

## **Office of Student Rights and Responsibilities and Judicial Affairs Campus Judiciaries**

### Preamble

Hocking College is committed to freedom of inquiry, thought, and expression in support of the Hocking College Strategic Plan and Mission Statement. In order to preserve these freedoms, as well as to maintain an environment supportive of all learning, Hocking College students are obligated to conduct themselves in an appropriate manner. Hocking College retains the authority to maintain order within the college community and to exclude those who are disruptive. Therefore, Hocking College reserves the right to discipline, suspend, or expel any student involved in activity that threatens to or disrupts the well being of the college and its community. Before action is taken, all due process rights will be respected through the judicial and appeal procedures. In cases where imminent danger may exist, the college reserves the right to intermittently suspend a student, pending a hearing.

### Honor Statement

Hocking College believes that its students need to take personal responsibility for their academic work on and off campus, both as individuals and as a member of a group. Hocking College believes that its students should display honesty, integrity, and good judgment in their on and off campus activity.

### Judicial System

The Associate Dean of Student Affairs supervises the Hocking College Campus Judicial process. The Director of Student Rights, Responsibilities and Judicial Affairs (SRR&JA) has general oversight for the operation of judicial procedures. The Director of SRR&JA instructs all students and staff involved in the judicial process regarding due process, fair treatment, and procedures to be followed in the judicial process. The purpose of these procedures is to provide for the administration of the Student Code of Conduct consistent with the principles of due process of law applicable to state colleges and universities.

### The Judicial Review and Standards Committee

The Associate Dean of Student Affairs chairs The Judicial Review and Standards Committee, an advisory board for the Hocking College Judicial System and the Student Code of Conduct. The committee is responsible for developing and maintaining judicial procedures, as well as accepting and recommending amendments to the Code of Conduct and its procedures.

## Director of Director of Student Rights, Responsibilities and Judicial Affairs

The Director of SRR&JA has the responsibility of determining the merit of a referral, accepting student admissions regarding incident(s), and imposing sanctions. The Director of SRR&JA has responsibility to present facts, circumstances, and evidence before hearing boards. The Director of SRR&JA also has the responsibility to review incidents involving alleged violations and acts as advisor, to both the complainant and respondent in matters concerning code procedures.

## Judicial Hearing Board

The Judicial Hearing Board has the authority to hear cases involving alleged violations of code offenses under the following circumstances:

1. The Director of SRR&JA (or a designee) has determined that the nature of the alleged violation, the severity of the probable sanction(s), or the accused student's pattern of behavior warrants special attention.
2. The accused student requests a hearing.

Each hearing board is typically comprised of five (5) members. Hearings may be conducted with as few as three (3) board members. The Judicial Hearing Board shall be comprised of some, any, or all of the following individuals:

- The Director of SRR&JA (or designee)
- Director of Campus Safety (or designee)
- Academic Administrator (or designee)

## Guidelines

### **Referrals (How to file a complaint)**

Members of the Hocking College community, students, faculty, or staff may file a judicial referral. College Judicial Case Referral Forms are available on-line by going to [www.hocking.edu](http://www.hocking.edu). Scroll down to the bottom of the page and click on "Student Incident Report". Under report type, select "Judicial Referral/Code of Conduct Violation."

When members of the Hocking College Community encounter behavior on the part of their fellow students that they believe may be in violation of a college policy, they are urged to seek advice from the Residence Life Staff, The Director of SRR&JA, or a representative from the Student Affairs Office.

### Referral Guidelines

- Any violation should be submitted as soon as possible after the event takes place, preferably within forty-eight (48) hours of the alleged violation.

- The Director of SRR&JA (or designee) may conduct an inquiry to determine the validity of the alleged violations of the Code of Conduct.
- Involved students will receive written notification of alleged violations.
- A procedural interview will be set within a reasonable period of time, usually within fifteen calendar days. Time for scheduling of procedural interviews and hearings may be extended at the discretion of the Director of SRR&JA or a representative from the Dean of Student Affairs Office.

Judicial procedures may require expedition in the event of severe violations to the Student Code of Conduct and will occur at the discretion of the Director of SRR&JA (or designee).

### Hearing Board Guidelines

The chair of the hearing board will assure an orderly hearing process so that fairness and due process are observed. All Procedural Interviews and Hearings will be closed to the public in order to protect the student's right of confidentiality. The exclusion of attorneys or law-trained professionals from the hearing does not limit the student's ability to pursue the matter through legal channels. Hearings will be recorded by the hearing officer to provide an accurate record of the proceedings. The recording will remain the property of and in the possession of Campus Judiciaries. For appeal purposes, the student may request to listen to the recording. Copies or transcriptions of the recording will not be provided.

