall Expulsion*—Permanent separation of a student from the residence halls.
8. *Educational Sanctions*—Work assignments, service to the University, or other related educational assignments.
9. *Restrictions and Loss of Privileges*—Denial or restriction of certain privileges for a designated period of time.
10. *Restitution*—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

B. Minimum sanctions related to alcohol policy violations can be found in the Policies and Procedures section of the Student Handbook.

C. Report of the findings of the hearing shall be provided to the Respondent in writing via electronic mail. Members of the University community who are part of the sanctioning decision will also be notified of the final decision, including but not limited to the Counseling Center, Office of Campus Activities, Office of Residence Life, Intercollegiate Athletics, Center for Leadership, University Police Department, ROTC officials, and Accessibility Services.

D. The following sanctions may be imposed on any organization found in violation of the Code:

1. Any of the sanctions listed in Section 10.A. above.
2. Loss of status as a registered student organization. The Office of Campus Activities shall notify any national or regional governing body with which the organization is associated or that sponsors social, academic, or sports events when such action is taken.

3. Loss or withdrawal of all student general fee dollars or other University funding for the remainder of the academic year.
- E. More than one of the sanctions listed above may be imposed for any single violation.
- F. Bowling Green State University values the fostering of an inclusive community. As such, violations involving persons or organizations intentionally targeted because of their sex, sexual orientation, race or color, marital status, ethnicity, religion or creed, ancestry, national origin, disability, age, and veteran's status may result in enhanced sanctions.
- G. Failure to complete sanctions may result in a University hold being placed on a student's ability to register for subsequent semesters or change a class schedule.

10. Appeals

A. Right to Appeal

A Complainant, Reporting Party, or Respondent/Responding Party may appeal the sanction imposed by a staff member in the Office of the Dean of Students or designee (informal disposition) or the decision rendered by the Dean of Students or designee (formal disposition.)

B. Grounds for Appeal

1. Appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the conduct meeting or hearing.
2. The specifics to be addressed on appeal are:
 - a. Were the procedures of the Code of Student Conduct followed?
 - b. If a procedural error occurred, were the rights of the student or organization violated to the extent that the student or organization did not receive a fair hearing?
 - c. Was the meeting or hearing conducted in a way that permitted the student or organization adequate notice and the opportunity to present its version of the facts?
 - d. Was the information presented at the meeting or hearing sufficient to justify the decision and/or sanctions reached?
 - e. Was there information existing at the time of the meeting or hearing that was not discovered until after the hearing?

C. Appeal of Informal Disposition (Individual Hearing Officer)

Appeals shall be made to the Dean of Students or designee within five (5) days of the date that the Complainant, Reporting Party or Respondent/Responding Party was emailed the sanction notification letter rendered by a staff member in the Office of the Dean of Students or designee. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Dean of Students or designee is final.

D. Appeal of Formal Disposition (UCC/ARB/Title IX Board)

Appeals shall be made to the Vice President for Student Affairs and Vice Provost or designee within five (5) days of the date that the Complainant, Reporting Party, or Respondent/Responding Party were emailed the sanction notification letter of the decision of the Dean of Students or designee. The appeal shall be in writing, stating the ground(s) for appeal. The decision of the Vice President for Student Affairs and Vice Provost or designee is final.

E. Appeal Proceedings

- a. An appeal is confined to the criteria set forth in Section 10. (B)
- b. No appeal may be taken where no discipline is imposed and no transcript notation is entered.
- c. An appeal is confined to the subjects presented at the hearing. No new matters may be presented on appeal except those which, through the exercise of reasonable diligence the appellant could not have discovered prior to the hearing.
- d. The written appeal and the supporting documents will be reviewed in determining the outcome.
- e. There will typically be no oral argument before the appeal officer. However the appeal officer may choose to meet with the Complainant, Reporting Party, and/or Respondent/Responding Party before determining the outcome.
- f. The appeal officer's review is confined to reviewing the proceedings below to determine if there were violations of the procedure or if there was substantial error.

