



## Ohio Administrative Code Rule 3344-83-01 Student code of conduct.

Effective: June 23, 2022

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### (A) Purpose and introduction

- (1) Students at Cleveland state university, as members of the university community, are responsible for conducting themselves in a manner that is both lawful and in accordance with university policies and procedures.
- (2) The university has established this student code of conduct ("code") to advance the mission of the university while maintaining a culture of success and excellence by:
  - (a) Promoting a university culture of safety, respect, accountability, and belonging.
  - (b) Sustaining a safe living and learning environment.
  - (c) Protecting the rights, privileges, and opportunities of all students, employees, and members of the university community.
  - (d) Encouraging students to act with integrity and engage in behavior that brings pride to themselves and the university.
  - (e) Promoting a positive relationship between the university and the surrounding community.
  - (f) Ensuring that students leave the university after graduation ready to contribute and provide a positive and ethical impact on society.
- (3) Students are responsible for reviewing, understanding, and complying with this code.
- (4) This code includes the standards of conduct as applied to students and student organizations, responsibility for residence hall misconduct, and the jurisdiction for enforcement of all standards of conduct.
- (5) The vice president of campus engagement, diversity, equity, and inclusion (VP) or designee and the assistant vice president for campus engagement and dean of students (DOS) maintains responsibility and authority for this code of conduct and all related processes. The VP and DOS may designate authority and responsibility related to the Code to university offices and officials.
- (6) Allegations of violations of the standards of conduct are investigated and resolved through the resolution processes set forth by the division of campus engagement, diversity, equity, and inclusion of whether reported behavior



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violates a standard of conduct, a university staff member may engage students in conversation to promote development and decision-making.

(B) Jurisdiction

- (1) University controlled property: This code applies to the conduct of a student that occurs on university-controlled property, including on-line spaces, and internet servers. This includes all campuses and property owned or controlled by the university.
- (2) Non-university-controlled property: The university has the discretion to discipline a student for conduct in violation of this code if the student's conduct adversely impacts the interests of the university, including but not limited to, when the conduct:
  - (a) Occurs during or in connection with a university sponsored or affiliated activity; or
  - (b) Is prohibited by local, state, or federal law; or
  - (c) Involves another member of the university community; or
  - (d) Threatens or may pose a threat to the health or safety of another person or a person's property, including without limitation to, arson, battery, assault, fraud, hazing, sexual assault or misconduct, stalking, or theft.
- (3) Responsibility for conduct:
  - (a) Each student is responsible for their conduct, and held accountable under this code, from the time of application for admission through the awarding of a degree, even if the conduct occurs before classes begin or after classes end, as well as during the academic year and periods between terms of actual enrollment. This also includes when conduct occurs during this period but is not discovered until after a student has received their degree.
  - (b) If a student voluntarily withdraws from the university during the pendency of the student conduct process, the university retains the right to investigate and resolve the allegations made against the student. A university hold may be placed on the student after their withdrawal.
- (4) Responsibility for residence hall conduct:
  - (a) In addition to this code, students residing on campus in the residence halls, are held to the policies and expectations set forth in the residence



hall policies and procedures handbook. Minor violations may be handled by the executive director of residence life and housing operations or their designee and adjudicated using the residence hall procedures.

- (b) Major violations shall be immediately reported to the DOS or designee and may be resolved using this code and student conduct procedure. Repeated violations will also be reported to the DOS or designee and may be resolved using this code and student conduct process.

(5) Responsibility for student organization conduct: A student organization may be found responsible for a violation of this code if the conduct is fairly attributable to the student organization. Whether the conduct is fairly attributable to the student organization will be determined by the DOS or designee based on the following considerations:

- (a) Whether the misconduct was endorsed by one or more officers or members of the student organization. The misconduct will be considered endorsed by one or more of the officers if it is determined that they had prior knowledge that the misconduct was reasonably likely to occur and failed to take reasonable preventative or corrective action; failed to attempt to stop known misconduct while it was occurring, and/or helped to plan promote, or carry out the misconduct.
- (b) Whether the misconduct occurred in connection with an activity:
  - (i) Financed by the student organization and/or one or more members or alumni of the student organization who contributed personal funds in lieu of organizational funds; or
  - (ii) Related to initiation into, admission into, affiliation with, or as a condition for continued membership in the student organization; or
  - (iii) Advertised, promoted, or publicized in such a way that a reasonable person viewing or hearing the advertisement, promotion, or publication would believe that the activity was affiliated with the student organization.
- (c) Whether the misconduct occurred on property owned, controlled, rented, leased, and/or used by the student organization and/or any of its members/alumni acting on the student organization's behalf.
- (d) Whether a member of the student organization attempted to conceal the activity connected with the misconduct or conceal the misconduct.



