

**3364-30-04**    **The university student code of conduct**

## (A)    Policy statement

The university of Toledo (university) is focused on the overall growth and development of its students in preparation for them to become global citizens. The office of student conduct and community standards (OSC&CS) aims to educate students on the impact their personal and social choices, and behavior have on the community, and to assist them with making future decisions that lead to their professional success.

The university in promulgating the student code of conduct, as required by Revised Code 3345.21, and as set forth below, takes into consideration the rights and responsibilities of the individual student(s), student groups, or student organizations, concurrently with university and community rights and responsibilities.

## (B)    Purpose of the policy

The student code of conduct articulates the university's expectations of behavior for students, student groups, and student organizations and the potential outcomes to be imposed for inappropriate conduct. This policy explains the university's requirements for notice, and the student, student groups, and student organizations opportunity to be heard with regard to alleged violation(s) of the student code of conduct. The student code of conduct is not intended to be exhaustive in terms of defining all acts of misconduct. The student code of conduct specifies the rights and responsibilities of students, student groups, student organizations, the university, and the rights of other parties going through the student conduct process.

Students, student groups, and student organizations are expected to engage in conduct that represents the mission, vision, and values of the university.

Sanctions implemented through the student conduct process are designed to provide students, student groups, and student organizations with the opportunity to accept responsibility, provide accountability, reflect on their choices, challenge their decision-making processes, and assist them in changing their behavior to better align with the university's expectations. Being a member of the university community is a privilege. Actions by students, student groups, or student organizations that interfere with the welfare and/or safety of the university community are not acceptable and will not be tolerated.

## (C)    Definitions

- (1)    Appellate officer: university official(s) authorized to review and

determine an appeal from the respondent and complainant (if applicable).

- (2) Director of student conduct and community standards (or designee): the person designated by the vice president of student affairs for daily operation of the student conduct process.
- (3) Business days: Monday through Friday, excluding Saturday, Sunday, recognized university holidays, and approved university breaks.
- (4) Complainant: person, student, student group, student organization who was subject to alleged misconduct as described in the student code of conduct. There may be more than one complainant for an incident.
- (5) Consent: is knowing, and voluntary, and clear permission by word or action to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

Consent requires unambiguous communication and mutual agreement concerning the act in which the participants are engaging throughout the entirety of the interaction.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease immediately.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the university to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the

perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

A person cannot consent if they are unable to understand the fact, nature, or extent of the sexual situation or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

A person cannot give consent if force, expressed or implied is used; or if, duress; intimidation; threats; or deception are used on the complainant. Silence or the absence of resistance does not imply consent. Whether an individual has taken advantage of a position of influence or authority over the complainant may be a factor in determining consent.

Consent in relationships must also be considered in context. When parties consent to “BDSM<sup>1</sup>” or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual. Therefore, the university of Toledo’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Minors under the age of sixteen are incapable of giving consent under Ohio law under any circumstance.

- (6) Disciplinary hold: an administrative hold placed on a student’s account by a member of the office of student conduct and community standards that prevents the student from registering/unregistering from classes and receiving a transcript.
- (7) Incapacitation: occurs where a person is unable to give consent, such as due to the use of drugs or alcohol or a cognitive impairment. In considering whether a complainant is incapacitated due to the consumption of drugs or alcohol, the university will consider the circumstances, including factors such as whether there is evidence of slurred speech, vomiting, stumbling or the inability to walk, or periods of “blacking out.” The presence of one of these factors, standing alone, may not be sufficient to establish incapacitation; the totality of the circumstances must be examined.
- (8) Investigator: university official(s) gathering information for a hearing

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<sup>1</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

authority to determine whether a violation(s) of the student code of conduct has occurred.

- (9) Policy: any written rule or regulation of the university as found in, but not limited to, the student code of conduct, residence hall living guide, student organization manual, the university policy website, and graduate/undergraduate catalogues.
- (10) Possession: includes, but is not limited to, holding, no matter the duration, any prohibited item wherever located.
- (11) Preponderance of the evidence: standard of review for alleged violation(s) of the student code of conduct. This standard requires that the information utilized shows that it is more likely than not that the alleged violation(s) or behavior(s) occurred.
- (12) Reasonable: an objective standard for evaluating appropriateness; having sound judgement; rational or sensible; not extreme or excessive.
- (13) Respondent: any student, student group, or student organization alleged to have committed a violation of the student code of conduct. In cases of student groups or student organizations, the president of the student group/student organization (or a like position) will represent the student group/student organization in the student conduct process.
- (14) University conduct board/sexual misconduct board: person(s) authorized by the office of student conduct and community standards to determine whether a student, student group, or student organization is responsible for violating the student code of conduct and recommending appropriate sanction(s) when a violation has occurred. The director of student conduct and community standards (or designee) will select a board member to chair the hearing.
- (15) Student: all persons who have been notified of their acceptance, expressed intent to, and/or have registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction. This includes but is not limited to all individuals taking classes in person or through distance learning, pursuing undergraduate or graduate degrees, or who reside in university-owned housing or who live off-campus, and who are not enrolled for the current term, but have a continuing relationship with the university. Student status ceases when an individual graduates, is not enrolled for two consecutive semesters, or an individual who is suspended, dismissed, or expelled for any reason.

- (16) Student group: a number of persons who are associated with the university and each other, but who have not registered, or are not required to register, as a student organization (including, but not limited to athletic teams and clubs not registered as student organizations).
- (17) Student organization: a number of persons who have registered with the university as a student organization, (including, but not limited to clubs, fraternities, and sororities).
- (18) Title IX coordinator: at least one official designated by the university of Toledo to ensure compliance with Title IX and the university of Toledo's Title IX program. References to the Title IX coordinator throughout this policy may also encompass a designee of the Title IX coordinator for specific tasks.

“Name: Vicky Kulicke  
Title IX coordinator  
office of Title IX and compliance  
location/address: 1905 N. Towerview Boulevard  
Toledo, OH 43606-3390  
1120 Snyder Memorial  
(419) 530-4191  
email: [titleix@utoledo.edu](mailto:titleix@utoledo.edu)  
web: <https://www.utoledo.edu/title-ix/>”

- (19) University community: includes the university, any person who is a student, staff member, faculty member, employee, volunteer, patient, guest, invitee, or other person associated with the university.
- (20) University official: any person employed by the university, on a full-time, part-time, or temporary basis, performing assigned administrative or professional responsibilities.
- (21) University premise: includes all land, buildings, facilities, and other property in the possession of, or owned, leased, used, supervised, or controlled by the university.
- (22) Use: includes, but is not limited to facilities, drinking, ingesting, or introducing any amount of substance into one's body.
- (23) Witness: any person requested to participate in an investigation or a hearing due to information they may have about an incident of alleged misconduct. The complainant, respondent, and others may provide the university with witness names.

