



Ohio Administrative Code

Rule 3361:40-5-05.2 Conduct, rights and responsibilities: nonacademic misconduct.

Effective: August 15, 2026

(A) Nonacademic misconduct violations

(1) Aiding and abetting

Helping, procuring, or encouraging another person to engage in nonacademic misconduct violations.

(2) Alcohol

Possesses, consumes, or distributes alcoholic beverages on campus in unlicensed facilities, except during events or in circumstances authorized by university officials; failing to comply with state law or university policy regarding use, transportation, or sale of alcoholic beverages. Possession of containers designed for alcohol beverages in unauthorized locations and/or while underage. Containers include, but are not limited to: alcohol boxes, flasks, empty alcohol bottles/cans. Behavior that evidences public intoxication.

(3) Bullying

Bullying is conduct (whether written, verbal, electronic, or physical act) that is unwelcome and so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity. Notwithstanding anything herein to the contrary, bullying does not include participating in constitutionally protected activities.

(4) Destruction of property

Damages, destroys, defaces, or alters the property of the university or the property of another person or entity.

(5) Dishonesty and misrepresentation

Provides false information, written or oral, including, but not limited to, possessing or presenting false identification, forgery, alteration, or misuse of university documents or records.

(6) Disruption or obstruction

Disrupts, obstructs, or interferes with university functions, activities, or the pursuit of the university mission, including, teaching, research, administration, or conduct proceedings.

(7) Disturbing the peace



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Conduct that disturbs the peace, including but not limited to: disorderly conduct, failure to comply with an order to disperse, or fighting.

(8) Drugs and narcotics

Uses, manufactures, distributes, buys, sells, offers for sale, or possesses illegal drugs, narcotics, drug paraphernalia, or unauthorized use or unauthorized possession of prescription medication.

(9) Failure to comply or identify

Failure to comply with the directions of university officials or law enforcement officers acting within the scope of their duties, or posted or written rules; this includes, but is not limited to, failure to evacuate during an emergency and/or failing to identify oneself to any of these persons when requested to do so.

(10) Failure to comply with sanctions

Failure to comply with sanctions imposed as a result of conduct action outlined in the S.C.O.C.

(11) False charges or statements

Intentionally making false charges or allegations of misconduct, including, but not limited to making or providing false statements as a part of an investigation or at university hearings.

(12) False report of emergency

Causes, makes, or circulates a false report or warning of a fire, explosion, crime or other catastrophe or emergency; including, but not limited to, activating a false fire alarm.

(13) Harassment or discrimination

The university prohibits discrimination and harassment on the basis of age, ancestry, color, disability, gender identity and/or expression, genetic information, military status (including veteran status), national origin (including shared ancestry or ethnic characteristics), parental status (including status as a nursing mother and status as a foster parent), pregnancy, race, religion, sex, sexual orientation, or any other status protected by law (each a "protected class"). Definitions for harassment or discrimination based on a protected class are set forth in university policies.



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(14) Hazing

Violating rule 3361:40-03-12 of the Administrative Code. Specifically, "hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code.

(15) Misuse of identification documents

Unauthorized transferring, lending, using, or altering a university identification card or any other record or instrument of identification.

(16) Misuse of safety equipment

Unauthorized use or alteration of firefighting equipment, safety devices, fire alarms, fire extinguishers, or other emergency safety equipment.

(17) Misuse of university information technology

Theft, misuse, or illegal use of university information technology resources such as computer hardware or software, electronic mail or information, podcasts, voice mail, telephone, fax, including but not limited to:

- (a) Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
- (b) Unauthorized transfer or distribution of a file.
- (c) Unauthorized access to or use of another individual's identification and/or password.
- (d) Use of information technology to interfere with the work of another student, faculty member, or university official or with normal operations of the university.
- (e) Use of information technology for unauthorized posting of copyrighted materials or obscenities as defined in division (F) of section 2907.01 of the Revised Code.

(18) Passive participation



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Knowingly being in the presence of any form of misconduct identified in the S. C.O.C. after one has had a reasonable opportunity to remove oneself.

(19) Physical abuse or harm, or threat of physical abuse or harm

Acts which cause or reasonably could cause physical harm to any person are prohibited. Actions that specifically threaten or cause a person to reasonably believe that the offender may cause physical harm are also prohibited.

(20) Public endangerment

Actions that endanger others including, but not limited to: dropping objects from buildings, activating a false fire alarm, or tampering with safety equipment.