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(C) Relationship between this code and laws/other university policies

(1) This code and criminal law:

(a) Alleged violations of the standards of conduct may be instituted against a student whose conduct potentially violates both the standards of this conduct and the criminal law. The alleged violations of this code shall be investigated and resolved with regard to the pending status of criminal charges or civil litigation. At the discretion of the DOS, the investigation and resolution of the alleged conduct matter may be carried out prior to, simultaneously with, or following criminal proceedings. Students may not challenge any aspect of the code or conduct process on the grounds that criminal charges or civil litigation are pending, have been terminated, dismissed, reduced, or have not yet been adjudicated.

(b) The university will cooperate with law enforcement and other government agencies in the enforcement of criminal law on university owned or controlled property and with the conditions imposed by courts for students who have violated criminal law.

(2) Other university policies: Conflicts related to student discipline between this code and other university policies shall be controlled by this code unless otherwise stated. Examples include, but are not limited to specific college's professional standards or codes of ethics

(D) Standards of conduct: The commission of or attempting to commit a violation of a standard of conduct or being an accessory to the commission of an act or attempted act shall be considered a violation of the standard of conduct.

(1) Disruption: interrupting or disrupting an authorized university function or academic activity that impedes the normal continuation of that activity; or interfering with the freedom of movement of any member of the university community, guest, or visitor of the university or impeding or interfering with the rights of any person to enter, use or leave any university facility, or authorized university function or impeding or interfering with the ability of any university official to perform normal functions and duties.

(2) Harm to others: causing physical harm to any person; endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to their health, safety, or welfare; or making an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression or threat of an intent to commit an act of violence to a particular individual or group of individuals.



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- (3) **Discrimination:** conduct that is based upon an individual's status within a protected class under federal, local, or state law, that has the purpose or effect of unreasonably interfering with an individual's employment, educational access or educational performance or creates an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a university activity.
- (4) **Harassment:** unwelcome verbal, non-verbal, graphic, physical, electronic or other conduct that subjects an individual to an intimidating, hostile or offensive educational or employment environment, is based on one or more of the characteristics listed in this paragraph, and which:
  - (a) Denigrates, insults, ridicules, disparages or stereotypes an individual or an individual's conduct, family, friends, habits or lifestyle; and
  - (b) Is sufficiently severe, pervasive and objectively offensive that it effectively denies the individual's equal access to the university's resources and opportunities.
- (5) Sexual misconduct is reported, investigated, and adjudicated under the office of institutional equity and relevant policies and procedures <https://www.csuohio.edu/institutional-equity/institutional-equity>
- (6) **Hazing:** intentionally, knowingly, or recklessly, for the purposes of initiating, admitting, or affiliating a student into or with an organization, or for the purpose of continuing or enhancing a student's membership or status in an organization, causing, coercing or forcing a student to do any of the following, regardless of whether such conduct occurs on or off campus:
  - (a) Violate federal or state criminal law.
  - (b) Consume any food, liquid, alcoholic liquid, drug or other substance, which subjects the student to a risk of emotional or physical harm.
  - (c) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
  - (d) Endure brutality of a mental nature, including actively adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
  - (e) Endure brutality of a sexual nature.



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- (f) Endure any other activity that creates a reasonable likelihood of bodily injury to the student. It shall not be a defense to a charge of hazing that the student consented to the conduct in question.

Refer to the "Anti-Hazing" policy for additional information

[https://www.csuohio.edu/sites/default/files/3344-2-08\\_Anti-hazing\\_policy\\_policy\\_register.pdf](https://www.csuohio.edu/sites/default/files/3344-2-08_Anti-hazing_policy_policy_register.pdf)

(7) Unauthorized use

- (a) Buildings: unauthorized entry with or without force into any university building or university facility or failure to vacate university facilities at the closing hours or at the request of a university official, unless prior approval is obtained to remain on the premises.
- (b) Records: gaining or attempting to gain unauthorized access to university records, including but not limited to, paper records, computer files or systems.
- (c) Computers: gaining use or attempting to gain use of university computers without proper authorization, including but not limited to, unauthorized:
  - (i) use of computer and/or data processing equipment; (ii) access to computer systems; (iii) possession of computer software or data; (iv) copying or use of computer software or data; (v) use of computer accounts; or (vi) use of computer-related equipment.
- (d) Name or logo: use of the university's name without the express authorization of the university except to identify institutional affiliation in the authorized manner. University approval or disapproval of any political or social issue may not be stated or implied by any organization; or use of official letterhead stationery, envelopes, logo or seal as part of any publication, correspondence or other printed material without prior submission of the material to, and written permission received from, the appropriate university official(s).

