

Muskingum University

STUDENT CODE OF CONDUCT 2023 - 2024

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Muskingum University Student Code of Conduct

STUDENT CODE OF CONDUCT CONTENTS

Standards for Personal and Community Conduct

Authority

Scope and Jurisdiction

Expectations

Definitions

Types of Non-Academic Misconduct

Reporting Concerns

Student Code of Conduct Process

Disciplinary Sanction(s) (Action Plan)

Appeals

Emergency Action

Student Conduct Records Under FERPA

Community Standards Board(s)

General Provisions

ATTRIBUTION

Sections of the Muskingum University Student Code of Conduct are modeled and adapted from the Edgewood College Handbook, with permission. *Additionally, sections of the Student Handbooks of both Texas Tech University and Western Kentucky University were utilized to draft the Muskingum University Student Code of Conduct.*

STANDARDS FOR PERSONAL AND COMMUNITY CONDUCT

Muskingum University is an intentional community whose focus is on education and seeks increased development and integration of the “whole person” in the intellectual, spiritual, social, emotional, and physical aspects of life. As an educational community, it respects and encourages the development of the individual virtues and values of integrity, rationality, compassion, self-discipline, and personal responsibility. The University also emphasizes certain community values such as inclusion, civility, and respect for the person and the consciences of others. Additionally, students are expected to participate in building a mutually supportive, responsible, and accountable community in which persons are expected to refrain from actions that are directly or indirectly harmful to themselves, other persons, or the community as a whole. Students are expected to actively participate in the process of deterring harmful and/or inappropriate conduct, through counseling and/or informing others of their behaviors or reporting such cases to the proper authorities. As a university rooted and related to the Presbyterian Church, it holds additional values such as honesty, the value and worth of each individual, the seriousness and inevitability of human shortcomings, and the hope for redemptive behavior. Such a community must depend upon the respect for certain principles and patterns of behaviors among its members to function effectively and focus on its educational mission.

AUTHORITY

Authority for the Student Code of Conduct and student discipline, and its operational authority is delegated through the President to the Vice President for the Student Experience and specifically to the Dean of Students for non-academic matters. This Student Code of Conduct provides the definitions, structure, and policies for community life.

Matters related to academic conduct are delegated through the President to the Provost. The University Catalogue provides the definitions, structure, and policies for academics.

The Dean of Students and the Provost may delegate to other University personnel the responsibility to respond to actions and/or behavior that does not comport with the University’s expectations.

SCOPE AND JURISDICTION

The Student Code of Conduct shall apply to the conduct of both individual students and student organizations. The Student Code of Conduct shall apply to conduct that takes place on campus or as part of any academic activity, athletic activity, or other University-sponsored activity, which includes participating in the University’s International Program. The Student Code of Conduct may also apply to conduct occurring off-campus when the Dean of Students determines that the off-campus conduct affects a substantial University interest.

The Student Code of Conduct applies to behavior conducted via electronic or technical means, such as posting online and on social media. Students should be aware that online postings are in the public sphere and are not private. Although the University does not regularly search for online information, it may act if concerns are reported. The University’s expected standards of behavior apply to online and virtual forums, the violation of which can subject a student to disciplinary action under this Student Code of Conduct.

Guests of students are expected to act in accordance with this Student Code of Conduct. Students who host guests on campus are responsible and may be held accountable for the action and/or behavior of their guests. Visitors and guests affected by misconduct may report and seek resolution of the alleged behavior under this Student Code of Conduct.

Conduct governed by the University's Title IX Policy is not covered under this Student Code of Conduct. For information about sexual discrimination and sexual harassment, as protected by Title IX of the Education Amendments Act of 1972, refer to the University's website at www.muskingum.edu/titleix.

Students may be held accountable for their conduct from the time of enrollment in academic credit through the awarding of a diploma and/or certificate. Students who withdraw from the University which have a pending alleged violation of the Student Code of Conduct will have a course registration hold placed on future course registration until such time the matter is resolved.

EXPECTATIONS

Adherence to the University's standards of behavior and policies is an understood prerequisite for acceptance to and ongoing membership in the University Community. Enrollment at Muskingum University is considered acceptance of all information contained in this Student Code of Conduct.

- The Student Code of Conduct is available in electronic format on the University's webpage. Students are responsible for reading, understanding, and abiding by the policies contained in this Student Code of Conduct.
- Students are responsible for complying with the rules, regulations, policies, and procedures contained in other official University publications. Examples include, but are not limited to the Title IX Policy, the Anti-Hazing Policy, the Residence Life Handbook, parking policies, Student-Athlete policies, student clubs or organization policies, academic program handbooks, and/or announcements that may be issued by the University as needed.
- Students are expected to exhibit appropriate and responsible behavior, both individually and as members of Student Organizations. Some of the characteristics of this behavior are:

Respect for Human Dignity: It is expected students will act with concern for the physical and emotional well-being of themselves and others.

Sustaining a Caring Community: The University expects students will participate in the maintenance of a mutually supportive, responsible, and accountable community by refraining from actions and/or behaviors that directly or indirectly harm themselves, others, or the community as a whole. Students should actively participate in deterring harmful or inappropriate conduct by directly intervening or informing University or emergency personnel of the concerning behavior.

Encouraging Individual Fulfillment: Muskingum University is committed to the basic premise that its education program, in which the individual student is the focal point, is the foremost priority of the University. Muskingum's education program includes academic growth and development of the "whole person" – intellectually, spiritually, socially, emotionally, and physically. The educational program assumes individuals and groups will willingly and enthusiastically accept responsibility and accountability to broaden the scope of opportunities available. One's educational pursuit at Muskingum University is a privilege, safeguarded by each student through the continuous use of good judgment.

Positive Action: Students are expected to know the standards of behavior required of members of this community and to be personally responsible and accountable for conducting themselves in ways appropriate to these standards. The standards, expectations, regulations, and traditions are not designed to legislate the morals of individual students. They are, however, intended to set a high level of expectation and describe the general conditions under which learning is to take place at Muskingum University.

Personal Responsibilities and Accountability: When students enroll at Muskingum University, they accept the personal responsibility and accountability to uphold the honor and ideals of the University in all areas of university life and to maintain high standards of personal behavior.