(21) Recording and distribution without knowledge

Using electronic or other means to make and distribute a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy and without the person's prior knowledge, when such a record is likely to cause injury, distress, or damage to reputation.

(22) Residence hall rules and regulations

Violating the terms and conditions of the university housing agreement, university lease agreement, or of published rules and regulations of the office of resident education and development, office of housing, or university dining facilities.

(23) Retaliation, intimidation

Threats or acts of retaliation or intimidation made to another person in response to the implementation of the S.C.O.C. or university rules and policies.

(24) Smoking rule

Violating rule 3361:10-17-06 of the Administrative Code on tobacco and smoke free environment.

(25) Theft or receipt of stolen property

Theft of property or services of the university, any person, or entity. Unauthorized possession of property known to be stolen or that may be identified as property of the university, any person, or entity.

(26) Trespass and unauthorized access



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Unauthorized access into or onto any university or other entity's property, building, room, structure or facility.

(27) Unauthorized use of property or services

Unauthorized use or possession of property or resources of the university, any person, or entity.

(28) Unauthorized use of university keys

Unauthorized use, distribution, duplication, or possession of any keys issued for any university building, laboratory, facility, room, or vehicles. Keys are defined as any mechanism used to access locked areas.

(29) University policies or rules

Any violation of published university rules or policies.

(30) Violation of federal, state, or local law

Violation of any federal, state, or local law where the effect is interference with university activities or an identifiable individual's university work or academic activities.

(31) Violation of probation

Violating the S.C.O.C. while on university probation or violating the specific terms of that probation.

(32) Weapons

With the exception of provisions identified in section 2923.1210 of the Revised Code, use, storage, or possession of a firearm, explosive device of any description, ammunition, or anything used to threaten, harm, or disrupt the university community including, but not limited to: firecrackers, compressed air or spring activated guns, pellet guns, BB guns, paintball guns, water guns, nerf guns, knives of any type, or any other items which would reasonably be deemed threatening by a reasonable person.

(B) Procedures for nonacademic misconduct

(1) Harassment or discrimination based on a protected class

The director of the office of student conduct and community standards will send reports and complaints alleging harassment or discrimination based on



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a protected class to the university's office of equal opportunity to conduct a jurisdictional assessment and an investigation, if necessary, pursuant to the appropriate university policy. Complainants and respondents should refer to the appropriate harassment or discrimination policy for additional information regarding the formal resolution process.

(2) Report

Any person, department, organization, or entity may report an alleged nonacademic misconduct violation of the S.C.O.C. by a student or student organization. A report is not the same as the filing of a complaint.

(3) Complaint

After reviewing the report, and obtaining additional information when appropriate, the director of the office of student conduct and community standards (or designee) will determine whether there is jurisdiction under the S.C.O.C. to adjudicate the report. If there is jurisdiction, and if necessary, the director of the office of student conduct and community standards (or designee) will confirm, in writing, with the appropriate individual, college, department, or division that it would like to move forward as a complainant.

This section does not apply to complaints alleging non-Title IX sexual harassment.

(4) Notice

After the complaint is filed, the director of the office of student conduct and community standards (or designee) will initiate the conduct process by giving the respondent written notice of the alleged violations. The written notice describes the date, time, and location of the alleged violation(s) and informs the respondent about the reported circumstances underlying the alleged violation(s). The notice will also state the date, time, and location of the procedural review and the name of the review administrator.

This section does not apply to complaints alleging non-Title IX sexual harassment.

(5) Alternative resolution process

Based on the nature of the incident and the willingness of those involved, the office of student conduct and community standards may recommend to the parties that the matter be addressed using an alternative resolution process. No



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such resolution shall be conducted unless all parties consent to the alternative resolution process.

(6) Preliminary review stage

(a) Procedural review

- (i) The review administrator will conduct separate procedural reviews with the complainant and respondent.
- (ii) The purpose of the procedural review is to provide an explanation of the conduct process, review the alleged violation(s), give the complainant and respondent an opportunity to be heard and provide information (e.g., a statement, records, witnesses names) to the review administrator, and discuss options for resolution.

For complaints alleging non-Title IX sexual harassment, the purpose of the procedural review is to provide an explanation of the university conduct board hearing process.

- (iii) Following the conclusion of the procedural reviews, the review administrator may interview witnesses identified by the complainant and respondent.

This section does not apply to complaints alleging non-Title IX sexual harassment.

