

3359-41-01 Code of student conduct at the university of Akron.

(A) Introduction, purpose and disciplinary authority of the university.

- (1) The disciplinary power of the university is inherent in its responsibility to protect its educational purposes and processes through the setting of standards of conduct and scholarship for its students and through the regulation of the use of its facilities. The university of Akron's code of student conduct reflects and supports the educational mission of the institution, balancing the ideals of individual rights and responsibilities with community citizenship and responsibility. The code of student conduct expresses the university's values of civility, integrity in all matters, and responsible behavior on and off university premises. Students also are required to abide by applicable federal, state, and local laws.
- (2) Students at the university of Akron are responsible to know and abide by all university rules, regulations and policies. Failure to abide by the university's rules, regulation and policies may result in sanction(s) by the university. Students are subject to public laws, which the university police and other law enforcement agencies are empowered to enforce on or off university premises, either through their statutory jurisdiction or pursuant to a mutual aid agreement. Public laws include federal, state and local laws and ordinances. Should a student's conduct violate public law and the code of student conduct, the university may proceed with its own investigation and disciplinary action under the code of student conduct without awaiting the outcome of concurrent criminal, administrative or civil proceedings.
- (3) There are significant differences between the university of Akron's student conduct process and state and federal criminal processes. Criminal processes are adversarial, with one side opposing the accused. The student conduct process is designed to be a tool for student learning and development while still protecting the interests of complainants, respondents, victims and all members of the university community. Although the university of Akron's student conduct process is not designed to function as a court of law, there are policies and procedures in place to ensure that each student is treated in a fair and equitable manner. However, the formal rules of criminal procedure that apply to the criminal justice system do not apply to the student conduct process.
- (4) The overarching goal of the enforcement of the code of student conduct is to focus on the growth of the individual student, encourage self-discipline, and maintain a civil environment that is safe and conducive for learning. Each intervention within the university's student conduct process is intended to asse

(6) This chapter shall not be interpreted, construed or applied in any manner that abridges or denies to any student their constitutional rights as guaranteed under the constitutions of the United States or the state of Ohio.

(B) Definitions.

- (1) "Advisor." "Advisor" includes anyone assisting or supporting the complainant or respondent during their involvement in a student conduct and community standards proceeding, including but not limited to, an attorney, parent, guardian, social worker, student advocate, professor, acquaintance or friend. The role of an advisor is explained in paragraph (F)(3) of this rule.
- (2) "Appeals board." "Appeals board" refers to a panel of hearing officers assigned by the director of the department of student conduct and community standards to review appeals as defined in para

- (8) "Disciplinary referral." "Disciplinary referral" is a communication to the department of student conduct and community standards of information about a possible violation of the code of student conduct with a request that the department of student conduct and community standards initiate action concerning the alleged violation.
- (9) "Faculty member." "Faculty member" means any individual hired by the university to conduct classroom or teaching activities, research activities or who is otherwise considered by the university to be a member of the faculty.
- (10) "Hearing board." "Hearing board" refers to a panel of hearing officers assigned by the director of the department of student conduct and community standards to make a determination of responsibility and sanction as appropriate. The hearing board shall be composed of five members including three faculty members or professional staff, but at least one of each classification, and two student members. A minimum of two faculty members must serve on a hearing board in which a student is charged with academic misconduct. In the case of a graduate or professional student accused of misconduct, the student members of the hearing board will be graduate or professional students. Representatives of the department of student conduct and community standards may not serve as a hearing officer on a hearing board. The hearing procedure is explained in paragraph (F)(6) of this rule.
- (11) "Hearing facilitator." "Hearing facilitator" refers to the representative of the department of student conduct and community standards who presides over hearings conducted pursuant to this code and ensures that the hearing procedures specified in this code are followed.
- (12) "Hearing officer." "Hearing officer" refers to a representative of the department of student conduct and community standards or members of the hearing officer pool appointed by the president and assigned by the director of the department of student conduct and community standards to make a determination of responsibility and sanction as appropriate. All he

disciplinary referral of violating the code of student conduct.

