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# Ohio Administrative Code

## Rule 3349-5-10 Administration of student conduct.

Effective: June 26, 2026

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(A) Purpose

To establish a rule on the administration of student conduct.

(B) Scope

All students enrolled at the university.

(C) Definitions

(1) "Appeal board" refers to a panel of three members of the committee on academic and professional progress (CAPP) executive committee from the respective college responsible for reviewing the content of the appeal and rendering a decision.

(2) "Complaint" refers to a written document in the form of a student conduct/ professionalism referral form, testing irregularity report, or violation of law form setting forth the facts and reasons that a party or parties believes are sufficient to support a claim against a student or students for a violation of the honor code. All complaints of this nature shall be directed to the dean of students (or approved designee).

(3) "Conduct" refers to a violation of the NEOMED "expectations of student conduct and professional commitment" and may include but is not limited to academic dishonesty, criminal misconduct, or behavioral misconduct.

(4) "Conduct Officer" refers to the university official or designee approved by the president who reviews a wide range of reported misconduct, may resolve misconduct cases, or may refer them to the hearing board for adjudication. The dean of students or approved designee serves as the conduct officer.

(5) "Expectations for student conduct and professional commitment" (or "honor code") refers to the university code of expectations which delineates the requirement that each student demonstrate behavior which, by its nature and interpretation, is considered to be appropriate for a career in the student's chosen field of study. Adherence to this honor code is required of all students enrolled at the university. Students are expected to read, understand, sign and abide by these expectations while enrolled and involved in NEOMED, its partner hospitals, and NEOMED-sponsored activities. A student's signature on the document constitutes an agreement to support the honor code and the professionalism principles embodied therein.

(6) "Hearing board" refers to the formal review panel of a total of three individuals which may include the university faculty, staff and active students responsible

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for conducting a formal review of conduct allegations and rendering a decision and sanction when appropriate. The hearing board shall select a chair from its faculty membership.

(7) "Student conduct/professionalism referral form" refers to an online form that may be submitted by students, faculty, and staff to report allegations of unprofessional conduct against a NEOMED student and effectively triggers the procedures set forth in this rule.

(8) "Violations of law" form refers to an online, self-reporting form that may be submitted by students to report violations of law, including criminal charges, date and location of incidents, and status of the charges to in accordance with the procedures set forth in the violations of law form. Students are required by the "expectations of student conduct and professional commitment" to report any and all infractions of the law.

(D) Body of the rule

(1) By law, the university is responsible for regulating the use of the grounds, buildings, equipment and facilities of the university so that the university may achieve its mission. To meet these responsibilities, the university hereby adopts standards of conduct for the students and provides for suspension of students from classes, expulsion from the university, and/or physical removal from university property. The university hereby authorizes university officials to enforce university rule in order to maintain law and order on the campus. The authority of the student conduct process has been delegated to the conduct officer by the president.

(2) Disciplinary action under this rule may be taken from the point at which an individual has been admitted as a student to the university, whether or not the individual is registered for classes, through the point of graduation. Disciplinary action may also be taken against student organizations.

(3) As the recipient of all complaints alleging student misconduct, the conduct officer will work in consultation with the student affairs delegate of the student's college to make the initial determination as to whether the matters alleged in the complaint are best resolved through the student conduct process contained in this rule or by way of a referral to the committee on academic and professional progress (CAPP) or some other mechanism.

(4) Offenses addressed under this rule:

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(a) Behavior in violation of university policies or procedures, including the behavior outlined in the "expectations for student conduct and professional behavior" and incorporated by reference into this rule. Such policies shall be published in a manner reasonably designed to come to the attention of students.

(b) Behavior in violation of the terms of sanctions previously imposed under this rule.

(c) Behavior deemed detrimental or disruptive to the university community and/or prohibited by local, state or federal laws, including any act that results in the student's arrest, but excluding any conduct considered an offence of violence addressed under rule 3349-10-74 or 3349-10-75 of the Administrative Code.

(5) Reporting procedures. Allegations of violations of the "expectations of student conduct and professional commitment" may be provided in a number of ways including the following communication methods.

(a) Student conduct/professionalism referral form. A student conduct/ professionalism referral form may be completed online and submitted by any member of the NEOMED community. The student conduct/ professionalism referral form, includes information regarding the date, description and details of the allegation and an option to share the name of the complainant.