### General Operating Guidelines

1. The chair of the hearing board will open the hearing by informing the accused of the policies and procedures to be exercised throughout the judicial process as well as for questioning persons who speak for or against them during the hearing.
2. In cases before the College Hearing Board, the chair of the hearing board will ask each member of the board to introduce themselves and relay their college affiliation.
3. The chair of the hearing board will inform the board of its obligation to decide whether the student's actions violated the Code of Conduct and, if needed, to recommend sanctions.
4. The Director of SRR&JA (or designee) will present reports and any evidence.
5. The accused student will be given the opportunity to admit or deny the allegations.
6. The complainant and accused student may present oral and/or written statements concerning the alleged violation.
7. The accused student will have the opportunity to question witness(es), seek process clarification from the Director of SRR&JA (or designee), and examine any evidence provided.
8. The complainant is afforded the opportunity to attend the Hearing and will

have the opportunity to present oral and written statements, question the accused, seek process clarification from the Director of SRR&JA (or designee), and examine all evidence. Requests for special arrangements for the complainant's attendance requirement will be reviewed on a case-by-case basis.

9. After all evidence and statements have been presented, the complainant and accused student, in that order, may summarize their positions.
10. The Hearing Board will go into closed session to make its decision. The Hearing Board will base decisions on majority vote.
11. The accused student will be invited to re-enter the hearing to be read the Hearing Determination and related sanctions (if applicable).
12. The hearing officer will adjourn the hearing.
13. Written notification of the Hearing Board's decision will be mailed to the accused student by the Director of SRR&JA within 10 working days of the hearing.
14. Failure to comply with sanctions is a violation of the Student Code of Conduct.

### Records

The Director of SRR&JA shall maintain records of all incidents, code violations, and hearings.

- Hocking College will permanently maintain the disciplinary records of those students separated from the college by suspension or expulsion. A notation of "Withdrawn, Expulsion" will be printed on a student's transcript if the student is expelled. A notation of "Withdrawn, College Action" will be printed on the student's transcript if the student is suspended.
- Hocking College will destroy the disciplinary records of those students who received sanctions other than suspension or expulsion after a period seven (7) years.
- Disciplinary files will be kept beyond a student's graduation in compliance with federal reporting guidelines.
- Students have the right to submit any documentation to their disciplinary file to amend a record they believe to be inaccurate or misleading.

### Rights of the Complainant

The complainant has the following rights and options throughout the judicial process:

- The right to have a judicial referral handled in a forthright and timely manner.
- The right to be accompanied throughout the judicial process by another member of the college community, i.e. an administrator, faculty member, staff, or student in good standing.

- The right to request and be provided accommodation in the event of a disability.
- The right to request removal of a panel member due to perceived or real conflict(s) of interest.
- The right to have unrelated behavior excluded from the judicial process.
- The right to submit an oral or written statement about the impact of an offense to be considered in determining the disciplinary sanction.
- The right to be advised of the determination of a judicial referral in cases involving federally defined crimes of violence and non-forcible sex offenses.

### Rights of the Accused Student

The accused student has the right to notification regarding the alleged offense and a Procedural Interview to respond to the charges. The notification will be hand or post delivered to the last address on file with the Registrar or delivered to the accused student while attending class. The notification will include a copy of the referral notice with facts pertinent to the violation. The date, time, and location of the Procedural Interview will be included, as well.

The purpose of the Procedural Interview is to provide the accused student the opportunity to discuss the facts and circumstances that led to the referral. The Director of SRR&JA (or designee) will clarify the rights and options of the accused and describe a potential sanction for the violation.

The accused student must attend the Procedural Interview. If an accused student fails to appear at the first scheduled Procedural Interview, they will have 48 hours to contact the Director of SRR&JA (or designee) to reschedule their interview. Failure to contact the Director of SRR&JA (or designee) within 48 hours will result in a determination being made in absentia. The accused will then receive written notification as to the final determination and be informed of any related sanctions.

At the Judicial Hearing level, accused students are required to attend the scheduled Hearing. Having received notification and failing to appear will result in the Hearing Board proceeding without the accused in attendance.

Procedural Interviews and Judicial Hearings may be rescheduled at the discretion of the Director of SRR&JA (or designee).

At any time before or during a hearing a student may ask for the removal of any member of the Hearing Board, by presenting evidence of bias on the part of the member. The Director of SRR&JA (or designee) may excuse the Hearing Board member or permit the Hearing to continue with no modification.

A charge of bias against the Director of SRR&JA (or designee) must be submitted to the

Associate Dean of Student Affairs (or designee). Upon determining the validity of the claim, the Associate Dean of Student Affairs (or designee) may excuse the Director of SRR&JA (or designee) or permit the hearing to continue with no modification.

All Procedural Interviews and Hearings will be closed to the public to protect the student's right of confidentiality. The exclusion of attorneys or law-trained professionals from the hearing does not limit the student's ability to pursue the matter through legal channels.

