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Article I: Introduction

Owens Community College is concerned with academic achievement, the growth and development of its students, and the wellness and safety of the members of its community. In addition, the College is committed to preserving peace, maintaining a civil and respectful academic atmosphere, supporting a moral and just climate, and protecting its property and that of its community members. It is important to treat all students with equal care, concern, honor, fairness and dignity. The College, therefore, has established this Student Code of Conduct to communicate its expectations of students as positive members of the College community.

The primary purpose of the Student Code of Conduct (Student Code) and student conduct system is to protect the campus community and foster a safe, non-threatening environment that advances the academic mission of the College. Accordingly, students and student organizations will be held accountable for violations of College regulations and policies. Within this context, reasonable efforts will be made to foster the personal and social development of all parties involved.

Owens Community College strictly prohibits discrimination or harassment on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity, military status, or veteran status in any educational programs, activities or employment. For questions about equal opportunity and non-discrimination or to report discrimination or harassment, please contact the Equal Opportunity and Inclusiveness Office at (567) 661-2211 or equalopportunity@owens.edu.

Article II: Definitions

When used in the Student Code of Conduct:

The terms Owens or College means Owens Community College including the Toledo-area and Findlay-area campuses, the Source and Arrowhead Learning Centers, extension locations, and any other premises or online environments utilized by the College.

The term student includes all persons taking courses at Owens or Owens affiliated programs, either full-time or part-time, pursuing a degree, certificate or non-matriculating, or enrolled in a non-credit course, program, or College-sponsored activity.

a. It further includes persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College, or who have been notified of their acceptance for admission;

b. Includes registered student organizations; and

c. Applies to students at all locations of the College, and extends to student conduct involving College computing/network service which may include behaviors that occur off-campus and in external on-line environments.

The term faculty member means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

The term College official includes any person employed by the College, performing assigned administrative or professional responsibilities.

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 Dean of Student Life.

The term College premises includes all lands, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).

The term organization means any number of persons who have complied with the formal requirements for College registration/recognition.

The Dean of Student Life is that person designated by the College President to be responsible for the administration of the Student Code.
The term **student conduct board** means any person or persons authorized by the Dean of Student Life to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a violation has been committed.

The term **student conduct administrator** means a College official authorized on a case-by-case basis by the Dean of Student Life to impose sanctions upon any student(s) found to have violated the Student Code. The Dean of Student Life may authorize a student conduct administrator to serve simultaneously as a student conduct administrator and the sole member or one of the members of the student conduct board. The Dean of Student Life may authorize the same student conduct administrator to serve simultaneously as a student conduct administrator and the sole member or one of the members of the student conduct board.

The term **appeal body** means any person or persons authorized by the Dean of Student Life to consider an appeal from a student conduct board’s determination as to whether a student has violated the Student Code or from the sanctions imposed by the student conduct administrator.

The term **shall** is used in the imperative sense.

The term **may** is used in the permissive sense.

The term **knowing** means conduct one undertakes with reasonable awareness.

The term **reckless** means conduct one should reasonably be expected to know would create a substantial risk of harm to person or property, or which would otherwise be likely to result in interference with normal College or College-sponsored activities.

The term **policy** means the written rules and regulations of the College as found in, but not limited to, the Student Code, the College catalog and web pages, Board of Trustees policies, and academic program handbooks.

The term **academic misconduct** is defined as an action, attempted or performed, which misrepresents one’s involvement in an academic task in any way, or permits another student to misrepresent the latter’s involvement in an academic task by assisting in the misrepresentation. For a complete description of acts of academic misconduct, please refer to the College’s [Academic Misconduct Policy](#).

The term **complainant** means any person or group who submits a charge alleging that a student violated the Student Code.

The term **respondent** means any student or group accused of allegedly violating this Student Code.

The term **advisor** means a person who accompanies a respondent, complainant, or victim to a hearing for the limited purpose of providing support and guidance. **NOTE:** An advisor may not directly address the student conduct administrator, student conduct board, question witnesses, or otherwise participate in a student conduct hearing.

The term **business day** means any day, Monday through Friday, that the College is open to conduct normal business.