- (24) Written notification: all correspondence will be sent to the student, student group, or student organization's assigned university email address. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in writing to the investigator and/or hearing authority).
- (D) Jurisdiction and scope of the university student code of conduct
- (1) The student code of conduct applies to the conduct of all students, student groups, and student organizations on university premises. The code also applies to the off-campus conduct of students, student groups, and student organizations in direct connection with:
- (a) Academic course requirements or any credit-bearing experiences, such as internships, clerkships, field trips, study abroad, or student teaching;
  - (b) Any activity supporting pursuit of a degree, such as research at another institution, or a professional practice assignment;
  - (c) Any activity sponsored, conducted, or authorized by the university, or by a student group or registered student organizations;
  - (d) Any activity that causes destruction of property belonging to the university, or members of the university community;
  - (e) Any activity that causes harm to the health or safety of members of the university community; or
  - (f) Any activity which a police report has been filed, and a summons or indictment has been issued, or an arrest has occurred for a crime.
- (2) Each student is responsible for their conduct from the time of acceptance to the university through the awarding of a degree, 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, and even if the conduct is not discovered until after a degree is awarded. The student code of conduct applies to a student's conduct, even if the student withdraws from the

university while a conduct matter is pending.

- (3) Student groups/student organizations will be held responsible for the behavior of their members and/or guests when one or more of the following exists:
  - (a) Members of the student group/student organization are acting together to violate university policy, dependent on the context of the behavior.
  - (b) A violation of university policy arises out of a student group/student organization sponsored, financed, or endorsed event.
  - (c) The student group/student organization's leadership and/or membership has knowledge of, or should have had knowledge of, the potential for a violation of university policy to occur and failed to prevent the occurrence.
  - (d) A violation of university policy occurs on land owned, leased, or operated by the student group/student organization.
  - (e) A pattern of individual violations of university policy is found to have existed without appropriate control or remedy by the student group/student organization.
  - (f) The student group/student organization provide the means for a violation of university policy.
- (4) Undergraduate and graduate students who violate the student code of conduct are subject to appropriate conduct sanction(s). Students are also subject to their college's written professional standards or honor codes for conduct covered under those standards or codes. All other colleges with licensure or professional codes governing conduct must adhere to the procedural requirements of the student code of conduct.
- (5) The conduct of a student, student group, or student organization that violates the nondiscrimination policy or Title IX policy of the university will be investigated and adjudicated utilizing the appropriate policies. If the allegation is considered a violation of the student code of conduct, the allegation will be investigated according to the policies mentioned above, and the behavior will be adjudicated using the student conduct process.
- (6) The university strives to comply with all applicable law. If at any

time legal requirements contradict the student code of conduct, law will govern actions taken by the university.

(E) Violations of the student code of conduct: Any of the following actions, or attempts at the following actions, constitute conduct for which a student, student group, or a student organization may be subject to conduct action:

(1) Physical or other harm

- (a) Behavior causing physical injury/harm to others.
- (b) Behavior that endangers the physical and/or mental health, or safety of a reasonable person.
- (c) Behavior that threatens or endangers the health and/or safety of any animal, except as permitted by law or university policy.

(2) Sexual misconduct

- (a) Sexual misconduct: includes sexual harassment, sexual violence, sexual assault, conduct that exploits another person in a sexual and non-consensual way (such as voyeurism and non-consensual recording), stalking, interpersonal relationship violence, and indecent exposure. Sexual misconduct may also be discrimination, harassment, or violence based on gender, sexual orientation, gender identity, or gender expression.
- (b) Sexual assault: unwelcome physical conduct of a sexual nature, including unwanted kissing, touching, oral, vaginal, or anal sex, which occurs in the absence of consent. This includes penetration, no matter how slight, of the vagina, anus, or of, or by an oral cavity with any body part or an object in lieu of a sex organ. This also includes placement of a sexual organ upon another person without consent or ejaculating upon another person without consent. Sexual assault includes fondling (the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental incapacity).
- (c) Sexual harassment: unwelcome conduct of a sexual nature. It



includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment can occur as hostile environment or quid pro quo.

- (i) Hostile environment sexual harassment: exists if the conduct is sufficiently serious (severe or pervasive) that it interferes with or limits a student's ability to participate in or benefit from the university's program or an employee's ability to perform their job. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.
  - (ii) Quid pro quo sexual harassment: Occurs when participation in or receipt of a benefit of the university's program is made contingent on the provision of sexual favors for or by a person who has the authority to make decisions about participation or receipt of benefits or when the rejection of a sexual advance or request for sexual favors results in the denial of participation in or receipt of a benefit of the university's program.
- (d) Interpersonal relationship violence (also known as intimate partner violence, dating violence, domestic violence, interpersonal violence, relationship violence): a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Interpersonal violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This pattern may include, but is not limited to any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Interpersonal violence can occur in a domestic relationship or a dating relationship.
- (i) Domestic relationship: violence by a current spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic

or family violence laws of the jurisdiction in which the incident (crime) of violence was committed, or any other person against an adult or youth victim under the domestic or family violence laws of the jurisdiction in which the incident (crime) of violence occurred.

- (ii) Dating relationship: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, or the existence of such a relationship shall be determined based on the reporting party's statement, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (e) Indecent exposure: recklessly exposing genitals in front of another person or engaging in masturbation or other sexual conduct in a place likely to be seen by other people.
- (f) Non-consensual recording: sexual harassment by recording of a person while undressing, being naked, or engaging in sexual behavior without their consent. Transmission of non-consensual recording will be considered as a factor of sexual harassment.
- (g) Sexual coercion: the act of using pressure, alcohol or drugs, or force, to have sexual contact with someone against a person's will.
- (h) Sex discrimination: negative or adverse treatment based on sex, sexual orientation, gender, or gender identity.
- (i) Sexual exploitation: an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. This can include knowingly transmitting a sexually transmitted infection (STI), such as "HIV", to another person without disclosing one's STI status.
- (j) Sexual violence: physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