(b) Irregularity report. The testing services staff may submit an irregularity report and available evidence for any allegations of misconduct observed during testing, whether in-person or virtual.

(c) Violations of law. The violations of law form may be submitted by any NEOMED student when they have been charged or found in violation of state or federal law. Decisions regarding the severity of the charge and whether it requires adjudication will be made upon receipt of the violations of law form by the conduct officer.

(d) Other referrals to the conduct officer may be made via written format by any student or employee.

(6) Due process. A student against whom a complaint has been made under this rule is entitled to due process on the complaint including the opportunity to speak to the allegations, share evidence regarding the allegations and proceed through

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either an informal resolution via the conduct officer or a formal resolution via the hearing board.

(7) Notification. The student will be notified in writing within ten business days of the allegations and student conduct process including the possibility of an informal conduct meeting to review the evidence, investigation, and conduct process.

(8) Procedural options

(a) Informal resolution

(i) A student may admit to the facts contained in the complaint. The admission shall be in writing and shall be given to the conduct officer designated in the written notice and will be retained in the student's conduct file.

(ii) A student who does not submit a written admission or waiver according to this rule or fails to appear at the informal conduct meeting shall be subject to any sanction imposed by the conduct officer.

(b) Formal resolution

(i) If the student does not choose to engage in the informal resolution process or does not choose to accept the decision of the conduct officer, the student may request a formal resolution via the hearing board and shall be advised in writing with a hearing notice within five business days of the time, date and location of the hearing.

(ii) Hearing board procedures. When an informal resolution cannot be reached, the university will appoint a hearing board composed of three faculty, staff and active students to conduct the formal hearing within fifteen business days from the date of written notification by the student requesting a formal resolution. The hearing shall be held at the university on the time and date specified in the hearing notice.

*(a)* The hearing board chair may invoke whatever means necessary to effectively manage the hearing and preserve the order and decorum of the proceedings over which he/she presides.

*(b)* The hearing shall be adversarial in nature and shall be conducted fairly and impartially, but the technical rules of evidence applicable to civil and criminal cases shall not apply.

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*(c)* Severance of proceedings. In proceedings involving more than one accused student, severance, if requested in writing before or at the hearing, shall be granted by the hearing board chair.

*(d)* An audio recording will be created from the hearing board meeting to serve as record of the discussion, evidence, and testimonies in the event that the hearing board decision is appealed and for review by the members of the appeal board.

(iii) Student's rights at the hearing.

*(a)* The student against whom a complaint has been made is entitled to know the nature and the source of the evidence used to support the complaint; to cross-examine witnesses against the student; to testify; and to present the testimony of witnesses and other evidence in the student's behalf. In the absence of a waiver of the right against compulsory self-incrimination, the testimony of a student whose academic status is being considered, given at the hearing, shall not subsequently be used in any criminal proceeding against the person. The hearing board chair may require the separation of witnesses and may bar from the proceedings any person whose presence is not essential to the proceedings. No counter charges regarding the same incident shall be permitted to be filed pending final disposition of the original charge.

*(b)* The student against whom a complaint has been made shall be offered the opportunity to appear at the hearing alone or with another person, who may serve only in an advisory capacity. A person serving in an advisory capacity shall be a NEOMED faculty, staff or student, but may not participate directly in the hearing or address the conduct officer on behalf of the student. The person serving in an advisory capacity may not be a blood relative or attorney unless a criminal charge related to the conduct offense is active and pending.

*(c)* All hearings shall be closed to protect the student's rights of confidentiality. A request for an open hearing, however, may be made to the hearing board chair by the student charged and may be granted if warranted by the circumstances.

(9) Credibility determination. The hearing board shall evaluate the points of view presented by the parties in conflict and shall determine if the preponderance

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of the evidence supports the conclusion that it the student committed the misconduct alleged in the complaint.

(10) Decision. A copy of the hearing board's decision, including the procedures for appeal, shall be given to the student in writing within three business days from the conclusion of the hearing.

(11) Sanctions and safety measures.