The term **preponderance of evidence** represents the standard of proof governing the student conduct system and means that “more likely than not,” a violation of the Student Code has occurred.

### Article III: Student Code Authority

The Dean of Student Life shall develop policies for the administration of the student conduct system and procedural rules of student conduct board hearings that are consistent with provisions of the Student Code. The Dean of Student Life shall determine the composition of student conduct boards and appeal bodies and determine which student conduct board, student conduct administrator, and/or appeal body shall be authorized to hear each matter. Decisions made by a student conduct board and/or student conduct administrator shall be final, pending the normal appeal process.

### Article IV: Jurisdiction of the Student Code of Conduct

The College reserves the right to take any necessary and/or appropriate steps to protect the safety and
well-being of the College community. While the jurisdiction of the College shall generally be limited to conduct of students and registered organizations that occurs on College premises, at College-sponsored events, or utilizing the College’s computing/network services, the Student Code may also be applied off-campus when it is determined that the conduct affects a substantial Owens Community College interest. A substantial interest includes, but is not limited to, the following:

- An allegation, arrest, charge or conviction of a criminal offense as defined by Ohio law, including repeat violations of any local, state, or federal law;
- Any situation where the student presents a danger or threat to the health and safety of him/herself or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and
- Any situation that is detrimental to the educational interests of Owens Community College.

Students are subject to city, state, and federal law while at the College, and violations of those laws may also constitute violations of this Code. The College may independently proceed with the student conduct process while criminal/civil proceedings are in progress, and will not be subject to a challenge based upon the grounds that criminal charges connected with the same incident are pending, have been dismissed, reduced, resolved in favor of or against the criminal law defendant, or withdrawn.

Each student shall be responsible for his/her conduct from the time he/she applies for admission through the actual awarding of a degree. This includes conduct discovered after completion of degree requirements but before a degree is awarded and shall apply to a student’s conduct even if the student subsequently withholds from the College, is no longer in classes, or subsequently fails to meet the definition of a “student” while a student conduct matter is pending.

Visitors to and guests of the College are also protected under this Student Code and may initiate complaints for violations of the Student Code committed against them.

**Article V: Prohibited Conduct**

Students are required to engage in responsible social conduct. Although not inclusive, the following actions, activities, behaviors, or attempts are expressly prohibited:

1. **Acts of dishonesty**, including but not limited to the following:
   a. Cheating, plagiarism, or other forms of academic dishonesty as described in the Academic Misconduct Policy;
   b. Furnishing false or misleading information to any College official, faculty member, or office; or having false or misleading information furnished to the College through a third party on behalf of the student;
   c. Forgery, alteration, or misuse of any College document, record, or instrument of identification; and/or
   d. Tampering with any College sponsored or endorsed student election.

2. **Disorderly or disruptive conduct** that unreasonably interferes with College activities or with the legitimate activities of any member of the College community.

3. **Sexual misconduct** and/or sexual assault as defined in applicable federal, state or municipal law, or sexual harassment in violation of College’s Anti-discrimination and Harassment Policy and Procedures. Sexual misconduct includes but is not limited to
   a. Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent, or
   b. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, including
sexual violence that expressly or implicitly creates an intimidating, hostile or offensive environment.

4. **Stalking** - Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action.

5. **Discriminatory/harassing behavior** - Engaging in any behavior that is discriminatory or harassing of any individual as follows: the term “discriminatory or harassing behavior” is any unwelcome conduct directed at a person because of his/her gender, race, color, creed, ethnicity, religion, age, marital status, veteran status, national origin, sexual orientation, or disability that creates a hostile, offensive or intimidating learning or working environment, or as described in the College’s Anti-discrimination and Harassment Policy.

6. **Endangering behavior** - Intentionally, knowingly or recklessly causing physical harm to any person, or engaging in conduct that threatens, intimidates, harasses or endangers the health or safety of any person, or causing reasonable apprehension of such harm or threat. Domestic violence or dating violence may constitute endangering behavior.

7. **Theft** - 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.

8. **Hazing** of any individual or organization as defined by the laws of the state of Ohio.

