

Student Responsibilities (Student Code of Conduct)

Introduction and Purpose

The Student Code of Conduct is established to foster and protect the core mission of the College, to foster the scholarly and civic development of the College's students in a safe and secure learning environment, and to protect the people, properties and processes that support the College and its mission.

The mission of the College is to provide student focused, accessible, quality technical and general education, academic transfer, experiential and cooperative education, and workforce development.

Misconduct such as cheating, plagiarism, fabrication, or other forms of academic dishonesty will be referred to the Dean or designee of the academic division in which the course is taught. The Academic Integrity Policy and Violations Procedure is provided in the Academic Policies and Procedures (<http://catalog.cincinnatiastate.edu/archives/2020-2021/academicpoliciesandprocedures/>) section of this Catalog.

Prohibited Conduct

Though the following is not an exhaustive list, any student found to have engaged, or attempted to engage, in any of the following conduct while within the College's jurisdiction, shall be subject to disciplinary action by the College.

1. Disruption of, or interference with, any College activity, including teaching, administration, or other public service functions on or off campus, or other authorized non-College activities, when the act occurs on College premises;
2. Harassment. Violations of this policy include, but are not limited to:
 - a. Any act, display, or communication that reflects sexual misconduct, sexual and intimate partner violence, and stalking.
 - b. Any act, display, or communication that would cause a reasonable person to fear for his or her personal safety. This includes, but is not limited to, physical coercion or restraint.
 - c. Any act, display, or communication that causes substantial injury or distress on the part of the person or persons to whom it is specifically directed that results in the individual being deprived of educational activities or opportunities. This includes, but is not limited to, unwanted sexual advances or request for sexual favors.
 - d. Any attempt to repeatedly make contact, either in person or electronically, with a person over his/her stated objections, when such contact serves no legitimate purpose. This includes, but is not limited to, intentionally following another person in or about a public place or places.
3. Sexual harassment of any person (see Sexual Harassment Policy (<http://catalog.cincinnatiastate.edu/archives/2020-2021/studentrightsandresponsibilities/studentrights/>) in this Catalog);
4. Public intoxication or the use, possession, sale, attempted sale, barter, exchange, gift, or distribution of alcoholic beverages except as expressly permitted by law and College regulations;
5. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property on campus;
6. Gambling, including unlawful games of chance for money or anything of value and the sale, barter, or other disposition of a ticket, order, or any interest in a scheme of chance by any name;
7. Solicitation, distribution, selling or promotion of materials on Cincinnati State owned or controlled property. Exceptions may be made for recognized student organizations after registering with the appropriate College official or with permission from the event scheduling office;
8. Failure to comply with the directions of College officials or law enforcement officers acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so;
9. Leading or inciting others to disrupt scheduled activities in any campus building or area; or intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular; and/or infringing on the rights of others.
10. Permitting another person to use his or her College identification card, impersonating another person, or misrepresenting authorization to act on behalf of another person;
11. Knowingly instituting a false charge against another person;
12. Unauthorized use, alteration or in any way tampering with fire equipment, safety devices, or safety equipment;
13. Leaving children unattended while on campus;
14. Failure to comply with the official and proper order of a duly designated College official;
15. Using electronic or other means to make a video or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms or restrooms. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited;
16. Physical abuse (e.g., fighting), verbal abuse, threats, intimidation, stalking, coercion and/or conduct that threatens or endangers the health and safety of any person;
17. Use, possession, sale, attempted sale, barter, exchange, gift, or distribution of narcotic or other controlled substances, or drug paraphernalia, except as expressly permitted by law;
18. Misuse or misappropriation of College funds;
19. Acts of dishonesty, including, but not limited to, the following:
 - a. Furnishing false information to a College official or faculty member,
 - b. Forgery, alteration, or misuse of any College document, record, or instrument of identification,
 - c. Tampering with the election of any College-recognized student organization;
20. Hazing of any individual or organization as defined by the laws of the State of Ohio. Hazing is defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition of continued