- (k) Sexual voyeurism: spying on people engaged in intimate behaviors, such as undressing, sexual activity, or other actions usually considered to be of a private nature. The person accused of voyeurism does not have to directly interact with the subject of their interest. Voyeurism is frequently done secretly and may involve non-consensual recording or capturing of the intimate behaviors.
  - (l) Stalking: engaging in a course of conduct directed at a specific person that involves repeated or continuing harassment made against the expressed wishes of another individual, which causes that individual to feel emotional distress including fear, harassment, intimidation, or apprehension.
  - (m) Retaliation: occurs when an individual has engaged in a protected activity (such as filing a sexual misconduct complaint or participating in an investigation of alleged sexual misconduct) and adverse action is taken against the individual because of involvement in the protected activity related to sexual discrimination or misconduct, including the filing of a complaint. The person accused of committing the retaliation may or may not be the same as the respondent – the person accused of committing the retaliation may be acting on behalf of another with or without that person’s consent. The complainant or someone acting on behalf of the complainant may be committing retaliation. Retaliation may be a separate investigation from the sexual misconduct investigation with its own finding.
- (3) Harassment – Unwelcome conduct (verbal, written, or electronic) that is so severe, pervasive, or offensive, it substantially interferes with the ability of a person to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by the university. This violation will not be used to discipline a respondent for speech protected by the first amendment of the United States Constitution.
- (4) Discriminatory harassment – Unwelcome conduct (verbal, written, or electronic) against another individual based upon a protected category (defined in rules 3364-50-01, 3364-50-02, and 3364-50-03 of the Administrative Code) that is so severe, pervasive, or offensive, it substantially interferes with the ability of a person to work, learn, live, participate in, or benefit from the services, activities, or privileges provided by the university. This violation will not be used to discipline a respondent for speech protected by the first amendment of the United

States Constitution.

- (5) Hazing as defined by rule 3364-30-20 of the Administrative Code.
- (6) Weapons – unauthorized use, storage, or possession of firearm(s), explosive device(s) of any kind, ammunition, or anything used to threaten, harm, or disrupt the community including, but not limited to, dangerous chemicals, switchblade knives, knives with blades three inches or more, or realistic replicas of weapons.
- (7) Fire safety
  - (a) Failing to evacuate during a fire alarm.
  - (b) Falsely reporting a fire-related emergency.
  - (c) Tampering with, or improperly engaging a fire alarm, smoke detector, or sprinkler system.
  - (d) Improper use or possession of fire safety equipment.
  - (e) Intentionally or recklessly causing a fire, regardless of whether it damages property, or causes injury to another.
- (8) Controlled substances/drug violations
  - (a) Possession, use, and/or misuse of any controlled or illegal substance or drug. Any cannabis product(s), i.e. marijuana, hemp, “CBD,” etc., even if recommended pursuant to state law, is prohibited on campus, and the university forbids the use and/or possession of these products for purposes of this policy.
  - (b) Possession and/or use of a prescription drug if the prescription was not issued to the person.
  - (c) Manufacture, cultivation, distribution, and/or sale of any controlled or illegal substance or drug.
  - (d) Distribution/sale of a prescription drug to a person to whom the prescription was not originally issued.
  - (e) Possession and/or use of any drug paraphernalia, including, but not limited to bowls, hookah, pipes, bongs, homemade smoking devices, and any other smoking device or smoking paraphernalia.

(9) Alcohol violations

- (a) Underage possession and/or consumption of alcoholic beverages by a person before their twenty-first birthday.
- (b) Driving under the influence of alcohol and/or another substance – operation of a motor vehicle while impaired, or with a blood alcohol or breath alcohol level at or above the legal limit.
- (c) Distribution/sale of an alcoholic beverage to any person before their twenty-first birthday.
- (d) Unapproved possession and/or use of kegs, mini kegs, beer balls, or other common source containers of alcoholic beverages such as trash cans, tubs, or similar containers of alcohol when the activity occurs on-campus, in the housing of any university of Toledo organization or group, or in connection with a university activity.
- (e) Hosting or participating in any activity that promotes excessive consumption of alcohol.
- (f) Public intoxication.

(10) Disruptive conduct

- (a) Actions that interfere with the normal operations of the university and/or interfere with the rights of other members of the university community or visitors.
- (b) Actions that interfere with, or obstruct the orderly conduct, processes, and functions in the classroom, or other instructional setting.
- (c) Disorderly, lewd, or indecent behavior.
- (d) Participating in, leading, or inciting others to disrupt scheduled and/or normal campus activities, events, and programs.
- (e) Obstruction of the free flow of pedestrian or vehicular traffic on university premises, or at a university sponsored or supervised function.
- (f) Failure to comply with a directive of a university official or law enforcement officer acting within the scope of their duties.
- (g) Failure to identify oneself to a university official or law enforcement

officer when requested to do so.

- (h) Misrepresenting oneself to a university official, law enforcement officer, potential employer, or other individual or entity.
  - (i) Acting as a representative of the university, any student group or student organization, or any individual without prior authorization.
- (11) Unauthorized possession or use of property
- (a) Taking, without permission, the property or services of the university, another person, business, or organization.
  - (b) Possession of property, taken without permission from the university, another person, business, or organization.
  - (c) Conduct that damages, destroys, defaces, or alters the property of the university, or the property of another person or entity.
  - (d) Unauthorized use of university, student group, and/or student organization funds.
  - (e) Unauthorized use or misuse of university, university-affiliate, student group, and/or student organization's name or images.
- (12) Theft of/abuse of computer facilities and resources
- (a) Unauthorized entry into a file to use, read, or change the contents, or unauthorized transfer of materials.
  - (b) Use of another individual's identification or password.
  - (c) Use of computing facilities and resources to interfere with the work of another student, faculty member or university official, to send obscene or abusive messages, or to interfere with normal operation of the computing system.
  - (d) A violation of copyright law, including, but not limited to unauthorized downloading or facilitating others to download copyrighted music and films without appropriate authorization.
  - (e) Violation of any of the information technology policies.
- (13) Unauthorized entry to university facilities

- (a) Unauthorized access or entry, or attempted access or entry, into any university facility.
  - (b) Misuse or unauthorized use of any university facility.
  - (c) Unauthorized possession, duplication, or use of keys or access cards for any property.
- (14) Acts of dishonesty
- (a) Furnishing false information to university officials or law enforcement officers acting within the scope of their duties.
  - (b) Forgery, alteration, or misuse of university documents and/or records.
  - (c) Possession, use, and/or attempted use of false identification.
  - (d) Manufacture, distribution, or sale of false identification.
  - (e) Transferring, lending, borrowing, or altering the university identification card.
- (15) Unauthorized electronic or digital recording – making, using, disclosing, or distributing a recording of a person, in a location or situation in which that person has a reasonable expectation of privacy, and is unaware of the recording, or does not consent to it.
- (16) Abuse of the student conduct process
- (a) Falsification, distortion, or misrepresentation of information during the student conduct process, including, but not limited to, filing a false complaint against another person.
  - (b) Failing to provide, destroying, or concealing information during an investigation of an alleged policy violation.
  - (c) Attempting to discourage an individual's proper participation in, or use of, the student conduct process.
  - (d) Failing to abide by the notice from a university official to appear for a student conduct meeting or hearing.
  - (e) Intimidation or retaliation in response to an individual's participation in, or use of, the student conduct process.