9. **Failure to comply with College or civil authority** – Failure to comply with legitimate directives of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

10. **Unauthorized possession, duplication or use of keys to any College premises.**

11. **Violation of any College rules** – Violation of College policy, rule, or regulation available in print form or electronically on the College website including but not limited to, those which prohibit the misuse of computing resources, sexual harassment and discrimination.

12. **Violation of any federal, state, or local law.**

13. **Drugs** - Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.

14. **Alcohol** - Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.

15. **Firearms/other dangerous weapons** - Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.

16. **Fire/explosive devices** - Any action that causes or attempts to cause a fire or explosion (including bomb threats), or any false reporting of a fire, or any tampering of safety devices, or the failure to leave a College building during a fire alarm.

17. **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 other name.

18. **Riotous activity** - Participating in a disturbance with purpose to commit or incite any action that presents a danger to others, causes physical harm to others, or damages property.

19. **Unauthorized presence** – Unauthorized entrance or presence in or on College premises.

20. **Smoking** - Any violation of the College [Smoke-Free Buildings/Vehicles Policy](#) and [Procedures](#).

21. **Theft or other abuse of computer facilities and resources**, including but not limited to:
   
   a. Unauthorized entry into a file, to use, read, or change the contents or for any other purpose;
   
   b. Unauthorized transfer of a file, including violation of the Digital Millennium Copyright Act;
   
   c. Use of another individual’s identification and/or password;
   
   d. Use of computing facilities and resources to interfere with the work of another student, faculty member or College official;
   
   e. Use of computing facilities to send or view obscene images or content, or to send abusive, insulting, or profane messages;
   
   f. Use of computing facilities and resources to interfere with normal operation of the College computing and/or email systems;
   
   g. Use of computing facilities and resources in violation of copyright laws; and/or
   
   h. Any violation of the College’s [Responsible Computing Policy](#).

22. **Abuse of the student conduct system**, including but not limited to:

   a. Failure to obey the notice from a student conduct administrator, student conduct board, or College official to appear for a meeting or hearing as part of the student conduct system;
   
   b. Falsification, distortion, or misrepresentation of information before a student conduct board;
   
   c. Disruption or interference with the orderly conduct of a student conduct board proceeding;
   
   d. Institution of a student conduct code proceeding in bad faith;
   
   e. Attempting to discourage an individual’s proper participation in, or use of, the student conduct system;
   
   f. Attempting to influence the impartiality of a member of a student conduct board prior to, and/or during the course of, the student conduct board proceeding;
   
   g. Harassment (verbal or physical) and/or intimidation of a member of student conduct boards prior to, during, and/or after a student conduct board proceeding;
   
   h. Failure to comply with the sanction(s) imposed under the Student Code; and
   
   i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

**Article VI: Interim Suspension**

When there is evidence that the continued presence of a person on the College premises may pose a threat to any person or may substantially impede the functions of the College, the Dean of Student Life (or designee) may suspend the student from the College or a specified class or classes, restrict the student’s access to College programs, services, or facilities, or bar the student from the campus, for an interim period of time pending action taken under this Student Code.
During the interim suspension, a student shall be denied access to campuses and learning centers (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Student Life or the student conduct administrator may determine to be appropriate.

The interim suspension does not replace the regular student conduct process, which shall proceed on the normal schedule, up to and through a student conduct board hearing, if required.

Faculty members may direct that a student whom they believe to be engaging in conduct in their class which violates the Code to leave for the remainder of the class period, and may require a meeting with a student conduct administrator prior to re-entering class. Law enforcement officers may direct that a student whom they believe to be engaging in conduct while on College premises which violates the Student Code be dismissed from campus and schedule a meeting with the Dean of Student Life (or designee), or (2) issue the student a warning for such behavior and require the student to meet with the Dean of Student Life (or designee). Failure to comply with a dismissal from campus will result in arrest and charges of criminal trespass being filed.

Faculty members/law enforcement officers are encouraged to notify the Dean of Student Life (or designee) of the incident within 24 hours of the action. If the issue cannot be resolved informally, the Dean of Student Life (or designee) may file formal conduct charges against the student and impose an interim suspension pending action on the allegation through the student conduct system. Should an interim suspension be imposed, every effort will be made to schedule the conduct hearing as soon as possible.