Accused students have the right to be accompanied by a member of the college community (an administrator, faculty member, staff, or student in good standing) to serve as an advisor. The advisor may be present during the hearing, but are not permitted to address the board or speak on behalf of the student. It is not the role of the advisor to “win” the case for the student. Rather, the advisor may assist the student in preparing for the hearing, attending the hearing, and, if necessary, assisting the student with an appeal. It is the responsibility of the student to initiate contact with the hearing advisor. It is also the student’s responsibility to confirm the advisor’s availability for the hearing. Accused students have the right to request and be provided accommodation in the event of a disability. Assistance can be obtained through the 504 Equity Compliance Officer.

With the exception of college expulsion, suspension, and academic holds pending a judicial hearing, disciplinary sanctions shall not be made part of the student's academic transcript. All other interactions of the Student Code of Conduct will be recorded and maintained by the Director of SRR&JA.

When a student withdraws from Hocking College after engaging in conduct that may violate the Code of Conduct but before the alleged violation can be adjudicated, a hold will be placed on the student’s record. This hold will prevent the student from re-enrolling until the alleged violations have been resolved.

#### Admission of Violation or Denial of Violation

At the Procedural Interview, the accused student may admit to alleged violations and have the Director of SRR&JA (or designee) impose sanctions or the student may deny the alleged violations.

Admit to Violation is an admission to a violation of the Student Code of Conduct. Denial of Violation is a rejection of the allegations of a violation of the Student Code of Conduct and at this point the Director of SRR&JA (or designee) will consider the nature of the alleged offense, the severity of the probable sanction(s), and/or the accused person's pattern of behavior. A determination at the Procedural Interview may occur or the referral may proceed to a Judicial Hearing.

## Appeal Guidelines

Any appeal of the decision by any college hearing body specified in this document must be made by the student found in violation within five (5) working days of the date of notice of the decision.

Appeals may be arranged for the following reasons:

- Judicial procedures were not followed.
- The evidence did not justify the results.
- The sanction was not consistent with the nature of the violation.
- There is new evidence.

Appeal forms are available from the Office of the Associate Dean of Student Affairs in JL 194 (or designee). The completed form should be returned to the Office of the Associate Dean of Student Affairs in JL 194 (or designee) within five (5) working days. The Associate Dean of Student Affairs (or designee) will do one of the following:

- Hear the appeal and make a final determination.
- Return the appeal to the Judicial Hearing Board in the event of new evidence.
- Dismiss the appeal.

In considering the original evidence presented at the Judicial Hearing, in light of alleged new evidence, the Associate Dean of Student Affairs (or designee) will order a new hearing only if the new evidence is of such a nature to change the outcome of the original hearing. Students will be notified within ten (10) working days of the appeal decision.

## Violation of Law and Hocking College Discipline

Hocking College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student Affairs. Determinations made or sanctions imposed under this Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law,

Hocking College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Code of Conduct, Hocking College may advise off campus authorities of how such matters are typically handled within the Hocking College community. Hocking College will attempt to support the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the Hocking College community, acting in their personal capacities, remain free to interact with any governmental representatives, as they deem appropriate.

### Conduct of Student Organizations

When a student organization is charged with a violation of the Student Code of Conduct, the Director of SRR&JA will consult with the Director of Co-Curricular Education before determining whether the organization or specific individuals should be referred to Campus Judiciaries.

Student organizations in violation of the Student Code of Conduct will be subject to the maximum sanction of being barred from campus, less severe sanctions of suspended use of facilities and services of the college, suspension of the privilege to sponsor fundraising events, the loss of funds allocated by the college, and/or restitution for damage(s) may be instituted.

### Amendments to the Student Code of Conduct

This document may be amended and revised only according to the following procedure:

- Any member of the college community or any constituent body thereof may propose amendments and revisions and submit them to The Judicial Review and Standards Committee.
- The committee shall review all proposed amendments and revisions forwarded to them and may accept, reject, or amend them.
- The Committee shall then submit any approved amendment or revision to the Provost/Vice President of Academic and Student Affairs. Upon approval, the Provost/Vice President of Academic and Student Affairs will submit the proposal to the President and Cabinet for review.

### **The Student Code of Conduct**

The Student Code of Conduct shall supersede any existing disciplinary policies and procedures that are inconsistent with this document. Students are required to become familiar with the Code of Conduct and must comply with all stipulations therein. Violations of any of these policies will be handled in accordance with the appropriate Hocking College procedures.



Repeated violations, multiple violations, or the severity of the misconduct may heighten the sanction to suspension or expulsion from Hocking College and/or cancellation of the Residence Hall contract and/or dining agreement. In addition, students may be fined up to \$200.

**Code I Offense** violations are subject to a maximum sanction of expulsion or any sanction not less than probation, and in most instances, mandatory referral. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Student Code of Conduct.

**Code II Offense** violations are subject to a maximum sanction of disciplinary probation or any sanction not less than a reprimand. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Student Code of Conduct. Multiple Code II offenses may yield sanctions beyond the minimum sanctions discussed above.

