



Ohio Administrative Code

Rule 3344-83-04 Violations.

Effective: August 17, 2015

To be found in violation of this code of conduct, it shall be determined by a preponderance of the evidence, or in other words, that it is more likely than not, that the student or student organization has violated this code of conduct. Students or student organizations found in violation of this code of conduct are subject to one or more of the sanctions described in rule 3344-83-06 of the Administrative Code.

(A) "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 right of any university official to perform normal functions and duties.

(B) "Infliction, attempted infliction or use or threat of use of physical force" - the use or attempted use or threat of physical force upon any person, including, but not limited to:

(1) Inflicting bodily harm upon any person;

(2) Taking any action for the purpose of inflicting bodily harm upon any person;

(3) Taking any action without regard for bodily harm which could result to any person; or

(4) Threatened use of force to inflict bodily harm upon any person.

(C) "Harassment" - any act of harassment, whether on the basis of race, gender or otherwise, as defined in the applicable university policy against harassment and discrimination. Charges related to a violation of this provision of the code of conduct shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of



discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

(D) "Sexual misconduct" - any act of sexual violence, sexual exploitation or sexual harassment, as defined in the applicable university policy against harassment and discrimination, whether such conduct occurs on or off campus. Charges related to a violation of this provision of the code of conduct shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

(E) "Endangering health and safety" - taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, including, but not limited to, stalking, relationship violence or domestic violence, as defined in the applicable university policy against harassment and discrimination. When charges related to a violation of this provision of the code of conduct involve stalking, relationship violence or domestic violence, they shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

(F) "Hazing" - any conduct, act, method of, or coercion of another to do an act of initiation or admission into any organization, which occurs on or off university premises and which willfully or recklessly, causes or creates a substantial risk of causing physical or mental harm to any student or other person. Examples include, but are not limited to, extended deprivation of sleep or rest; forced consumption of food, liquor, other beverages, or drugs; beating or branding; forced exclusion from social contact; and/or forced conduct, which could result in embarrassment to any person. Any activity or behavior meeting the definition as described in this paragraph shall be considered a forced activity, notwithstanding the willingness of the individual involved to participate in such activity.

(G) "Theft of property" - theft or attempted theft of university property or the property of any person or other entity, including possession or use of stolen property. This shall also include theft of university property while off university premises.



- (H) "Unauthorized entry into a university facility" - attempted or forcible breaking or unauthorized entry into any building, or facility.
- (I) "Failure to vacate university premises" - 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.
- (J) "Creation of safety hazard(s)" - creating a fire hazard, including the setting or attempted setting of fires, or otherwise endangering the safety of persons or property or the improper use or possession of inflammable or hazardous substances.
- (K) "False reporting of an emergency" - intentionally making a false report of a bomb, fire, or other emergency in any building, or facility by means of activating a fire alarm or in any other manner.
- (L) "Unauthorized use or alteration of emergency or safety equipment" - unauthorized use or alteration of fire-fighting equipment, safety devices, or other emergency or safety equipment.
- (M) "Interference with emergency evacuation procedure" - interference with emergency evacuation procedures, including failure to evacuate, prescribed for any building, or facility.
- (N) "Possession, use, distribution sale of controlled substances or drug-related paraphernalia" - knowingly possessing, using, distributing and/or selling drug-related paraphernalia and/or controlled substances, including, but not limited to, narcotics, barbiturates, hallucinogens, marijuana, or amphetamines, except as authorized by law.
- (O) "Illegal use of alcoholic beverages" - 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, rules and regulations university rules and regulations.
- (P) "Falsification of records, fraud and false testimony" - furnishing false or misleading information or identification to a university official, office, investigation or proceeding; or without proper authorization, reproducing, copying, forging, tampering, altering, falsifying, misusing, or attempting to do the foregoing to any record, document, or identification used or maintained by the university.



(Q) "Destruction or misuse of property" - damaging, destroying, defacing, abusing, tampering, misusing, or attempting to damage, destroy, deface, abuse, misuse or tamper with university property or property of any person or other entity on or off university premises. This includes any attempt to alter the function or performance of university equipment or property, including, but not limited to, university computers.