(8) Safety hazard

- (a) Fire: any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment.



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- (b) Other: any act that creates a safety hazard to others on campus.
- (9) False information: providing false information to a university official, at a university hearing, or the false reporting of an emergency or violation of this Code; or without proper authorization, reproducing, copying, forging, tampering, altering, falsifying, misusing, or attempting to do the foregoing to any record, document, or identification.
- (10) Drugs and paraphernalia: using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs, if prohibited by federal, state, or local law; using, manufacturing, possessing, distributing, or selling drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.
- (11) Alcohol: knowingly possessing, keeping, consuming, allowing to consume, serving, purchasing, selling, making available to another person or directly providing funding for alcoholic beverages in violation of state or local statutes, ordinances, laws, rules and regulations university rules and regulations.
- (12) Weapons: unauthorized possession or use of any type of firearm, explosive, taser or stun gun, switch blade, knife or sword longer than two inches (besides kitchen knives), or other weapon, or firework. "Weapon" refers to any and all items as defined in the definitions section of the code procedures.
- (13) Misuse
- (a) Keys/access cards: Possessing, using, or duplicating university keys, university access cards, or university identification cards without authorization from the university.
- (b) Identification: refusing to present identification when requested by a university police officer or other university official who identifies her/himself; using or attempting to use any means of identification or other document or card not rightfully issued to the individual; or altering, tampering with or misusing a university identification card or other university-issued means of identification.
- (14) Privacy: invasion of another person's privacy when that person has a reasonable expectation of privacy including, without limitation, using electronic or other means to make a video or photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's



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knowledge or consent. This includes, but is not limited to, making a video or photographic record of a person in showers, locker rooms, or restrooms. The storing, sharing, and/or distributing of such nonconsensual recordings by any means is also prohibited.

- (15) Failure to respond or comply: failing to respond to a request to report to a university administrative office; failing to comply with a lawful directive of a university employee or other public official acting within the scope of their duties.
- (16) Policy or procedure: violating a university policy or procedure including, without limitation to, university policies or procedures relating to facilities' use, smoking, the acceptable use of information technology resources, research misconduct, finder's fees relating to clinical investigations involving human subjects or access to university data or materials, university libraries, dining services, parking or transportation, posting or distribution of materials, university identification card use, residence halls, and registered student organizations.
- (17) Indecent conduct: engaging in lewd, indecent, or obscene conduct, including, without limitation to, public exposure of one's sexual organs, public urinating, and public sexual acts.
- (18) Violation of interim actions or disciplinary sanctions: violating the terms of a no-contact directive, an interim restriction, a disciplinary sanction, or a condition of re-enrollment imposed by the university.
- (19) Violation of law: committing an act that is prohibited by local, state, or federal law.
- (20) Retaliation: The university encourages reporting any activity constituting a violation of policy, law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to public health and safety without fear of retaliation. In compliance with federal and state law (section 4113.562 of the Revised Code), this protects individuals from interference when making protected disclosures, and for refusing to take part in any activity that is illegal or in violation of any CSU policies. This also protects individuals against retaliation for filing or encouraging another to file a complaint or report of violations or for participating in an investigation into such reported behavior and activity. Retaliation includes disciplinary or adverse action taken against an individual because they have made a protected disclosure or has participated in an investigation, proceeding, or hearing involving a protected disclosure. Individuals are protected from disciplinary



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action or other retaliation as a result of disclosing wrongful conduct. Individuals who self-report their own misconduct are not afforded protection by this policy.