**Hocking College may exercise jurisdiction for any offense committed off campus in any of the situations below:**

- A. The perpetrator of such offense is a member of the campus community.
- B. The offense occurred at a college sponsored or sanctioned event, off-campus course or study abroad experience.
- C. The accused student used his/her status as a member of the college community to assist in the commission of the offense.
- D. The offense seriously impacts the pursuit of the college's objectives.

## **Academic Related Offenses**

### **I. Code I Offenses**

- A. **Academic Misconduct** refers to dishonesty in examination (cheating); presenting the ideas or writing of someone else as one's own (plagiarism); knowingly furnishing false information to the college by forgery, alteration, or misuse of college documents, records, or identification. Academic dishonesty includes but is not limited to:
  1. Permitting another student to plagiarize or cheat from your work
  2. Submitting an academic exercise, written work, project, or computer program that has been prepared totally or in part by another
  3. Acquiring improper knowledge of the contents of an exam
  4. Using unauthorized material during an exam
  5. Submitting the same paper in two different courses without knowledge and consent of all faculty members involved
  6. Obtaining academic material through stealing or other unauthorized means
  7. Falsification of research findings and methodology.
- B. **Disruption/Obstruction** of teaching, administration, disciplinary proceeding,

other hearings, or other activities on or off campus.

- C. **Unauthorized or Unsafe Use** of any college or privately owned equipment.

### **Alcohol Related**

*(Please note: The Family Educational Rights and Privacy Act, more commonly known as FERPA, allows the Office of SRR&JA (or designee) to notify parents of students under the age of 21 in the event of alcohol and other drug violations).*

#### **I. Code I Offenses**

- A. Misuse of alcohol on or off the Hocking College Campus, which demonstrate danger to one's self and/or others.
- B. Repeated alcohol violations

#### **II. Code II Offenses**

- A. Unauthorized Use of Alcoholic Beverages including, but not limited to:
  - 1. Possession or consumption of alcoholic beverages on campus except during special events or in circumstances where alcohol use has been authorized by college officials.
  - 2. Failure to comply with state or college regulations regarding the use or sale of alcoholic beverages
- B. Remaining within a residence hall area where alcohol is being consumed, furnished or sold.

### **Drug Related**

*(Please note: The Family Educational Rights and Privacy Act, more commonly known as FERPA, allows the Office of SRR&JA (or designee) to notify parents of students under the age of 21 in the event of alcohol and other drug violations).*

#### **I. Code I Offenses**

- A. Manufacture, Distribution, Sale, Offer for Sale, or Possession of Legal or Illegal Drugs or Narcotics including, but not limited to:
  - a. Barbiturates
  - b. Hallucinogens
  - c. Amphetamines
  - d. Marijuana
  - e. Cocaine
  - f. Opium
  - g. Heroin
- B. Illegal drugs or legal medications used in a fashion other than directed are prohibited.
- C. Possession/Use of Marijuana when such possession would constitute a minor misdemeanor.
- D. Possession of Drug Paraphernalia
- E. Repeated Drug Related violation of the Hocking College Code of Conduct.

## **Weapon Related**

### **I. Code I Offenses**

1. Unauthorized Possession of Weapons including, but not limited to:
  1. Firearms and/or Guns
  2. Dangerous Chemicals
  3. Explosive devices of any description
  4. Illegal knives
  5. Other implements that could be considered as dangerous.

### **Mental or Bodily Related**

*(Please note: The College has special concern for incidents in which persons are subject to victimization because of identification with any particular group.)*

### **Code I Offenses**

Abuse of others includes, but is not limited to:

- A. Verbal, written, graphic, or electronic abuse
- B. Bullying, defined as the repeated use of written, verbal, or electronic/cyber expression and/or communication and/or a verbal, electronic or physical act of gesture or any combination thereof directed at a member of the college community that:
  1. Causes physical, psychological and/or emotional harm to a College community member or damage to his/her property
  2. Places a College community member in reasonable fear of harm to him/herself or damage to his/her property
  3. Creates a hostile, threatening, intimidating, humiliating or abusive environment [at the college] for a College community member or substantially interferes with his/her educational performance, opportunities or benefits. For purposes of this section, bullying may include, but is not limited to:
    - Social exclusion or isolation
    - Humiliation or degradation
    - Threats
    - Intimidation
    - Harassment
    - Stalking
    - Theft and/or damage/destruction of property
  4. The perpetuation of any of the conduct listed in this section by inciting, soliciting, or coercing others to demean, embarrass, humiliate or cause emotional, psychological or physical harm to a member of the College community.