- (iv) Parties may elect to have an adviser present.
- (v) Procedural reviews may be rescheduled at the discretion of the office of student conduct and community standards.
- (vi) Complainant does not attend procedural review

If complainant does not attend the procedural review, the review administrator will issue a notice with a new date, time, and location as determined solely by the review administrator. The notice will inform the complainant that failure to attend the rescheduled procedural review will result in the complaint being dismissed and cannot be refiled.

- (vii) Respondent does not attend procedural review



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If respondent does not attend the procedural review, the review administrator will issue a notice with a new date, time, and location as determined solely by the review administrator. The notice will inform the respondent that failure to attend the procedural review will result in the review administrator issuing the notice of outcome.

This section does not apply to complaints alleging non-Title IX sexual harassment.

(b) Notice of outcome

- (i) A respondent may be found not responsible following a procedural review. If a respondent is found not responsible, their case, or any portion thereof, may be considered resolved and closed.
- (ii) If a respondent is found responsible following a procedural review, then no later than three days from receipt of the notice of outcome, the respondent shall notify the office of student conduct and community standards in writing whether the respondent:
 - (a) Accepts responsibility for the violation(s) and agrees to accept the sanction(s) imposed by the review administrator; or
 - (b) Accepts responsibility but disputes the proposed sanction(s) and requests that the sanction(s) be determined by the university conduct board; or
 - (c) Does not accept responsibility and requests a hearing before the university conduct board.
- (iii) If the respondent fails to notify the office of student conduct and community standards of the option selected within three days of receipt of the notice of outcome, the following will occur:
 - (a) For students: If the proposed sanction is less than university suspension or university expulsion, the outcome and sanctions set forth in the notice of outcome are deemed accepted by the respondent, but may be appealed by the respondent as set forth in rule 3361:40-5-05.3 of the Administrative Code. Respondent's failure to file an appeal will result in the outcome and sanctions being deemed final. For proposed sanctions that result in university suspension or university expulsion the university conduct board hearing will be scheduled.



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(b) For student organizations: The outcome and sanctions set forth in the notice of outcome are deemed accepted, but may be appealed by the respondent as set forth in rule 3361:40-5-05.03 of the Administrative Code. Respondent's failure to file an appeal will result in the outcome and sanctions being deemed final.

(iv) For certain matters, the office of student conduct and community standards encourages respondents charged in the same incident, and who choose to have a university conduct board hearing, to have their cases consolidated. The office of student conduct and community standards reserves the right to request consolidation of hearings if all parties agree for all cases to be heard together and the hearing consolidation form must be completed.

(v) Notice of outcome will not be issued for complaints alleging non- Title IX sexual harassment. These matters are automatically scheduled for a hearing before the university conduct board.

(7) Resolution by university conduct board hearing

(a) Notice of university conduct board hearing

When a resolution is not achieved through the procedural review, the office of student conduct and community standards, as soon as reasonably possible, convenes a university conduct board hearing panel. The university conduct board hearing panel will conduct a hearing on the alleged misconduct, issue a factual determination, and determine appropriate sanctions, if applicable. The hearing date, time, and location will be set by the office of student conduct and community standards. The office of student conduct and community standards will notify the complainant and respondent of the hearing date, time, location, and the names of the university conduct board hearing panel members.

(b) University conduct board members

(i) A pool of members will be available to serve on the university conduct board. This pool will consist of faculty, staff, graduate students, and undergraduate students selected by the director of the office of student conduct and community standards.

The university conduct board is composed of the hearing chair, two faculty and/or staff selected from the university conduct board pool,



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and two undergraduate student representatives selected from the university conduct board student pool for undergraduate cases or two graduate students selected from the university conduct board graduate student pool for graduate cases.

For cases of non-Title IX sexual harassment, the university conduct board shall consist of the hearing chair and three faculty and/or staff selected from the university conduct board pool.

- (ii) The hearing chair shall be the director of the office of student conduct and community standards (or designee).
- (iii) A quorum is present for undergraduate cases when the hearing chair, one faculty or staff, and one student representative are present. A quorum is present for graduate cases when the hearing chair, one faculty or staff, and one student representative are present. A quorum is present for non-Title IX cases of sexual harassment when the hearing chair and two faculty or staff are present. The hearing chair will only vote in the case of a tie by the members of the university conduct board.
- (iv) A party may challenge participation of any university conduct board member on the grounds of conflict of interest. Challenges must be submitted in writing to the hearing chair within three days of a notice of hearing letter. The challenge must specify reasons that would prevent the university conduct board member from being unbiased with respect to the hearing proceedings. The hearing chair decides whether the challenge has merit. If the challenge is granted, a substitute conduct board member will be appointed and the same option to challenge shall exist. If the hearing chair is challenged, the dean of students (or designee) shall determine the validity of the challenge and either replace or retain the hearing chair.