Article VII: Expectations of Student Organizations

Registration as a registered student organization with the College is voluntary. By doing so the organization voluntarily assumes the responsibilities associated with recognition. While community members are free to associate with any organization, prior to choosing an organization community members are strongly encouraged to consult the list of registered student organizations. Only these, having been officially recognized, have voluntarily assumed the responsibilities of being a part of the campus community.

If, during an individual student’s hearing, it is determined that the alleged violation is an organizational offense, charges may also be brought against the organization within the College’s student conduct process. A student organization is subject to the student conduct process in the following situations:

- An alleged offense was committed by one or more members of an organization and was done on behalf of the organization;
- An alleged offense was committed by one or more members of an organization and was sanctioned by an officer or executive member;
- An alleged offense was committed by one or more members of an organization and organization funds were used improperly;
- An alleged offense was committed by one or more members of an organization and was supported by a majority of the organization's membership;
- An organization has chosen to obstruct the College’s disciplinary process for one or more individuals who were members or guests of the organization and are alleged to have violated College policies;
- The student conduct administrator or board deems that the offense, by its nature, was an organization offense and not the actions of the individual members; and/or
- An alleged offense occurred as a result of an organization sponsored function.
Violations of College rules and regulations by an organization shall be adjudicated through the College’s student conduct system.

Article VIII: Student Code of Conduct Procedures

Any member of the College community may submit a report involving inappropriate or concerning student behavior. An account of the behavior or incident shall be prepared in writing and submitted through the electronic Incident Reporting Form via the Owens website. Reports should be submitted as soon as possible after the event takes place, preferably within 24 hours of occurrence.

1. Once a report has been received, a prompt, fair, and impartial investigation will take place to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the student conduct administrator. Such disposition shall be final and there shall be no subsequent proceedings (including appeals). If the charges cannot be disposed of informally by mutual consent, the student conduct administrator may later serve in the same matter as the student conduct board or a member thereof. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

2. All charges shall be presented to the respondent in written form. A time shall be set for a meeting with a student conduct administrator or a student conduct board hearing, usually within fifteen (15) business days after the student has been notified. Maximum time limits for scheduling of student conduct board hearings may be extended at the discretion of the student conduct administrator.

3. Student conduct board hearings shall be conducted by a student conduct board according to the following guidelines except as provided by Article IX (C) below:

   a. Student conduct board hearings normally shall be conducted in private.

   b. The complainant, respondent and their advisors, if any, shall be allowed to attend the entire portion of the student conduct board hearing at which information is received (excluding deliberations). Admissions of any other person to the student conduct board hearing shall be at the discretion of the student conduct board and/or its student conduct administrator.

   c. In student conduct board hearings involving more than one respondent, the student conduct administrator, in his or her discretion, may permit the student conduct board hearings concerning each student to be conducted separately or jointly.

   d. The complainant and the respondent have the right to be assisted by an advisor of their choosing. The advisor may be a member of the College community or external to the College community but may not be an attorney. The complainant and/or the respondent is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any student conduct hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the student conduct board hearing (delays will not normally be allowed due to the scheduling conflicts of an advisor).

   e. The complainant, the respondent and the student conduct administrator may arrange for witnesses to present pertinent information to the student conduct board. The College will attempt to arrange the attendance of possible
witnesses who are members of the College community, if reasonably possible, and who are identified by the complainant and/or respondent at least two weekdays prior to the student conduct board hearing. Witnesses will provide information to and answer questions from the student conduct board. Questions may be suggested by the respondent and/or complainant to be answered by each other or by other witnesses. This will be conducted by the student conduct board with such questions directed to the chairperson, rather than to the witness(es) directly.

NOTE: This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment.

- Pertinent records, exhibits, and written statements may be accepted as information for consideration by the student conduct board at the discretion of the chair of the proceedings.
- All procedural questions are subject to the final decision of the chair of the proceedings.
- Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.

f. After the portion of the student conduct board hearing concludes in which all pertinent information has been received, the student conduct board shall determine (by majority vote if the student conduct board consists of more than one person) whether the respondent has violated each section of the student code which the student is charged with violating. The student conduct board’s determination shall be made on the basis of whether it is more likely than not (i.e., preponderance of evidence) the respondent violated the Student Code.

