

Applies to: Students

Responsible Office

Student Life

POLICY STATEMENT

The Code of Student Conduct is established to foster and protect the mission of the college; to foster the scholarly and civic development of the college’s students in a safe and secure learning environment and to protect the people, properties and processes that support the college and its mission. The core mission of Central Ohio Technical College is to meet the technical education and training needs of students and employers in the area.

COTC welcomes diverse beliefs and values academic freedom and the open exchange and expression of thoughts, opinions and ideas. Additional information regarding the Freedom of Expression policy can be found here:

<https://www.cotc.edu/college-policies>.

The office of student life’s disability services can provide accommodations based on the impact of a disability to students during the student conduct process. Students are responsible for requesting these accommodations when they feel they are needed. Visit <https://www.cotc.edu/disability-services> for additional information.

Definitions

Term	Definition
College premises	Includes all lands, buildings, facilities and resources owned, leased, managed or operated by the college.
Student	An individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the college to take instruction. 1. Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two (2) complete, consecutive terms, and includes those with a continuing educational relationship with the college. 2. “Student” also includes registered student organizations. A student organization remains a “student” for purposes of this code for one calendar year following the expiration of the organization’s most recent registration. 3. This code also applies within the discretion of an appropriate college official to former students for violations committed while a student.
Members of the college community	Include, but are not limited to, students, faculty, staff and visitors to the campus.
Complaint	Information provided to the college, alleging a violation of the Code of Student Conduct or other published rule, policy, standard or guideline applicable to students at the college.
Academic activities	Include any assignment, quiz, examination, candidacy examinations, laboratory, paper, report, field or placement work, submission, reading, seminar, presentation or other educational activity that is required for a course or degree program.
Calendar days	Refer to all seven days of the week without regard to whether classes are in session or college offices are open or closed.
Business days	Include any day other than Saturday, Sunday or days when college offices are closed as scheduled according to the college’s academic calendar.

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Policy Details

I. Jurisdiction.

- A. The code applies to the on-campus conduct of all students and registered student organizations, including conduct using college computing or network resources. This code also applies to the off-campus conduct of students and registered student organizations in direct connection with:
 - 1. Academic course requirements or any credit-bearing experiences, such as internships, field trips, study abroad or student teaching;
 - 2. Any activity supporting the pursuit of a degree, such as research at another institution or a professional practice assignment;
 - 3. Any activity sponsored, conducted or authorized by the college or by registered student organizations;
 - 4. Any activity that causes substantial destruction of property belonging to the college or members of the college community, or causes or threatens serious harm to the safety or security of members of the college community; or
 - 5. Any activity which could constitute a criminal offense as defined by local, state or federal law, regardless of the existence or outcome of any criminal proceeding.
- B. The code may be applied to behavior conducted online, via email, text or another electronic medium. Students should be aware that online postings such as web postings and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of a policy violation is posted online. The college does not routinely search for violations of this code but may take action if and when such information comes to the attention of college officials.
- C. Students or a registered student organization may also be held accountable for their guest's or member's behavior when the student or members of the registered student organization have knowledge of, facilitates, or contributes to the guest's or member's misconduct.
- D. The code governs all campuses of the college. Students attending extended campuses are advised to consult their local resources for additional information or rules pertaining specifically to their location.
- E. The college reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the college, is no longer enrolled in classes or subsequently fails to meet the definition of a student while a disciplinary meeting is pending. The college may, within its discretion, place a hold or other notation on the student's transcript while the matter is pending.
- F. Students continue to be subject to federal, state and local laws while at the college, and violations of those laws may also constitute violations of the code. In such instances, the college may proceed with college disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.
- G. Discrimination and harassment, including, but not limited to sexual misconduct, based on a protected class in any form is never acceptable. Students are responsible to know and adhere to college policy 1.1.26 Sexual Misconduct, Sexual Harassment, and Relationship Violence and 2.1.10 Equal Employment Opportunity and Non-Discrimination, which can be found at <https://www.cotc.edu/college-policies>. This policy, and not this code, govern the investigation, adjudication and resolution of protected class discrimination and harassment complaints.