DEFINITIONS

The following terms and phrases will be used throughout the Student Code of Conduct:

Academic activity: An activity in which student participation is required to receive academic credit.

Athletic activity: An activity in which student participation is required to participate as a student-athlete in an NCAA or other sport recognized by the University.

Complainant: A complainant is an individual reporting an alleged violation of university policy(ies) and may be referred to as the reporting party.

Community Standards Board(s): Composed of faculty, staff, and student members who will serve on Hearing Boards, Appeal Boards, and/or the policy review board.

Days: In the policies contained in this Student Code of Conduct, all references to timing are on working or business days of the University, not calendar days, unless otherwise specified.

Disciplinary Sanction/Action Plan: Any action or status assigned to a student by the University in response to misconduct. Disciplinary Sanction/Action Plan may consist of one or more components.

Preponderance of the Evidence: Preponderance of the evidence means the statements and information presented in the case must indicate to a reasonable person that it is more likely than not that the respondent committed a violation.

Respondent: A respondent, also referred to as a responding party, is a student alleged or accused of violating university policies.

Retaliation: Behavior and/or action that would negatively impact someone's ability or willingness to participate in an investigation or the student code of conduct process.

Smoking Products: Smoking products includes all tobacco and tobacco-derived products (cigarettes, cigars, electronic cigarettes, cloves, etc.).

Student: The term "student" refers to any undergraduate, graduate, or professional student who voluntarily enrolls in academic credit at Muskingum University, through such time as they receive their diploma/certificate or officially withdraw (all academic courses) from the University, including both full-time and/or part-time students, whether pursuing a degree or auditing courses and in break periods or on-going academic terms.

Student Code of Conduct Process: A University process to hold students accountable for alleged violations(s) of University policy.

Student Conduct Hearing: A meeting with a Student Conduct Officer to discuss the alleged Student Code of Conduct violation(s) and the respondent's response.

Student Conduct Officer: One of an appointed group of representatives from the University tasked with upholding standards, expectations, and/or rules of student conduct.

Student Conduct Process Advisor: A Student Conduct Process Advisor is a university community member (faculty, staff, or student) chosen by a student to serve in an advisory role to the student throughout the student code of conduct process.

Student Organization: Persons who are associated with one another and have been recognized by the University

as a student organization. For purposes of this policy, the term Student Organization includes student groups, student clubs, and club sports.

Substantial University interest includes:

- Any situation where it appears the student’s conduct may present a danger or threat to the health or safety of themselves or others; or
- Any situation that significantly and adversely affects the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; or
- Any situation that is detrimental to the educational mission or interests of the University.

University: The use of “University” throughout this student code of conduct refers to Muskingum University.

University Official: Any person employed by the University, performing assigned administrative or professional responsibilities. Such reference to a university official by title and/or position may delegate such role and/or responsibilities to a designee as appropriate.

University Premise(s): University premises includes all land, buildings, facilities, and other property in the possession of or owned, used, leased, rented, or controlled by the University, including adjacent streets, parking lots, and sidewalks.

University-Supported Activity: An activity in which University funds are used to pay for any part of the activity, but the activity is neither an academic activity nor an athletic activity.

Weapons: This includes illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that intends to harm, threaten, or cause fear to others, including, but not limited to guns, including toy guns, paintball guns, pellet guns, BB guns, Airsoft guns, nun chucks, knives with blades longer than three inches, swords, ammunition (live or discharged rounds), shells, shell casings, and plastic or metal pellets, bows, arrows, axes, metallic knives (excluding kitchen knives and pocket or multi-function knives with a blade three (3) inches or smaller), explosives, homemade or self-made devices, or any other device which, in the manner, it is used or intended to be used, is calculated or likely to produce bodily harm.

TYPES OF NON-ACADEMIC MISCONDUCT

Due to the complexity of community responsibility, and the nature of human behavior, a complete list of prohibited behaviors is impossible to provide. The Student Code of Conduct sets out specific standards and expectations as examples, and it is not intended to be exhaustive in scope or detail. The following actions, behaviors, or any attempt to engage in, or aid or abet, such actions or behaviors, constitute misconduct for which students may be referred to the Student Code of Conduct Process.

Abuse or Misuse of Student Code of Conduct Process: Abuse, interference with, or failure to comply with University processes including student code of conduct proceedings including, but not limited to:

- Falsification, distortion, or misrepresentation of information;
- Destruction or concealment of information, or the failure to provide full and accurate information during an investigation of an alleged policy violation;
- Discouraging, interfering with, or retaliating against an individual’s participation in, or use of, the University’s Student Code of Conduct Process;
- Harassment (verbal or physical) and/or intimidation of a participant, witness, Student Conduct Officer, Community Standards Board Member, or any other individual involved prior to, during, or following any step of the Student Code of Conduct Process;

- Influencing another person to commit an abuse of the University's student code of conduct system; or
- Disrupting or interfering with an investigation of the Student Code of Conduct Process.

Alcohol; Unauthorized Use, Possession, Distribution, or Misuse: The [Alcohol Policy](#) complies with the laws of the State of Ohio, Muskingum County, and the Village of New Concord, prohibiting possession or consumption of alcohol by persons under twenty-one (21) years of age.

The University's primary concern is the health and safety of its community members, the [Amnesty Policy](#) may exempt a person(s) from the Student Code of Conduct Process for a violation of the Alcohol Policy.

Bullying and/or Cyberbullying: Repeated and/or severe, aggressive behaviors that intimidate or intentionally harm, control, or attempt to control another person physically or emotionally.

Controlled Substance; Unauthorized Use, Possession, Distribution, or Sale of Illegal Substances and/or Paraphernalia: The University, through its [Controlled Substance Policy](#), encourages compliance with all federal, state, and local laws regarding illegal controlled substances. In keeping with Ohio and federal laws, which prohibit the use, possession, sale, or offering for sale of controlled substances, including marijuana, narcotics, and hallucinogens, the University prohibits the use, including appearing under the influence, possession, or distribution (for sale or for share) of any illegal drug or controlled substance, except that expressly permitted by University policy or local, state, or federal law. This includes the wrongful possession, misuse, or distribution of prescription medication. Muskingum University will encourage and cooperate in the enforcement of these laws, including the prosecution of its students by local law enforcement agencies.

The State of Ohio passed House Bill 523 (2016), known as the Ohio Medical Marijuana Control Program (the "Program"). The Program legalizes the limited use of marijuana for medical purposes. However, marijuana remains illegal under federal law, specifically, Schedule I of the Controlled Substances Act. Thus, in conjunction with the Federal Drug-Free School Zone Act of 1988 and the Federal Drug-Free Workplace Act of 1988, the University remains an institution of higher education dedicated to maintaining a drug-free learning and working environment. Accordingly, medical marijuana is treated the same as an illicit drug, even if a student possesses a valid Ohio medical marijuana patient card. Students with questions regarding medical marijuana should contact the Student Affairs Office. In accordance with the Program, the University shall not consider out-of-state medical marijuana patient cards as valid until such time, if ever, that the Program officially recognizes the same.

The University's primary concern is the health and safety of its community members, the [Amnesty Policy](#) may exempt a person(s) from the Student Code of Conduct Process for a violation of the Controlled Substance Policy.

Damage to Property or Vandalism: Damaging, destroying, or defacing, property belonging to the University or others.

Discrimination: Behavior or conduct directed against a person due to their perceived race, ethnicity, religion, national origin, sex, age, gender, disability, veteran status, or sexual orientation.

Disruption of University Activities or Operations: Disrupting or obstructing teaching, research, administration, disciplinary proceedings, daily operations, academic, athletic, or University-supported activities, or other authorized non-University activities.

Failure to Comply: Failure to comply with directions of University officials or law enforcement officers acting in the performance of their duties; failure to identify oneself to these persons when requested; failure to cease behavior when requested; or failure to grant access to any person, place, or thing involved in an investigation.

Faculty may set standards of behavior for their classrooms and prohibit the use of specific items or behaviors as included in the course syllabus.

[Failure to Comply with the Alcohol Event Policy](#)

[Failure to comply with the Anti-Hazing Policy](#)

Failure to Comply with Disciplinary Sanction(s)(Action Plan): Failure to comply with or timely complete the disciplinary sanction(s) (action plan) imposed by the Student Code of Conduct Process and/or Student Conduct Officer

Failure to Follow Dining Facility Protocol: Expected conduct within campus dining facilities includes, but is not limited to, wearing a shirt, shoes, and shorts/pants/skirts/dress at all times; clearing one's own dining space or packing waste; not lending meal/board/ID card to another; not removing food (except when authorized), dishes, silverware, or other service items; and refraining from blatant misconduct with food or food products.

Failure to Comply with Drone and Unmanned Aircraft Policy: Drones may be operated in compliance with the Drone and Unmanned Aircraft Policy.

[Failure to comply with the Greek Affairs Policy](#)

Failure to Comply with Housing and Residence Life: Conduct that violates any of the Residence Life Policies, Housing License and Food Service Plan Agreement, and Community Member Agreements and Acknowledgement of Housing Terms.

[Failure to comply with the Posting and Distribution Policy](#)

[Failure to comply with the Social Event Policy](#)

[Failure to comply with the Solicitation, Sales, and Fundraising Events Policy](#)

[Failure to Comply with the Statement of Computer Ethics](#)

[Failure to comply with the Student Organization Code of Conduct](#)

Fire Safety: Violating local, state, federal, or campus fire policies, including, but not limited to:

- Intentionally or recklessly causing a fire that damages University property, or the property of others, or which causes personal injury. Ground fires in any form are not permitted on campus without permission from the Dean of Students. Grills and barbeques are prohibited without the appropriate permission;
- Use or possession of flammable materials, explosives, or substances used to ignite, spread, or intensify flames for fire, except as expressly permitted by University officials, that results or could result in personal injury or property damage;
- Failure to evacuate a University-controlled building during a fire alarm or obstructing evacuation routes;
- Tampering with or improperly engaging a fire alarm, fire detection/control equipment, or emergency equipment; or
- Initiating a false report or causing to initiate, any false report or warning, or threat of fire, explosion, crime, or other emergencies.

Forgery, Falsification, or Alteration: Unauthorized possession of, or fraudulent creation, alteration, or misuse of any University or government document, record, key, identification, or method of communication; knowingly providing false information, statements, or identification to a University or law enforcement official.

Harassment: Behavior towards a person(s) that causes mental or emotional suffering, including but not limited to, repeated unwanted contact without a reasonable purpose, insults, threats, touching, or offensive language. Harassing behavior may include violations of the Peer Harassment Policy. Behavior that does not meet the definition of sexual harassment under the Title IX Policy may be referred by the Title IX Coordinator to be addressed as Harassment under the Student Code of Conduct.

Harmful, Threatening, Reckless, or Endangering Conduct: Behavior that is reckless, infringes upon, disrupts, threatens, harms, or endangers the health or safety of the student and/or another person. Students are to refrain from creating situations that could cause a person to believe their health or safety is endangered.

Intentional Negative Impact: Conduct that has a negative impact on the educational, social, physical, or mental well-being of any other community member.

Misuse of a Structure: Base jumping, repelling, throwing items, or similar activities from University property, including jumping from the bridge into University Lake.

Obstruction of Walkways or Roads: Disrupting or prohibiting pedestrian or vehicular movement on sidewalks or roadways owned or maintained by the University or that intersects or is adjacent to University property.

Operation of Devices on Wheels, or Similar Devices: Use of skateboards, hoverboards, roller blades, or similar devices is limited to riding on the sidewalks and crosswalks (with the exception of the Chess Center bridge and the bridge over University Lake). Users must yield the right of way to pedestrians, bicyclists, and motorists. The use of such devices is prohibited in other areas of campus, including, roadways, bicycle paths, inside University facilities/buildings, in any parking lot, or upon furniture, architectural elements, steps, or ramps.

Possession of a Weapon: Possession of weapons, whether concealed or unconcealed per Ohio law, on campus and/or at academic, athletic, or University-sponsored events is prohibited. Students may not store, use, or possess any weapons on campus property, including in a vehicle. Such weapons will be confiscated by University Police.

Public Indecency: Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to exposing one's genitals, public urination or defecation, and/or public sex acts. Acts of public indecency that do not meet the definition of sexual harassment under the Title IX Policy may be referred by the Title IX Coordinator to be addressed under the Student Code of Conduct.

Smoking: Smoking, vaping, or other smoking products in any building owned or controlled by the University. This includes the Chess Center Bridge. Smoking is also prohibited within twenty-five (25) feet of all building entrances, the air takes, and operable windows.

Stalking: Repetitive or menacing pursuit, following, or interference with the peace or safety of a member of the community, including online, via email, and/or other electronic mediums. Stalking that does not meet the definition of Stalking under the Title IX Policy may be referred by the Title IX Coordinator to be addressed under the Student Code of Conduct.

Tampering with an Election: Conduct that tamper(s) with the election process of any recognized or chartered student organization.

Theft or Deception: Stealing or theft by deception of any property that belongs to somebody else.

Unauthorized Entry or Use of University Property: Unauthorized entry into, use of, or misuse of any building, structure, systems, resources, equipment, keys, ID cards, and/or facility.

Unauthorized Gambling: Unauthorized gambling for material gain.

Unauthorized Pictures or Recording: Taking photos or making audio or video recordings without permission in any context in which the person has a reasonable expectation of privacy. Such physical areas of campus include but are not limited to on-campus housing, private offices, and restrooms. In such areas, permission must be granted by all persons being photographed or recorded. Any action that captures any sexual-based activity will be reviewed by the Title IX Coordinator, who may refer the matter to the Student Code of Conduct Process, if appropriate.

Unauthorized Recreation: Unauthorized recreation in campus buildings (including residence hall common areas, hallways, etc.) or the misuse of recreation equipment in any gymnasium or recreation area.

Unauthorized Taking of Property: Intentional and unauthorized taking of University Property or the personal property of another, including goods, services, and other valuables; knowingly taking or maintaining possession of the stolen property; or taking University property out of its designated area without proper authorization.

Use of Restroom: Students and guests are expected to use the restroom facility consistent with their gender identity. Students and guests who identify as non-binary should use the restroom with which they feel most comfortable. All are expected to maintain appropriate use of restrooms and shower facilities and to further respect the privacy of others.

Village of New Concord and State Ordinances: As residents of the Village of New Concord, Muskingum University students have a responsibility and are accountable to comply with the laws of the Village and State of Ohio. Several selected ordinances of specific interest to the University community are included in the link below. Questions about these ordinances or any Village laws should be addressed to the Office of the Mayor, located in the Village Building on Main Street.

Violation of Law: Evidence of a violation of local, state, or federal laws, when substantiated through the University's Student Code of Conduct Process.

Violation of the Non-Discrimination Statement: Conduct that violates the University's Non-Discrimination Statement.

Violation of the Peer Harassment Policy: Conduct that violates the University's Peer Harassment Policy.

Failure to comply with Title IX Policy. Alleged violations of the Title IX Policy will be reviewed and addressed by the Title IX Coordinator in accordance with the Title IX Policy.

REPORTING CONCERNS

Members of the University community are strongly encouraged to report known or suspected acts and/or behaviors that may constitute a violation of University policy. Any member of the University community may file a report alleging misconduct on the part of any student or student organization. Even if you are not sure whether you should report something, you are encouraged to err on the side of caution. The University has trained professional staff who can evaluate these reports and take appropriate action.

The following reporting options are available:

If you have an immediate concern for safety or you believe any person might engage in violence, contact Muskingum University Police Department at 740-826-8155 or dial 911.

To file a complaint or to report an incident involving **student conduct** that is not an immediate concern for safety:

- Online Form: <https://www.muskingum.edu/reporting>

Please select the form that best describes your reason for reporting. These forms may be submitted anonymously.

- Call: Student Life Office at 740-826-8080
- Visit: Student Life Office at Quad Center Room 210

To file a complaint or to report an incident involving **faculty or staff member** conduct that is not an immediate concern for safety:

- Call: Human Resources Office at 740-826-8119
- Visit: Human Resource Office at Montgomery Hall, Suite 16
- Email: hr@muskingum.edu

If you have experienced discrimination, sexual harassment, and/or sexual violence by any person, please review the University's Non-Discrimination and Harassment Policy and/or the [Title IX Policy](#). Your safety and well-being are the first priority, and you are encouraged to report such to the University Police.

If you have experienced discrimination, sexual harassment, and/or sexual violence, you may choose to file a complaint with the U.S. Department of Education Office for Civil Rights Cleveland Office 1350 Euclid Avenue, Suite 325 Cleveland, OH 44115; Phone: (216) 522-4970; Facsimile: (216) 522-2573; Email: OCR.Cleveland@ed.gov. For more information, visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

There is no time limit on reporting alleged violation(s) of the Student Code of Conduct; however, the longer someone waits to report an incident, the more difficult it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations(s). The Dean of Students will exercise their professional discretion in determining whether to initiate the Student Code of Conduct Process for a report made more than thirty (30) calendar days after the incident or from the date the complainant should have been reasonably aware of the identity of the respondent, whichever is later.

Although anonymous reports are accepted, the reporter should include sufficient detail to allow the University to properly inquire, collect evidence, and process appropriate disciplinary action. At times, it will not be possible for the University to properly respond to an anonymous report.

STUDENT CODE OF CONDUCT PROCESS

In implementing the Student Code of Conduct Process, the University will apply institutional standards, expectations, and/or rules to protect students' rights while emphasizing students' obligations to abide by the University's expectations. As a private institution, Muskingum University's Student Code of Conduct Process is an educational process rather than a legal process. The University's student conduct officers serve as an appointed group of representatives from the campus charged with upholding standards, expectations, and/or rules for student conduct.

Preliminary Review

Reports or complaints alleging violation(s) of university policies will be referred to the Dean of Students, or their designee, who will conduct a preliminary review of the reported information and/or facts of the case to determine whether sufficient evidence exists for the report to continue in the Student Code of Conduct Process. If insufficient information exists in the report or complaint and before making their determination, the Dean of Students, or designee, may request an investigation.

Investigation

When an alleged policy violation is reported to the University, it may be necessary to conduct an investigation

either prior to referring the incident to the Student Code of Conduct Process or as part of a Student Code of Conduct Process. Typically, such investigations are conducted by trained staff members reporting to the Dean of Students. However, investigations may also be conducted in collaboration with or referred to trained staff members in other University offices and/or departments.

In investigating, University staff may conduct interviews and collect other forms of information or evidence, such as photographs, electronic evidence, or physical evidence. Students are expected to participate timely, truthfully, accurately, and completely in responding to an investigator. Investigations will be conducted with all reasonable speed. At the conclusion of the investigation, an investigator will provide a written report to the Dean of Students, or their designee, who will determine whether the Student Code of Conduct Process will be initiated. To the extent necessary, an investigator will provide information that will become part of a Student Code of Conduct Process, and/or an investigator may participate in the Student Code of Conduct Process.

Referral to Student Conduct Officer

Upon determination that sufficient information and/or evidence exists to move forward with a Student Code of Conduct Process, the Dean of Students will assign the report to a trained Student Conduct Officer, who will determine whether an Administrative Review, Student Conduct Hearing, or Community Standards Board Hearing is the appropriate process to resolve the report or complaint.

General Resolution Information

- **Student Code of Conduct Process Advisor**

Students involved in a Student Conduct Hearing or Community Standards Board Hearing may select an advisor (any University faculty, staff, or student) to accompany them throughout the process. However, witnesses or other parties directly involved in a case may not serve as advisors.

Advisors are not permitted to speak or to participate directly in the proceeding. The University will not reschedule a proceeding to accommodate an advisor's schedule. The role is limited to consultation with the student involved, as complainants and respondents are responsible for presenting their own information.

Should a student elect to have a student conduct process advisor present at their hearing, the student must send notice to the Student Conduct Officer or Chair of the Community Standards Board, in writing, identifying their advisor at least two (2) days prior to the hearing.

Alleged violation(s) of the Student Code of Conduct by students while abroad may be resolved by an abbreviated student conduct hearing process.

Student Rights in the Student Code of Conduct Process

A student participating in a Student Conduct Hearing or Community Standards Board Hearing is entitled to the following rights as a guarantee of fundamental fairness:

- Reasonable notice of a hearing (date, time, location) and written statement of the specific policy(ies) provisions allegedly violated;
- A brief statement of facts, including the approximate date, time, and location of the reported conduct;
- A presumption of not being responsible for a violation(s) unless or until an admission of responsibility is entered or responsibility is determined by a preponderance of the evidence;
- An equal opportunity to present relevant information and/or evidence throughout the investigation and/or student code of conduct process;
- If applicable, third-party witness (es) testimony will be considered from both parties;
- Similar and timely access to information intended to be used at the hearing;
- The expectation that the University will apply the preponderance of the evidence standard in all proceedings;

- Any sanction(s) and/or action plan imposed will be proportionate to the severity of the violation(s);
- Written notification to the respondent of the outcome of any hearing or appeal. The outcome letter will include the determination and any disciplinary sanction(s) and/or action plan imposed;
- To appeal the hearing outcome in accordance with the appeal process section, if appropriate;
- If applicable, the respondent will be notified in writing of the guidelines and process for reinstatement to the institution;
- Notice that a Student Conduct Hearing may be conducted in the absence of a respondent who fails to appear for a Hearing. A hearing in absentia may occur only after the Student Conduct Officer has made a reasonable effort to provide advance notice as provided above;
- Assured of confidentiality, in accordance with FERPA; and
- A link to the University web address of the Student Code of Conduct.

Temporary or Permanent Dismissal from the University for Administrative Reasons

No student is permitted to engage in conduct that presents an undue threat to self, or others, or that interferes with the effective participation and/or enjoyment of university and/or academic life by others. In these circumstances, dismissal of a student and exclusion from University property may be imposed without the procedure outlined in the Student Code of Conduct. The Dean of Students may take this action if satisfied that serious misconduct has occurred and/or the student's continued presence on the campus presents an unreasonable risk of danger to self, others, or the University community. A student facing this action must leave the campus immediately. Following the imposition of any dismissal for administrative reasons, a dismissed student may request a hearing before the Community Standards Board to determine whether the student should be reinstated, and the summary disciplinary sanction(s) (action plans) removed, using the general guidelines for student conduct hearings set forth in the Student Code of Conduct. This request for a hearing must be made within five (5) days of receipt of the dismissal for administrative reasons notification.

Where conduct may have been caused by a mental or physical condition, the Dean of Students may require a medical (including mental health) evaluation of the student at the student's expense prior to consideration of returning to campus. The evaluation will be reviewed by the Dean of Students and a team of University administrators reviewing the situation. The committee will be comprised of professional staff members as may be appropriate, such as from Student Conduct, the Student Health Center, and Counseling Services. The consideration of the return to campus and/or the decision to do so by that administrative committee will be final.

Where reasonably possible considering the conduct and circumstances, the University will seek mechanisms to enable the student to continue moving toward the achievement of academic goals either immediately or in the future. The University will act with respect for the laws regarding the educational opportunities of persons with disabilities while recognizing that there may be situations where conduct or threatened conduct by any person, including persons with disabilities, requires their temporary or permanent dismissal from the University.

Resolution Procedures

- **Administrative Review**

An Administrative Review may be initiated when the assigned Student Conduct Officer determines the reported conduct would constitute a minor violation of the Student Code of Conduct and the respondent has not been found responsible for any prior Student Code of Conduct violations.

If based on the preponderance of the evidence, the information provided in the report or complaint supports a finding of responsibility, the Student Conduct Officer may accept such information, find the respondent responsible for a policy violation, and impose a disciplinary sanction (action plan) of no more than a disciplinary warning. The Student Conduct Officer will send an outcome letter to the respondent through the University's case management system.

Upon receipt of the outcome letter, should the student not accept responsibility for the allegation(s) the

student may opt-out of the administrative review, its finding, and disciplinary sanction (action plan). The student must select the opt-out option within five (5) days of the date of the outcome letter by contacting the specific student conduct officer in writing and/or by email to schedule a student conduct hearing with the student conduct officer.

- **Student Conduct Hearing**

If the conduct does not constitute a minor violation and/or the respondent has been found responsible for prior Student Code of Conduct violations, the Student Conduct Officer may use the Student Conduct Hearing. Prior to conducting a Student Conduct Hearing, the Student Conduct Officer may discuss the matter with the staff who investigated or may gather additional information to ensure a full understanding of the reported conduct.

The Student Conduct Officer will send a written notice to the respondent. The written notice will be sent to the respondent's University email address¹ at least three (3) days prior to the Student Conduct Hearing and will include the following information:

- the date, time, and location of their Student Conduct Hearing;
- the specific policy(ies) provisions they allegedly violated;
- a brief statement of facts, including the approximate date, time, and location of the reported conduct;
- a link to the University web address of the Student Code of Conduct; and
- notice that a Student Conduct Hearing may be conducted in the absence of a respondent who fails to appear for the Student Conduct Hearing. A hearing in absentia may occur only after the Student Conduct Officer has made a reasonable effort to provide advance notice as provided above.

During a Student Conduct Hearing, the Student Conduct Officer will review the information that resulted in the allegation(s) with the respondent, who will be given the opportunity to provide a statement about the allegations. Based on the available information and the information presented at the Student Conduct Hearing, the Student Conduct Officer will determine, based on the preponderance of the evidence, whether the respondent has violated the Student Code of Conduct. If the student is found not responsible, the case will be closed. If the student is found responsible, disciplinary sanctions(s) (action plan) will be determined and imposed by the Student Conduct Officer.

A Student Conduct Hearing may be held in the absence of a student who fails to appear after the student conduct officer has made a reasonable effort to provide advance written notice of the hearing time, date, and location. The Student Conduct Officer will send an outcome letter, which will include the Student Conduct Officer's finding and any disciplinary sanction (action plan) imposed, to the respondent through the University's case management system. The outcome letter is subject to the requirements of the Family Educational Rights and Privacy Act or other applicable laws.

- **Community Standards Board Hearing**

If the conduct does not constitute a minor violation, the respondent has been found responsible for prior Student Code of Conduct violations, the serious nature of the allegation(s), and/or the possible disciplinary action includes time-limited suspension or expulsion because of the nature of the action, behavior, pattern of behavior, and/or a gross disregard for the rights of others in the campus community, the matter will be referred to the Chair of the Community Standards Board to facilitate a Community Standards Board Hearing. More information about the Community Standards Board may be found below.

¹ University email is the University's primary means of communication, and students are responsible for all communication delivered to their University email addresses.

Prior to conducting a Community Standards Board Hearing, the Chair may discuss the matter with the staff who investigated or may direct additional investigation to be completed to ensure a full understanding of the reported conduct.

The Chair will send a written notice to the respondent's University email address at least 4 (four) days prior to the Community Standards Board Hearing. The notice will include the following information:

- the date, time, and location of their Community Standards Board Hearing;
- the specific policy(ies) provisions they allegedly violated;
- a brief statement of facts, including the approximate date, time, and location of the reported conduct;
- a link to the University web address of the Student Code of Conduct; and
- notice that a Community Standards Board Hearing may be conducted in the absence of a respondent who fails to appear for the hearing. A hearing in absentia may occur only after the Student Conduct Officer has made a reasonable effort to provide advance notice as provided above.

The Chair of the Community Standards Board will coordinate the Community Standards Board Hearing logistics and assure University procedures are followed throughout the Community Standards Board Hearing. Prior to the Community Standard Board Hearing, members of the Community Standards Board, the complainant, and the respondent will have an opportunity to review the report and any information and/or evidence collected during the investigation. During the hearing, the subgroup of the Community Standards Board and Chair will ask questions of the complainant, respondent, witnesses, and/or involved parties, the complainant and respondent will have an opportunity to address the Community Standards Board and may submit proposed questions to be asked of the other party in writing to the Chair. The Chair may decline to ask the question, rephrase the question, or ask the question as proposed. However, the parties will not question each other directly.

At the conclusion of the Community Standards Board Hearing, the Hearing Board will determine whether the respondent is responsible for violating University policy, and, if so, will recommend disciplinary sanction (action plan) to the Board Chair. The Chair will then render a decision and provide notice to the student.

Disciplinary Sanction(s)(Action Plan)

When a student or student organization is found responsible for violating the Student Code of Conduct, disciplinary sanction(s)(action plan) will be developed for the student to complete within a specified timeframe. The purpose of imposing disciplinary sanction(s)(action plan) is educational, in that they reinforce the University's behavioral expectations, uphold the educational mission of the community, and help students recognize acceptable boundaries and consequences for their actions or behaviors. Disciplinary sanction(s)(action plan) should be imposed with the intention of promoting personal reflection and growth, repairing any harm caused, and helping the student realign with University policies and values. In some instances, disciplinary sanction(s)(action plan) may also serve to restore the community and/or to deter the respondent or others from engaging in the same or similar misconduct.

In determining a disciplinary sanction(action plan), a Student Conduct Officer or Hearing Board will consider the totality of the circumstances, which includes the nature of the violation, the facts of the report, maintenance of a safe and respectful environment conducive to learning, protection of the complainant and/or University community, the respondent's level of cooperation and remorse, the student's previous disciplinary record of which they have been found responsible, the severity of any damage or injury and the impact on the complainant(s), and any other mitigating, aggravating, or compelling circumstances. Disciplinary sanction(s)(action plan) are effective immediately in accordance with the appeal policy.

Any individual or combination of the following outcome(s), sanction(s), and/or action plan(s) may be imposed and/or included as a part of disciplinary sanction(s)(action plan) for violation(s) of the Student Code of Conduct.

The following list is not exclusive, and other outcomes, sanctions, and/or actions may be imposed as appropriate.

- **Behavioral Requirements:** A requirement to participate in certain activities, including, but not limited to, obtaining academic counseling, substance abuse assessment, behavioral assessment, etc. The student may need to pay fees associated with the completion of this sanction.
- **Community Restoration:** The student is required to identify and secure community restoration opportunities on their own. Prior to completing any hours, the student must submit their intended plan to the Student Conduct Officer or Board Chair for approval. If approved, the student must submit all hours worked on the Community Restoration Reporting Sheet provided by the Student Life Office, including the name and contact information of the on-site coordinator. Failure to complete required hours in a timely manner will result in additional charges for failing to fulfill a sanction.
- **Counseling Assessment/Treatment Plan:** The student must engage in an initial assessment facilitated by a counselor or social worker licensed to practice in the state of Ohio. An initial session must be completed by the listed deadline. The initial session is designed to support the student and prevent the recurrence of certain behavior. The student and their counselor must disclose the initial session was completed within the listed deadline.
- **Deferral:** After considering the totality of the circumstances, sanctions that have been imposed may be deferred with the following expectations: a) the student will not be involved in any further violations of Muskingum University policy or procedure, and b) the student will actively pursue the completion of any other disciplinary sanctions assigned by the Student Conduct Officer or Board Chair in a thorough and timely manner. During the deferral period, any violation of university policy or failure to fulfill any portion of other disciplinary sanctions shall render the deferral of the underlying disciplinary sanction null and void, and the disciplinary sanction shall be immediately implemented.
- **Disciplinary Probation Standing:** For a specified period of time, the student may be removed from good disciplinary standing and placed on disciplinary probation standing. While on disciplinary probation standing, the student may not represent the University in any extracurricular activity and may not run for or hold office in any student organization. Disciplinary Probationary Standing status may permit the student to remain in the residence halls and at the University on the condition that they comply with the disciplinary sanction(s) (action plan) determined by the Student Conduct Officer.
- **Disciplinary Warning:** A written notice to the student documenting the student's finding of responsibility and warning that is found responsible for future misconduct will result in more severe disciplinary action by the University.
- **Educational Requirements:** Requirement to attend, complete, present, and/or participate in a program or assignment that is educational and/or reflective in nature. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. The student may be required to pay any fees required to participate in the program.
- **Expulsion:** Permanent termination of student enrollment status. An expelled student shall receive a grade of "F" in all courses in which they were enrolled during the academic term and removed from University-owned housing. Tuition and fees paid will be forfeited. The expelled student will not be permitted on campus (considered Persona Non-Grata) and may not participate/attend University-related activities without written permission from the Dean of Students.
- **Fine:** Monetary requirement which must be paid within a designated time.

- **Loss of Privileges or Access Restriction:** The student will be denied specified privileges for a designated period of time. Restrictions may include but are not limited to participation in campus activities, intercollegiate athletics, intramurals, student organizations, campus presence, university-related activities/events, residence hall visitation, parking privileges, or contact with individuals or groups on campus.
- **No Contact Restriction:** The student is restricted from having contact with a named individual through verbal (speaking to, or about, in the physical presence of the named individual, in person or via electronic measures) or physical (touching, gestures, staring/leering/extended focus aside from a normal visual glance to identify named individual, etc.) means on or off university property. While it is understood the nature of the Muskingum University environment will not provide for complete avoidance where the named individual is a student, reasonable compliance is expected, and any unnecessary contact must be avoided.
- **Other Sanctions:** Other sanctions tailored to specific circumstances may be imposed instead of or in addition to those specified in this Section of the Student Code of Conduct.
- **Persona Non-Grata (PNG):** The student is banned from all public and private spaces owned or controlled by Muskingum University property. This includes, but is not limited to, the academic, residential, athletic, social, and auxiliary spaces. Likewise, the student will be banned from participating in or attending any event sponsored or co-sponsored by Muskingum University. Unless prior arrangements have been made and written permission secured from the Dean of Students any attempt to access Muskingum University property during the indicated period will be viewed as criminal trespass and will subject to arrest.
- **Reflection Paper:** The student must compose an original paper with one-inch (1") margins and double-spaced type in a font style that provides at least two hundred seventy-five (275) words per page (e.g. 12 point Times Roman). The paper should address the following issues: (a) an explanation of the decisions that led to the student's behavior and how the student determined that such behavior was acceptable; (b) what the actions say about them to others, and how they would feel if their actions were shared with the entire University community and their family and friends; (c) how their behaviors affected others, and how they feel about themselves in light of the incident; and (d) what strategies they have developed to address future situations like the one at issue. Only full pages count to satisfy length expectations (i.e. a two-page paper means at least two full pages).
- **Research Paper:** The student must compose an original paper with one-inch (1") margins and double-spaced type in a font style that provides at least two hundred seventy-five (275) words per page (e.g. 12 point Times Roman). The paper should address the topic assigned and should provide at least two properly cited articles/books per page. Only full pages count to satisfy length expectations (i.e. a two-page paper means at least two full pages).
- **Housing and Residence Life Probation:** A specified period of time in which a student is allowed to continue living in the residence halls; however, the student's resident status is in jeopardy. Should the student be found responsible for other disciplinary issues during the period of Residence Hall Probation, the period of Residence Hall Probation may be extended, or the student may be placed on a Residence Hall Suspension. Residence Hall Probation may also include reassignment to a different residence hall room or building.
- **Housing and Residence Life Suspension:** The student's housing agreement will be canceled, and the student will be removed from University housing. No financial refund of housing fees will be provided. Likewise, the student will not have residence hall visitation privileges for a designated period of time.
- **Restitution:** Students will be required to pay the complainant for the cost of repairing or replacing damaged property.
- **Restorative Assignment:** A requirement to restore the pre-harm status caused by the policy violation.

- **Revocation of Degree or Appending of Transcript:** The University reserves the right to revoke an awarded degree or append a notation to the student’s academic transcript for serious disciplinary violations committed by a student prior to the student’s graduation.
- **Student Organization:** In addition to the sanctions identified in this Section of the Student Code of Conduct, the following sanctions may be imposed upon student organizations: Deactivation; loss of all privileges, including University recognition, for a specified period of time; loss of University housing for an organization.
- **Time-Limited Suspension:** Temporary loss of student enrollment status for a specified period of time. A student who is suspended shall lose academic credit, receive a “W” in all courses in which they were enrolled during the academic term, and be removed from University-owned housing. Tuition and fees paid will be forfeited. A suspended student will not be permitted on campus (considered Persona Non-Grata) and may not participate/attend University-related activities until the time of the suspension has elapsed without written permission from the Dean of Students.
- Conditions for re-enrollment after the suspension period may be included as part of the disciplinary sanction. After the time-limited suspension period and completion of any other disciplinary sanction, the student may re-enroll at the University. In addition, the student must submit a written letter to the Dean of Students prior to seeking re-enrollment. The letter must provide evidence that the student has satisfied the term of the suspension and any other disciplinary sanction imposed. In considering the student’s re-enrollment, the Dean of Students will review the student’s completion of disciplinary sanction(s) and determine whether it is in the student’s best interest, as well as that of the University community, to rejoin the community.