- C. Taking any reckless, but not accidental, action from which bodily or mental harm could result to any person
- D. Causing a person to believe that the offender may cause harm to another or the property of another
- E. Any act, which demeans, degrades, or disgraces any person including one's self.
- F. Disorderly, Lewd, or Indecent Conduct refers to behavior that a reasonable person believes to be offensive, degrading, or insulting.
- G. Harassment (defined as repeated and/or continuing behavior), coercion, or intimidation of an individual or group, either directly and/or indirectly on the basis of race, color, religion, national origin, age, gender, sexual orientation, disability or veteran status. Inappropriate behavior may include (but is not limited to):
  - 1. Posting of threatening letters or notes directed towards another person
  - 2. Harassing or threatening phone calls
  - 3. Vandalism of a person's property by graffiti or any other means

The determination as to whether or not a behavior or conduct is deemed as harassment will be dealt with on a case-by-case basis with consideration given to the totality of the circumstances. Individual rights, freedom of speech, and academic freedom are protected for all persons.

- H. Endangering Behavior – conduct demonstrating that the student constitutes a threat to others or to the proper functioning of the College.
- I. Inappropriate Sexual Behavior/Sexual Violence

*Note: Appropriate sexual behavior requires consent from all parties involved. "Consent" refers to a voluntary agreement to engage in sexual activity proposed by another. Consent requires mutually understandable and communicated words and/or actions demonstrating agreement to participate in proposed sexual activity. "Without consent" may be communicated by words and/or actions demonstrating unwillingness to engage in proposed sexual activity. When substance use is involved, a person is not considered able to give consent when the degree of intoxication and/or impairment is such that the victim's judgment is so impaired that he or she would not be capable of making rational decisions about his or her welfare, and as such the person would not be able to give consent to engage in sexual activity.*

1. Sexual Assault

- With penetration, defined as the oral, anal, or vaginal penetration by an inanimate object, penis, or other bodily part without consent The act of penetration will be considered without consent if there is a condition of which the offending student was or should have been made aware, such as drug and/or alcohol intoxication, coercion, and/or verbal or physical threats, including being threatened with future harm.
- Without penetration, defined as the unwanted touching of the

intimate body parts of another (for example: breasts, buttocks, groin, genitals, or the clothing covering them) or the unwanted touching of a body part not usually considered intimate such as massage). These acts will be considered unwanted and without consent if the victim was unable to give consent due to a condition of which the offending student was or should have been aware, such as drug and/or alcohol intoxication, coercion, and/or verbal or physical threats, including being threatened with future harm.

## 2. Sexual Misconduct

- Any unwanted act that is intended in a sexual nature. Examples include, but are not limited to:
  - Exposing one's genitals or other intimate body parts to a particular person or to the general public,
  - Repeated sexually charged verbal abuse related to one's gender
  - Repeated obscene phone calls or mail
  - The viewing, filming, and/or disseminating any recording of any type of sexual acts, partial or full nudity, inappropriate materials, sounds, or images of another person without the knowledge and expressed permission of all parties involved
- J. Discrimination refers to intentional public discrimination against a person on the basis of race, color, religion, sex, sexual orientation, political persuasion, national origin, ancestry, age, handicap, or veteran's status.

## **Theft, Misuse, Destruction, and Trespass Related**

### **Code I Offenses**

- A. Negligent Destruction of Property refers to the intentional or reckless, but not accidental, damage, destruction, defacement, or tampering with college property or the property of any person while on college premises or during any college-related function.
- B. Theft refers to the theft of property or services of the college or members of the Hocking College community.
- C. Possession of Stolen Property refers to possessing property reasonably suspected to be stolen that may be identified as property of the college or a member of the Hocking College community.
- D. Forcible Entry to Trespass refers to forcible or unauthorized entry into any building, structure, or facility.
- E. Misuse or Abuse of Computers and Communication Equipment refers to misuse or abuse of any computing, resources including: computer system, service, program, data, or communication network, software and host files. (See Computer and Network Usage Policy)

- F. Misuse of Electronic Resources refers to electronic systems or methods (for example, e-mail, “hacking,” and so on) to steal, misrepresent, threaten, harass, or bully (including cyber bullying), or violations of the Computer and Network Usage Policy and/or any other computer or system use.
- G. Misuse of Safety/Security Equipment refers to unauthorized use or alteration of fire fighting equipment, safety devices, smoke alarm detectors, security cameras, or other emergency safety/security equipment.
- H. Repeated Occurrences of Financial Irresponsibility refers to students who repeatedly fail to meet financial responsibility to the College, including but not limited to the writing of checks on accounts with insufficient funds, and failure to meet financial obligations due to the College.
- I. Arson refers to intentionally engaging in the open burning of any material or substance on any part of the College property without privilege or expressed authorization, such as part of an instructional class or session.

## **II. Code II Offenses**

- A. Unauthorized Use of Property or Service refers to the unauthorized use or possession of property or services of the college or members of the Hocking College community.
- B. Unauthorized Use of College Keys refers to the unauthorized use, distribution, duplication, or possession of any key issued for any college owned or controlled building, laboratory, facility, or room.
- C. Misuse of Identification refers to forging, transferring, lending, borrowing, altering, or otherwise misusing college identification cards, other college identification, or any other college document or record.