F. Potential Appeal Outcomes

- a. Uphold the original sanction(s) in the informal disposition process;
- b. Uphold the original sanction(s) and/or decision in the formal disposition process;
- c. Dismiss the case or individual charge(s) against the student;
- d. Modify or eliminate the sanction(s); or
- e. Refer the case to a new hearing board to be reheard. This process includes a new recommendation on responsibility and, if applicable, sanctions. Potential Appeal Outcomes (a-d) are final and may not be appealed.

G. Implementation of Sanction(s)

Sanctions shall not begin until either the time for appeal has expired without an appeal, or until the appeal process is exhausted. The Vice President for Student Affairs and Vice Provost may impose sanctions during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

11. Interim Suspension

The Vice President for Student Affairs and Vice Provost or designee may impose a University or Residence Hall Suspension on a student prior to a conduct meeting or hearing. The Vice President for Student Affairs and Vice Provost or designee may suspend the registration of an organization prior to a conduct meeting or hearing.

A. Interim suspension may be imposed only:

1. To ensure the safety and well-being of members of the University community or preservation of University property;
2. If the student or organization poses a definite threat of disruption or interference with the normal operations of the University;

3. If a student or organization is criminally charged with one or more of the following offenses of violence: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, permitting child abuse, aggravated menacing, menacing by stalking, menacing, kidnapping, abduction, extortion, rape, sexual battery, gross sexual imposition, aggravated arson, arson, terrorism, aggravated robbery, robbery, aggravated burglary, burglary, inciting to violence, aggravated riot, riot, inducing panic, domestic violence, intimidation, intimidation of crime victim or witness, escape, improperly discharging a firearm at or into a habitation or school, endangering children or felonious penetration.
- B. During an interim suspension, a student may be denied access to a living unit and/or to the campus, including classes, and/or all other University activities or privileges for which the student might otherwise be eligible. An organization shall discontinue all activities during an interim suspension.
- C. An interim suspension takes effect immediately upon issuance. A student or organization will receive written notice of the interim suspension, including a description of the suspected misconduct. A hearing will take place within ten (10) days or such other time as may be specified in the notice of interim suspension of the student's or the organization's receipt of written notice of the interim suspension. The student or organization may within three (3) days of the imposition of the suspension, petition the Dean of Students or designee for reinstatement. The petition must be in writing and must include supporting documentation or evidence that the student or organization does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of self, others or property.

12. Conduct Records

Other than suspension and expulsion, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record. All incidents involving the imposition of sanctions other than suspension and expulsion shall be removed from the student's conduct record seven (7) years from the year in which the offense occurred.

13. Refund Policy

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

14. Code of Student Conduct Review

The Code of Student Conduct shall be reviewed annually under the direction of the Vice President for Student Affairs and Vice Provost. In addition, the Student Affairs Advisory Committee shall conduct an annual review of the Code of Student Conduct and make recommendations to the Vice President for Student Affairs and Vice Provost regarding omissions, clarifications, constructive changes, and other matters germane to the proper interpretation and operation of the Code of Student Conduct. Questions of interpretation regarding the Code of Student Conduct or Student Handbook shall be referred to the Office of the Dean of Students. In keeping with normal University policy approval processes, the Code of Student Conduct and Student Handbook may, at the sole discretion of the University, be amended at any time.

Residential Conduct Process

Members of the University's residential community are responsible for their own actions as well as for the actions of their guests. It is the expectation of the University community that each member of the community will respect all community members and their property. However, some members of the community may, either by error or intent, violate community standards. At these times it will be necessary to hold the community members responsible for their actions. It is the intent of the University to approach these violations from an educational perspective, when appropriate. However, other sanctions or requirements may be necessary to insure that the residential community continues to be a positive living and learning environment. It is the responsibility of each student to be aware of the policies and expectations the University community has for individual action.

Any resident who violates a policy faces the possibility of being charged with allegedly violating the Code of Student Conduct. When students are allegedly involved in incidents, which occur in University residences and violate the Code of Student Conduct, they will be involved in the Residential Conduct Process.