- (16) "Student." "Student" includes all individuals taking credit or non-credit courses from the university of Akron. Individuals who have been notified of their acceptance for admission, individuals who withdraw after allegedly violating the code of student conduct and individuals who are matriculated but not officially enrolled for a particular term are also considered "students." Student status ceases when an individual graduates, is not enrolled for two consecutive semesters including the summer term, transfers to another institution, or an individual who is suspended or dismissed for any reason.
- (17) "Student organization." "Student organization" means any number of individuals who have complied with the formal requirements for or are actively seeking university recognition as a student organization.
- (18) "University official." "University official" includes any individual employed or appointed by the university and performing administrative or professional responsibilities within the scope of their authority.
- (19) "University policy." "University policy" generally means the written regulations of the university as found in, but not limited to: the code of student conduct; the residence hall handbook; the school of law student handbook; departmental operating manuals; the university web page; university rules; and the undergraduate and graduate bulletins. University policy also includes unwritten policies that are commonly applied and utilized consistent with written policies or in order to carry out the effect of written policies.
- (20) "University premises." "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, leased, used or controlled by the university or its foundations including adjacent streets and sidewalks.
- (21) "University." "University" means the university of Akron and all of its campuses, centers or other locations on which it operates.
- (22) "Weapon." "Weapon" is defined in accordance with federal, state and local law, and includes any object or substance designed to inflict a wound or cause injury.

(C) Jurisdiction.

- (1) University authority should not be used merely to duplicate the function of general laws. The university of Akron code of student conduct applies to the conduct of all students and student organizations that occurs on university premises or on non-university premises, in person or by any electronic form or medium, where the conduct away from university premises is deemed by the university to affect the university or its students and university employees, including but not limited to:
 - (a) Any professional practice assignment;

means. Acts of academic misconduct include, but are not limited to, the following:

- (a) Cheating: the use, attempt to use, or possession of any aid, information, resources, or other means in the completion of any academic assignment, where use of such material is not specifically permitted or authorized by the instructor, or providing such material to another student. This includes, but is not limited to: possessing, referring to, or otherwise using unauthorized books, notes, crib/cheat sheets, etc. in any format; possessing, using, or referring to any unauthorized electronic devices or other materials during completion of any academic assignment; looking at or using information from another student during the completion of any academic assignment; receiving assistance from another individual in completing any academic assignment without express authorization from the instructor; utilizing or soliciting another individual to complete any portion of an academic assignment in place of oneself or submitting the work of another individual as one's own; submitting the same, or substantially the same, materials for academic credit in more than one course without the express permission of the instructor making the academic assignment; completing or participating in the completion of any portion of an academic assignment for another student to submit as their own work; providing assistance, information, or other materials to another student in any manner not authorized by the instructor.
- (b) Plagiarism: presenting as one's own work the ideas, representations, or words of another individual/source without proper attribution. Examples include, but are not limited to, submitting material that in whole or in part is not entirely one's own work, without accurate and appropriate citation and/or attribution (including the use of quotation marks); using the words, ideas, or structure/sequence of another individual or source without proper and appropriate citation and attribution (including the use of quotation marks).
- (c) Fabrication: falsification, invention, or manipulation of any information, citation, data, or method. Examples include, but are not limited to, changing materials submitted on a graded academic assignment and requesting re-grading of that assignment; presenting false or invented information in any academic assignment; presenting false claims regarding how information or data was collected, generated or obtained; inventing or inaccurately presenting citations or sources.
- (d) Unauthorized collaboration: unauthorized collaboration with another in any phase of, or in the completion of, an individual academic assignment, without the express permission of the instructor to complete any assignment in that manner.
- (e) Misrepresentation: falsely representing oneself or one's efforts or abilities in an academic assignment. Examples include, but are not limited to, utilizing another individual or individuals to complete any portion of an academic assignment in

place of one's self; having another individual appear in or participate in any fashion in any class.

