

# Student Responsibilities (Student Code of Conduct)

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## 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.cincinnati.state.edu/academicpoliciesandprocedures/>) section of this Catalog.

## 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 "SHALL" is used in the imperative sense.
9. The term "MAY" is used in the permissive sense.
10. The term "POLICY" is defined as the written regulations of the College as found in, but not limited to, the College Catalog.
11. 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.

## 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 and/or discrimination on the basis of race, religion, age, national origin, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, or disability. The prohibition on harassment extends to use of phone, texting, mobile, and internet platforms, regardless of whether they are under the control of the College. Certain forms of harassment are defined as Prohibited Conduct and addressed in the College's *Sex Discrimination, Title IX Sexual Harassment, and Retaliation Policy*. Other forms of harassment, including Non-Title IX Sexual Harassment and Sexual Misconduct, are defined and addressed in this Code and in the Addendum to this Code;
3. Non-Title IX Sexual Harassment and Sexual Misconduct, which is defined in the Addendum to this Code;
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.state.edu/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. Retaliation, which is defined as an adverse action or threat of adverse action taken against an individual for reporting behavior that may be prohibited by law or policy or participating in an investigation or resolution process related to an allegation of misconduct. Retaliation must be sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive and that adversely affects the targeted individual's/ group's educational, work, or living environment.
31. 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;

32. 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;

33. 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).

## 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 managed by the Senior Director of Student Success & Development as 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, or their designee, for investigation, informal resolution, and/or resolution. A temporary hold may be placed on a student's account pending an investigation, informal resolution and/or 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 Senior Director of Student Success & Development, or their designee, may take the following actions:

- Determine that no, or insufficient, grounds exist to believe that a violation occurred and dismiss the complaint.
- Determine that sufficient grounds exist to believe that a violation occurred and forward the issue to the Administrative Conference process, if appropriate, or the Student Conduct Hearing Panel to conduct a formal hearing of the complaint. In the event of such a determination, the Senior 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. The Student Conduct Hearing Panel will, whenever possible, be convened within thirty (30) calendar days following notification to the accused student.

## Standard of Evidence

Decisions made by Student Conduct Hearing Panel will be made based on a preponderance of the evidence standard.

## 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 Conference

Depending on the nature of the offense, a student may have the opportunity to participate in an Administrative Conference. Participation in an Administrative Conference permits a student to admit, in writing, to an offense and move directly to the administration of sanctions. The sanction(s) may be imposed by the Senior Director of Student Success & Development, or their designee. Students who participate in an Administrative Conference retain their ability to appeal the imposition of sanctions, but only on the grounds that the sanction is grossly disproportionate to the offense committed.

A student who has questions about the Administrative Conference, or its availability in a particular matter, is encouraged to, and shall be afforded an opportunity to, meet with a College official who will explain the Administrative Conference process as well as the Student Conduct Hearing Panel process.

## Hearing Panel

If a matter is referred to the Student Conduct Hearing Panel, such a panel will consist of three faculty or staff members appointed by the Senior Director of Student Success & Development, or their designee. The Senior Director of Student Success & Development, or their designee, shall appoint one of the Hearing Panel members as Chair.

### 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. Where 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 advisor 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 a participant in the hearing or by a panel member. The Chair 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 specifically requested by the Chair.
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 Chair, 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 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 Senior Director will provide documentation that due process has been followed. In the same notification, the student shall be informed of the procedure by which to appeal the decision. Such notification may be hand delivered; sent by email to the parties using official College email addresses; or mailed to the last known address of the parties, either by certified mail or first class mail.

### **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**

A student who would like to appeal a decision made by the Student Conduct Hearing Panel must deliver a written letter of appeal to the College's Provost, or their designee. The appeal must set forth why the student believes the decision or sanction should be overturned or modified, based on one or more of the grounds set forth below. The appeal must be postmarked, emailed, or hand-delivered within ten (10) calendar days after the outcome of the Student Conduct Hearing Panel was delivered to the student.

### **Grounds for Appeal**

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

1. Procedural error;
2. Discovery of substantial new facts that were unavailable at the time of the hearing; and
3. That the disciplinary sanction imposed is grossly disproportionate to the violation committed.