(c) Hearing participants

- (i) Hearings are closed to the public.
- (ii) Presence at hearings shall be restricted to the parties involved, except as otherwise noted.
- (iii) Complainants, when applicable, are strongly encouraged to participate in the hearing in-person or via video conference. In matters requiring credibility assessments, complainants are



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required to participate in the hearing in-person or via video conference. If the respondent chooses not to attend the hearing, the respondent's written statement will be reviewed and evaluated based on the information available.

(iv) The parties may elect to have an adviser present.

(v) The parties will be afforded the same opportunities to have witnesses present for hearings. Only statements from witnesses who participate in the hearing in-person or via video conference will be considered by the university conduct board. The parties must disclose to the hearing chair the identity of the witnesses, a summary of what each witness will speak to, and submit any other evidence, five days after receiving a notice of hearing letter. The hearing chair will provide a list of the witnesses and any other submitted evidence to the parties five days prior to the hearing. The hearing chair, in consultation with the university conduct board, reserves the right to limit the number of witnesses. Witnesses are present only when giving their own testimony.

(d) Hearing procedures

(i) The hearing chair reserves the right to make appropriate and/or reasonable accommodations as required under law, and/or for the safety of all parties and witnesses, during a university conduct board hearing.

(ii) University conduct board hearings are recorded by the university. University conduct board deliberations will not be recorded. Any record of the hearing will be subject to the Family Educational Rights and Privacy Act. All parties may have post-hearing access to inspect the recorded hearing.

(iii) Only relevant information will be considered during the hearing. The hearing chair, in consultation with the university conduct board, determines if testimony and other evidence is relevant and may place time limitations on testimony and opening and closing statements.

(iv) The parties will have the right to submit written questions to be asked of all witnesses who participate in the hearing. The hearing chair, in consultation with the university conduct board, has the right to



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review and determine which written questions will be asked. Only relevant questions will be asked.

- (v) The parties will be given an opportunity to present an opening and closing statement. At the close of the hearing, the university conduct board will deliberate privately to determine if the respondent is found to have violated the S.C.O.C

(e) Post-hearing procedures

The university conduct board will seek to reach a consensus in adjudicating cases. In the event there is no consensus, a majority vote will determine the outcome. In the event of a tie vote, the hearing chair will render a vote. Within three days of the conclusion of the university conduct board hearing, the hearing chair will concurrently notify the parties of the university conduct board decision and appeal procedures.

(C) Appeal procedures

Appeals are subject to the procedures set forth in rule 3361:40-5-05.03 of the Administrative Code.

(D) Final decision

If a party does not appeal within the specified appeal time, the outcome and sanctions imposed take immediate effect.

(E) Disclosures

- (1) The university of Cincinnati may notify the parents or guardians of any student who is under the age of twenty-one and who has been found to be in violation of the S.C.O.C. with respect to any federal, state, or local law or university policy governing the use or possession of alcohol or a controlled substance.
- (2) Students will receive notice of notification letters sent to their parents or guardians.
- (3) The university also reserves the right to make any disclosures as permitted by the Family Educational Rights and Privacy Act.
- (4) In complaints involving crimes of violence, the complainant will receive written notification of sanctions that the respondent may receive, consistent with federal and state law.



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(F) Interim measures

- (1) The university may impose interim measures to protect the rights, ensure the safety, or address the concerns of students, staff, faculty, and the university community. Interim suspension may be imposed pending the application of the conduct process. The conduct process will proceed without undue delay.
- (2) An interim suspension is a temporary, immediate removal or restriction from university privileges or participation that is put in place while a report or complaint of an alleged violation of the S.C.O.C. is pending. Interim suspension may include restricting a respondent from participating in, or being present at, any university related activities, registered student organization activities, classes, campus facilities, or other necessary measures. Such action shall be taken when the dean of students (or designee) has reasonable cause to believe that the respondent's presence on university owned, leased, or controlled property or at a university related activity, or registered organization related activity, or remote or online classes or other remote or online university events or activities, poses a substantial threat to the health, welfare, or safety of others or the university. An interim suspension begins immediately upon written notice by the dean of students (or designee). The dean of students may place a conduct hold to aid in enforcing the interim suspension.
- (3) The respondent may, within three days of written notice of the interim suspension, petition the vice provost for student affairs for reinstatement. The petition must be in writing and must include supporting documentation or evidence that the respondent does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A meeting on such petition will be conducted as soon as possible by the vice provost for student affairs. The purpose of this meeting will be to determine if the interim suspension shall remain in effect, be modified, or be revoked pending a conduct hearing.