- (f) Gaining an unfair advantage: completing an academic assignment through use of information or means not available to other students or engaging in any activity that interferes with another student's ability to complete their academic work. Examples include, but are not limited to: retaining, possessing, using, or distributing previous or current academic assignment materials when the instructor has indicated that those materials are not to be retained or shared or are to be returned to the instructor at the conclusion of the academic assignment or course (including originals, copies, reproductions, or pictures and electronic or hard-copy formats); making copies, pictures or reproductions in any form of any academic assignment when the instructor has not allowed such reproduction; obstructing or interfering with another student's work, or ability to get access to information to be used in the completion of any academic assignment; taking another student's work without his or her knowledge or permission; removing academic assignment materials from an instructor's office, classroom, computer, or any other University space (physical or virtual/electronic); violating the procedures described to maintain the integrity of an academic assignment.
- (g) Engaging in behavior specifically prohibited by an instructor in the course syllabus or during any academic assignments.
- (h) Attempts to engage in any of the described acts shall be treated the same as a completed act.

This rule shall not be interpreted as permitting a faculty member to limit a student's right to responsibly engage in free inquiry and expression, when relevant to the subject under study or discussion, or to be treated fairly in the academic setting and to have the student's performance evaluated solely on an academic basis.

Violation of any prohibition of academic misconduct may result in the imposition of sanctions beyond any imposed, or suggested, by the faculty member involved, and

intimidation, harassment, coercion, and/or other conduct which intentionally or recklessly threatens or endangers the health, welfare or safety of any individual.

- (4) Protected class-based harassment: protected class-based harassment in violation of rule 3359-11-13 of the Administrative Code, includes, unwelcome conduct directed towards a person based on their actual or perceived membership in a protected class where (a) enduring the offensive conduct becomes a condition of continued employment or participation in the university's educational program, activities or services, or (b) the conduct is sufficiently severe or pervasive to create a work, educational or campus residential environment that a reasonable person would consider intimidating, hostile, or abusive. For purposes of this policy, protected classes are those specified in the university's affirmative action policy and include race, color, religion, sex, sexual orientation, gender identity or expression, age, national or ethnic origin, disability, status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, status as a foster parent, military status, genetic information, or status as a veteran. Alleged violations of protected class-based harassment will be addressed through the process as provided in rule 3359-11-13 of the Administrative Code.
- (5) Disorderly conduct: disorderly, disruptive, lewd or indecent conduct.
- (6) Unauthorized recording: unauthorized use of an electronic or other device(s) to make an audio or video recording or photograph of any individual without the individual's prior knowledge or consent, except as is otherwise permitted by law and except in a public setting where there is not a reasonable expectation of privacy and such use is consistent with the law. The faculty have the right to control the academic environment and to permit or deny permission for electronic video or audio recording in the academic environment.
- (7) Release of recordings: unauthorized distribution or dissemination of an audio or video recording or photograph of any individual without the individual's prior knowledge or consent, even if the audio or video recording or photograph originally had been produced with the individual's consent, except as is otherwise permitted by law and except in a public setting where there is not a reasonable expectation of privacy and such use is consistent with the law.
- (8) Gender-based misconduct. Gender-based misconduct as defined in the gender-based misconduct and title IX policy and protocol includes sexual harassment, sexual assault, dating violence, domestic violence, stalking, discrimination, battery, indecent exposure, sexual exploitation and retaliation. Alleged violations of gender-based misconduct will be addressed through the process outlined in the gender-based misconduct and title IX policy and protocol.
- (9) Theft/damage: theft or attempted theft, or willfully, recklessly, or negligently destroying, damaging, injuring, or using another's property without the consent of the owner.

members, or law enforcement or emergency personnel in the performance of their duties.

This rule shall not be interpreted as prohibiting legally protected behavior and speech under the law.

- (18) Animals: possession of or permitting animals inside buildings owned or leased by the university of Akron. This excludes disability-related service animals and animals permitted within the residence halls by the residence life and housing contract. Animals must not be disruptive to the learning or living environment of the university. Owners must control their animals at all times and abide by all applicable university policies and federal, state, and local laws (e.g., use of leashes and removal of waste) while on university premises.
- (19) Computer/network use: Students are responsible to know and abide by the regulations as outlined in rule 3359-11-10

Hazing does not include reasonable and customary athletic, law enforcement or military training, contests, competitions, or events that are explicitly relevant to the mission of the student organization or any other recognizable groups, teams, or associations of students.