4. There shall be a single verbatim record, such as a tape recording, of all student conduct board hearings before a student conduct board (not including deliberations). The record shall be the property of the College. No other recording devices shall be permitted.

5. If a respondent, with notice, does not appear to a scheduled meeting with the student conduct administrator or before a student conduct board hearing, the information in support of charges shall be presented and/or considered even if the respondent is not present.

6. The student conduct board may accommodate concerns for the personal safety, well being, and/or fears of confrontation of the complainant, respondent, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Student Life to be appropriate.

Article IX: Student Rights

The following procedural rights are provided to any student who is participating in the College student conduct process.

A. Respondent Rights

1. The right to receive notification of the alleged violation and the date, time, and place of any meeting or hearing on the alleged violation.

2. The right to challenge the objectivity or fairness of any of the persons serving on a student conduct board. The decision to uphold any challenge made
by the respondent rests with the chair of the proceedings.

3. The right to introduce documents, to call witnesses, and present other evidence. **NOTE: The right to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness, in writing, at least two business days in advance of a meeting or hearing to the student conduct administrator.**

4. The right to be provided access to any information that may be used at an administrative proceeding. Access will be provided to such materials in advance of a meeting/hearing upon request to the Office of Student Conduct.

5. The right to pose questions of witnesses presented against the student at a student conduct board hearing. All questions posed by the respondent are to be directed towards the chair of the proceedings.

6. The right to not be compelled to be a witness against oneself or to have his or her silence taken as an indication of responsibility for a violation.

7. The right to a decision of responsibility or not based on the preponderance of evidence and to be notified of such decision in writing.

8. The right to be accompanied in an administrative proceeding by an advisor of his or her own choosing. Advisors may only consult with the respondent and are not permitted to speak on the respondent’s behalf or address the student conduct administrator or student conduct board.

9. The right to request postponement of a disciplinary proceeding if circumstances warrant. In most cases, a postponement will only be granted due to an academically related commitment. The decision to postpone a disciplinary proceeding rests with Dean of Student Life or designee.

10. The right to appeal the decision of a disciplinary proceeding in accordance with Student Code appeal procedures.

**B. Complainant Rights**

1. The right to be accompanied in an administrative proceeding by an advisor of his or her own choosing. Advisors may only consult with the complainant and are not permitted to speak on the complainant’s behalf or address the student conduct administrator or student conduct board.

5. The right to be kept informed of the status of proceedings throughout the process.

6. The right to request the ability to answer questions posed by the respondent outside of the physical presence of the respondent. The chair of the proceedings will determine if such a request will be granted.

7. The right to submit, orally or in writing, an impact statement to any conduct body after the respondent has been found responsible for one or more of the alleged violations.

**C. In Cases of Sexual Misconduct, Sexual Harassment, Endangering or Stalking**

The following additional rights are provided to a complainant who reports an alleged violation of sexual misconduct, sexual harassment, endangering behavior or stalking as described in Article V of this Code and the College’s Anti-discrimination and Harassment Policy and Procedures:

1. The right to decide whether or not to notify local law enforcement authorities and/or to file a report with the Office of Student Conduct.

2. The right to be provided with information about victim advocacy, student mental health services, or other available community resources.

3. The right to know how to report retaliation or harassment as a result of reporting acts of misconduct.
4. The right to answer questions posed by the respondent outside of the physical presence of the accused.

5. The right to remain present throughout the entire hearing (except deliberations).

6. The right to not have his/her past behavioral history discussed during the hearing. The hearing chair shall determine the relevance of each question.

7. The right to be provided with written notification as to:
   a. the standard of evidence used during institutional conduct proceedings;
   b. any available assistance for changing academic, living, transportation, and working situations, if requested by the victim;
   c. information concerning victim’s option to decline to notify law enforcement and/or campus authorities;
   d. the victim’s rights and the institution’s responsibilities regarding protection orders, no contact orders, restraining orders, or similar lawful orders;
   e. information concerning victim advocacy, student mental health services, or other available community resources; and
   f. how to report retaliation or harassment as a result of reporting acts of misconduct.