- (f) Influencing, or attempting to influence, another person to commit an abuse of the student conduct process.
- (17) Gambling
  - (a) Illegal gambling or wagering.
  - (b) Participation in games of chance on-campus for money, or other things of value, except as provided by law.
- (18) Shared responsibility for violations
  - (a) Presence during any violation of university policies or rules in such ways to promote, incite, aid, abet, condone, or encourage the violation, and/or without action to stop the violation.
  - (b) Acting in concert to violate a university policy.
  - (c) Allowing, permitting, or providing opportunity for a guest to violate a university policy. Students may be held responsible for the conduct of their guests while on university premises, at university-sponsored or supervised activities, and at functions sponsored by any registered student organization.
- (19) Violation of residence life policies and procedures – violation of any published residence hall policy, rule, and/or regulation including but not limited to those expressed in the “UToledo” residence life living guide.
- (20) Violation of university policy – violation of any university policy, rule, regulation, requirement, directive or contract, whether published in hard copy or available electronically on the university policy website.
- (21) Violation of law – violation of any regulation, act, federal, state, or local law.
- (F) Interim suspension process
  - (1) Students
    - (a) Interim suspension for students is the immediate removal of the student from all university of Toledo premises.
    - (b) The vice president for student affairs (or designee) may impose an



interim suspension.

- (c) A student may be placed on interim suspension to ensure the safety and well-being of the university community, ensure the student's own physical or emotional safety and well-being, or to ensure the student does not pose an ongoing threat, disruption, or interference with normal university activity.
- (d) The interim suspension may be effective immediately without prior notice and may provide for partial or complete exclusion from university premises.
- (e) The student will be notified of the interim suspension in writing via their assigned university email address, and the reasons for the interim suspension.
- (f) The student will be given a date and time to meet with the vice president for student affairs (or designee) to show cause as to why their continued presence on-campus does not constitute a threat.
- (g) After the meeting, the vice president for student affairs (or designee) may retain, adjust, or lift the interim suspension and will communicate the decision and rationale in writing to the student via their assigned university email address within fourteen business days of the initial institution of the interim suspension. This decision is final, and no further appeal is available.
- (h) If the vice president for student affairs (or designee) chooses to leave the interim suspension in place, the student will remain on interim suspension until the alleged behavior is investigated and/or adjudicated. The interim suspension process does not replace the student conduct process.

(2) Student groups/organizations

- (a) Interim suspension for a student group/organization is the immediate cessation of all activities until further notice. A student group/organization that is placed on interim suspension cannot hold meetings and events on-campus and cannot function as a student group/organization until further notice.
- (b) The vice president for student affairs (or designee) may impose an interim suspension.
- (c) A student group/student organization may be placed on interim

suspension if the group/organizations continued operation poses a danger to the university or any of its members, or constitutes an ongoing threat, disruption, or interference with normal university activity.

- (d) The interim suspension may be effective immediately without prior notice and will remain in place until an investigation into the alleged violation(s) is completed, and a decision regarding appropriate next steps is determined.
- (e) The student group/student organization president (or like position) will be notified of the interim suspension in writing via their assigned university email address, and the reasons for the interim suspension.
- (f) The student group/student organization president (or like position) will be given a date and time to meet with the vice president for student affairs (or designee) to show cause as to why their student group/student organizations behavior did not and does not continue to constitute a threat.
- (g) After the meeting, the vice president for student affairs (or designee) may retain, adjust, or lift the interim suspension and will communicate the decision and rationale in writing via their assigned university email address to the student group/student organization president (or like position) within fourteen business days of the initial institution of the interim suspension. This decision is final, and no further appeal is available.
- (h) If the vice president for student affairs (or designee) chooses to leave the interim suspension in place, the student group/student organization will remain on interim suspension until the alleged behavior is investigated and/or adjudicated.
- (i) The interim suspension process does not replace the university student conduct process.

(G) Procedures

- (1) Violation of law and the student code of conduct – the student conduct process may be instituted against a respondent charged with conduct that potentially violates the student code of conduct. Proceedings under this policy may be carried out prior to, or simultaneously with, any related criminal or civil matters. Determination of responsibility or sanctions imposed under the student code of conduct will not change because criminal or civil charges arising out of the same facts giving rise to

violation of university rules have been dismissed, reduced, or resolved in favor of, or against, a criminal or civil defendant.

(2) Filing a complaint

- (a) Members of the university of Toledo community may file complaint(s) alleging a violation of the student code of conduct against a student, student group, or student organization.
- (b) The office of student conduct and community standards may also receive complaints alleging a violation from external entities, including law enforcement agencies and members of the public.
- (c) Complaints may be filed online at [https://cm.maxient.com/reportingform.php?UnivofToledo&layout\\_id=1](https://cm.maxient.com/reportingform.php?UnivofToledo&layout_id=1), via e-mail to the student conduct email account ([StudentConduct@utoledo.edu](mailto:StudentConduct@utoledo.edu)), via telephone (419-530-1258 during business hours), or in person by coming to the office of student conduct and community standards (“2514 Lancelot Thompson Student Union” during business hours).
- (d) Upon receipt of the information, the director of student conduct and community standards (or designee) will review all relevant information and consult with the appropriate parties regarding the alleged violation.
- (e) It is the responsibility of the director of student conduct and community standards (or designee) to determine the appropriateness of the allegation, and how the behavior will be addressed.

(3) Investigation

- (a) There may be times when an investigation is necessary to determine if additional information is needed before addressing the student, student group, or student organization’s behavior. In these cases, an investigator/team of investigators will interview the complainant, the respondent, and any relevant witnesses.
- (b) Once the investigation is complete, the investigator/team of investigators will submit a report to the director of student conduct and community standards (or designee). The director of student conduct and community standards (or designee) will review the report and determine appropriate next steps.