Expressed or implied consent of the victim to hazing is not a defense and does not prevent the behavior from being considered a violation of this rule.

It is a violation of this rule for any individual, knowing that hazing has been or is being committed, to fail to report such information to law enforcement authorities or to the department of student conduct and community standards.

- (21) Failure to comply: willful failure to comply with directions of university officials, faculty members, law enforcement officers or emergency personnel acting in performance of their duties and/or willful failure to identify oneself to these individuals when requested to do so.
- (22) Fire safety: tampering with, or misuse of, fire alarms and/or firefighting equipment, including but not limited to: fire extinguishers, fire hoses, heat and smoke detectors, sprinkler systems, or other safety devices.
- (23) Abuse of the conduct system: abuse of the student conduct system, including but not limited to:
 - (a) Failing to comply with notice (with confirmation of delivery) from the department of student conduct and community standards or university official to appear for a meeting or hearing as part of the student conduct process;
 - (b) Knowingly falsifying, distorting, or misrepresenting information during the student conduct process or initiating a conduct proceeding in bad faith or without reasonable cause to do so;
 - (c) Engaging in behavior that an individual knew or reasonably should have known would cause disruption or interference with the orderly proceeding of the student conduct process;
 - (d) Attempting to discourage an individual's proper participation in, or use of, the student conduct process;
 - (e) Attempting to influence the impartiality of a member of the hearing board or hearing officer prior to, and/or during the course of, the hearing proceeding;
 - (f) Failing to comply with the sanctions imposed under the code of student conduct;
or
 - (g) Influencing or attempting to influence another individual to commit an abuse of the student conduct system.

violations including, but not limited to, endangering, threatening, or attempting to cause physical harm to another individual; gender-based misconduct; damage to property; theft; hazing; or any other code of student conduct violation.

- (4) Student organizations. If a representative of a recognized student organization seeks medical assistance under medical amnesty, that act will be considered as a mitigating factor in determining a sanction if the organization is found in violation of the code of student conduct in connection with the occurrence.
- (5) In the event of a health and safety emergency, the university may notify the students' parents/guardians about the incident.
- (6) Amnesty applies only to disciplinary actions under code of student conduct violations and does not limit any law enforcement agency, including the university of Akron police department, from investigating or prosecuting criminal activity in accordance with federal, state or local law.
- (7) Determination of whether all the conditions of amnesty have been satisfied is at the sole discretion of the director of student conduct and community standards or designee. When circumstances warrant, the department of student conduct and community standards may waive compliance with paragraphs (E)(1)(d) and (E)(1)(e) of this rule. A student who fails to successfully satisfy all the conditions of

sufficient information to support an allegation that the respondent has violated the code of student conduct, the department of student conduct and community standards may place a disciplinary hold on the respondent's account and may pursue a determination of responsibility at a hearing as outlined in this rule.

(5) Alternative resolution process.

Based on the nature of the incident and the willingness of the complainant and the respondent to participate, the department of student conduct and community standards may recommend to the parties that the matter be addressed through an alternative resolution process, which may include, but is not limited to, an educational conference, mediation or restorative justice process. Such alternative resolution processes shall be conducted by an individual chosen by the department of student conduct and community standards who has been trained in alternative resolution processes. No such process shall be conducted unless the respondent and complainant consent to the alternative resolution process.

(6) Hearing procedures.