- membership in a group or organization, for which the acts do not result in bodily injury to any person;
21. Theft or abuse of computer time, including, but not limited to:
 - a. Unauthorized entrance into a file to intentionally damage, disable, or impair computing or telecommunications equipment or software,
 - b. Acquisition or use of software that does not adhere to applicable software licenses and copyright laws or is not consistent with College computer use policies,
 - c. Introduction of viruses or other destructive software in College computer facilities,
 - d. Unauthorized transfer of a file,
 - e. Unauthorized use of another individual's identification and password,
 - f. Use of computing facilities to interfere with the work of another student, faculty member, or College official,
 - g. Use of computing facilities to interfere with the normal operation of the College computing systems,
 - h. Any violation of the Cincinnati State Acceptable Use of Technology Policy (<http://catalog.cincinnati.edu/archives/2020-2021/studentrightsandresponsibilities/informationtechnologyandresources/>) found in this Catalog,
 - i. Use of computer facilities to send or view obscene or threatening messages and/or images,
 - j. Unauthorized access to secured computer labs;
 22. Unauthorized or fraudulent use of the College name, seal, emblem, nickname, mascot, or motto;
 23. Unauthorized entry and/or occupancy of College facilities, including unauthorized possession, duplication, or use of keys to any College facility;
 24. Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College;
 25. Trespass on College grounds – unauthorized entry into restricted areas, entry into College buildings when College is closed to the public;
 26. Use, possession, or carrying of firearms (including, but not limited to, pistols, rifles, shotguns, or ammunition), incendiary devices, smoke devices, knives, explosives or other dangerous weapons while on College owned or controlled property, or at College sponsored or supervised activities, except by College Police and other law enforcement officers specifically authorized by the College;
 27. Any action that causes or attempts to cause a fire or explosion, including bomb threats, or any intentionally false reporting of a fire, or any tampering with the safety devices or the failure to leave College buildings during a fire alarm;
 28. The denial of services or access to activities to an individual because of his or her race, religion, age, national origin, gender, marital status, sexual orientation, or disability;
 29. Battery or physical abuse of any person resulting in bodily injury;
 30. Violation of a federal or state felony offense law or any off-campus illegal activity that could pose an imminent threat to the safety of any member of the College community;
 31. Violation of any College policy, prohibited conduct, federal or state misdemeanor offense, or equivalent offense under city or county law, involving no bodily injury or threat of bodily injury to any person;
 32. Smoking less than twenty-five (25) feet away from any College building entrance or HVAC intake vents (this includes e-cigarettes, vaping, and chewing tobacco).

Social Media

Cincinnati State encourages students to join and participate in online communities and social media platforms. However, any online behavior that violates the College's Student Code of Conduct which is brought to the attention of a College official will be treated as any other violation of the Student Code of Conduct.

Sanctions for Violations of Prohibited Behaviors

1. Restitution: Compensation for loss, damage or injury to College property.
2. Educational Sanctions: An educational sanction requiring attendance or participation in a pre-arranged class, program, or activity designed to prevent behaviors via education. These could include work assignments, essays, community service, and other related educational assignments.
3. Formal Warning: Formal warnings emphasize to the student that further violations will result in progressive sanctioning.
4. Conduct Probation: Conduct Probation serves as a warning to students that they are not in good standing with the College, and that further violations of the Code of Conduct could result in additional sanctions up to and including Suspension or Dismissal.
5. Facility Suspension: The student no longer has the privilege of entering or using a particular facility or building for a specified period of time or until a specific condition is met.
6. Facility Expulsion: Facility Expulsion entails the permanent loss of privileges to use a building or facility for an unlimited period of time.
7. Loss of Privileges: Loss of Privileges entails denial of specified privileges for a designated period of time.
8. Suspension: Suspension entails the termination of a student's enrollment for a particular period of time or until specific conditions are met. Suspended students may not be present on College property or at College-sponsored events.
9. Dismissal: Dismissal entails the termination of a student's enrollment with the College. Dismissed students are prohibited from being present on College property or at College-sponsored events.

Emergency Removal for Threatening or Disruptive Behavior

There will be occasions when, in the opinion of the instructor or other students, inappropriate classroom behavior by a student involves an imminent threat to safety or threatens to disrupt seriously the classroom education process. In these circumstances the instructor should immediately contact Cincinnati State Police and have the student removed from the class. The Cincinnati State Police will provide an Incident Report for the Student Conduct Code review. The instructor or staff member is also required to complete a police Incident Report outlining their perspective of the incident.

Threatening or disruptive behavior can be described in many ways. The definition will be left to the discretion of the classroom instructor

or students at the time of the incident. In cases of uncertainty it is recommended to err on the side of safety. The incident will be immediately managed and the rights and safety of all will be protected.

If emergency removal of a student is prompted by a physical altercation or an arrest because of an on-campus incident, the student shall be immediately referred to the Senior Director of Student Success & Development and shall not return to class without permission from the Director.

