A. PURPOSE:

To establish a policy on the Administration of Student Conduct.

B. SCOPE:

All students enrolled at the University.

C. DEFINITIONS:

(1) "Expectations for Student Conduct and Professional Commitment" refers to the University's 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 the Student Conduct Code and Expectations of Professional Behavior 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 institutions and hospitals, and NEOMED-sponsored activities. A student's signature on the document constitutes an agreement to support the conduct code and the professionalism principles embodied therein.

(2) "Complaint" includes a written document or verbal report 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 Expectations for Student Conduct and Professional Behavior. All Complaints of this nature shall be directed to the Chief Student Affairs Officer.

(3) "Conduct Officer" is the University official or designee who reviews a wide range of reported misconduct, may resolve misconduct cases, or may refer them to another University official for adjudication.

(4) "Safety Officer" is the University's Supervisor of Public Safety and Security or his/her designee.
D. BODY OF THE POLICY:

(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.

(2) 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.

(3) The University hereby authorizes University officials to enforce University policy in order to maintain law and order on the campus.

(4) The President of the University has the ultimate responsibility and authority for the discipline of all students. The authority to impose the formal sanctions specified in this rule may be delegated to a Conduct Officer by the President. Disciplinary action under this rule may be taken against a person who has been admitted as a student to the University, whether or not the individual is registered for classes. Disciplinary action may also be taken against student organizations. The President, on his/her own initiative, may review any case which comes within the purview of this rule.

(5) As the recipient of all Complaints alleging student misconduct, the Chief Student Affairs Officer will work in collaboration with the Director of Enrollment Services and Registrar, and, if necessary, the associate dean for Academic Affairs of the student's college to make the initial determination as to whether the matters alleged in the Complaint are best resolved through the formal disciplinary process contained in this policy or by way of a referral to the Committee on Academic and Professional Progress (CAPP) or some other mechanism such as counseling or mediation.

(6) Immediate Administrative Suspension. At the time the Complaint is reported, if the Chief Student Affairs Officer, in consultation with the General Counsel for the University, determines that the conduct alleged is inconsistent with maintaining
the good order and discipline of the University and its campus, the Chief Student Affairs Officer has the discretionary authority to impose an Immediate Administrative Suspension upon the student. Imposition of an Immediate Administrative Suspension will only occur after there has been: an in-person meeting between the student, the Chief Student Affairs Officer, and the Safety Officer 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 Administrative Suspension may still be imposed. If an Immediate Administrative Suspension is issued following the in-person meeting, the student must surrender his/her University identification badge and will be escorted off the University property by the Safety Officer.

(7) A student against whom a Complaint has been made under this policy is entitled to a hearing on the Complaint. The student will be notified in writing at least seventy-two hours in advance, excluding weekends and holidays, of the Complaint and the time, date, and location of the hearing.

(8) Hearing Procedures. The University will appoint a Conduct Officer to hold the hearing to determine whether further disciplinary measures will be imposed upon the student. The hearing shall be held at the University on the time and date specified in the Hearing Notice.

(a) The Conduct Officer 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.

(9) 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 Conduct Officer. Also, upon reasonable request submitted in
writing by the student, the Conduct Officer or University Official may grant a
continuance of the originally scheduled hearing. In all cases, the proceedings may
be delayed no more than two times, each for a period of no longer than five
business days.

(10) 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 suspension is being considered, given at
the hearing, shall not subsequently be used in any criminal proceeding
against the person. The Conduct Officer 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 may not participate directly in the hearing or address the Conduct
Officer on behalf of the student unless a communication difficulty exits
that is sufficiently severe so as to prevent a fair hearing.

(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 Conduct Officer by the student charged and may be granted if
warranted by the circumstances.

(11) Credibility Determination. The Conduct Officer shall evaluate the points of view
presented by the parties in conflict and shall determine if the preponderance of
the evidence supports the conclusion that it the student committed the misconduct alleged in the Complaint.