## **College Policy, Criminal Law, and Judicial Process Related**

### **I. Code I Offenses**

- A. Insubordination includes, but is not limited to the act of willfully disobeying an authority figure.
- B. Dishonesty includes but is not limited to:
  - 1. Furnishing false information to the college by forgery, alteration, or misuse of, among other things, college documents or records
  - 2. Furnishing to the college a written or verbal false statement
  - 3. Furnishing false identification to a college official
- C. Violation of Probation refers to the violation of the Student Code of Conduct while on probation, or violation of the terms of probation.
- D. Impeding refers to the obstruction of the free flow of pedestrian or vehicular traffic on college premises or a college sponsored function.
- E. Civil Disturbance refers to any conduct that involves disturbing the peace. Disturbing the peace can include, but is not limited to:
  - 1. Disorderly conduct
  - 2. Failure to comply with the directives of Campus Safety or other college

officials

3. Failure to comply with an order of dispersal
  4. Other such conduct, which can reasonably be construed to involve disturbing the peace and good order of the college community.
  5. If the conduct is deemed to be of a lesser magnitude, the Director of SRRJA (or designee) may charge the student with a lesser charge of Disturbing the Peace (Code 2).
- F. False Reporting of an Emergency refers to causing, making, or circulating a false report or warning of a bomb, fire (including activation of the fire alarm), explosion, crime, or other emergency.
- G. Conduct in Violation of Federal, State, or Local Laws refers to conduct, which could be perceived as a violation of federal, state, or local laws.
- H. Abuse of the Judicial System includes, but is not limited to:
1. Failure to obey the summons of a judicial body or college official
  2. Falsification, distortion, or misrepresentation of information before a judicial body
  3. Disruption or interference with the orderly conduct of a judicial proceeding
  4. Attempting to discourage an individual's proper participation in or use of the judicial system
  5. Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding
  6. Verbal or physical harassment and/or intimidation of a member of the judicial body prior to and/or during the course of the judicial proceeding
  7. Harassment (verbal or physical) and/or intimidation of a student member of a Conduct Board prior to, during, and/or after a student conduct code proceeding.
  8. Failure to comply with the sanctions imposed under the Student Code
  9. Influencing or attempting to influence another person to commit an abuse of the judicial system
- I. Aiding or Abetting refers to helping, procuring, or encouraging another person to engage in the violation of a Code I offense.
- J. Joint Responsibility refers to everyone present when and where one or more policy violations is/are occurring, who choose to remain there.
- K. Disruption/Obstruction refers to the disruption or obstruction of activities related to supporting a safe and orderly campus.
- L. Repeated Violation of Residence Hall Policies refers to members of or visiting members of the Residence Life Community who repeatedly fail to abide by the rules and regulations set forth by the Residence Life Policy Handbook.

## **II. Code II Offenses**

- A. Disturbing the Peace refers to disturbing the good order of the college by, among other things, fighting, quarreling, or being intoxicated.

- B. Failure to Comply or Identify refers to failure to comply with reasonable directions or identify oneself to college officials, campus safety officer, or other law enforcement officers acting in the performance of their duties. Reasonableness will be determined by the person or board hearing the case.
- C. Violation of Residence Hall Policy refers to members of or visiting members of the Residence Life Community who fail to abide by the rules and regulations set forth by the Residence Life Policy Handbook.

### **Sanctions**

*(Please note: Sanctions for drug and alcohol violation offenses may vary from those listed below. See Hocking College's Drug and Alcohol Policy for more specific sanctions).*

A student admitted by Hocking College accepts responsibility to conform to Hocking College rules and regulations. Failure to meet this obligation, as determined by the campus judicial process, will justify the levying of appropriate disciplinary sanction. It is the responsibility of students to become familiar with all institutional rules and regulations that govern student conduct.

Sanctions imposed for misconduct will be based on a consideration of the following factors:

- Nature and number of violations
- Severity of the damage, injury, or harm resulting from the incident
- Student's past disciplinary record

Students who are suspended or expelled are subject to the refund policies stated in the Residence Hall Handbook and/or Student Guide. Students should also review their financial aid and scholarship information to determine the impact suspension or expulsion may have on those funds.

### **Types of Judicial Sanctions**

- Verbal Warning- A verbal reprimand which expresses college dissatisfaction with the student's conduct and which clarifies expected behavior in the future. Such a warning is noted in the student's conduct file.
- Disciplinary Warning- A written reprimand which expresses college dissatisfaction with the student's conduct and which clarifies expected behavior in the future.
- Disciplinary Probation- Written notification that any further violations within the probationary period shall result in more severe disciplinary action. The



probationary period will be for a specific period of time and/or until the completion of any specified requirements or conditions that are part of the probation.