Interim Suspension

When the Senior Director of Student Success & Development or his/her designee has reasonable cause to believe that the student's presence on College premises or at a College-related or registered student organization activity poses a significant risk of substantial harm to the health or safety of others or to property, the student may be immediately suspended from all or any portion of College premises, College-related activities, or registered student organization activities. This interim suspension will be confirmed by a written statement and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of the College. The student may, within three (3) working days of the imposition of the suspension, petition the Senior Director of Student Success & Development. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A hearing on such petition will be conducted without undue delay by the Senior Director of Student Success & Development or his/her designee.

Filing of Complaint and Initiation of Charges

Every formal complaint of a non-academic violation of the Student Code of Conduct shall be handled in accordance with the procedures described herein:

1. Any student, faculty member, staff member or College administrator may file a formal complaint against a student alleging a violation of the Student Code of Conduct.
2. A formal complaint must be reported by the complainant using the incident form which can be found at following web address: <https://publicdocs.maxient.com/incidentreport.php?CincinnatiState>. Any verbal complaint not placed in written form may be handled and disposed of by the Senior Director of Student Success & Development or designee in any informal manner that they deem to be appropriate. A written complaint alleging a violation of the Student Code of Conduct should be filed with the College as soon as possible following the discovery of the alleged violation. The written complaint must be filed within thirty (30) calendar days from the date upon which a College official becomes aware of the alleged violation and identifies the student(s) who allegedly committed the violation. Absent extraordinary circumstances, the College must initiate charges, if any, within one year of its filing.
3. All non-academic complaints will be referred to the Senior Director of Student Success & Development and/or his/her designee for investigation, mediation, and/or possible resolution. A temporary hold may be placed on a student's account pending an investigation, mediation and/or possible resolution.
4. After interviewing the accused student and all appropriate witnesses in the matter, and reviewing documentary and other

evidence related to the matter, the Director may take the following actions:

- Determine that no or insufficient grounds exist to believe that a violation occurred and dismiss the complaint.
 - Determine there are grounds to believe that a violation occurred, then discuss a resolution with the accused student, which may include the imposition of any sanctions.
 - Determine that sufficient grounds exist to believe that a violation occurred and forward the issue to the Student Conduct Hearing Panel to conduct a formal hearing of the complaint. In the event of such a determination, the Director shall prepare a report, including a summary of the complaint and the issues involved, and list of potential witnesses and other persons believed to have information about the complaint.
5. If the Senior Director of Student Success & Development was involved either in the incident that gave rise to the allegation of a Code violation, or previously counseled the accused student or the complainant about the matter, the Provost may appoint a designee to hear the case.
 6. If the matter is not resolved by the Senior Director in accordance with item 2, then the Student Conduct Hearing Panel will be convened within thirty (30) calendar days following notification to the accused student.

Standard of Evidence

The standard of evidence used to determine responsibility is a "preponderance" ("more likely than not") of evidence. This determination is based on the greater weight of evidence and does not require a standard beyond a reasonable doubt.

Due Process

In all situations students and student organizations will be assured of fair and equitable treatment through consistent adherence to the due process procedure as described herein:

1. Be notified of any complaint filed against the student.
2. Be heard in an unbiased non-threatening environment.
3. Know the identity of the complaining party (unless it will cause a clear and present danger to the complainant).
4. Be notified of any sanctions or actions in writing.
5. Be notified of the appeals process.

Administrative Decision

Depending on the nature of the offense, a hearing will be with the Senior Director of Student Success & Development or his/her designee or an assembled hearing panel. However, in a case where a charged student admits such violations verbally or in writing, the student may request in writing to have a decision as to appropriate action made administratively by the Senior Director of Student Success & Development or designee. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the grounds that the sanction is grossly disproportionate to the offense committed.

Following notification of charges, as student who has been charged is strongly encouraged to and shall be afforded the opportunity to meet

with a College official who shall explain the College judicial process and discuss the charges with the student who has been charged.

Failure of the accused student to respond to the initiation of charges or schedule a preliminary meeting shall in no way prevent the College from scheduling and conducting a hearing in the absence of the accused student.

Hearing Panel

If the Senior Director of Student Success & Development chooses to refer the case to a Hearing Panel, the panel will consist of:

- The Senior Director of Student Success & Development or his/her designee
- Two (2) faculty/staff members appointed by the Senior Director of Student Success & Development.