(4) Student conduct hearing authorities – Hearing authorities are responsible

for processing complaints of alleged violations of the student code of conduct. The director of student conduct and community standards (or designee) is responsible for determining the appropriate hearing authority for each conduct matter. The following are considered hearing authorities under the student code of conduct:

- (a) Office of student conduct and community standards “OSC&CS”  
Staff members – appropriate staff members from the OSC&CS are responsible for adjudicating matters involving alleged violations of the student code of conduct on and off-campus. They have authority to hold information meetings, serve as hearing authorities for administrative reviews and hearings, and serve as an advisor to the university conduct board and the sexual misconduct board. They have the authority to impose the full range of sanctions, up to, and including suspension and expulsion (university and residence halls).
- (b) Office of residence life “ORL” staff members – appropriate staff members from the ORL are responsible for adjudicating matters involving alleged violations of the student code of conduct in the residence halls. They have authority to hold information meetings and serve as hearing authorities for administrative reviews and hearings. If the behavior of the respondent poses a health or safety risk to self or others, is repeated behavior, or may result in suspension or expulsion from the residence halls or university, the case will automatically be referred to the OSC&CS.
- (c) The university conduct board “UCB” – the UCB is responsible for adjudicating matters involving alleged violations of the student code of conduct (excluding sexual misconduct violations). The UCB will be convened when the respondent, complainant (in instances where the complainant is harmed by the respondent’s misconduct), or the OSC&CS selects the UCB as the resolution option. Quorum for the UCB is three trained faculty, staff, and/or student members. A board member selected by an OSC&CS staff member will chair the UCB hearings. All board members, including the chair, will have voting rights. The UCB is advised by an OSC&CS staff member, determines responsibility, and recommends sanction(s) to the director of student conduct and community standards (or designee). The director of student conduct and community standards (or designee) will review the sanction recommendation(s) and impose sanctions within a reasonable amount of time after the date of the hearing.
- (d) The sexual misconduct board “SMB” – the SMB is responsible for adjudicating matters involving sexual misconduct. The SMB will be convened when the respondent, the complainant, or the OSC&CS

selects the SMB as the resolution option. Quorum for the SMB is three faculty and/or staff members. A board member selected by an OSC&CS staff member will chair the SMB hearings. All board members, including the chair, will have voting rights. The SMB is advised by an OSC&CS staff member, determines responsibility, and recommends sanction(s) to the director of student conduct and community standards (or designee). The director of student conduct and community standards (or designee) will review the sanction recommendation(s) and impose sanctions within a reasonable amount of time after the date of the hearing.

(5) Information meeting

- (a) Any student, student organization, or student group (referred to as respondent from this point forward) who has been charged with an alleged violation of the student code of conduct will have the opportunity to meet with a hearing authority from the OSC&CS or the ORL.
- (b) The respondent will receive written notification via their assigned university email address with the date, time, and location of the information meeting. The written notification will provide the respondent with at least three business days' notice.
- (c) The written notification will also include the alleged violation(s), a brief summary of the incident and/or a copy of the incident report (if applicable), a statement of rights and responsibilities, and if appropriate, a statement notifying the respondent that if found responsible for the alleged violation(s), they may face suspension or expulsion.
- (d) During this meeting, the hearing authority will review the party's rights and responsibilities, and provide them with an opportunity to review the documentation and information received, accept or deny responsibility for the alleged violation(s), and, if appropriate, select a resolution option.
- (e) In cases involving sexual misconduct or retaliation based on sex discrimination –
  - (i) The complainant and the respondent will each receive written notification via their assigned university email address of the complaint. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in

writing to the investigator and/or hearing authority).

- (ii) The complainant will have their own separate Information meeting. This meeting will explain the remainder of the process and prepare the complainant for the hearing.
  - (iii) The respondent and complainant will both be given the opportunity to select their hearing authority. Their option is to have their case adjudicated by a single hearing authority from the OSC&CS or the SMB.
  - (iv) If the respondent and complainant select the same hearing authority, the case will be adjudicated by the hearing authority they selected.
  - (v) If the respondent and complainant select different hearing authorities, the case will automatically be referred to the SMB for adjudication.
  - (vi) The OSC&CS reserves the right to assign a hearing authority not selected by the complainant and respondent.
- (f) In cases where the respondent's behavior resulted in a complainant being harmed –
- (i) The complainant and the respondent will each receive written notification via their assigned university email address of the complaint. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in writing to the investigator and/or hearing authority).
  - (ii) The complainant will have their own separate information meeting. This meeting will explain the remainder of the process and prepare the complainant for the hearing.
  - (iii) The respondent and complainant will both be given the opportunity to select their hearing authority. Their option is to have their case adjudicated by a single hearing authority from the OSC&CS or the UCB.
  - (iv) If the respondent and complainant select the same hearing authority, the case will be adjudicated by the hearing authority they selected.

- (v) If the respondent and complainant select different hearing authorities, the case will automatically be referred to the UCB for adjudication.
- (vi) The OSC&CS reserves the right to assign a hearing authority not selected by the complainant and respondent.

(6) Types of hearings

- (a) Administrative review – a single hearing authority from the OSC&CS or the ORL adjudicates this informal resolution option utilized for minor violation(s). An administrative review may take place immediately following the information meeting or can be scheduled for a date and time that is convenient for both the hearing authority and the respondent. This meeting is a discussion between the respondent and the hearing authority regarding the respondent's behavior, decision making, and choices. Following this meeting, the hearing authority may contact other parties who have knowledge of the incident to determine responsibility of the alleged violation(s) and determine sanction(s) (if applicable). During an administrative review, the respondent will not be allowed to call witnesses or bring forth additional information. Because of this, this meeting option is not available for respondents who are facing university and/or residence hall suspension and/or expulsion, sexual misconduct cases or retaliation based on sex discrimination, or in cases where the respondent's behavior resulted in the complainant being harmed. Administrative reviews are not recorded. If the respondent does not attend or attends the review and chooses not to participate, the hearing authority will adjudicate the case in absentia.
- (b) Administrative hearing – a single hearing authority from the OSC&CS or the ORL adjudicates this formal resolution option utilized for mid to upper level violation(s). Scheduled after the information meeting, the hearing authority and/or the respondent may involve complainant(s) and/or witnesses. If the respondent accepts responsibility for the alleged violation(s), a sanctions only hearing will occur. A sanctions only hearing will allow the respondent an opportunity to explain why they engaged in the behavior, what they have learned as a result of their participation in the student conduct process, how the situation has impacted them, and what they will do differently if placed in a same/similar situation. The complainant will be given the opportunity to share the same information with the hearing authority. A sanctions only hearing will not involve any witnesses as responsibility of the violation(s) has already been

accepted and determined. If the respondent or complainant does not attend the hearing, or attends the hearing and chooses not to participate, the hearing authority will move forward with adjudicating the case in absentia. To move forward with a hearing where the respondent is facing suspension/expulsion, and/or there are allegations of sexual misconduct, the complainant will be expected to attend, participate, and be cross-examined by the respondent. To mitigate additional harm and/or trauma to the involved parties, cross examination may be conducted through the hearing authority.