- Disciplinary Suspension in Abeyance- The student remains enrolled. However, any violation of conduct regulations during the period of suspension in abeyance will, after determination of guilt, result in a minimum sanction of automatic suspension.
- Disciplinary Suspension- A decision that removes the student from the college for a specific period of time, usually no more than two years. The suspension might be immediate or begin after the end of the quarter. In either case, the student is eligible for consideration for readmission at the end of a specific period.
- Disciplinary Expulsion- A decision that removes the student permanently from the college. Normally, the penalty shall also include the student being barred from the premises of the college.
- Other Sanctions- Other sanctions may include a variety of restrictions and educational related activities. These include but are not limited to:
  - Prohibition from engaging in any extra-curricular activity
  - Prohibition running or holding an office in any student group or organization
  - Prohibition from participation in sports related activities
  - Restricting students from serving on any college committees
  - Limiting student employment
  - Removal from on-campus housing
  - Restriction from specific buildings or residence halls
  - Changing student room or residence hall assignment
  - Restriction from campus
  - Placing holds on records
  - Service charges or restitution
  - Required counseling
  - Required community service
  - Required class attendance
  - Writing a paper
  - Required apology

#### **Judicial Amnesty Protocol**

**It is imperative that someone call for medical assistance** when an individual experiences severe intoxication or a serious injury after consuming alcohol or other substances. People may be reluctant to seek help in such alcohol or other substance related emergencies because of potential judicial consequences for themselves, the

person in need of assistance, or the organization hosting the event where the situation occurs. Since these emergencies are potentially life threatening, **Hocking College seeks to reduce barriers to seeking assistance.** To this end, the Judicial Amnesty Protocol was established.

#### How does Judicial Amnesty Protocol work?

The Director of Student Rights, Responsibilities & Judicial Affairs and the Coordinator of Addiction Studies will determine eligibility for the Judicial Amnesty on a case-by-case basis.

Acceptance of Judicial Amnesty does not preclude a summons or citation from law enforcement, nor are students exempt from other Student Code of Conduct disciplinary action or decisions by Hocking College Police, Department of Residence Life or other initiating departments.

To achieve these aims, the Judicial Amnesty Protocol provides that discretion will be exercised, as permitted under the Hocking College Student Code of Conduct as follows:

- Students who receive medical treatment for an alcohol/drug-related incident will be eligible for consideration for Judicial Amnesty.
- Students who report an alcohol/drug-related incident or act on behalf of a student who requires medical attention will be eligible for consideration in Judicial Amnesty.
- The College reserves the right to review Judicial Amnesty for students with multiple alcohol/drug violations and a history of student code of conduct violations.

#### Person in need of medical attention

If an individual who receives emergency medical attention related to his or her consumption of alcohol or other substances completes a required educational follow-up with the Coordinator of Addiction Studies he or she will **not be subject to judicial action** should the following Code violations occur at the time of the emergency:

- Underage consumption and or possession of alcohol and illegal drugs
- Disorderly conduct

The individual receiving amnesty will not be required to meet with the Director of Student Rights, Responsibilities & Judicial Affairs, and will receive a written educational follow up rather than a written reprimand.

Students eligible for Judicial Amnesty must complete all terms of the program. A person who does not fulfill the educational program may be cited for non-compliance under the Student Code of Conduct.

#### Calling on behalf of someone else

An individual who calls for emergency assistance on behalf of a person experiencing an alcohol or other substance related emergency and who themselves may be in violation of Hocking College's Student Code of Conduct will also be considered for eligibility for Judicial Amnesty, and would not be subject to judicial action for the following Code violations in relation to the incident:

- Possession of alcohol
- Provision of alcohol to an underage person
- Disorderly conduct

The caller must stay with the person until medical help arrives in order to be eligible.

### **Program Assessment**

To ensure continuous review and evaluate effectiveness, the Judicial Amnesty participants will be assessed annually through data comparison, participant surveys, focus groups, and staff interviews.

### **Administrative Interim Suspension**

When the actions of a student threaten the good order and discipline of the college, college administrators, the Dean of Student Affairs Office may suspend the student on an interim basis, pursuant to Section 3345.24(B) of the Ohio Revised Code, pending a prompt hearing by a hearing board. The administrator alleging the inappropriate conduct will also determine whether the interimsly suspended student may or may not remain on college property pending the completion of the hearing process.

If a decision is made to interimsly suspend a student, the administrator managing the situation immediately notifies the student of the interim suspension and an upcoming procedural interview. The judicial process shall occur expeditiously in accordance with the Hocking College Student Code of Conduct.

If the final decision is to suspend or expel the student, the sanction takes effect from the date of the administrative interim suspension. If the decision is a reprimand or disciplinary probation, or if the charges are not proven, for purposes of the record, the interim suspension will be deemed not to have occurred. The student has the right to appeal the final decision in accordance with the established appeal process.