(12) A copy of the Conduct Officer's findings, including the procedures for appeal before the CAPP Executive Review Committee, shall be given to the student in writing within five business days from the conclusion of the hearing.

(13) Offenses

(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 policy. 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 Policy.

(c) Behavior deemed detrimental or disruptive to the University community and/or prohibited by local, state or federal laws, including any act that is a violation of the Campus Disruption Act or results in the student's arrest, but excluding any conduct considered an Offence of Violence pursuant to section 3345.22 and 3345.23 of the Ohio Revised Code and addressed under University Policy No. 3349-10-74.

(d) Offenses where another student is the victim.

(14) Sanctions

(a) Immediate Administrative Suspension. As stated, the Chief Student Affairs Officer, in consultation with the Executive Director of Enrollment Services and the Associate Dean for Academic Affairs for the college in which the student is enrolled, with may impose an Immediate Administrative
Suspension upon receipt of a Complaint based on the nature of the allegations and the in-person meeting with the student.

(b) Strict Disciplinary Probation. Based on the Conduct Officer's findings, the student may be placed on strict disciplinary probation, whereby placing the student in serious jeopardy with the University. This Sanction is invoked for a specified period of time, not to exceed twelve months from the date it is originally imposed. Notification of Sanctions will be made to appropriate University offices, including the student's academic College. Students on disciplinary probation:

(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.

(iv) May be subject to automatic Dismissal or Immediate Administrative Suspension if allegations of further misconduct arise, including any violation of the terms of the disciplinary probation originally imposed.

(c) Disciplinary Suspension. This sanction is one of involuntary separation of the student from the University for a period not to exceed twelve months from the date of sanction. 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 and set forth in the Conduct Officer's written conclusion following the hearing.

(d) Disciplinary Dismissal. This sanction is one of involuntary separation of the student from the University. Such separation shall be for not less than twelve months following the date of Sanction. Notification of Sanctions will be made to appropriate University offices, including the student's academic college. Students dismissed:

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

(ii) May be required to leave the land 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.

(iii) Shall receive any refund of money in accordance with the refund schedule in effect at the time of dismissal.

(iv) Shall be reinstated only by the joint decision of the Associate Dean of Academic Affairs for the college and the Chief Student Affairs Officer, who shall establish criteria for readmission.
Additional Stipulations to Sanctions. Additional stipulations are the prerogative of the Conduct Officer. They may be mandated as part of the sanctions listed above. The options may be considered are as follows:

(a) Counseling;

(b) Restitution for damages; or

(c) Education/Rehabilitation program referral;

Appeals from the decision of the Conduct Officer.

(a) Within five business days of the Conduct Officer's decision, a student may submit a written appeal of the decision to the CAPP Executive Review Committee. No additional appeal will be heard.

(b) Appeals are limited to the following reasons:

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

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

(c) The CAPP Executive Review Committee will not provide for a rehearing of the underlying matter. Instead, it will focus solely on whether a substantive or procedural defect occurred in the underlying matter or whether the new information presented to the Committee bears reconsideration of the Conduct Officer's decision. The CAPP Executive Review Committee has the ability to uphold, modify, or reverse the Conduct Officer's decision in any manner it deems appropriate based on information brought forth by the student on appeal.
(17) Imposition of Sanctions Without a Hearing

(a) A student may admit the facts contained in the Complaint. The admission shall be in writing and shall be given to the University Official designated in the written notice.

(b) A student may waive the required appearance before a Conduct Officer by requesting, in writing, that a University Official be permitted to impose any sanction, stipulation, cost, or penalty as provided for in this policy. If the student does not choose to have a University Official impose sanctions, the student shall be advised in writing of the hearing time and place to appear for the receipt of any sanctions from the Conduct Officer.

(c) A student who does not submit a written admission or waiver according to this policy, but fails to appear at the hearing shall be subject to any sanction imposed by the Conduct Officer.

(d) In any of the foregoing situations, the decision of the Conduct Officer or University Official is not subject to appeal.