



Ohio Administrative Code

Rule 3361:40-5-05 Conduct, rights and responsibilities: student code of conduct.

Effective: August 15, 2026

(A) Introduction

(1) Bearcat bond

In pursuit of its mission to develop educated and engaged citizens to enrich the global community, the university of Cincinnati ("university") aspires for its students to demonstrate high standards of integrity and conduct. As a guide to community members to obtain this objective, in spring of 2012, the bearcat bond was endorsed by faculty senate, graduate student government, and undergraduate student government. The bearcat bond identifies community values essential to fostering a safe and scholarly environment. The bearcat bond states the following: "As a member of the university of Cincinnati, I will uphold the principles of a just community and the values of respect, responsibility, and inclusiveness. I will promote the highest levels of personal and academic honesty and aspire continuously to better myself, the bearcat community, and the world." Although there is no policy that expressly states that students are bound to the bearcat bond, the spirit of the bearcat bond is incorporated in university policy, and most especially, in the student code of conduct (S.C.O.C.).

- (2) When students are admitted to and attend the university, they accept the rights and responsibilities of membership in the university's academic and social community. Just as the university has set high standards for membership, the university has established high standards for acceptable and unacceptable conduct for the university community and its members; thus, university standards of conduct, while falling within the limits of the law, may exceed local, state, or federal requirements. The purpose of the S.C.O.C. is to inform students of their rights and responsibilities, identify procedures to address student conduct that is inconsistent with the community values reflected in university policies, and recommend potential sanctions, interventions, and measures designed to educate and safeguard the university community and its members.
- (3) The authority for the S.C.O.C. is found in section 3345.21 of the Revised Code. The university conduct system is separate and independent of any criminal or civil proceeding. If a student is undergoing civil or criminal action for the same conduct which forms the basis of conduct action at the university, the university may continue the conduct process as outlined in the S.C.O.C.
- (4) Students are responsible for knowing and honoring the university's S.C.O.C. and other rules and policies of the university of Cincinnati. The S.C.O.C. is not a contract between the university and the student. The university reserves the right to change the S.C.O.C. at any time.



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- (5) The university has a duty to take reasonable efforts to make the S.C.O.C. available for students. The office of student conduct and community standards will circulate the S.C.O.C. along with other rules, regulations, and policies, which directly affect students at the university of Cincinnati. The university will also provide notice to students when changes are made to the S.C.O.C. The S.C.O.C. will be available for review on the office of student conduct and community standards webpage and the university of Cincinnati board of trustees' webpage.
- (6) To ensure compliance with federal, state, and local laws, orders of a court or other governmental authority, and university rules and policies, the university board of trustees may revise the S.C.O.C. in consultation with the office of general counsel and the office of student conduct and community standards without regard to rule 3361:40-05-03 of the Administrative Code.
- (7) All conduct records and files, including those resulting in a finding of "responsible," are maintained in the office of student conduct and community standards for a period of at least seven years from the date of resolution of the conduct action. Conduct records are education records as defined by the Family Educational Rights and Privacy Act of 1974 and subject to the protections and release provisions within.

(B) Student rights and responsibilities

- (1) The S.C.O.C. is applied consistent with rule 3361:40-5-01 of the Administrative Code. The S.C.O.C. will not be interpreted or applied in any way that infringes upon constitutionally protected rights and privileges, such as those under the First, Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.
- (2) Students are responsible for maintaining established standards of scholarship and conduct essential to the educational mission and community life of the university.
- (3) The S.C.O.C. is administered in accordance with applicable federal, state, and local laws, court and other governmental authority orders, and university rules and policies.

(C) Organization of the S.C.O.C.

Rule 3361:40-5-05 of the Administrative Code is amplified by and elaborated upon by three supplemental rules. Rule 3361:40-5-05.1 of the Administrative Code sets forth the process and procedures for academic misconduct. Rule 3361:40-5-05.2



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of the Administrative Code sets forth the process and procedures for nonacademic misconduct. Rule 3361:40-5-05.3 of the Administrative Code sets forth the process and procedures for appeals of academic and nonacademic misconduct.

(D) Definitions

(1) Student

The term "student" as used in the S.C.O.C. means an individual who has been accepted for admission to the university, registered for classes, enrolled at the university, or otherwise entered into any other relationship with the university to take or audit classes. Student status lasts until an individual graduates, withdraws from the university, is expelled, or is not in attendance for two complete fifteen-week consecutive semesters.