II. Prohibited conduct. Any **student** found to have engaged, or attempted to engage, in any of the following conduct while within the college's jurisdiction, will be subject to disciplinary action by the college. For the purposes of this section, "attempt" shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct.

- A. Academic misconduct. Any activity that tends to compromise the academic integrity of the college or subvert the educational process. Examples of academic misconduct include, but are not limited to:
 - 1. Violation of course rules and/or assignment guidelines as contained in the course syllabus or other information provided to the student;

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2. Knowingly requesting, providing and/or receiving unauthorized information, materials and/or assistance during academic activities;
 3. Possession and/or use of unauthorized information, materials and/or assistance during academic activities;
 4. Submitting plagiarized work for an academic requirement. Plagiarism is the representation, including but not limited to copying, of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriate unacknowledged use of another person's ideas;
 5. Unauthorized use of generative artificial intelligence systems or similar technologies to complete academic activities;
 6. Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement. This includes submitting the same work for courses that the student is retaking pursuant to the college's course repeat and fresh start policies;
 7. Falsification, fabrication or dishonesty in creating or reporting laboratory results, research results and/or academic activities;
 8. Serving as or enlisting the assistance of a substitute for a student in academic activities;
 9. Alteration of grades or marks by the student in an effort to change the earned grade or credit;
 10. Alteration of academically-related college forms or records, or unauthorized use of those forms or records;
 11. Engaging in activities that unfairly place other students at a disadvantage, including but not limited to taking, hiding or altering resource material, or manipulating a grading system;
 12. Violation of program regulations and/or policies as established by departmental committees and made available to students; and
 13. Providing falsified materials, documents or records to a college official in order to meet academic qualifications, criteria or requirements, including but not limited to submitting falsified doctor's notes and/or falsified transcripts.
- B. Endangering health or safety.
1. Endangering behavior. Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
 2. Stalking. A course of conduct directed at a specific individual that would cause a reasonable person under similar circumstances and with similar identities to the complainant to fear for their own or other's safety, or to suffer substantial emotional distress. A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about the complainant or interferes with the complainant's property. When stalking is based on sex or gender, it falls under college policy 1.1.26 Sexual Misconduct, Sexual Harassment, and Relationship Violence.
 3. Operating a vehicle while impaired by alcohol or drugs in a manner that endangers the safety of the college community.
- C. Destruction of property. Actual or threatened damage to or destruction of college property or property of others, whether done intentionally or with reckless disregard.
- D. Dangerous weapons or devices. Storage, or possession of dangerous weapons, devices or substances including, but not limited to, firearms, ammunition or fireworks, unless authorized by an appropriate college official or permitted by a college policy, even if otherwise permitted by law. Use or misuse of weapons, devices or substances in a manner that causes or threatens serious harm to the safety or security of others. As required by Ohio Revised Code Section 2923.1210, this section does not prohibit a student who has been issued a valid concealed handgun license from transporting or storing a firearm or ammunition when both of the following conditions are met:

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1. Each firearm and all of the ammunition remains inside the person's privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately owned motor vehicle.
2. The vehicle is in a location where it is otherwise permitted to be.
- E. Dishonest conduct. Dishonest conduct, including, but not limited to knowingly reporting a false emergency; knowingly making a false accusation of misconduct; misuse or falsification of college or related documents by actions such as forgery, alteration or improper transfer; possession, use or manufacturing of a false identification document; or submission of information known by the submitter to be false to a college official.
- F. Theft or unauthorized use of property. Theft, as defined by state of Ohio law, is "knowingly taking someone else's property or services without their consent, with the intent to permanently deprive them of it. This can include taking property by deception, threat, intimidation or without the owner's permission. Unauthorized use of property may also include the unauthorized possession of college property, services, resources or the property of others.
- G. Failure to comply with college or civil authority. Failure to comply with legitimate directives of authorized college officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
- H. Drugs. Use, being under the influence of, production, distribution, sale, or possession of drugs and/or drug paraphernalia in a manner prohibited under law or applicable college policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.
- I. Alcohol. Use, underage intoxication, production, distribution, sale or possession of alcohol in a manner prohibited under law or applicable college policy or facility policy.
- J. Unauthorized presence. Unauthorized entrance to or presence in or on **college premises**.
- K. Disorderly or disruptive conduct. Disorderly or disruptive conduct that unreasonably interferes with college activities or with the legitimate activities of any member of the college community.
- L. Hazing. Doing any act or coercing another, including the victim, to do any act of initiation into any student 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 Ohio Revised Code. Such acts may include, but are not limited to, use of alcohol or other drugs, creation of excessive fatigue and paddling, punching or kicking in any form. Failure to intervene, prevent or report acts of hazing may constitute a violation of this section.
- M. Student conduct system abuse. Abuse of any college student conduct system, including but not limited to:
 1. Failure to obey the summons or directives of a student conduct body or college official;
 2. Falsification, distortion, or misrepresentation of information before a student conduct body or college official;
 3. Disruption or interference with the orderly conduct of a student conduct proceeding;
 4. Knowingly instituting a student conduct proceeding without cause;
 5. Discouraging an individual's proper participation in, or use of, a college student conduct system;
 6. Influencing the impartiality of a member of a student conduct body prior to, and/or during the course of a student conduct proceeding;
 7. Harassment and/or intimidation of a member of a student conduct body or college official, prior to, during, and/or after a student conduct proceeding;
 8. Failure to comply with one or more sanctions imposed under the Code of Student Conduct; and
 9. Influencing another person to commit an abuse of a college student conduct system.

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- N. Violation of college rules or federal, state and local laws. Violation of other published college rules, policies, standards, and/or guidelines, including, but not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations. Students may be held accountable under the procedures described in other published rules, policies, standards and guidelines and under the provision of this code regardless of whether action is undertaken under this code. Students are responsible for reviewing and understanding the rules, standards and guidelines provided to them by their academic programs.
- This may also pertain to the conviction or acceptance of responsibility, including a judicial finding of guilt, pleas of no contest or “no-lo contendere”, for state, local or federal crimes when the underlying behavior has a substantial connection or relationship to the college’s property, programs or could reasonably impact the health, safety or security of members of the college community.
- O. Riotous behavior.
1. Participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property.
 2. Proscribed behavior in the context of a riot includes, but is not limited to:
 - a. Knowingly engaging in conduct designed to incite another to engage in riotous behavior;
 - b. Actual or threatened damage to or destruction of college property or property of others, whether done intentionally or with reckless disregard;
 - c. Failing to comply with a directive to disperse by college officials, law enforcement or emergency personnel;
 - d. Making explicit or implied threats in a manner that causes a reasonable fear of harm in another; and
 - e. Impeding, hindering or obstructing a college official, law enforcement or emergency personnel in the performance of their duties.
 3. This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott or other forms of peaceful dissent.
- P. Recording or distribution without knowledge. Using electronic or other means to make a video, audio or photographic record of any person in a location where there is a reasonable expectation of privacy without the person’s prior knowledge, when such a recording is likely to cause injury, distress or damage to reputation. This includes, but is not limited to, taking video, audio or photographic images in shower/locker rooms, residence hall rooms and restrooms. The storing, sharing and/or distributing of such unauthorized records by any means is also prohibited.
- Q. Public urination or defecation. Urination or defecation in a place such as a sidewalk, street, park, alley or yard, residence hall space, or on any other place or physical property that is not intended for use as a restroom.
- R. Retaliation. Any intentional adverse action against any individual who makes an allegation, files a report, serves as a witness, assists a complainant or respondent, or participates in any college investigation or proceeding.
- S. Harm to animals. Intentional physical harm or threats of harm to animals, including but not limited to companion animals, service animals or emotional support animals. Lawful hunting and fishing is not prohibited by the code.