The Senior Director or designee will serve as the panel chairperson. The chairperson will not vote on a decision unless there is a tie.

Note: No hearing shall take place without a minimum of two (2) faculty/staff members and the non-voting chairperson.

Notice of Hearing

If a hearing is to be held, the Senior Director will schedule a date and time for the Hearing Panel to convene to hear the complaint, taking into consideration the class schedule of the accused student and the availability of potential witnesses and Hearing Panel members. If at all possible, the hearing should take place within thirty (30) calendar days following the referral of the matter to the Senior Director. Written notification of the date, time, and location of the hearing may be hand delivered; sent by email to the accused student's official College email address; or mailed to the last known address of the student, either by certified mail or first class mail, no fewer than ten (10) calendar days prior to the hearing.

The accused student may request a postponement for reasonable cause, or a hearing separate from hearings for other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing. The student may also have an attorney or any other person of the student's choosing present at the hearing, but this person shall be an observer only and shall not participate in the hearing.

Hearing Procedures

Although the procedural requirements are not as formal as those employed in criminal or civil proceedings in courts of law, to ensure fairness, the following procedures will apply and, be included within the hearing notice:

1. Attendance at hearings is limited to those directly involved or those requested by the Senior Director or designee or panel to attend. The Senior Director or designee or panel will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
2. The accused student may have an advisor throughout the hearing. The advisor may only counsel the student and may not actively participate in the hearing, unless clarification is needed as determined by the Senior Director or designee or panel.

3. The accused may submit a written statement; may invite relevant factual witnesses to attend and answer questions; may invite character witnesses to submit written statements, may, as approved in advance by the Senior Director or designee, invite character witnesses to testify in person; may ask questions of witnesses called by others; and shall be notified of potential witnesses to be called. The accused must also submit a list of potential witnesses, and identify those who are character witnesses only, to the Senior Director or designee at least two (2) business days prior to the hearing. The College may present witnesses as well as question those presented by the accused.
4. Students are entitled to a presumption of innocence. Therefore, a student will not be found in violation unless a preponderance of the evidence supports the charge(s).
5. At the conclusion of hearing and review of all the information, including testimony, the accused student will be given the opportunity to make a closing statement. After the closing statement, the Hearing Panel will decide, by majority vote, outside the presence of the accused student and any other non-Hearing Panel members, whether the student violated the College Student Code of Conduct. At that time the Senior Director will provide information to the panel about any prior misconduct by the student. Based upon the panel deliberations and any additional information presented, the panel will decide on what appropriate sanctions will be imposed.
6. Sanctions should be commensurate with the violation(s) found to have occurred. In determining the sanction(s) to be imposed, the Senior Director or designee or panel should take into account any mitigating circumstances and any aggravating factors including, but not limited to, any provocation by the subject of the conduct that constituted the violation, any past misconduct by the student, any failure of the student to comply fully with previous sanctions, the actual and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation. Conduct, other than constitutionally protected expression, motivated by bias based on age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation, or veteran status, may be considered an aggravating factor for sanctioning. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will also be considered an aggravating, and not a mitigating, factor. The Hearing Panel may recommend any of the sanctions set forth in the Potential Sanctions section of this Student Code of Conduct.
7. The decision of the Hearing Panel shall be placed in writing, and the Director will provide documentation that due process has been followed. The Director will notify the student formally by registered mail of the decision. In the same notification, the student shall be informed of the procedure by which to appeal the decision.

Record of Proceedings

A single record consisting of written notes, tape recording, or other method selected by the Hearing Panel or Senior Director of Student Success & Development or his/her designee, will be made of all hearings. Such record will remain the property of the College but will be made available to the accused for review during the appeal period.

Failure to Appear

If a student fails to appear for a scheduled conduct hearing with the Senior Director of Student Success & Development or for an

appearance before the Student Conduct Hearing Panel, the case may be adjudicated and a sanction imposed in the student's absence. The Senior Director or Student Conduct Hearing Panel will consider the facts presented when making their decision. The student's absence will not be a factor in the determination. The Senior Director will then notify the student of the decision in writing. If the student is found in violation of the Student Code of Conduct and a sanction is applied, the sanction must be completed by the student in the allotted time or a hold will be placed on the student's record in the student database.

Failure to Complete a Mandatory Sanction

Failure to complete a required sanction is a serious offense at Cincinnati State. It is considered an additional violation of the Student Code of Conduct, and will usually result in more serious sanctions being imposed.

