



Ohio Administrative Code

Rule 3335-23-05 Initiation, inquiry and investigation of code violations.

Effective: January 25, 2024

(A) Initiation.

Person(s) who witness, experience or become aware of what they believe to be a possible code of student conduct violation should provide information to the following officials or offices.

(1) Complaints about possible code of student conduct violations occurring in residence halls should be reported to the residence hall director;

(2) Complaints about possible non-residence hall related code of student conduct violations should be reported to the office of student conduct, or chief student conduct officer for the regional campuses;

(3) Complaints about possible sexual misconduct should be reported pursuant to the non-discrimination, harassment, and sexual misconduct policy;

(4) Complaints about possible protected class discrimination or harassment should be reported pursuant to non-discrimination, harassment, and sexual misconduct policy;

(5) Complaints regarding academic misconduct should be reported to the committee on academic misconduct; and

(6) In cases when the alleged activity may involve a violation of criminal law in addition to a code of student conduct violation, complaints should be reported to the university police division or other appropriate law enforcement agency.

(B) Preliminary inquiry.

The university conducts a preliminary inquiry into the nature of the incident, complaint or notice,



jurisdiction, available information, and involved parties. Within the university's discretion, the preliminary inquiry may lead to:

- (1) A determination that there is insufficient information to pursue the investigation, or the behavior alleged, even if proven, would not violate the code of student conduct;
- (2) An informal resolution such as an educational discussion or mediation. An educational discussion is a discussion about the student's behavior and its impact. Informal resolution is not available in cases of academic misconduct.
- (3) An investigation and/or initiation charges.

Typically, an informal resolution will end the conduct process, but if more information is shared during an educational discussion or informal resolution that warrants additional inquiry, an investigation may be initiated.

(C) Investigation.

(1) Role of the university.

- (a) The director of student conduct, the chief conduct officer for the regional campuses, residence hall directors, assistant hall directors and other designated university personnel are authorized to investigate alleged violations other than those involving paragraphs (C)(1)(b) and (C)(1)(c) of this rule;
- (b) The coordinator of the committee on academic misconduct and other designated university personnel are authorized to investigate allegations involving academic misconduct;
- (c) Only those personnel designated by the non-discrimination, harassment, and sexual misconduct policy shall investigate charges involving sexual misconduct.
- (d) Only those personnel designated by the non-discrimination, harassment, and sexual misconduct policy shall investigate charges involving protected class discrimination or harassment.



(e) The Ohio state university police or other appropriate law enforcement agency shall have primary responsibility for the criminal investigation of acts that involve suspected criminal violation of federal, state or local laws. Such investigation does not replace any other university investigation.

(f) The university may conduct concurrent investigations regarding potential violations of institutional policy or federal, state and local law.

(2) Role of participants.

(a) During the investigation, the student allegedly involved in misconduct may be:

(i) Notified of the alleged violation;

(ii) Requested to make an appointment to discuss the matter; and

(iii) Provided a date by which the appointment must be made.

(b) Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter.

(3) Failure to comply with a request to make and/or keep an appointment relevant to an investigation may result in a disciplinary hold being placed on a respondents registration and records and/or the initiation of charges for student conduct system abuse.

(4) Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include, but is not limited to:

(a) Taking no further action and closing the case;

(b) Deferring initiation of charges with or without conditions;

(c) Seeking informal resolution; or



(d) Initiating charges by the appropriate university official when a finding of jurisdiction has been made and there is reasonable cause to believe that a violation of the code of student conduct may have occurred. Reasonable cause is defined as some credible information to support each element of the violation, even if that information is merely a credible witness or a victims statement. Charges will not be issued where a complaint is unsupported by any credible information or does not meet the elements of a code of student conduct violation.