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PROCEDURE

- I. Initiation, inquiry and investigation of code violations.
 - A. Initiation. Person(s) who witness, experience or become aware of what they believe to be a possible code violation should provide information to the following officials or offices:
 1. Complaints about possible code violations occurring in residence halls should be reported to the residence hall director.
 2. Complaints about possible non-residence hall-related code violations should be reported to the associate dean of students or their designee.
 3. Complaints about possible sexual misconduct should be reported pursuant to college policy 1.1.26 Sexual Misconduct, Sexual Harassment, and Relationship Violence;
 4. Complaints about possible protected class discrimination or harassment should be reported pursuant to college policy 2.1.10 Equal Employment Opportunity and Non-Discrimination;
 5. Complaints regarding academic misconduct should be reported to the associate dean of students or his/her designee; and
 6. In cases where the alleged activity may involve a violation of criminal law in addition to a violation of the code, complaints should be reported to The Ohio State University at Newark police or other appropriate law enforcement agency.
 - B. Preliminary inquiry.
 1. The college conducts a preliminary inquiry into the nature of the incident, complaint or notice, jurisdiction, the information available, and the parties involved. Within the college's discretion, the preliminary inquiry may lead to:
 - a. A determination that there is insufficient information to pursue the investigation, or the behavior alleged, even if proven, would not violate the Code of Student Conduct;
 - b. An informal resolution such as an educational discussion or mediation. An educational discussion is a discussion about the student's behavior and its impact. An informal resolution is not available in cases of academic misconduct.
 - c. An investigation and/or initiation of charges.
 2. Typically, an informal resolution will end the conduct process, but if more information is shared in the course of an educational discussion or informal resolution that warrants additional inquiry, an investigation may be initiated.
 - C. Investigation.
 1. Role of the college.
 - a. The associate dean of students, residence hall director and other designated college personnel are authorized to investigate alleged violations other than those involving subsections (b), (c) and (d) of this paragraph.
 - b. The associate dean of students and/or their designee is authorized to investigate allegations involving academic misconduct.
 - c. Only those personnel designated by college policy 1.1.26 Sexual Misconduct, Sexual Harassment, and Relationship Violence shall investigate charges involved sexual misconduct.
 - d. Only those personnel designated by college policy 2.1.10 Equal Employment Opportunity and Non-Discrimination shall investigate charges involving protected class discrimination or harassment.
 - e. The Ohio State University at Newark police or other appropriate law enforcement agency shall have primary responsibility for the criminal investigation of acts that involve suspected criminal violation of federal, state or local laws. Such investigation does not replace any other college investigation.
 - f. The college may conduct concurrent investigations regarding potential violations of institutional policy or federal, state and local laws.

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2. Role of the participants.
 - a. During the investigation, the student allegedly involved in misconduct may be:
 - i. Notified of the alleged violation,
 - ii. Requested to make an appointment to discuss the matter; and
 - iii. Provided a date by which the appointment must be made.
 - b. Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter.
3. Failure to comply with a request to make and/or keep an appointment relevant to an investigation may result in a disciplinary hold being placed on a respondent's registration and records and/or initiation of charges for student conduct system abuse.
4. Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include, but is not limited to:
 - a. Taking no further action and closing the case;
 - b. Deferring initiation of charges with or without conditions;
 - c. Seeking informal resolution; or
 - d. Initiating charges by the appropriate college official when a finding or jurisdiction has been made and there is reasonable cause to believe that a violation of the code may have occurred. Reasonable cause is defined as some credible information to support each element of the violation, even if that information is merely a credible witness or a victim's statement. Charges will not be issued where a complaint is unsupported by any credible information or does not meet the elements of a code violation.