### **Statement on Emotional Stability Relating to Conduct**

A student who has violated the Student Code of Conduct and is regarded as evidencing psychological instability that interferes with his or her normal functioning may be recommended by the Director of SRR & JA for an evaluation by an outside mental health professional. Recommendation for such evaluation will be made to assist in determining the sanction. If the student accepts the recommendation, he or she will be informed that an oral report can be made by the outside mental health professional to the Director of SRR & JA only if a release of information is authorized. If the student refuses

the recommendation, the hearing process will continue as if no recommendation were made. When a student's emotional instability, as evaluated by the psychologist, is considered an important contributing factor to the act(s) leading to a suspension, a medical hold, independent of the suspension, will be placed on the student's academic record. The medical hold will be released if the Director of SRR & JA receives documentation from a mental health professional that the emotional instability has been sufficiently resolved.

### **Suspension of Students with Uncontrolled Medical Disorders**

Suspensions with regard to an uncontrolled medical disorder are not judicial in nature. A student at Hocking College will be subject to involuntary suspension from the institution or a residence hall if they are suffering from a medical disorder and, as a result of such, the student:

- Engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others;
- Engages, or threatens to engage, in behavior that would cause significant property damage, or directly and substantially impedes the lawful activities of others.

As this type of suspension is *not* related to the Hocking College Judicial process, in cases of an uncontrolled medical disorder that requires review, the Hocking Behavioral Intervention Team will convene. This team may request consultation from other related and knowledgeable staff and/or associated persons. Special consideration should be given to student rights to privacy. The Dean of Student Affairs chairs this process.

As this type of suspension may require particular consideration for students with a documented disability, such instances are managed by Hocking College 504 Coordinator and processed on a case-by-case basis.

Consultation may occur with individuals knowledgeable about the College's obligations under federal disability civil rights laws and direct threat standards. If applicable, requests for readmission reviews of students with a disability who have been suspended based on an uncontrolled medical disorder, will involve the 504 Coordinator.

Students will receive notice of an expedited suspension hearing in the event of uncontrolled medical disorders. Hearings of this nature can be expected to occur within 48 business hours of the incident of concern.

### **Global Studies: Class Disruption/ Temporary Class Suspension/Program Termination/ Emergency Suspension/ Suspension of student with Uncontrolled Medical Disorders**

In cases where a student is enrolled in a Hocking College Global Studies course(s), situations may rise to a level at which it becomes necessary for the instructor or course facilitator to respond to a Class Disruption, enact a Temporary Class Suspension, Program Termination, Emergency Suspension, or Suspension of Students with

Uncontrolled Medical Disorders. Doing so can be additionally complicated when located in another country without the variety of campus resources that would typically be available for students and staff.

In the event of behaviors warranting consideration of any of the above college actions, the Study Abroad instructor or course facilitator will be in immediate contact with the Hocking College Police Department (by fax, email or telephone). The Director of Campus Safety will consult with the Dean of Student Affairs who will convene a meeting with the Director of SRRJA, the Chair of the Behavioral Intervention Team, and the academic dean.

### **Temporary and Extended Class Suspension**

As a natural progression of a class disruption, though not always, a student engaging in disruptive behavior that is detrimental to the mission of the college, including, but not limited to, the instructional process, the learning experience, the rights of other students, and/or behavior that seriously jeopardizes the college's relationship with affiliating agencies may result in temporary class suspension. A member of the staff may make this determination for one class period (the day of the occurrence).

The instructor's immediate supervisor must concur within 24 hours for extended removal from class. Extended class removal (beyond 24 hours), is at the determination of the Academic Administrator.

Students must receive written notification of both the temporary and extended class removal and will be provided the opportunity to be heard by the academic administrator before the decision.

### **Program Termination of a Student**

An Academic Dean may terminate a student from a program of study at Hocking College in cases where:

- There are limited instructional spaces and by substantial or repeated academic failure a student has demonstrated an inability to succeed in the technology of study.
- A student's actions constitute a safety risk (to self or others) in the technology of study.
- Substantial and repeated violations of a technology's standards as specified in the Technology Handbook and Course Outlines.
- Students in technical programs sanctioned by an outside accrediting entity (examples include, but are not limited to: Ohio Board of Nursing, Ohio Peace Officer Training Council, National Parks Service), upon written notification to terminate from said agency, may be terminated from the sanctioned portion of their curriculum.

Program termination can occur after temporary class suspension. Program termination

is defined as removal from a selective course of study. Program termination restricts a student from registering for courses specific to the program of study only. Program termination does not impose limitations on study in other programs at Hocking College. Program termination is distinct and separate from dismissal from the Academic School or institution.

Unless it is warranted, a student will remain in class throughout program termination deliberations, until which time that a final decision is made. At any stage in the process, students may request advocacy assistance.

Students may appeal program termination decisions through the college appeal process by contacting the Director of SRRJA.