- (c) The UCB/SMB – UCB/SMB hearings are presided over by a member of the board designated as chair and will occur after the information meeting. If the respondent accepts responsibility for the alleged violation(s), a sanctions only hearing will occur. A sanctions only hearing will allow the respondent an opportunity to explain why they engaged in the behavior, what they have learned as a result of their participation in the student conduct process, how the situation has impacted them, and what they will do differently if placed in a same/similar situation. The complainant will be given the opportunity to share the same information with the board. A sanctions only hearing will not involve any witnesses as responsibility of the violation(s) has already been accepted and determined. If the respondent does not attend the hearing, or attends the hearing and chooses not to participate, the board will adjudicate the case in absentia. To move forward with a hearing where the respondent is facing suspension/expulsion, and/or there are allegations of sexual misconduct, the complainant will be expected to attend, participate, and be cross-examined by the respondent. To mitigate additional harm and/or trauma to the involved parties, cross examination may be conducted through the chair. Each UCB/SMB hearing will be assigned an OSC&CS staff member to oversee the process, suggest relevant questions, explain policy, answer questions about process/procedure, and provide information on precedent. The OSC&CS staff member is not a voting board member.
- (d) The hearing notification for an administrative hearing, the UCB, or the SMB will be sent no more than thirty business days after the information meeting in writing via the student’s assigned university email address of the complaint. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in writing to the hearing authority).
- (e) The hearing notification will include the date, time, and location of the hearing, the alleged violation(s), a statement of rights and



responsibilities, and the name(s) of the hearing authority.

- (f) The hearing notification will provide the respondent with at least ten business days' notice before the hearing.
- (g) In cases involving sexual misconduct, retaliation based on sex discrimination, or the complainant being harmed by the respondent's behavior, both the respondent and complainant will receive written notification to their assigned university email address of the complaint. Should an individual not have a university email address, agreement will be made as to the best source of contact (other e-mail address provided in writing to the investigator and/or hearing authority).

(7) Hearing information

- (a) The purpose of a hearing is to provide the respondent(s) an opportunity to have their case reviewed and decided upon using the preponderance of evidence standard (based on the information available, is it more likely than not that a violation occurred).
- (b) All hearings are closed to the public, with the exception of procedural advisors and/or support persons for the respondent and complainant (if appropriate). Parties directly participating in the hearing (respondent, complainant, the OSC&CS staff member, procedural advisor(s) and/or support person(s)), may remain in the hearing the entire time. Witness(es) will only be present when speaking to the hearing authority.
- (c) Cases involving sexual misconduct, retaliation based on sex discrimination, or the complainant being harmed by the respondent's behavior, are also closed to the public, with the exception of procedural advisors and/or support persons for the complainant and respondent. Parties directly participating in the hearing (respondent, complainant, the OSC&CS staff member, procedural advisor(s) and/or support person(s)), may remain in the hearing the entire time. Witness(es) will only be present when speaking to the hearing authority.

(8) Procedural advisor and/or support person

- (a) Respondents and complainants may elect to have a procedural advisor and/or support person throughout the student conduct process.

- (b) The procedural advisor can assist the respondent and/or complainant with hearing preparations and provide them with quiet consultation during meetings and hearings.
  - (c) The support person can provide the respondent and/or complainant with emotional support throughout the student conduct process.
  - (d) If the procedural advisor and/or support person becomes disruptive after being warned two times by the hearing authority or the OSC&CS staff member, they will be asked to leave.
  - (e) Respondents and complainants whose procedural advisor is an attorney are required to notify the OSC&CS in writing at least ten business days before the information meetings or hearing.
- (9) Witnesses, pertinent information, and accommodations
- (a) Witnesses – the respondent and complainant can request a reasonable number of witnesses to present pertinent information and answer questions. Names, e-mail addresses, mobile phone numbers, and a brief explanation of why they are being requested to serve as a witness must be sent to the hearing authority in writing for review and approval at least ten business days before the hearing. The hearing authority will review the list of witnesses and inform the parties if the witnesses can participate, and the rationale for the decision if they cannot. In cases where the hearing authority is the UCB or the SMB, the OSC&CS will review the list and respond on behalf of the board at least five business days before the hearing. Character witnesses are not relevant, and their participation will not be allowed in the hearing.
  - (b) Pertinent information – the respondent and complainant can submit pertinent information to the hearing authority. The information and a brief explanation of why the information is being submitted must be sent to the hearing authority in writing for review and approval at least ten business days before the hearing. The hearing authority will review the information and inform the respondent and complainant in writing if it is allowed, and the rationale for the decision if it is not allowed. In cases where the hearing authority is UCB or the SMB, the OSC&CS will review the list and respond in writing on behalf of the board. Character letters and/or information is not relevant and will not be approved for use during the hearing.
  - (c) The hearing authority would address safety concerns as well as remove barriers to disability access or effective communication

during the conduct process by providing appropriate accommodations (i.e. American sign language interpretation or language translation) for the respondent, complainant, and/or witnesses to support full participation. Requests for these accommodations must be submitted to the OSC&CS via e-mail (studentconduct@utoledo.edu) at least five business days before the information meeting and/or hearing. The OSC&CS will work with the hearing authority and/or the appropriate office(s) to address safety concerns and arrange for reasonable accommodations for disability access or effective communication.

- (10) Hearing authority bias – the respondent or complainant may challenge a hearing authority on the grounds of bias. Challenges must be submitted to the OSC&CS via e-mail (studentconduct@utoledo.edu) at least five business days before the hearing and must specify information to support a bias. The challenge will be reviewed by a professional staff member in the OSC&CS. If the challenge has merit, the reviewer will assign a new hearing authority.
- (11) Hearing procedures
  - (a) The hearing authority will record administrative hearings, UCB hearings, and SMB hearings. The recording will be turned on at the start of the hearing and turned off before deliberation. This recording will be the property of the university, and will be maintained in the OSC&CS.
  - (b) In cases involving sexual misconduct, retaliation based on sex discrimination, or the complainant being harmed by the respondent's behavior, the respondent and complainant may submit suggested questions to the hearing authority in writing before the hearing to be asked by the hearing authority at the hearing.
  - (c) The hearing authority will begin the hearing by reading a procedural statement.
  - (d) Each party in the hearing will introduce themselves, and their role in the hearing.
  - (e) The hearing authority will review the alleged violation(s), and the respondent will confirm acceptance or denial of responsibility.
  - (f) The investigator(s) (if applicable) will present a summary of the investigation to the hearing authority. The hearing authority, the

complainant, and the respondent will ask questions of the investigator. This step will be omitted in sanctions only hearings.