(R) "Bribery" - offering money, any item, or service to a student, administrator, faculty or staff member so as to receive university property and/or services for one's self or another or to gain an advantage or special treatment for one's self or for another.

(S) "Unauthorized access to records" - gaining or attempting to gain unauthorized access to university records including but not limited to paper records, computer files or systems.

(T) "Unauthorized use of university computers" - gaining use or attempting to gain use of university computers without proper authorization including but not limited to unauthorized:

(1) Use of computer and/or data processing equipment;

(2) Access to computer systems;

(3) Possession of computer software or data;

(4) Copying or use of computer software or data;

(5) Use of computer accounts; or

(6) Use of computer-related equipment.

(U) "Possession or use of weapons" - unauthorized possession or use of any type of firearm, explosive, other weapon, or firework. "Weapon" shall mean any instrument, device, substance or item capable of causing or inflicting injury or death and designed or specifically adapted for use as a weapon or possessed, carried or used as a weapon. Weapons used legitimately on campus for



martial arts or similar practice shall be permitted provided they are transported and stored in a manner which makes them functionally inaccessible.

(V) "Misuse of 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.

(W) "Improper use of keys" - knowingly using, duplicating, or causing to be duplicated, any key for any facility, building or room without proper authorization or failure to return university-issued keys to the proper university officials.

(X) "Misuse of university telephone or communications devices" - charging any long distance telephone call, telegraph message or electronic facsimile to any university telephone without proper authorization or using any university telephone for without proper authorization.

(Y) "Gambling" - violation of applicable gambling laws.

(Z) "Failure to follow directions of university officials" - failure to follow reasonable directions of a university official, made in the performance of her or his duties, which are necessary for the proper conduct of authorized university functions.

(AA) "Abuse of the student conduct code procedures" - abuse of the student conduct code procedures, including, but not limited to:

(1) Falsification, distortion or misrepresentation of information to the judicial affairs officer or before the student conduct officer, the university judicial board, or the appeal board;

(2) Disruption or interference with the orderly conduct of a proceeding under this rule;

(3) Institution of a proceeding under this rule knowingly without cause;



- (4) Attempting to discourage an individual's proper participation in, or use of, the student conduct code procedures of this rule;
- (5) Attempting to influence the impartiality of the student conduct officer, or a member of the judicial or the appeal board prior to, and/or during the course of, a proceeding under this code;
- (6) Harassment (verbal or physical) and/or intimidation of the student conduct officer, or a member of the judicial or the appeal board prior to, and/or during the course of, a proceeding under this rule;
- (7) Failure to comply with any sanction imposed under this rule; or;
- (8) Influencing or attempting to influence another person to commit an abuse of the student conduct code under this rule.
- (BB) "Unauthorized sales and solicitation of funds" - unauthorized sale or solicitation of funds including unauthorized solicitation of funds off university premises.
- (CC) "Misuse of university name, logo, or seal" - 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 an 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).
- (DD) "Misuse of university funds/student organization funds" - the misuse or unauthorized use of university funds or student organization funds administered through the university.
- (EE) "Unauthorized posting or distribution of materials on university premises" - failure to abide by university policies, rules, and regulations on posting and distribution of materials on university premises.
- (FF) "Violations of university regulations" - violating other university regulations or policies, which have been posted or publicized. Violations of applicable harassment and discrimination policies



shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

(GG) "Failure to comply with university sanctions" - failure to comply with sanctions imposed pursuant to university policy and/or regulations.

(HH) "Repetitions of misconduct" - more than one violation of this code for which a sanction has been previously imposed. When the repeated misconduct involves a violation of paragraph (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

(II) "Participation as an accomplice" - knowingly participating in any action or event that constitutes any violation of this code. When the participation as an accomplice involves a violation of paragraph (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.

(JJ) "Violation of state, federal or local law" - violating state, federal or local law whether the violation occurs on or off campus. When the violation of state, federal or local law involves a violation of paragraph (C), (D), or (E) of this rule, it shall be investigated and responded to through the procedures issued by the office for institutional equity for investigating complaints of discrimination and harassment and not through rules 3344-83-08 to 3344-83-10 of the Administrative Code.