- (a) Alleged violations of the code of student conduct shall be heard by a single hearing officer or hearing board. The respondent and/or complainant has the option to request a hearing with a single hearing officer, rather than a full hearing board. The final determination of the use of a single hearing officer or the full hearing board will be determined by the director of student conduct and community standards or designee. If a single hearing officer model is used, the hearing officer will determine if the hearing facilitator role as described in this rule will be used at the hearing.
- (b) In cases where more than one respondent or complainant is involved, a separate hearing may be requested in writing by a respondent or complainant and granted at the discretion of the director of student conduct and community standards or designee. The department of student conduct and community standards may hold separate hearings at its discretion.
- (c) The respondent and complainant shall be

- (d) The complainant(s), respondent(s), hearing officer(s), and investigating officer(s) may request witnesses who might have pertinent information to participate in a hearing. Information shall be limited to elements relevant to the alleged violation(s) of the code of student conduct and only information relevant to the alleged violation(s) of the code of student conduct shall be considered by the hearing officer(s) in making a decision concerning responsibility. On a date specified by the department of student conduct and community standards, the complainant and respondent will submit to the department of student conduct and community standards a list of witnesses for the hearing, a summary of the information each witness is expected to provide and any document(s) the complainant and respondent expect to present at the hearing. The department of student conduct and community standards will make this information available to the complainant, respondent, and the hearing officer(s) prior to the hearing. The university does not have the power to compel or subpoena witnesses to attend the hearing. If a witness, for good reason, cannot attend the hearing, they

other matter; any such objection shall be noted for the record.

- (iv) The hearing facilitator shall facilitate the operation of the hearing and shall begin the hearing by reviewing the hearing procedures that include the standard of evidence needed to support a finding of responsibility. The

or inhibiting the process in any way.

- (ii) Limit the time of any individual presenting to the hearing officer(s).
- (iii) Limit the number of witnesses if it is determined that the information they intend to share is similar in nature to other individuals who have presented to the hearing officer(s).
- (iv) End statements or questions if the hearing officer/hearing facilitator determines that no new evidence is being offered.
- (v) Permit any additional university officials to be present during the hearing.
- (j) The hearing officer(s) and/or the hearing facilitator may request advice from a university attorney. A university attorney may be present during the hearing. The role of the university attorney shall be limited to advising the hearing officer(s) and/or the hearing facilitator on matters of procedure and on the rights of the parties; provided however that if the hearing officer and/or hearing facilitator allows an advisor to actively participate in the hearing, the university attorney shall be afforded the same opportunity to actively participate, subject to any limited terms and conditions set by the hearing officer and/or hearing facilitator.
- (k) The hearing facilitator shall attend all meetings of the hearing board with the exception of deliberations which shall be closed.
- (l) Findings regarding responsibility and sanction(s) shall be decided during closed deliberations as follows:
 - (i) In a hearing being conducted by a single hearing officer, the findings regarding responsibility and sanctions(s) shall be decided by that hearing officer.
 - (ii) In a hearing being conducted by a hearing board, the findings regarding responsibility and sanction(s) shall be decided by a majority vote of the hearing officers. The chairperson shall participate in balloting. Four hearing officers constitute a quorum; three affirmative vote(s) shall be required for a finding of responsibility.

The hearing officer(s) shall complete a report with the findings of responsibility and, if applicable, sanction(s). The report shall be signed by all hearing officer(s) and shall be final, subject only to the complainant's and respondent's right of appeal to the appeals board. A representative of the department of student conduct and community standards shall transmit the findings to the complainant and respondent.

(7) Appeals board.

significantly impacted the outcome of the hearing;

- (iii) Whether there was a reasonable basis for the hearing board's or hearing officer's decision;
 - (iv) Whether the sanction(s) imposed were grossly disproportionate to the violation(s) of the code of student conduct for which the respondent(s) was found responsible; or
 - (v) Whether there is new evidence that was unavailable to the appellant(s) at the time of the hearing which is sufficient to alter the decision.
- (c) Possible dispositions by the appeals board. The appeals board may exercise one of the following options in response to the appeal(s):
- (i) The appeal may be denied and the outcome of the hearing upheld.
 - (ii) The case may be remanded for a new hearing.
 - (iii) The appeals board may reverse the finding of responsibility, in whole or in part, made by the hearing board or hearing officer.
 - (iv) The appeals board may uphold, reduce or increase the sanction(s) imposed by the hearing board or hearing officer.
 - (v) The appeals board may dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in paragraph (F)(7)(b) of this rule.
- (d) The decision of the appeals board is final.