(2) Student organization

The term "student organization" refers to any number of students who have completed the necessary requirements to be registered and recognized by the university pursuant to rule 3361:40-03-01 of the Administrative Code.

(3) Complainant

The term "complainant" refers to the University or the individual who has initiated the nonacademic misconduct process against a student or student organization for an alleged violation of rule 3361:40-5-05.2 of the Administrative Code. Complainant also refers to instructors (or in the absence of an instructor, the academic unit head or the dean, or designee) who initiate the academic misconduct process set forth in rule 3361:40-5-05.1 of the Administrative Code.

(4) Respondent

The term "respondent" refers to the student or student organization who is alleged to have violated the S.C.O.C.

(5) Parties or party

The term "parties" refers to both the complainant and respondent. "Party" refers to either the complainant or respondent.

(6) Standard of proof

The term "standard of proof" refers to the standard used to determine whether a respondent has violated the S.C.O.C. The standard of proof is based on a



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preponderance of evidence, meaning it is more likely than not that a violation has occurred. Upon receipt of a complaint, all respondents are considered not responsible unless this standard is met.

(7) Adviser

The term "adviser" refers to the person a party selects to advise them.

Additional requirements regarding advisers: Parties may have one adviser of their choice. An adviser may consult with a party verbally or in writing in a quiet, non-disruptive manner, but the adviser may not participate as a spokesperson or vocal advocate in meetings or hearings. Parties are required to notify the office of student conduct and community standards or the college conduct administrator three days prior to any meetings or hearings if the adviser is an attorney and plans to attend the hearing and/or meeting. The conduct process will not be delayed to accommodate an adviser's schedule. Therefore, a party should select an adviser whose schedule permits attendance at the scheduled date and time. Advisers may not be present in lieu of any party who does not attend the meeting or hearing. A witness or party to the conduct matter cannot serve as any party's adviser.

(8) Diminished capacity

The term "diminished capacity" refers to being under the influence of drugs or alcohol. Diminished capacity does not diminish or excuse a violation of the S. C.O.C.

(9) Home college

The term "home college" refers to the college in which the student is matriculated at the time of the alleged misconduct. The vice provost for undergraduate studies (or designee) will serve as the home college for non-matriculating undergraduate students, and the vice provost for graduate studies and dean of the graduate school (or designee) will act as the home college for non-matriculating graduate students. In matters involving students enrolled in multiple colleges, the vice provost for undergraduate studies will act as the home college.

(10) Conduct hold

The term "conduct hold" refers to an administrative hold placed on a student's account by the director of the office of student conduct and community standards (or designee) that prevents a student from registering for classes without first seeking permission from the director of the office of student conduct



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and community standards. The director of the office of student conduct and community standards (or designee) may place a hold on a student's account when specifically set forth in the S.C.O.C.

(E) Jurisdiction

- (1) The university of Cincinnati reserves the right to respond to conduct that undermines, interferes with, or obstructs the safety and security of the university community or that adversely affects the integrity or interests of the educational mission or functions of the university.
- (2) Students who violate the S.C.O.C. are subject to appropriate conduct action. In addition, students enrolled in the university's college of law or college of medicine are subject to their respective honor codes. Conduct not covered by an honor code will fall under the jurisdiction of the S.C.O.C. If a student withdraws from the university before the conduct process has been completed, a conduct hold may be placed on the student's account until the conduct process has been resolved.
- (3) Student organizations that violate the S.C.O.C. are subject to appropriate conduct action. Groups of students who are not registered or recognized as an organization, or who are actively seeking registration and recognition from the university, may be charged as individuals or as a group under the S.C.O.C. If a student organization withdraws its registration with the university or the student organization is discontinued pursuant to its constitutional provisions before the conduct process has been completed, the university may prohibit the student organization from re-registering until the conduct process has been resolved.
- (4) On- and off-campus conduct
 - (a) The S.C.O.C. applies to student and student organization conduct that occurs on any university campus or on university owned, leased, or controlled premises, and conduct that occurs during remote or online learning or other university related events or activities.
 - (b) The S.C.O.C. also applies to off-campus conduct when the conduct or the presence of a student or student organization, in the university's sole judgment, impairs, obstructs, or interferes with the mission or process or functions of the university. Factors considered by the university include, but are not limited to, the following:
 - (i) Whether the student or student organization was acting as a representative of the university;



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- (ii) The seriousness of the conduct that occurred;
 - (iii) Injuries to students or others;
 - (iv) The extent of danger posed to the community;
 - (v) Whether a student organization was involved;
 - (vi) Whether the incident could result in a felony charge; or
 - (vii) Whether weapons, drugs, or alcohol were involved.
 - (c) The university reserves the right to take conduct action for conduct when the student or student organization - in the university's sole judgment - poses an obvious threat of serious harm to any member of the university community or when such conduct has continuing effects that effectively deny community members access to resources and opportunities, unreasonably interfere with the university community working and living environment, or deprive university community members of protected rights, in a university program or activity. This action may be taken to address conduct that occur before, between, during, or after academic periods.
- (5) To determine whether student conduct in question is academic or nonacademic misconduct, the dean of the college where the misconduct occurred (or designee) and the director of the office of student conduct and community standards (or designee) should consult to determine whether the matter shall be handled as academic or nonacademic misconduct.
- (6) Riotous conduct
- Section 3333.38 of the Revised Code concerns the riotous conduct of students on and around university campuses. Action taken as a result of section 3333.38 of the Revised Code does not limit the university of Cincinnati's ability to otherwise discipline students under the S.C.O.C.
- (7) Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681 - 1688)
- (a) The university president has authority to create and implement policies to bring the university in compliance with Title IX regulations and applicable laws. The president may delegate this authority to the proper university department, who must work in consultation with the office of general counsel and in coordination and collaboration with other appropriate university offices.



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- (b) Students should refer to university Title IX policies for information on jurisdiction, definitions, hearings, and other related procedures.

(F) Reporting misconduct

(1) Amnesty

- (a) The university's primary concern is the health, safety, and welfare of the university community. To maintain a safe and scholarly community, the university encourages students to report code of conduct violations and crimes involving a victim, including sexual misconduct.
 - (b) To encourage reporting, the university of Cincinnati has the discretion not to pursue certain non-violent S.C.O.C. violations such as use of alcoholic beverages or drugs related to the incident. Amnesty may be applied to parties, bystanders, witnesses, students, or student organizations who participate in the conduct process, or students who seek assistance for themselves or other students experiencing an alcohol and/or other drug-related emergency. Amnesty will be determined on a case-by-case basis, in an equitable manner so as not to interfere with the rights of the parties, at the discretion of the director of the office of student conduct and community standards (or designee).
 - (c) Students receiving amnesty may be required to participate in an educational response.
- (2) With the exception of student or student organization conduct that potentially violates Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d, et seq.) or Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681 - 1688), reports of academic or nonacademic misconduct concerning a student or student organization can be reported to the office of student conduct and community standards in person, by telephone, email, U.S. mail, or by submitting the online reporting form accessible on the office of student conduct and community standards' webpage.
 - (3) All reports or inquiries involving potential violation of Title VI or Title IX must be reported pursuant to the university of Cincinnati's Title VI policy or Title IX sexual harassment policy.
 - (4) Instances of academic misconduct should also be reported to the college conduct administrator for the home college where the misconduct occurred.

(G) Timelines



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Listed timelines exclude weekends, university recognized holidays, term breaks, and anytime when the university is closed or classes are not in session. Timelines may also be extended for extenuating circumstances as determined by the director of the office of student conduct and community standards (or designee).

(H) Notification

All written notices to students are considered received upon delivery to the student's university of Cincinnati email address. All written notices to a student organization are considered received upon delivery to a student organization's representative's university of Cincinnati email address. Students and student organization representatives are responsible for regularly checking their university email.

(I) Educational response

The university may administer an educational response(s) to address student or student organization conduct. Educational responses are intended to incorporate values of the university community and allow an opportunity for students and student organizations to grow as responsible members of the university community. While educational responses are not sanctions, they may be administered as a result of a student's or student organization's conduct even if the conduct does not warrant the commencement of the academic or nonacademic misconduct process. In such cases where conduct does not warrant the commencement of the academic or nonacademic misconduct process, the educational response may be documented and kept on file in the office of student conduct and community standards but is not considered a sanction.