II. Amnesty.

- A. At the college's discretion, amnesty may be extended to students who may be hesitant to report a violation of the code to college officials because they fear that they themselves may be accused of minor policy violations, including but not limited to underage drinking, at the time of the incident. If a student is granted amnesty, an educational discussion or other informal resolution may be considered, but no college conduct proceedings under this code will result.
- B. At the college's discretion, amnesty may also be extended on a case-by-case basis for minor policy violations when students request assistance for others in need, including the person receiving assistance. If a student is granted amnesty, an educational discussion or other informal resolution may be considered, but no college conduct proceedings under this code will result. In cases of academic misconduct, the inability of a student to complete an assignment without assistance will not be considered.

III. Filing of complaint and initiation of charges.

- A. A complaint alleging a violation of the Code of Student Conduct should be filed with the college as soon as practicable in accordance with paragraph (A) Initiation, inquiry and investigation of code violations. Absent extraordinary circumstances, the college will not take action on complaints filed more than six months from the discovery of non-academic misconduct (paragraphs (B) to (S) under Prohibited conduct) or 30 calendar days for academic misconduct (paragraph (A) under Prohibited conduct). These time limitations do not apply to complaints of sexual misconduct or other protected class discrimination and harassment.
- B. Absent extraordinary circumstances, the college must initiate charges, if any, within one year of the filing of the complaint. This time limitation does not apply to complaints of sexual misconduct or other protected class discrimination and harassment. In all cases, a student charged with one or more violations of the Code of Student Conduct has the right to be heard, subject to the student conduct procedures.

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IV. Notice of charges and options for resolution.

- A. Notification. Students shall be notified of college charges in writing. Written charges may be presented in person, by placement in a respondent's residence hall mailbox, by email to the respondent's official college email address, by text message, or by other form of electronic communication specific to the student on file with the college registrar, or by mail to the respondent's local or permanent address on file in the office of the college registrar.
- B. Current address. All students are required to maintain an accurate and current permanent address and phone number with the college registrar.
- C. Meeting with college official. Following notification of charges, respondents are strongly encouraged and shall be afforded the opportunity to meet with a college official for the purpose of explaining the college student conduct process and discussion of the charges.
- D. Options for resolution. Charges may be resolved by administrative decision (section V. of this policy) or an administrative hearing (section VI. of this policy).
- E. Failure to respond. Failure of the respondent to respond to the initiation of charges or schedule a preliminary meeting within the deadlines provided by the college shall in no way prevent the college from scheduling and conducting a hearing in the absence of the respondent.

V. Administrative decision.

- A. In a case where a respondent admits a violation(s) in writing, the student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing body. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing body. Following an administrative decision, the student retains the right to request an appeal of the original decision but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.
- B. When a respondent fails to respond to the initiation of charges and information exists to support finding a violation, the hearing officer may issue an administrative decision so long as sanctions do not include suspension or dismissal. In this circumstance, the respondent retains the right to request an appeal of the decision under all grounds found in this code. If the respondent is suspended or dismissed in a subsequent case, the respondent may appeal both the outcome in the subsequent case and an administrative decision issued due to a failure to respond.

VI. Hearing bodies.

1. The respondent has the right to accept responsibility for the charges, which will result in an administrative decision, or choose to have a hearing.
2. The following college employees/officials are considered official college hearing officers and may conduct administrative hearings of alleged violations of the code:
 - a. The dean of students, associate dean of students, or designee; and
 - b. University/college housing professional staff.
3. In special circumstances, including but not limited, to situations when multiple respondents are charged out of the same factual circumstances or in multiple incidents involving the same respondent, the college reserves the right to combine to a single hearing for respondents.