For failure to complete a sanction, a hold will be placed on the student's record in the student database, and any pre-registration activity may be deleted. Thus, it is very important for students to complete sanctions on time and avoid a hold being placed on their academic records or registration.

Appeal Process

Grounds for Appeal

An appeal may be based only upon one or more of the following grounds:

1. Procedural error;
2. Misapplication or misinterpretation of the rule alleged to have been violated;
3. Findings of facts not supported by a preponderance of evidence;
4. Discovery of substantial new facts that were unavailable at the time of the hearing; and
5. That the disciplinary sanction imposed is grossly disproportionate to the violation committed.

Appellate Panel

Appellate panel will consist of:

Five (5) members of faculty and staff appointed by the Senior Director of Student Success & Development.

Appeal Proceedings

1. The appellate panel shall dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in the Grounds for Appeal section above.
2. The appellate panel may decide the appeal based upon a review of the record.
3. The appellate panel may request additional written information or an oral presentation from any relevant person(s) and then decide the appeal based upon the enhanced record.

Minor Deviations from Procedure

A student and the Senior Director of Student Success & Development or designee may agree in advance to minor deviations from procedure. Such deviations are not then subject to appeal. Other minor deviations

are acceptable as long as such deviations are not found upon appeal to be unreasonably harmful to the student.

Confidentiality

Disciplinary matters are kept confidential to the extent required by law.

Retention of Records

All non-academic student disciplinary records are maintained in the office of the Senior Director of Student Success & Development for a period of five (5) years. Expulsion records are kept forever, and all other files are purged after five years.

Jurisdiction

The Code applies to the on-campus conduct of all students and registered student organizations. The 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, co-ops, 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 College or by registered student organizations;
4. Any activity that causes substantial destruction of property belonging to the College or members of the College community or causes serious harm to the health or safety of members of the College community.

The College reserves the right to administer the Code and proceed with the hearing process even if the student withdraws from the College, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

Students continue to be subject to city, state, and federal laws while at the College, and violations of those laws may also constitute violations of the Code. In such instances, the College may proceed with College disciplinary action under the Code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the Code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.

Definitions

1. The term "COLLEGE" means Cincinnati State Technical and Community College.
2. The term "STUDENT" includes all persons taking courses (credit or non-credit) at the College, both full-time and part-time, pursuing undergraduate or professional studies, and those who attend other post-secondary educational institutions at a Cincinnati State Technical and Community College location. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are also considered "students."
3. The term "FACULTY MEMBER" means any person hired by the College to conduct classroom activities.
4. The term "COLLEGE OFFICIAL" includes any person employed by the College performing assigned administrative or professional responsibilities.

5. The term "MEMBER OF THE COLLEGE COMMUNITY" includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Senior Director of Student Success & Development.
6. The term "COLLEGE PREMISES" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College including adjacent streets and sidewalks.
7. The term "ORGANIZATION" means any number of persons in a group who have complied with the formal requirements for College recognition or registration.
8. The term "JUDICIAL BODY" means any person or persons authorized by the Senior Director of Student Success & Development to determine whether a student has violated the student Code and to recommend imposition of sanctions.
9. The term "JUDICIAL ADVISOR" means the Senior Director of Student Success & Development or a College official authorized on a case-by-case basis by the Senior Director of Student Success & Development to impose sanctions upon students found to have violated the Student Code of Conduct. The Senior Director of Student Success & Development may authorize a judicial advisor to serve simultaneously as a judicial advisor and the sole member or one of the members of a judicial body. Nothing shall prevent the Senior Director of Student Success & Development from authorizing the same judicial advisor to impose sanctions in all cases.
10. The term "APPELLATE PANEL" means any person or persons authorized by the Senior Director of Student Success & Development to consider an appeal from a judicial body's determination that a student has violated the Student Code of Conduct or from the sanctions imposed by the judicial advisor.
11. The term "SHALL" is used in the imperative sense.
12. The term "MAY" is used in the permissive sense.
13. The term "POLICY" is defined as the written regulations of the College as found in, but not limited to, the College Catalog.
14. The term "CHEATING" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.
15. The term "PLAGIARISM" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
16. The term "PRIVILEGES" includes, but is not limited to: (1) use of College facilities (game room, fitness center, etc.), (2) ability to be on campus outside of class times.

All statements in this Code of Conduct are announcement of present policy only and are subject to change at any time without prior notice.