(a) Immediate interim administrative suspension. At the time the complaint is reported, if the dean of students (or approved designee), in consultation with the general counsel for the university and the dean or designee of the student's respective college, determines that the conduct alleged is inconsistent with maintaining the good order and discipline of the university and its campus, the dean of students (or approved designee) has the discretionary authority to impose an immediate interim administrative suspension upon the student. Imposition of an immediate interim administrative suspension will only occur after there has been an in-person meeting between the student and the dean of students (or approved designee) to discuss the allegations set forth in the complaint or a good faith effort upon the university to hold an in-person meeting. Where the circumstances of the student's misconduct prevent such a meeting from occurring, an immediate interim administrative suspension may still be imposed. If an immediate interim administrative suspension is issued following the in-person meeting, the student may be asked to surrender his/her university identification badge and/or may be escorted off the university property by the safety officer if safety concerns indicated that is appropriate.

(b) Formal warning. In the informal or formal resolution processes, a formal warning may be imposed. A formal warning gives notice that student's conduct in a specific instance does not meet the "expectations of student conduct and professional commitment" and formally warns the student that continued misconduct may result in a more serious disciplinary action.

(c) Strict disciplinary probation. In the informal or formal resolution processes, the student may be placed on strict disciplinary probation. This sanction is invoked for a specified period of time. Notification of sanctions will be made to appropriate university offices, including the student's college. Students on disciplinary probation:

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(i) May not be permitted to participate in an official non-curricular capacity such as an officer of a student organization;

(ii) May be restricted from entering or remaining in selected campus buildings or in specified university facilities;

(iii) May be subject to additional stipulations as outlined by the conduct officer or hearing board; and/or

(iv) May be subject to automatic dismissal or immediate interim administrative suspension if allegations of further misconduct arise, including any violation of the terms of the disciplinary probation originally imposed.

(d) Disciplinary suspension. This sanction, which may be imposed in the informal or formal resolution processes, is one of involuntary separation of the student from the university for a specified period of time. Notification of sanctions will be made to appropriate university offices, including the student's academic college. Students suspended:

(i) Shall be assigned grades or marks which would be appropriate if they were withdrawing voluntarily.

(ii) May be required to leave the campus and/or premises of the university effective the date of suspension. Permission may only be granted by the general counsel for entrance to university premises for a specified purpose and time.

(iii) Shall receive any refund of money in accordance with the refund schedule in effect at the time of suspension if the suspension exceeds four weeks in duration.

(iv) Are permitted to return to the university and re-enter their college's curriculum at the conclusion of their suspension pursuant to the terms established by the conduct officer or hearing board and set forth in the written conclusion following the hearing.

(e) Disciplinary dismissal. This sanction is one of involuntary separation of the student from the university. Students dismissed:

(i) Shall be assigned grades or marks which would be appropriate if they were withdrawing voluntarily.

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(ii) May be required to leave the property and/or premises of the university effective the date of dismissal. Permission to re-enter the university premises for a specified purpose and time may only be granted by the general counsel.

(f) Additional stipulations to sanctions. Additional stipulations are within the prerogative of the conduct officer, hearing board, and appeal board. They may be mandated in addition to any of the sanctions listed in paragraph (D)(14) of this rule. The options that may be considered, but are not limited to:

(i) Counseling;

(ii) Restitution for damages;

(iii) Education/rehabilitation program referral; or

(iv) Other sanctions appropriate to the violation in question.

(12) Appeals of the decision of the hearing board to the appeal board.

(a) Within five business days of the hearing board's decision, a student may submit a written appeal of the decision. No additional appeal will be heard.

(b) Within ten business days, all appeal documentation must be submitted to the appeal board.

(c) Within five business days, a notice of the appeal board meeting date, time and location will be provided to the student.

(d) Appeals are limited to the following reasons:

(i) The decision was reached through a procedure not in accordance with this rule.

(ii) Presentation of new information that was not known to the student at the time of the hearing and may suggest modification of the decision is necessary.

(e) The appeal board.

(i) The appeal board is composed of three members from the college's respective CAPP executive review committee and will convene to

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review the matter within fifteen business days of the receipt of the appeal.

(ii) The appeal board will review all materials from the hearing board procedures and all appeal materials submitted by the student by the stated deadline.

(iii) The appeal board has the ability to uphold, modify, or reverse the hearing board's decision in any manner it deems appropriate based on information submitted by the student as part of the appeal.

(iv) The decision of the appeal board will be rendered and provided to the student within three business days.

(v) Decisions of the appeal board are final and no further appeal opportunities are available.