VII. Notice of hearing and request for postponement.

- A. Notice. If a hearing is to be held, written notification will be provided to the respondent. The notice may be hand delivered, placed into a student's residence hall mailbox, sent by email to the student's official college email address or text message, or mailed to the last known address of the student by first class mail, no fewer than ten (10) calendar days prior to the hearing. Unless already provided to the student, the notification will include the charge(s), date, time, and location of the hearing, the designated hearing officer, a statement of the student's rights, and information on the hearing procedures.
- B. Postponement. The respondent may request a postponement for reasonable cause, which may be granted at the discretion of the college. A request for a postponement for reasonable cause must be made in writing, include

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supporting rationale and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing. The college reserves the right to reschedule a hearing for the first appropriate available date.

VIII. Hearing procedures. Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

- A. Attendance. Attendance at hearings is limited to those directly involved or those requested by the hearing officer to attend. The hearing officer will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
- B. Timeliness. Except as expressly provided by this code, the college may set deadlines related to the investigation and hearing process. Absent extraordinary circumstances, respondents must submit all witness names and evidence for submission at least two (2) business days prior to a scheduled hearing.
- C. Advisor. The respondent may choose to bring an advisor for support throughout the disciplinary process. The advisor (i.e. support person) may be any person other than a witness. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer.
- D. Witnesses.
 1. The respondent may invite relevant factual witnesses to attend, ask questions of witnesses called by others, and will be notified of potential witnesses to be called.
 2. The college may present witnesses as well as question those presented by the respondent and will notify the respondent of invited witnesses.
 3. Respondents may also invite up to three-character witnesses to submit written statements for the hearing body's review. A character witness is considered to be a person who attests to another's moral conduct and reputation. Character witness statements will only be considered during the sanctioning process if a violation is found.
 4. Expert witnesses are not permitted. In cases requiring special expertise, the hearing officer may appoint individuals with appropriate expertise to serve as consultants to the hearing officer. The consultant may be present and provide information as called upon during the hearing.
- E. Standard of evidence. A student will only be found in violation if a preponderance of evidence supports the charge(s).
- F. Administrative review. In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent), the respondent may be offered the option of an administrative review consisting of an administrative decision or administrative hearing. The respondent may decline such expedited review without the expectation that the process can be completed on an expedited timeline.

IX. Attendance.

- A. Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the respondent and invited witnesses are strongly encouraged to attend and participate. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the respondent to attend the hearing or answer the charges. In special circumstances, written statements may be considered by the hearing officer when a respondent or witness does not attend or fully participate in a hearing.

X. Record of proceedings.

- A. A single record consisting of written notes, audio recording or other method selected by the hearing officer

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will be made of all hearings. Such record will remain the property of the college but will be made available to the respondent for review during the appeal period. A written notice of the decision will be provided to the respondent. If the respondent is found in violation, information regarding appeal procedures will be provided to the respondent.

XI. College sanctions

A. General guidelines for sanctions. If a student is found to be in violation of the code, sanctions should be commensurate with the violation(s) found to have occurred. In determining the sanction(s) to be imposed, the hearing officer should take into account any mitigating circumstances and any aggravating factors including, but not limited to, any provocation by the subject of the conduct that constituted the violation, any past misconduct by the student, any failure of the student to comply fully with previous sanctions, the actual and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation. Misconduct motivated by bias for classes protected by college policy, other than constitutionally protected expression, may be considered an aggravating factor for sanctioning. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will also be considered an aggravating, and not a mitigating, factor. One or more of the following courses of action may be taken when a student has been found to have violated the Code of Student Conduct.

1. Disciplinary sanctions.

- a. Formal reprimand. A written letter of reprimand resulting from a student's misconduct.
- b. Disciplinary probation. This probationary condition is in effect for a specified period of time and may involve the loss of specified privileges. Further violation of college rules, policies, standards or guidelines during the probationary period will additionally be viewed as a violation of the probation, which shall result in further action up to and including suspension or dismissal.
- c. Suspension. Suspension is a sanction that terminates the student's enrollment at the college for a specified period of time. Satisfactory completion of specified stipulations may be required for reenrollment at the end of the suspension period. Under special circumstances, the hearing officer may hold the imposition of suspension in abeyance, which would allow for the student's continued enrollment so long as the student adheres to all stipulations, restrictions or conditions imposed by the hearing officer.
- d. Dismissal. Dismissal is a sanction which permanently separates a student from the college without opportunity to re-enroll in the future.