(G) Sanctions for nonacademic misconduct

- (1) Respondents found responsible for violating the S.C.O.C. will be subject to sanctions, up to and including expulsion. More than one sanction may be imposed for a single violation. A single act may constitute more than one violation of the S.C.O.C. Sanctions are designed to promote the university's educational mission, maintain safety, and deter conduct that violates the S.C.O.C. The director of the office of student conduct and community standards may place a conduct hold to aid in enforcing a sanction.
- (2) The regular refund schedule outlined in university publications will apply in the event of a suspension or expulsion from university housing or the university.



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- (3) Implementation of sanctions is immediate or as defined.
- (4) Possible sanctions for student and student organization nonacademic misconduct include:

- (a) University reprimand

- Written notification to students or student organizations indicating that their conduct is unacceptable and that any other violation may warrant further sanctions.

- (b) University probation

- Probation is in effect for a specified period of time. A violation(s) of any university policy, rule, or agreement during the period of probation will be viewed as a violation of probation, and will result in further action being imposed, which may include suspension or expulsion. Probation may impose specific restrictions or place extra requirements on the student or student organization for a specified period. Restrictions may vary with each case and may include but are not limited to restrictions related to participation in intercollegiate athletics, representing the university, student leadership, and extracurricular and/or residence life activities. A student or student organization may be required to meet periodically with designated persons. Students or student organizations on university probation are not considered to be in good standing with the university.

- (c) University suspension

- Prohibits the student from attending, or student organization being recognized by, the university and from being present without permission of the director of the office of student conduct and community standards (or designee) on specified university owned, leased, or controlled property, and prohibits the student from enrolling or participating in remote or online classes or other remote or online university events or activities, for a specified period of time. University suspensions shall have effective beginning and ending dates. Students or student organizations placed on university suspension must comply with all suspension requirements. A student seeking to attend the university, or student organization seeking recognition, after the conclusion of the suspension shall first request permission to re-enroll, or re-register, from the office of student conduct and community standards.

- (d) University expulsion



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Permanently prohibits the student, or student organization, from enrolling, attending, or being recognized by, the university and from being present, without permission, at any university event or on any university owned, leased, or controlled property.

(e) Educational sanctions

Sanctions designed to develop the student's conduct by incorporating values of the university community and allowing an opportunity for students to grow as responsible members of the university community. Examples include, but are not limited to: conferences, discussions, reflection papers, service, and workshops.

(f) Restitution for damages

Restitution may include a student or student organization being required to repair all damages related to the misconduct, which may include, but is not limited to, assessment of reasonable expenses, such as repair or replacement cost for any damage to property, or any related expenses incurred by the affected parties.

(5) Additional sanctions for student organizations

In addition to sanctions identified in paragraph (G)(4) of this rule, the following sanctions may be imposed on student organizations found responsible for violating the S.C.O.C.:

(a) Loss of student organization privileges

Restricts or removes an organization's privileges on and off campus for a specified period of time. Restrictions may vary with each case and may include, but are not limited to, the following: use of university facilities or services; ability to sponsor, co-sponsor, host, or co-host activities or events; and ability to participate in activities or events such as, but not limited to, intercollegiate athletics, social events, representing the university, student leadership, extracurricular and/or residence life activities.

(b) Loss of university funds

Loss of university funds includes ineligibility to receive funds from any university entity for student organization purposes for a specified period of time, including but not limited to: university funding board, undergraduate



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student government, graduate student government, center for student involvement, and/or fraternity and sorority life.

(c) Termination of university registration/revocation of university recognition

Prohibits a student organization from being registered or recognized by the university for a specified period of time. During this time, the student organization is prohibited from functioning as a student organization in any capacity both on and off campus. This includes, but is not limited to, the following: alumni events; hosting, sponsoring, co-hosting or co-sponsoring charitable and philanthropic events and social events; participating as an organization in charitable or philanthropic events and social events; meeting as an organization; and, participating in tournaments or other sporting events, trainings, or recruitment. Unregistered and/or unrecognized student organizations are not allowed to re-activate as a student organization without prior written permission from the office of student conduct and community standards, center for student involvement, and/or fraternity and sorority life. An unregistered or unrecognized student organization must apply for reinstatement following the period of termination by submitting a letter to the office of student conduct and community standards, center for student involvement, and/or fraternity and sorority life, whichever is applicable.