- (E) Medical amnesty/good samaritan policy: Per rule 3344-84-01 of the Administrative Code, students who seek medical assistance for themselves (medical amnesty) or another student (good samaritan) due to intoxication of alcohol and/or other drugs will not typically be referred to the university student code of conduct review process related to alcohol and other drugs. However, this policy does not exempt students from referral to the university student code of conduct when reports of other policy violations accompany the alcohol and other drug report. For example, if it is reported a student engaged in destruction of property, fire safety violation, or physical harm to another person, etc. Full policy found:

[https://www.csuohio.edu/sites/default/files/3344-84-01\\_Medical\\_amnesty\\_good\\_samaritan\\_policy\\_pfc.pdf](https://www.csuohio.edu/sites/default/files/3344-84-01_Medical_amnesty_good_samaritan_policy_pfc.pdf)

- (F) Maintenance and expungement of student disciplinary records: The university maintains student disciplinary records separately from academic records. Find additional information here:

<https://www.csuohio.edu/records-retention/records-retention>

- (1) Enrolled student: disciplinary records of an enrolled student will only be disclosed to university officials with a legitimate need to know or students who request to inspect their disciplinary records. Otherwise, disciplinary records will only be disclosed in accordance with state or federal law.

- (2) Enrolled or no longer enrolled student applying for post-graduate employment or additional education: While a student is still enrolled but applying for employment or additional education, the university will only disclose disciplinary records to individuals outside of the university with the student's consent and if one of the following sanctions was imposed on the student while the student was enrolled:

- (a) suspension; or
- (b) expulsion; or
- (c) withholding of a degree;

otherwise, disciplinary records will only be disclosed in accordance with state or federal law.



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(3) Expungement of student records: The university permanently maintains disciplinary records for students if one or more of the following sanctions was imposed on the student while the student was enrolled:

(a) suspension; and/or

(b) expulsion; and/or

(c) withholding of a degree.

The disciplinary records for all other students are expunged seven years after graduation or last known enrollment, or if prohibited by law.

#### (G) Sanctions

(1) Reprimand: a written notice to a student that informs them they have violated a standard of conduct. The warning informs the student that the misconduct must cease and/or not reoccur, and that further misconduct will likely result in more severe sanctions.

(2) Developmental and educational requirements: Educational and developmental requirements are designed to educate the student about why the conduct was inappropriate. Examples of such activities include, without limitation, offering a formal apology (in writing and/or in person); attending an educational class, training, or workshop; giving or attending a presentation; preparing and submitting a research project or paper on a designated topic; or offering a written reflection responding to a prompt given by the conduct officer or conduct board. The student may be held responsible for the payment of reasonable expenses relating to the educational activity.

(3) Parent/guardian notification: The conduct officer will notify the parent(s)/guardian(s) of a student under the age of twenty-one who has been found responsible for an alcohol or drug violation of the code. Parent(s)/guardian(s) shall be notified by regular and certified mail at the student's permanent address on file in the registrar's office.

(4) Restitution: Restitution is compensation for loss, damage, and/or injury incurred as a result of the student's conduct. Compensation may take the form of money, service, and/or material replacement. Restitution may be required to be made to the university, a specific individual, or a specific organization.

(5) Loss or restriction of privileges: specified student privileges are lost or restricted. Such privileges include, without limitation, representing the university in any official manner, the use of or access to university-controlled property,



university parking privileges, or participation in university-affiliated activities (e.g., extracurricular activities).

- (6) University housing reassignment or removal: A student may be assigned to a different residence hall or residence hall room. A student's residence hall contract also may be terminated, and the student may be prohibited from residing in university housing for a definite or indefinite period of time.
- (7) Disciplinary probation: Disciplinary probation is imposed for a designated period of time during which the student may continue to be enrolled but must demonstrate conduct that conforms to the standards of conduct. Conditions may be placed on the student's continued enrollment. A student may be placed on disciplinary probation for moderate misconduct or in the case of repeated minor misconduct. Also, a student allowed to re-enroll following a suspension could be placed on disciplinary probation. Subsequent violations of the standards of conduct during a period of disciplinary probation may result in more serious sanctions such as suspension or expulsion from the university.
- (8) Deferred suspension: Deferred suspension is a designated period of time during which a student, while continuing to be enrolled, is given an opportunity to demonstrate the ability to abide by the standards of conduct. A student may be placed on deferred suspension for serious misconduct or in the case of repeated misconduct. If the student is found responsible for any additional violation(s) of the standards of conduct while the student is on deferred suspension, then the sanction of suspension will be the minimum sanction that will be imposed on the subsequent misconduct. Students who are placed on deferred suspension generally also receive disciplinary probation and developmental and educational requirements.
- (9) Suspension: Suspension is an official separation of a student from the university for a designated period of time and/or until certain conditions are met. A suspension may be imposed for serious misconduct, repeated misconduct, and/or for a violation of deferred suspension. Suspension may include conditions that must be satisfied prior to a student being allowed to re-enroll and/or conditions that will be in place if the student is allowed to re-enroll. The effective date of a suspension may be imposed retroactively to the date that the misconduct occurred. While suspended, the student loses all university rights and privileges (e.g., enrollment privileges), shall not represent the university in any official manner, and shall not be present on university-controlled property without the prior approval of the conduct officer. The student may be required to meet with an assigned staff member periodically while suspended to ensure the student is making satisfactory progress regarding the developmental sanctions issued. The conduct officer will determine whether the student is eligible