### **Appeal Proceedings**

The Provost, or their designee, will review all of the materials submitted by the student and the College file on the matter. They may, but are not required to, review the recording of the Student Conduct Hearing Panel (if one exists) or interview the student and/or other persons who may have information relevant to the appeal.

If the student has submitted substantial new information not available at the time of the Student Conduct Hearing Panel, the Senior Director of Student Success & Development will receive a copy of the new information and may present a response or other additional information related the student's new information. The student will receive a copy of or be present for the presentation of any such new information or response from the Senior Director of Student Success & Development.

The Provost, or their designee, will determine whether the outcome of the Student Conduct Hearing Panel, or the Administrative Conference, will be upheld, whether there should be a reduced sanction, or whether the case should be remanded for an additional conference, hearing, or in the case of appeals from an Administrative Conference, re-sanctioning. The Provost, or their designee, will issue the decision within ten (10) calendar days of the date of receipt of the student's appeal letter if possible.

The decision of the Provost, or their designee, will be put in writing and a copy will be provided to the student via hand delivery; sent by email using official College email addresses; or mailed to the last known address of the parties, either by certified mail or first class mail.

The decision of the Provost, or their designee, shall be final.

At the conclusion of the appeal process, all records of the proceedings will be returned to the Senior Director for retention in accordance with College policy and applicable law.

## 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 Student Code of Conduct applies to conduct of students that occurs on College premises. The Code also applies to conduct of students that occurs online or via telephonic or electronic means, including but not limited to the College electronic learning system, texting, the Internet, and social media. The Code also applies to conduct of students that occurs away from College premises if the conduct is deemed to affect the College or its students and employees. Examples of non-College premises where student conduct will be subject to the jurisdiction of the Code, include but are not limited to:

- Any location where a course is being provided.
- Any clinical practice sites;
- Any activity performed to satisfy academic course requirements, such as internships, field trips, or student teaching;
- Any activity supporting pursuit of a degree, such as research at another institution;
- Any activity sponsored, conducted, or authorized by the College or by student organizations, including but not limited to, social events, athletic contests, and philanthropic activities;
- 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; or
- Any activity in which a police report has been filed, a criminal indictment or information has been issued, or an arrest has occurred for a crime of violence.

Each student shall be responsible for their conduct from the time of notification of acceptance for admission through the actual awarding of a degree or certificate, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, even if the misconduct is not discovered until after a degree or certificate is awarded. The Code shall apply to a student's conduct even if the student withdraws from the College while a disciplinary matter is pending. The Senior Director of Student Success & Development shall determine, in his or her sole discretion, whether the Code will be

applied to conduct occurring off College premises, on a case by case basis.

All formal complaints alleging a violation of this Code shall be subject to the student disciplinary procedures. Any student who is found to have committed an act of misconduct may be disciplined in accordance with the Code. If the student is suspected of violating a state or federal law, the incident may be reported to the Cincinnati State Technical & Community College Police and appropriate law enforcement agency. Civil or criminal charges may occur concurrently with allegations under this Code.

The College reserves the right to initiate conduct proceedings without a formal allegation by the victim or witnesses of misconduct.

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

## Addendum for Students Accused of Sexual Harassment or other Sexual Misconduct

***This Addendum to the Student Code of Conduct applies to Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct.***

All complaints or reports of sexual harassment, dating violence, domestic violence, stalking, and sexual assault by students will initially be referred to the Title IX Coordinator or designee for review and determination of whether the allegation is covered by the *Sex Discrimination, Title IX Sexual Harassment, and Retaliation Policy* ("Title IX Policy").

If the reported conduct is not within the definitions or jurisdictional elements of the Title IX Policy or is not Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct, as defined below, it will be evaluated under the Student Code of Conduct to determine if it is prohibited behavior under the Student Code of Conduct.

## Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct Definitions

- i. **Advisor** means an individual providing support, guidance, or advice to either party where the matter involves the Code's prohibition of dating violence, domestic violence, sexual assault, or stalking. This definition is not to be confused with the definition of Advisor in any other College policy or procedure, including the College's Title IX Policy.
- ii. **Dating violence (non-Title IX)** has the same definition of Dating Violence in College's Title IX Policy, but is either not on the basis of sex or does not meet all of the threshold requirements to be addressed under the Title IX Policy.
- iii. **Domestic Violence (non-Title IX)** has the same definition of Domestic Violence in College's Title IX Policy, but is either not on the basis of sex or does not meet all of the threshold requirements to be addressed under the Title IX Policy.

iv. **Sexual assault (non-Title IX)** has the same definition of Sexual Assault in College's Title IX Policy, but does not meet all of the threshold requirements to be addressed under the Title IX Policy.

v. **Sexual Harassment (non-Title IX)** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one of the following occurs:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or access by the individual to aid, benefits, or services;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual or access by the individual to aid, benefits, or services; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's job performance or learning ability or creating an intimidating, hostile, or offensive working environment.

vi. **Sexual Exploitation** is an act or acts committed through non-consensual abuse or taking advantage of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples include, but are not limited to:

1. Invasion of sexual privacy,
2. Recording or attempting to record nude, partial nude or sexual media without the consent of the person or persons depicted in the media,
3. Streaming, sharing or distributing nude, partial nude or sexual media without the consent of the person depicted in the media,
4. Non-consensual sexual voyeurism,
5. Inducing incapacitation for the purpose of making another person vulnerable to nonconsensual sexual activity,
6. Administering sexual assault facilitating drugs including, but not limited to alcohol, sleeping pills, sedatives, tranquilizers, anesthetics, depressants, and psychotropics without a person's knowledge and permission,
7. Going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity),
8. Exposing one's genitals, in non-consensual circumstances,
9. Inducing another to expose their genitals,
10. Discontinuing the use of a prophylactic barrier without partner's knowledge or consent during sexual intercourse,
11. Prostituting another person, and
12. Knowingly transmitting or exposing another person to a sexually transmitted infection (STI) without the knowledge of the person.

vii. **Stalking (non-Title IX)** has the same definition of Stalking in the College's Title IX Policy, but is either not on the basis of sex or does not meet all of the threshold requirements to be addressed under the Title IX Policy. For purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

3. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## Conference and Hearing Process

The Hearing Panel process listed in the Student Code of Conduct is applicable to the Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct, with the following additions or adjustments:

i. A student alleged to have violated the Student Code of Conduct's prohibition on dating violence (non-Title IX), domestic violence (non-Title IX), sexual assault (non-Title IX), sexual exploitation, sexual harassment (non-Title IX), or stalking (non-Title IX), may be accompanied by an Advisor. An Advisor can be a member of the College's community (e.g., a faculty member, administrator, or another student) of the student's choosing. An Advisor can also be an attorney.

ii. The College will not limit the choice or presence of an Advisor in any meeting or grievance proceeding. However, Advisors cannot be a responding party or witness in the same incident as the student seeking support. Additionally, Advisors are not permitted to speak, advocate for, or participate directly in conflict resolution processes in any way; students are responsible for their own engagement. Advisors are required to abide by the College's restrictions regarding the extent to which they may participate in proceedings, and any restrictions will apply equally to both parties. If a party's Advisor refuses to comply with restrictions set by the College, the College may require the party to use a different Advisor. It is the responsibility of the student to identify and arrange inclusion of an Advisor; the resolution process will not be altered or paused to adapt to the schedule of an Advisor.

iii. For cases involving non-Title IX dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, or stalking, the College will simultaneously notify the Complainant and Respondent of:

1. the result of any disciplinary proceeding;
2. the ability of either party to appeal the result of any disciplinary proceeding;
3. the procedures for making an appeal;
4. any change to the result of a disciplinary proceedings;
5. when the results of any disciplinary proceedings become final.

iv. All conferences and hearings will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent, and who have been trained annually on issues relating to of dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, or stalking.

## Supportive Measures

Supportive measures may be offered to students involved in a proceeding brought under the Student Code of Conduct and this

Addendum based on Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct. The available supportive measures are the same as those set forth in the College's Title IX Policy.

A student requesting supportive measures should contact the Senior Director of Student Success & Development, who will coordinate the College's response to such requests

## **Applicable Procedures**

Where not addressed above, the definitions and procedures found in the Student Code of Conduct are applicable to the above-listed Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct.