

COLUMBUS STATE COMMUNITY COLLEGE
POLICY & PROCEDURES MANUAL

STUDENT CODE OF CONDUCT

Effective July 1, 2010

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(A) PREAMBLE

Columbus State Community College has a high standard of conduct for members of its College community, including students. Consistent with the educational mission of the College, students are expected to perform all work honestly, maintain prescribed academic standards, pay all debts to the College, and respect the property and rights of others. To ensure the maintenance of an environment conducive to the attainment of the educational mission of the College, the President is authorized to establish such rules and regulations as are deemed appropriate and necessary for the orderly operation of the College. In addition to these rules, the behaviors enumerated under the Student Code of Conduct may result in penalties up to and including expulsion from the College. Should the concern involve allegations of violations of students' civil rights by employees, including but not limited to sexual harassment, sexual misconduct and/or harassment, the matter will be referred to the College's Office of Equity and Compliance for disposition.

(B) OVERVIEW OF CONDUCT EXPECTATIONS

- (1) The student conduct process at the College is not intended to punish students. Rather, it exists to protect the interests of the College community and to challenge those whose behavior is not in accordance with Columbus State policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with College community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that they should no longer share in the privilege of participating in the College community.
- (2) Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, within these procedures, assures timely written notice and a hearing before an objective decision-maker.
- (3) Students continue to be subject to city, state and federal laws while at Columbus State, and allegations, charges or violations of those laws may also constitute violations of the Student Code of Conduct. In such instances, the College may proceed with disciplinary action under the Student Code of Conduct independent of any criminal proceeding involving the same conduct and may impose sanctions for violation of the Student Code of Conduct even if such criminal proceeding is not yet resolved or is resolved in the student's favor.
- (4) No student will be found in violation of College policy without information showing by a preponderance of the evidence that a policy violation occurred. In Columbus State's sole discretion, sanctions will be proportionate to the severity of the violation(s).

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(C) JURISDICTION OF THE STUDENT CODE OF CONDUCT

- (1) The Student Code of Conduct applies to conduct that occurs on College premises or College property, at any location at College sponsored activities and in off-campus buildings occupied by students by virtue of their association with a group/organization given formal registration by Columbus State. The Student Code of Conduct may also apply off-campus, when the administration determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:
 - (a) An allegation, arrest, charge or conviction of a criminal offense as defined by Ohio law, including repeat violations of any local, state or federal law.
 - (b) Any situation where the student presents a danger or threat to the health or safety of themselves or others.
 - (c) Any situation that significantly impinges upon the rights, property or achievements of self or others, or significantly breaches the peace and/or causes social disorder.
 - (d) Any situation that is detrimental to the educational interests of the College.
- (2) Each student will be responsible for their conduct from the time they apply for admission until the actual awarding of a degree, including the academic year, during breaks and between academic terms, before classes begin and after classes end, during periods between terms of actual enrollment, and including conduct whether or not discovered until after a degree is awarded. The Student Code of Conduct will apply to a student's conduct even if the student withdraws from school while a matter is pending.
- (3) The Student Code of Conduct applies to guests of community members, whose student hosts may be held accountable for the misconduct of their guests. Visitors to and guests of the College are also protected by the Student Code of Conduct, and may initiate grievances for violations of the Student Code of Conduct committed against them.
- (4) Clubs, Organizations and Affiliations (COA)s may be charged with violations of the Student Code of Conduct for behavior occurring on or off campus. A COA and its officers may be held collectively or individually responsible when violations of the Student Code of Conduct by those associated with the group or organization have received the tacit or overt consent or encouragement of the leaders, officers or spokespersons. While COAs not registered by the College are exempt from the Student Code of Conduct, student members of such organizations may be held accountable for their behavior under the Student Code of Conduct. When considering allegations involving collective responsibility, the College may make individual findings with respect to the involvement of each student.

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- (5) The College will treat an attempt to commit a violation listed in the Student Code of Conduct as if the attempted conduct had been completed.
- (6) The College reserves the right to initiate an allegation and to initiate conduct proceedings without a formal allegation by the victim or witnesses of misconduct.
- (7) The College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make a false report of any policy violation or violation of any federal, state or local law.
- (8) The College community encourages the reporting of violations of the Student Code of Conduct. To this end and at the sole discretion of College officials, students who may have conduct violations related to the same incident and who report violations may be held less accountable for conduct violations and/or may be provided educational options in such cases.
- (9) Columbus State reserves the right to notify parents/guardians of dependent students regarding any conduct situation when alcohol and/or narcotic/substance/inhalant abuse or violations are suspected. The College may contact parents/guardians of dependents or non-dependent students who are under age 21. The College may also contact parents/guardians to inform them of situations in which there is an imminent health and/or safety risk.
- (10) The Office of Student Conduct or designee reserves the right to determine whether other College officials have a need to know about individual conduct allegations pursuant to the Family Education Rights and Privacy Act (FERPA).
- (11) In accordance with federal law, victims of sexual misconduct and/or sexual harassment incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation. The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a College policy that is also a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The College may release this information to the victim in any of these offenses regardless of the outcome, but victims are cautioned that FERPA does not permit them to re-release this information to others.
- (12) Behavior conducted online such as harassment delivered by e-mail can subject students to actions under the Student Code of Conduct. Blogs, web pages, social networking sites and other modes of electronic communication are in the public sphere, are not private, and can subject a student to allegations of misconduct. The College does not seek out this information, but may take action if and when such information is brought to the attention of College officials.

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- (13) Any question of interpretation or application of the Student Code of Conduct shall be referred to the Office of Student Conduct or designee for final determination.
- (14) The Student Code of Conduct shall be reviewed periodically under the direction of the Office of Student Conduct or designee. Recommendations for changes will be submitted to Shared Governance as needed.

(D) DEFINITIONS

- (1) Student - For the express purposes of the Student Code of Conduct, all persons taking courses at or through Columbus State, persons who withdraw after allegedly violating the Student Code of Conduct, persons who are not officially enrolled for a particular term but who have a continuing relationship with the College, persons who have been notified of their acceptance for admission and persons who have applied for admission to the College but have not yet been notified of acceptance.
- (2) Faculty Member - For purposes of this policy, any person hired by Columbus State to conduct classroom or teaching activities, or who is otherwise considered by The College to be a member of its faculty.
- (3) College Official - any person employed by Columbus State, performing assigned administrative, academic or professional responsibilities.
- (4) College Community - any person (or persons collectively) who is a student, faculty member, administrator, staff member or any other person employed by the College. A person's status in a particular situation will be determined by the Office of Student Conduct.
- (5) College Premise - includes all land, buildings, facilities and other property in the possession of or owned, used, leased or controlled by Columbus State including adjacent streets and sidewalks.
- (6) College Property - includes vehicles, equipment, furniture, identification badges, parking passes and other similar items owned, used or controlled by Columbus State.
- (7) Clubs, Organizations and Affiliations (COA)s - any number of persons who have complied with the formal requirements for Columbus State registration through the Office of Student Engagement and Leadership.
- (8) Hearing Board - the Student Conduct Hearing Board.

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- (9) Conduct Officer or Hearing Officer - a Columbus State official authorized on an ongoing or case-by-case basis by the Office of Student Conduct to make determinations including but not limited to, the hearing procedures, whether a student's behavior violates the Student Code of Conduct, the conduct's impact upon the College community, recommendations for responsibility by the student or recommendations for sanctions.
- (10) Policy - the written regulations of the College found in, but not limited to, the student handbook, college catalog, and the enacted College policies and procedures.
- (11) Preponderance of Evidence - information that would lead a reasonable person to conclude that it is more likely than not that a student's behavior occurred and/or violated the Student Code of Conduct.
- (12) Person of Support – For purposes of the Student Code of Conduct, refers to an individual who assists a student or COA with hearing preparation and process. A person of support may be any member of the student's or COA's choosing and is not limited to members of the College community.
- (13) Interim Action - temporary exclusion from College premises and/or College events and/or other sponsored activities imposed by the Office of Student Conduct.
- (14) Consent - A freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that the initiator has the other person's consent to engage in sexual activity, throughout the entire sexual activity. At any time, a participant can communicate that they no longer consent to continuing the activity. Consent may never be obtained through the use of force, including coercion, or if the victim is mentally or physically incapacitated, including through the use of drugs or alcohol. Consent cannot be assumed based on the existence of a previous intimate relationship or sexual encounter. Additionally, the initiator's use of alcohol or drugs does not diminish the initiator's responsibility to obtain consent. There is no requirement of a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- (15) Force - The use of physical violence and/or imposing on someone physically to engage in sexual activity and/or the use of threats, intimidation and coercion to overcome resistance to sexual activity.

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- (16) Incapacitation - A state in which a person cannot make rational decisions about engaging in sexual activity. Incapacitation may result from a temporary or permanent mental or physical disability, from sleep or unconsciousness, or from the taking of alcohol or other drugs. Apparent consent by an incapacitated complainant is not valid where a respondent knew or should have known that the complainant was incapacitated.
- (F) The President may establish procedures to administer this policy.

Last Effective Date: June 26, 2000

**September 9, 2019: Administrative changes made to reflect office and title changes. Removed conduct section that is now in Procedure 7-10(G).*

**August 14, 2020: Administrative changes made to reflect updated Title IX regulations made by the USDOE.*