- (g) The complainant (if applicable) will provide the hearing authority with a summary of their role, and a statement of what happened from their perspective. The hearing authority and respondent will ask questions of the complainant. This step will be omitted in sanctions only hearings.
  - (h) Relevant witnesses, the complainant (if applicable), and respondent will each have an opportunity to share information with the hearing authority concerning the alleged violation(s). Each witness will be questioned by the hearing authority, the complainant (if applicable), and the respondent. Witnesses are not allowed to stay for the entire hearing, and will depart after they have shared their information, and answered questions by the parties listed above. This step will be omitted in sanctions only hearings.
  - (i) The respondent will provide the hearing authority with a summary of what happened from their perspective. The hearing authority and complainant (if applicable) will ask questions of the respondent. In a sanctions only hearing, questions may only focus on impact and desired outcome, as responsibility has already been determined.
  - (j) The complainant (if applicable) and respondent will each have an opportunity to make closing comments before the hearing authority begins deliberation. These comments will allow the parties an opportunity to explain why they engaged in the behavior, what they have learned as a result of their participation in the student conduct process, how the situation has impacted them, and what they will do differently if placed in a same/similar situation.
  - (k) Deliberation is closed and is not recorded. The hearing authority will determine, using the preponderance of evidence standard, if the respondent is responsible for the alleged violation(s). If the hearing authority determines the respondent is responsible for the alleged violation(s), the respondent will receive sanction(s). When the hearing authority is UCB or the SMB, decisions regarding responsibility, and recommendations regarding sanction(s) are made by a majority vote.
- (12) Hearing outcome
- (a) After the hearing authority has made a decision regarding responsibility, the hearing outcome and any sanction(s) (if

applicable) will be sent to the respondent via their assigned university email address.

- (b) In cases involving sexual misconduct, retaliation based on sex discrimination, or the complainant being harmed by the respondent's behavior, the complainant and respondent will receive written notification of the decision and any sanction(s) directly impacting them via their assigned university email address.

(13) Coaching meetings

- (a) When a student, student group, or student organization's behavior is not a violation of the student code of conduct, but warrants additional follow-up, the director of student conduct and community standards (or designee) may hold a coaching meeting.
- (b) Coaching meetings will be held at the discretion of the director of student conduct and community standards (or designee), and are not guaranteed to the student, student group, or student organization.
- (c) Coaching meetings are individual meetings completed by hearing authorities from the OSC&CS and the ORL. A student, student group, or student organization will be notified of the subject of their coaching meeting, and the date/time/location of the meeting.
- (d) During these meetings, the student or student representative (for student groups and student organizations) is provided with skills, strategies, and resources to help them reflect on their behavior, and make the appropriate changes to support their growth and development.
- (e) These meetings will be documented by the hearing authority and will be considered as part of a review of the student, student group, student organization's conduct history.

(14) Conflict resolution options

- (a) Based on the nature of the incident, and the willingness of the complainant/harmed party and the respondent, the director of student conduct and community standards (or designee) may recommend that an incident be handled using a conflict resolution option (mediation, conflict coaching, facilitated dialogue, restorative justice). A person chosen by the OSC&CS who has been trained appropriately will conduct the conflict resolution options.

- (b) Conflict resolution options will not be utilized unless both the respondent and complainant/harmed party have attended a consultation meeting to discuss the incident, learned about the selected conflict resolution option, and have agreed to participate. A conflict resolution option that is unsuccessful may be forwarded back to the student conduct process for resolution.
- (c) Conflict resolution options will not be utilized when addressing sexual misconduct cases and/or complaints of violence.
- (d) The director of student conduct and community standards (or designee) may also suggest that complaints that do not involve a violation of the student code of conduct utilize a conflict resolution option.
- (15) The student conduct amnesty policy: Rule 3364-30-03 of the Administrative Code (student conduct amnesty) may apply in certain circumstances. Please review the policy for additional information.

(H) Sanctions

- (1) Respondents found responsible for violating the student code of conduct will receive sanction(s). Sanctions are designed to educate the respondent on community expectations regarding appropriate behavior and protect the university community and its members. Sanctions also help the respondent repair the harm they caused the community.
- (2) When sanctioning a Respondent, the Hearing Authority should consider the following:
  - (a) Statements and information presented at the review/hearing;
  - (b) Seriousness of the violation;
  - (c) How the behavior impacted the complainant and community;
  - (d) The respondent's prior conduct history;
  - (e) The respondent's intent and motivation;
  - (f) Conduct precedent (how the university has handled same/similar violation(s)); and
  - (g) Credibility of the respondent, complainant, and witnesses.

- (3) Respondents may receive one or more of the following sanctions if found responsible for violating the student code of conduct:
- (a) Written warning – written notice to the respondent (student, student group, student organization) that their behavior has violated the student code of conduct, and that further violations may result in more severe sanction(s).
  - (b) Conduct probation without restrictions – the respondent (student, student group, student organization) is not in good standing with the university and is subject to more severe sanction(s), including suspension or expulsion if there are any further violations.
  - (c) Conduct probation with restrictions – the respondent (student) is not in good standing with the university, and is subject to more severe sanction(s), including suspension or expulsion if there are any further violations. The respondent may also receive any of the following restrictions, including, but not limited to: not representing the university on any athletic team other than intramurals, hold an office in any registered student organization, represent the university in any extracurricular activity or official function, or participate in the study abroad program.
  - (d) Conduct suspension – separation of the respondent (student) from the university for a definitive period of time, after which the respondent is eligible to return. Conditions for readmission are specified.
  - (e) Conduct expulsion – Permanent separation of the respondent (student) from the university.
  - (f) Restriction of privileges – Restrictions placed upon a respondent (student group/organization) which limits university privileges for a specified period of time. These restrictions may include, but are not limited to: Inability to represent the university in any capacity, inability to maintain an office or other assigned space on university property, inability to receive/retain university funds, inability to participate in intramural sports, inability to sponsor, co-sponsor, and/or participate in any social event or other activity, inability to sponsor any speaker or guest on-campus, inability of rush or membership recruitment activities, inability of the use of university facilities, inability of the use of university vehicles, inability of advertising on-campus for organizational activities, and inability of soliciting and/or selling any items on-campus.
  - (g) Suspension of student group/student organizational recognition – the

denial of privileges of a student group/organization for a designated period.