2. Conditions of suspension and dismissal. Unless a student is otherwise notified in writing, a suspension or dismissal will not take effect until after the appeal period. A student who has been dismissed or suspended from the college shall be denied all privileges afforded a student (including but not limited to, participation in college sponsored or sanctioned events and activities) and shall be required to vacate campus as determined by the hearing officer. In addition, after vacating campus property, a suspended or dismissed student may not enter upon campus and/or other college property at any time, for any purpose, in the absence of expressed written permission from the dean of students or designee. To seek such permission, a suspended or dismissed student must file a written petition to the dean of students for entrance to the campus for a limited, specified purpose or to have the terms of this condition modified or reduced.

3. Failing or lowered grades. In cases of academic misconduct, a hearing officer may authorize the instructor to award a failing or lowered grade in the course and a loss of credit on the graded coursework.

4. Other sanctions. Other appropriate sanctions may be imposed by a hearing officer singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to, making restitution for property damage or misappropriation of college property or services, or the property of any person, residence hall contract termination or reassignment to another room, restriction of access

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to specified campus facilities and/or property, research assignments, community service projects, special workshop participation, referral to medical resources or counseling personnel and/or educational sanctions.

XII. Appeal Process.**A. Right to appeal.**

1. A student found to have violated the Code of Student Conduct has the right to appeal the original decision. The appeal is not intended to re-hear or re-argue the same case and is limited to the specific grounds outlined in this rule. The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal must be postmarked or hand delivered to the appropriate appeal officer, or sent via email, as provided below, within five (5) business days after the date on which notice of the decision is sent to the student. Each student shall be limited to one appeal of a decision of a hearing officer. The decision of the appeal officer is final.
2. Any extensions to the appeal date may be made at the discretion of the associate dean of students, housing director or their designee.
3. A student who has accepted responsibility for violating the code of student conduct waives the right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.

B. Grounds for appeal.

1. An appeal may be based only upon one or more of the following grounds:
 - a. Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results; or
 - b. Discovery of substantial new evidence that was unavailable at the time of the hearing and which reasonably could have affected the decision of the hearing officer; or
 - c. Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.
2. Non-attendance by the respondent may not be the sole grounds for an appeal.

C. Appropriate appeal officers.

1. Appeals from residence hall hearings:
 - a. All appeals from residence hall hearings, other than contract terminations, shall be submitted to the associate dean of students or designee;
 - b. All appeals where the sanction imposed by the residence hall hearing is contract termination, shall be submitted to the dean of students or designee.
2. Appeals of a decision of a hearing officer other than those described the previous section will be submitted for decision to the dean of students or designee.
3. Appeal proceedings.
 - a. The appeal officer will dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in paragraph (A)(2) of this rule.
 - b. The appeal officer will decide the appeal based upon a review of the record and supporting documents (e.g., prior disciplinary history).
4. Possible dispositions by the appeal officer. The appeal officer may, after a review of the record:
 - a. Uphold the original decision and/or sanction(s);
 - b. Dismiss the case or individual charge(s) against the student and vacate any portion or all of the sanction(s);
 - c. Modify or reduce the sanction(s);
 - d. Remand the case to the original hearing officer to consider a specific issue as directed by the appeal officer or refer the case to a new hearing officer to be reheard. If possible, a new hearing officer should be different from the one that originally decided the case. If a case is reheard by a hearing officer, the sanction imposed can be greater than that imposed at the original hearing