8. The right to be granted a reasonable change in academic arrangement or other steps necessary to prevent unnecessary or unwanted contact.

9. The right to timely notification, in writing, of the outcome of any administrative or student conduct board hearing decision and any sanction(s) that may have been assigned.

10. The right to be granted, if reasonably available, a change in academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact.

11. The right to appeal the decision of a hearing or conference in accordance with Student Code procedures.

Article X: Disciplinary Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
   a. Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.
   b. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of progressively more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during or after the probationary period.
   c. Loss of Privileges – Denial of specified privileges for a designated period of time.
   d. Restitution – Compensations for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
   e. Discretionary Sanctions – Work assignments, essays, service to the College, or other related discretionary assignments.
   f. College Suspension – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
   g. College Expulsion – Permanent separation of the student from the College.
   h. Revocation of Admission and/or Degree – Admission to or a degree
awarded from the College may be revoked for fraud, misrepresentation, or other violations of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

i. **Withholding Degree** – The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s disciplinary record.

4. In situations involving both respondent(s) (or group or organization) and a student(s) claiming to be the victim of another student’s conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the respondent(s) and the student(s) claiming to be the victim; this is because the educational career and chances of success in the academic community of each may be impacted.

5. The following sanctions may be imposed upon groups or organizations:
   a. Those sanctions listed above in article X (a-i).
   b. Loss of selected rights and privileges for a specified period of time.
   c. Loss of College recognition, which includes loss of all privileges and deactivation of the organization for a specified period of time.

6. In each case in which a student conduct administrator or board determines that a student and/or group or organization has violated the Student Code, the sanctions(s) shall be determined by the student conduct administrator or board and imposed by the Office of Student Conduct. Following the student conduct hearing, the Office of Student Conduct shall advise the respondent, group and/or organization (and a complaining student who believes s/he was the victim of another student’s conduct) in writing of its determination and of the sanction(s) imposed, if any.

**Article XI: Appeals**

1. A decision reached by the student conduct board or a sanction imposed by the student conduct administrator may be appealed by the respondent or complainant. **NOTE: Informally agreed-upon resolutions cannot be appealed.**

2. The appeal must be made, in writing, to the appeal body within seven (7) business days of the announcement of findings/sanction and specifically describe the grounds with which the appeal is being sought.

3. An appeal may be sought on the following grounds:
   - On a claim of error in the hearing procedure that substantially affected the decision;
   - On a claim of new evidence or information material to the case that was not known at the time of the hearing; and/or
   - On a claim that the sanction(s) is not in proportion to the severity of the misconduct.

4. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the student conduct hearing and supporting documents for one or more of the following purposes:
a. To determine whether the student conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the respondent a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

b. To determine whether the decision reached regarding the respondent was based on substantial information; that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.

c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.

d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the student appealing at the time of the original student conduct hearing.

5. The appeal body has the authority to dismiss an appeal not sought on proper grounds. If the appeal body determines that the asserted grounds for appeal are valid, the appeal body may uphold, dismiss, or modify the sanctions of the student conduct board and/or student conduct administrator. The decision of the appeal body is final and binding upon all involved.

**Article XII: Interpretation and Revision**

A. Any question of interpretation or application of the Student Code shall be referred to the Dean of Student Life or his or her designee for final determination.

B. The Student Code shall be reviewed every 3 years under the direction of the Dean of Student Life.

**Article XIII: Links to College Policies**

**Academic Misconduct Policy:**

**Responsible Computing Policy:**
https://www.owens.edu/trustees/board_policies/11-4-10.pdf

**Anti-discrimination and Harassment Procedures:**
https://www.owens.edu/trustees/procedures/proc3358-11-4-17.pdf

**Anti-discrimination and Harassment Policy:**
https://www.owens.edu/trustees/board_policies/11-4-17.pdf

**Smoke-free Buildings/Vehicles Policy:**
https://www.owens.edu/trustees/board_policies/11-4-03.pdf

**Smoking Procedures:**
https://www.owens.edu/dps/smoking.html