(8) Sanctions.

- (a) Sanctions should be commensurate with the violation(s) found to have occurred. More than one sanction may be imposed for any single violation. Individual circumstances, attitude, and prior conduct history are some of the factors that are considered when determining the sanction(s). Failure to complete any sanction may result in a disciplinary hold being placed on a student's account. Possible sanctions include, but are not limited to:
- (i) Deactivation - a student organization's loss of all privileges, including university recognition, for a specified period of time.
 - (ii) Educational sanctions - other appropriate sanctions may be imposed, including but not limited to, educational conferences and/or discussions, reflection papers, workshops, work assignments, essays, service to the

be issued a failing or lowered grade in a course and/or loss of credit on coursework.

- (iv) Fine - monetary charge assigned for a violation in accordance with the schedule approved by the board of trustees.
- (v) Formal reprimand - a notice in writing to the student that the student is

Students dismissed pursuant to this rule shall not be readmitted to the university of Akron except upon review and approval of the vice president for student affairs. No request for readmission will be considered until at least one year has elapsed from the date of dismissal. A request for readmission after a dismissal pursuant to this rule must be made in writing and should include the reasons for the request and any supporting information and/or documentation to justify the potential readmission. Upon review, the vice president for student affairs may approve or deny the request for readmission and will notify the student of the decision. Readmission under these circumstances may be accompanied by terms of strict probation or other conditions deemed appropriate by the vice president for student affairs.

(G) Hearing officers.

(1) Pool of members. The president shall appoint a pool of hearing officers from a list of nominees submitted by the vice president for student affairs. This pool shall be collected as follows:

(a) Nominees.

- (i) Faculty members. Every year, the dean of each academic college shall nominate, for a two-year renewable term, a minimum of one full-time faculty member from their college and forward the nominee(s)' name(s) to the director of the department of student conduct and community standards.
- (ii) Professional staff. Every year, a supervisor may nominate, for a two-year renewable term, a minimum of one professional staff from his or her administrative unit and forward the nominee(s)' name(s) to the director of the department of student conduct and community standards.
- (iii) Undergraduate students. Undergraduate students seeking appointment to a hearing officer position shall apply to the department of student conduct and community standards and be recommended by the undergraduate student government (USG) as provided by the USG bylaws. Nominations shall be forwarded to the vice president for student affairs. The appointment will be a one-year renewable term.
- (iv) Graduate students. Graduate students seeking appointment to a hearing officer position shall apply to the department of student conduct and community standards and be recommended by the graduate student government (GSG), consistent with its bylaws. Nominations shall be forwarded to the vice president for student affairs. The appointment will be a one-year renewable term.

(b) The director of the department of student conduct and community standards shall compile the list of all interested nominees and forward it, along with any

obtaining proper authorization from the vice president for student affairs or designee. Notwithstanding the foregoing, university police have the right to enter property, subject to the normal requirements of applicable policy and law.

(J) Disciplinary records.

Consistent with the requirements of the "Family Educational Rights and Privacy Act," disciplinary records and information concerning students may be provided from time to time to other university officials, in accordance with rule 3359-11-08 of the Administrative Code or others as prescribed by law. In such instances, neither the consent of the student nor that of the student's parents shall be required.

(K) Authority for amendments.

The procedures set forth in this document are the instrument of the board of trustees of the university of Akron. Amendments to the code may be proposed in accordance with the procedures set forth in the board's bylaws.

Effective: 10/14/2023

Certification:

M. Celeste Cook
Secretary
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359.01

Rule Amplifies: 3359.01

Prior Effective Date: 11/04/1977, 12/06/1985, 01/16/1986, 12/04/1999,
11/24/2001, 08/03/2003, 09/05/2003, 07/05/2010,
08/20/2011, 11/15/2012, 05/23/2013, 11/01/2013,
02/01/2015, 12/20/2021, 01/17/2022