



Ohio Administrative Code

Rule 3358:5-9-02 Student rights and responsibilities/code of conduct policy.

Effective: [October 21, 2024](#)

(A) Clark state college is an academic community in which all persons - students, faculty, administration and staff - share responsibility for its growth and continued welfare. As members of the college community, students can reasonably expect that the following rights shall be respected by all college offices, programs, employees and organizations.

Clark state college further encourages all members of the college community to endorse, support and abide by the following statement of values which this community has deemed fundamental to its mission and integral to its growth.

(1) Non-discrimination

No agent or organization of Clark state community college shall discriminate against any student on the basis of race, color, religion, gender/sex or expression, national origin (ancestry), military status, disability, age (forty years of age or older), genetic information, sexual orientation, status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, or status as a foster parent and any other protected group status as defined by law or college policy in its educational programs, activities, admissions, or employment practices as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other applicable statutes. Clark State prohibits discrimination and harassment based on these protected group statuses in accordance with College policies, applicable laws, and executive orders. Clark State complies with and adopts the IHRA definition of antisemitism set forth in Executive Order 2022-06D, Defining and Combating Anti-Semitism. In their individual roles as members of student organizations, students have the responsibility not to discriminate against others.

(2) Assembly/protest

Students may assemble in an orderly manner and engage in peaceful protest, demonstrations and



picketing which does not disrupt the functions of the college, threaten the health or safety of any person or violate this rule.

(3) Religion/association

Students may exercise their religious convictions and associate with religious, political or other organizations of their choice in college facilities provided they do so in a manner that respects the rights of other members of the community and complies with this policy. Students have the responsibility to respect the rights of other members of the college community to free exercise of their religious convictions and to free association with organizations of their choice.

(4) Privacy/search/seizure

Students have a reasonable expectation to be free from unreasonable searches or unlawful arrest on college property. Students have the responsibility to respect the privacy of other members of the college community.

(5) Academic pursuits

Students shall have access to accurate and plainly stated information relating to maintenance of acceptable academic standing, graduation requirements and individual course objectives and requirements. Students may expect instruction from designated instructors at appointed class times and reasonable access to those instructors. Students have the responsibility to attend class and to know their appropriate academic requirements.

(6) Quality environment

Students may expect a reasonably safe environment supportive of the college's mission and their own educational goals. Students have the responsibility to protect and maintain that environment and to protect themselves from all hazards to the extent that reasonable behavior and precaution can avoid risk.

(7) Governance/participation



Students may establish representative governmental bodies and to participate in college governance in accordance with the rules and regulations of the college. Students who accept representative roles in the governance of the college have the obligation to participate responsibly.

(8) Due process

Students shall be afforded due process before formal disciplinary sanctions are imposed by the college for violations of this policy. Students have the right to written notice and the opportunity for a hearing before any change in status is incurred for disciplinary reasons, unless a significant threat to persons or property exists.

(9) Confidentiality

Students may access and control access to their education records as provided in the federal Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. These include the rights to review and challenge the content of educational records, to control disclosure of personal and academic information to third parties and to limit the routine disclosure of all or some information defined as "directory information" by the act.

(10) Speech/Expression/Press Students may express themselves freely on any subject provided they do so in a manner that does not violate this policy. Students, in turn, have the responsibility to respect the rights of all members of the College in exercising these freedoms. In accordance with the public policy and the laws of the state of Ohio, Clark State affirms the following principles: .

- i. Students have a fundamental constitutional right to free speech.
- ii. The College is committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to Ohio Revised Code 3345.0215(E).
- iii. The College is committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the College's community to be offensive, unwise,



immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

iv. It is for the College's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.

v. It is not the proper role of the College to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

vi. Although the College greatly values civility and mutual respect, concerns about civility and mutual respect shall never be used as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.

vii. Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, the College has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.

viii. The College shall be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who shall always remain free to inquire, to study and to evaluate, and to gain new understanding.

ix. The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

Nothing contained in this policy shall be construed as prohibiting the College from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:



- i. Constitutional time, place, and manner restrictions;
- ii. Reasonable and viewpoint-neutral restrictions in nonpublic forums;
- iii. Restricting the use of the College's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the College's mission;
- iv. Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;
- v. Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by teachers.

Nothing in this policy shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

Nothing in this policy shall be interpreted as restricting or impairing the College's obligations under federal law including, but not limited to, Title IV of the Higher Education Act of 1965, Title VI of the Civil Rights Act of 1962, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Age Discrimination in Employment Act, and the Age Discrimination Act of 1975.

Complaints

As outlined in the Student Rights and Responsibilities/Code of Conduct Procedures, a student or student group may submit a complaint about an alleged violation of the above policy.

A complaint can be submitted online on the College's website via the Behavioral Issues/General Incidents Form.

Under the process, which shall comply with standards adopted by the Ohio Chancellor of Higher Education, the College will investigate the alleged violation as outlined in the Student Rights and



Responsibilities/Code of Conduct Procedures.

Any form of retaliation against a student or student group who files a complaint about an alleged violation of this policy is strictly prohibited.

(B) Students at Clark state college are expected to conduct themselves in a manner supportive of the educational mission of the institution. As members of the college community, student have the responsibility to behave appropriately. Integrity, respect for the person and property of others and a commitment to intellectual and personal growth in a diverse population are values deemed fundamental to membership in the college community and represent the student code of conduct.

Clark state college considers the following behaviors, or attempts thereof, whether acting alone or with any other persons, in violation the student code of conduct. Examples include but are not limited to:

(1) Physical harm or threat of physical harm or general conduct which threatens the mental or emotional health of any person or persons.

(2) Physical or verbal, oral or written harassment, which is beyond the bounds of protected free speech that creates an intimidating, hostile, or offensive educational environment.

(3) Disorderly conduct including but not limited to public intoxication, lewd, indecent or obscene behavior or intentional disruption of lawful activities of the college.

(4) Theft, damage to personal/college property or unauthorized entry, use or occupation of college facilities.

(5) Forgery, alteration, fabrication or misuse of records, grades, diplomas, college documents, and identification cards.

(6) Illegal purchase, use, possession or being under the influence of or distribution of alcohol, drugs, or controlled substances on college property in college vehicles, or at college events. Although Ohio law allows certain activities related to the possession and use of medical marijuana and, effective



December 7, 2023, will allow certain activities related to the possession and use of recreational marijuana, using and possessing marijuana continues to be prohibited by and a violation of Clark State policy and remains a crime under federal law. This prohibition applies even when the possession and use would be legal under the laws of the State of Ohio. As a result, neither those with medical marijuana prescription/cards, nor those recreationally using marijuana in accordance with Ohio Revised Code Chapter 3780, are permitted to use medical or recreational marijuana on campus, in the conduct of Clark State business or as part of any Clark State activity.

(7) Non-compliance with directives of the college officials.

(8) Possession of firearms, explosive devices, fireworks, dangerous or illegal weapons or hazardous materials.

(9) Interference with or misuse of fire alarms, elevators or other safety and security equipment or programs.

(10) Violation of any federal, state or local law which has a negative impact on the well-being of the college or its individual members.

(11) Violation of college policies, rules or regulations that are published in the student handbook or any other official college publications or agreements.

(12) Academic misconduct including but not limited to plagiarism and cheating. For example, misuse of academic resources or facilities and misuse of computer software, data, equipment or networks.

(13) Violations of a position of trust or authority at the college including the misuse or unauthorized use of Clark state or organizational names, representatives, and/or images.

(14) Disruptive behavior and/or the obstruction of teaching, research, administration, or other lawful Clark state activities on or off campus.