Applies to: Students

- XIII. Deviations and other procedures. A student and hearing officer may agree in advance to deviations from procedure. Those agreed upon deviations are not then subject to appeal. The office of student life may create additional procedures in alignment with this code
- XIV. Interim suspension.
- A. When the dean of students or designee has reasonable cause to believe that the student's presence on college premises or at college-related or registered student organization activity poses a significant risk of substantial harm to the safety or security of themselves, others, or to property, the student may be immediately suspended from all or any portion of college premises, college-related activities or registered student organization activities. The interim suspension will be confirmed by a written statement.
 - B. The interim suspension shall remain in effect until:
 - 1. The conclusion of the student conduct process, including any appeal;
 - 2. The dean of students or designee terminates the interim suspension in writing; or
 - 3. The dean of students or designee terminates the interim suspension upon written request by the student where a determination is made that reasonable cause for the interim suspension no longer exists.
 - a. The request from the student must be in writing and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk or substantial harm to the safety and security of themselves, others, or to property.
 - b. A decision on such a request will be made without undue delay by the dean of students or designee.
- XV. Administrative disenrollment and other restrictions.
- A. A student may be: disenrolled from the college; prohibited from all or any portion of college premises, college-related activities or registered student organization activities; and/or permitted to remain only under specified conditions when the dean of students or designee finds that there is clear and convincing evidence that the student's continued presence poses a significant risk of substantial harm to the health or safety of themselves, others, or to property.
 - B. In those cases under paragraph (A) of this rule in which it appears that the risk posed by the student is a result of a health condition or a disability as defined by the Americans with Disabilities Act, the dean of students or designee shall also determine whether the risk or disruption can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is made. The dean of students or designee may request the student to undergo an appropriate examination, as specified by the dean of students or designee, to determine whether any such condition exists and whether any such accommodation is possible. If the student fails to undergo such an examination, and if the other available evidence supports a finding under paragraph (A) of this rule, the dean of students or designee shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.
 - C. A student who has been disenrolled; prohibited from college premises, college-related activities or registered student organization activities; or permitted to remain only under specified conditions may petition the dean of students for revision of that status. The petition must include supporting documentation or evidence that:
 - 1. The conditions found to have existed under paragraph (A) of this rule no longer exist and will not recur, and
 - 2. The student meets all normal and appropriate standards for admission and enrollment in any academic unit in which the student seeks to re-enroll. Upon receipt of such a petition, the dean of students or designee shall evaluate the evidence and may consult with the student, any appropriate college personnel, and any other persons whom the dean of students or designee deems appropriate. The dean of students or designee may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition.

Applies to: Students

XVI. Authority.

- A. The rules of the college board of trustees provide that the college president shall have the final responsibility and authority for the discipline of all students of the college. This responsibility and authority has been delegated by the president to the dean of students, whose office is also charged with responsibility for promulgation of rules governing student conduct.
- B. The deans and directors of the college, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective programs and departments.
- C. COTC's Code of Student Conduct is an official publication of the college board of trustees. All petitions for revision and amendment of this code of student conduct should be submitted through the office of student life. The Code of Student Conduct shall remain consistent with the college's sexual misconduct, sexual harassment and relationship violence policy and equal employment opportunity and non-discrimination policy. Proposed revisions to the code shall be reviewed, in draft form, by the office of the president and the members of the president's cabinet before being presented for approval to the board of trustees. No revision shall become effective unless approved by the college board of trustees and notice of such revisions is made available to students.
- D. This code shall take effect upon approval by the board of trustees. It shall govern all procedures in matters brought after it first takes effect and also all further procedures in matters then pending, except to the extent that in the discretion of the college the application in a particular action pending would not be feasible, in which event the former version of this code shall be used. The definitions of prohibited conduct used in a particular matter will be the definitions found in the version in effect at the time the alleged conduct occurred.

History

Issued: Unknown
Revised: 2014
Revised: 10/18/2022 (Approved by the board of trustees)
Revised: 09/10/2024 (Approved by the board of trustees)