A. Resolution Options

1. *Informal Disposition*

The conduct meeting is the first step toward informal resolution. Informal disposition provides an opportunity for the student and the Residence Life staff member to quickly resolve the student's alleged misconduct. Informal disposition of a conduct matter occurs when:

- a. The student does not dispute the facts leading to the charge made by the residence staff. Therefore, a formal hearing or further proceeding may not be required.
- b. Neither suspension nor expulsion is a possible sanction and the student wishes to resolve the case informally.

2. *Formal Disposition*

If the student disputes the investigative findings that a violation(s) has been committed or rejects an informal disposition, the case shall be resolved through the formal disposition procedures as follows:

- a. Following a conduct meeting with a member of the Residence Life staff where a student has requested a Residential Conduct Committee (RCC) hearing, the student shall be contacted by the Assistant Dean of Students or designee by phone or email, to schedule a time to discuss the hearing process and receive additional hearing information.
- b. The Residential Conduct Committee shall be composed of at least three (3) students who live in University-owned housing and is chaired by a staff member from the Office of the Dean of Students.

- c. The case is heard by the RCC. The RCC serves as a conduct body for the formal resolution option. Depending upon the nature of the misconduct, formal resolution may involve the presentation of witness information, the presentation of information by the accused resident and the questioning of all involved parties. RCC hearings are recorded and the recording remains the property of the University.
- d. The RCC forwards a recommendation regarding its findings along with recommended sanctions, if appropriate, to the Assistant Dean of Students or designee. The Assistant Dean of Students reviews the recording of the hearing, the contents of the conduct file and the written RCC recommendation and finalizes the decision, which is then forwarded in writing to the Respondent.
- e. Students' Rights in the Residential Conduct Committee
 - i. The Complainant and the Respondent have the right to inspect before the hearing any documents that are to be submitted at the hearing.
 - ii. The Complainant and the Respondent may bring witnesses to testify on their own behalf. The coordinator of the RCC process must be provided with the names of all witnesses and their expected testimony no later than 24 hours prior to the RCC hearing.
 - iii. The Respondent and the Complainant may be accompanied by an advisor of their choice. An advisor is anyone who will provide the Respondent or the Complainant with support throughout the hearing. Advisors are not permitted to speak or to participate in the hearing.
 - iv. The Respondent is under no obligation to make any statement(s) relevant to the charge(s) nor answer any questions relevant to the charge(s), and this cannot be used to the Respondent's detriment.

B. Sanctions

If a student accepts responsibility for violations of the Code of Student Conduct, one or more of the following sanctions may be imposed:

1. *Written Warning*
A written warning is a formal and official recognition of misconduct with the condition that further violations of the Code of Student Conduct may result in more severe conduct action.
2. *Residential Conduct Probation*
Probationary status whereby any further violations of the Code of Student Conduct during a specified period of time may result in referral to the University-level of the student conduct process. Student is considered not in good standing with the Office of Residence Life.
3. *Residence Hall Suspension*
Separation of the student from a living unit for a definite period of time, after which the student is eligible to return.
4. *Residence Hall Expulsion*
Permanent separation of the student from residence units.
5. *Educational Sanctions*
Work assignments, service to the University or other related educational assignments.
6. *Residence Hall Restriction and/or Loss of Privileges*
Denial or restriction of certain privileges including but not limited to visitation privileges in one or more residence hall(s) for a defined period of time.
7. *Restitution*
Compensation, within a specified period of time, for loss or damage. This may take the form of appropriate service and/or monetary or material replacement.

C. Appeals

Any student has the right to appeal the sanctions imposed by a conduct officer in an informal disposition or the final decision of the Assistant Dean of Students or designee in a formal disposition. Appeals must be filed, in writing, within five (5) days of the date that the decision letter was emailed to the respondent and/or complainant and are directed to the Director of Residence Life or his/her designee. The decision of the Director of Residence Life or his/her designee is final. Refer to Section 10 for information on the grounds for appeals and potential appeal outcomes.

D. Referral to the University Level of the Student Conduct Process

In the event that the alleged behavior is deemed egregious and/or repeated misconduct, the case may be referred to the University level of the student conduct process.

Student Conduct Flowchart