- (h) Expulsion of student group/student organization recognition – permanently excludes the student group/student organization from the university without any recourse to reapply for recognition.
- (i) Residence hall transfer – the respondent is required to transfer residence halls.
- (j) Residence life suspension – separation of the respondent from all residence life facilities for a set period after which the respondent may be eligible to return. Conditions for return may be specified.
- (k) Residence life expulsion – permanent separation of the respondent from all residence life facilities.
- (l) Educational action – action intended to educate the respondent on their choices and behaviors. Examples of educational actions include reflective essays, research papers, designing and/or attending programs, completion of community service, counseling center screenings, parent/guardian notification, etc.
- (m) Administrative fee(s)/fine(s) – imposed when a respondent (student, student group, or student organization) is found responsible for violating the student code of conduct. fee(s) and fine(s) assist with costs associated with educational workshops and programs offered by the office of student conduct and community standards.
- (n) Restitution – compensation for the loss, damage, or injury caused by the respondent. Restitution may include one of the following: monetary or material replacement.
- (o) No contact directive – written directive to refrain from intentional contact, direct or indirect, with one or more person(s), through any means.
- (p) Revocation of admission or degree – admission to, or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violation of university standards in gaining admission or obtaining the degree, or for other serious violations committed by a student prior to graduation.
- (q) Withholding degree – the university may withhold a respondent's earned degree until the completion of the student conduct process,



including the completion of all sanction(s).

- (I) Appeals process for the student conduct process
  - (1) Grounds for appeal – the only permissible grounds for appeals are as follows:
    - (a) To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal.
    - (b) A procedural error or omission occurred that significantly impacted the outcome of the hearing.
  - (2) The appeals process
    - (a) The respondent may appeal a decision or sanction made by the hearing authority within five business days of the decision. Appeals must be submitted online at [https://cm.maxient.com/reportingform.php?UnivofToledo&layout\\_id=10](https://cm.maxient.com/reportingform.php?UnivofToledo&layout_id=10).
    - (b) Letters of support/disagreement of the hearing outcome will not be accepted and will not be considered a part of the appeal.
    - (c) In cases involving sexual misconduct, retaliation based on sex discrimination, or the complainant being harmed by the respondent's behavior, the party's appeal will be shared with the opposing party, who will be given five business days from notification of the appeal, to submit a response in writing to the OSC&CS at [StudentConduct@utoledo.edu](mailto:StudentConduct@utoledo.edu).
  - (3) Respondents and complainants who fail to attend their information meeting, administrative review, and/or hearing forfeit their right to appeal and/or respond to an opposing parties appeal. In such cases, the decision and sanction(s) made by the hearing authority are final.
  - (4) The OSC&CS will review all requests for appeal within five business days of receipt to determine if the appeal has been submitted in the appropriate timeframe, the respondent or complainant has clearly outlined one or more acceptable grounds for appeal and included a statement of facts supporting the ground(s) for appeal.
  - (5) Any appeal that is submitted outside of the timeframe outlined above, fails

to outline acceptable grounds, or fails to include a statement of facts supporting the ground(s) for appeal will be dismissed.

- (6) Appeals that are submitted within the appropriate time frame, identify acceptable grounds, and a statement of supporting facts will be forwarded to the appeals officer for review:
  - (a) Appeals of decisions made by hearing authorities in the ORL will be directed to the director of student conduct and community standards (or designee) for review and decision.
  - (b) Appeals of decisions made by hearing authorities in the OSC&CS will be directed to the associate vice president and dean of students (or designee) for review and decision.
- (7) Conduct sanction(s) will be effective immediately unless otherwise specified. This decision will be made on a case by case basis by the director of student conduct and community standards (or designee) in consultation with appropriate university officials.
- (8) In considering an appeal, the appeals officer will conduct a review of the existing materials, including:
  - (a) The hearing file;
  - (b) The hearing recording;
  - (c) The appeals form;
  - (d) Written response from the hearing authority (if applicable);
  - (e) Written response from the complainant (if applicable);
  - (f) Written response from the respondent (if applicable).
- (9) The appeals officer may uphold the original sanction and/or decision, modify and/or eliminate the sanction(s), or refer the case back to the original hearing authority due to procedural error or information not available at the time of the hearing. The appeals officer will state, in writing, the rationale for their decision. This response will be emailed to the respondent, complainant, and original hearing authority's assigned university email address.
- (10) The respondent and complainant will be notified of the outcome of the appeal via their assigned university email address within ten business

days. The decision of the appeals officer is final.

(J) Student conduct records

- (1) Student conduct information will become a part of the respondent's educational record per the Family Education Rights and Privacy Act.
- (2) Conduct sanctions, except for conduct and/or residence hall expulsion, conduct and/or residence hall suspension, or revocation of admissions/degree will be removed from the respondent's conduct record seven years from the year in which the offense occurred.
- (3) The OSC&CS will maintain the respondent's student conduct record.
- (4) Cases involving student groups/student organizations are not considered confidential under the Family Educational Rights and Privacy Act (FERPA). As a result, the university does not protect the confidentiality of the student conduct records regarding the conduct of student groups/organizations.

(K) Holds

- (1) The director of student conduct and community standards (or designee) may place a disciplinary hold on a student's conduct record when a student –
  - (a) Is not presently enrolled at the university, and an information meeting, administrative review, and/or hearing is pending;
  - (b) Has a pending conduct case that must be resolved prior to graduation;
  - (c) Has a pending investigation (student conduct or Title IX);
  - (d) Has failed to attend their coaching meeting;
  - (e) Has failed to complete sanction(s) by the assigned deadlines;
  - (f) Is placed on interim suspension from the university;
  - (g) Is suspended or expelled from the university; or
  - (h) Engages in behavior that puts themselves, or other members of the university community at risk.

(L) Refund policy

- (1) In the event of a conduct suspension or conduct expulsion, the OSC&CS will follow the regular tuition and meal plan refund schedule outlined by the office of the treasurer and the office of dining and hospitality.
- (2) In the event of a residence hall suspension or residence hall expulsion, the OSC&CS will follow the terms of the university housing contract/honors academic village "HAV" lease by the ORL or HAV.

(M) Student code of conduct review – the student code of conduct will be reviewed annually under the leadership and direction of the director of student conduct and community standards (or designee).

(N) Acknowledgements – parts of the university of Toledo student code of conduct are adapted from the National Center for Higher Education Risk Management "NCHERM" group model developmental code of student conduct and are used here with their permission. The OSC&CS wishes to acknowledge the following institutions for their example in crafting this document – Bowling Green state university, Clemson university, eastern Michigan university, Ohio university, the Ohio state university, the university of Cincinnati, the university of Florida, the university of Kentucky, and the university of Michigan.

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Effective: 10/26/2020

CERTIFIED ELECTRONICALLY

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Certification

10/14/2020

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Date

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