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for consideration for re-enrollment by the university's admissions office(s). Prior to re-enrollment, the student must satisfy the terms and conditions of all sanction(s) that are required to be completed prior to re-enrollment. Students who are permitted to return to the university following a period of suspension will automatically be placed on disciplinary probation by the conduct officer for a designated period of time, which is designed to facilitate a smooth transition back to the university community. A student on post-suspension disciplinary probation must abide by the standards of conduct and all terms and conditions placed on the student's re-enrollment.

- (10) **Expulsion:** Expulsion is a sanction that permanently bars a person from reenrolling as a student at the university. This sanction generally is imposed when the student's misconduct is deemed so serious as to warrant total and permanent disassociation from the university community without the possibility of re-enrollment; and/or when, by the student's repeated misconduct, a student has exhibited a blatant disregard for the health, safety, or welfare of other members of the university community or the university's right to establish rules of conduct. The effective date of a suspension may be imposed retroactively to the date that the misconduct occurred. A person who has been expelled shall not be present on university-controlled property without the prior approval of the conduct officer.
- (11) **Withholding of degree:** The university may withhold a degree as a disciplinary sanction for a designated period of time or until the student's completion of all other sanctions imposed, whichever occurs later.

(H) Student organization sanctions

- (1) **Loss or restriction of privileges for student organizations:** specified student organization privileges are lost or restricted. Such privileges include, without limitation, representing the university in any official manner, the use of or access to university-controlled property, university parking privileges, or participation in university-affiliated activities (e.g., extracurricular activities).
- (2) **Developmental and educational requirements:** are designed to educate the student organization about why certain conduct was inappropriate. Examples of such activities include, without limitation, offering a formal apology (in writing and/or in person); participating in restorative justice practices; attending an educational class, training, or workshop; or giving or attending a presentation. The student organization may be held responsible for the payment of reasonable expenses relating to the educational activity.



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- (3) Restitution: Restitution is compensation for loss, damage, and/or injury incurred as a result of the student's conduct. Compensation may take the form of money, service, and/or material replacement. Restitution may be required to be made to the university, a specific individual, or a specific organization.
  - (4) Disciplinary probation for student organizations: A student organization given the sanction of disciplinary probation is permitted to retain university student organization registration on a probationary status. As a condition of the disciplinary probation, the student organization also may receive development and educational requirements.
  - (5) Deferred suspension for student organizations: Deferred suspension is a designated period of time during which a student organization, while continuing to be active, is given an opportunity to demonstrate the ability to abide by the standards of conduct. A student organization may be placed on deferred suspension for serious misconduct or in the case of repeated misconduct. If the student organization is found responsible for any additional violation(s) of the standards of conduct while the student organization is on deferred suspension, then the sanction of revocation or suspension of university registration will be the minimum sanction that will be imposed in a formal hearing on the subsequent misconduct. Student organizations who are placed on deferred suspension generally also receive disciplinary probation and developmental and educational requirements.
  - (6) Revocation or suspension of university registration: In cases of serious or repeated misconduct, a student organization's university registration may be suspended or revoked.
- (I) Disciplinary holds: The respondent's academic record (including, without limitation, the release of the respondent's official or unofficial transcript), degree, ability to register for classes, and/or ability to re-enroll may be placed on disciplinary hold by the conduct officer to require the respondent to participate in the student conduct process or to require the respondent to satisfy the terms and conditions of disciplinary sanctions received (the hold shall be released after the terms and conditions have been satisfied). A student who, at the time of commencement, is subject to a continuing disciplinary penalty or an unresolved disciplinary charge shall not be awarded a degree before the resolution of all disciplinary charges and/or the satisfaction of all sanctions.