The Dean of Students may schedule a meeting with the suspended student to discuss the Student Code of Conduct and strategies to prevent further violations. The student may re-enroll through the University course registration process only after an affirmative decision has been made by the Dean of Students. Furthermore, the Dean of Students retains the right to deny or delay re-enrollment if the student poses an unreasonable risk of danger to themselves or the University community.

APPEALS

As part of the written outcome notification following a Student Conduct Hearing or Community Standards Board Hearing, the student will be informed of their right to appeal the determination and any disciplinary sanction(s) action plan(s) imposed and the procedures to be followed to make an appeal. All parties have the right to appeal.

Grounds for Appeal

The following provide the only grounds for appeal:

- **Procedural Error:** a procedural error or irregularity that substantively affected the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.);
- **New Evidence:** evidence that existed at the time of the hearing but was only discovered after the hearing. The appealing student must show that they used reasonable efforts to obtain evidence, but the new evidence could not have been obtained before the end of the hearing. Likewise, the appealing student must show that the new evidence would likely result in a different finding. A summary of this new evidence and its potential impact must be included with the appeal.
- **Disproportionate disciplinary sanction(s):** The disciplinary sanction(s) (action plan(s)) imposed are substantially disproportionate to the severity of the violation.

Disagreement with the finding or disciplinary sanction(s) (action plan) is not, by itself, grounds for appeal.

How to Appeal

Appeals must be submitted to the Dean of Students in writing within five (5) days of notice of the outcome being sent to the parties. Appeals must be submitted in writing, using the appeal form found online at https://cm.maxient.com/reportingform.php?MuskingumUniv&layout_id=1.

On the appeal form, the student must state the reason(s) for the appeal, the supporting facts, and the recommended solution. An appeal is not a re-hearing. Failure to describe the nature of the appeal in full detail in the appeal letter will result in the denial of an appeal.

Appeal Review

Within seven (7) days of receipt of the appeal, the Dean of Students will review the appeal to determine whether sufficient grounds for appeal exist. If insufficient grounds exist for the appeal, the Dean of Students will notify the student in writing that the appeal was not accepted and affirm the original outcome and disciplinary sanction(s) (action plan). If the student has raised sufficient grounds for appeal, the Dean of Students will forward the case and all supporting documentation to an Appeal Board for their review and recommendation(s).

Within seven (7) days of receipt, the Appeal Board will review the case in a closed session with only voting Appeal Board members and the Chair present. This is not a rehearing of the case, but a review of the case. Following review, the Chair of the Board will forward the Appeal Board's recommendation to the Dean of Students to:

- Affirm the original finding and any disciplinary sanction(s) (action plan) imposed;
- Affirm the original finding but change the disciplinary sanction(s) (action plan); or
- Order a new Student Conduct Hearing or Community Standards Board Hearing if the ground for appeal is the discovery of new evidence.

The Dean of Students will review the recommendation of the Appeal Board, render a final decision, and send a written notice of the outcome to the complainant and respondent. Such a decision is final.

Staying Sanctions on Appeal

Unless there is a substantial safety risk to self or the University community, imposition of disciplinary sanction(s) (action plan) will be stayed pending appeal.

EMERGENCY ACTION

When there is a substantial risk of harm to self or the University community, the University may take emergency action to temporarily limit or suspend a student's rights and privileges. Examples of emergency actions could include temporary removal from student housing, removal from co-curricular activities, restriction to a specific area on campus between classes, restriction of contact with another community member, and interim suspension of student status. The following Emergency Action process will be managed by the Dean of Students:

Emergency Action Determination

The need for Emergency Action will be determined by the Dean of Students. The decision to limit or suspend student rights and privileges is based on the nature and severity of the alleged incident and the safety of or impact on the community. A student who presents a threat to their own well-being or to the rights, safety, and/or property of others may be declared temporarily Persona Non Grata as defined in the Disciplinary Sanctions section of this Student Code of Conduct. The Dean of Students will then forward such information on the emergency action decision to the student code of conduct process for adjudication.

Emergency Action Notification

In the event a student's rights and privileges are limited or suspended, the complainant and respondent will be

notified by the Dean of Students who will in turn also inform appropriate University officials and the parties to coordinate compliance. A parent or legal guardian notification may be invoked.

Responding to Emergency Action Notification

Students who wish to respond to or dispute Emergency Action should contact the Dean of Students.

Termination of Emergency Action

Emergency Action shall remain in place until one of the following occurs:

- The complainant and respondent return to regular rights and privileges following a finding of not responsible.
- Disciplinary sanction(s) is imposed following a finding of responsibility. Any change to the disciplinary sanction will terminate the emergency action.

STUDENT CONDUCT RECORDS UNDER FERPA

FERPA - Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. Student conduct records are protected under FERPA as private, educational records, which are not disclosed to others unless the student has provided consent or the disclosure is permitted by law.

The following information is pertinent as it applies to Student Conduct Records.

- Information in the student's conduct record may be shared without the consent of the student with the student's parents or guardians if a minor, and school officials with a legitimate educational interest.
- When a student elects to have a member of the University community present as a student conduct process advisor, the student acknowledges and grants that University community member access to such information.
- Muskingum University, in accordance with FERPA, reserves the right to contact parents or guardians of students who violate the University's Policy on Alcohol and Other Drug Use or in the event of a serious safety concern.
- Except as noted herein, disciplinary sanction(s) will not be part of the student's permanent academic record but will be maintained in the student's conduct record, which is a private educational record under FERPA
- Incident documentation must be kept in the student's file for seven (7) years from the date of the incident. After this time, upon the student's written request to the Dean of Students, a student's record may be expunged of disciplinary sanctions other than residence hall suspension, Time-Limited Suspension, or Expulsion.

COMMUNITY STANDARDS BOARD(S)

Composition

The Community Standards Board will be composed of three (3) full-time faculty members, up to ten (10) full-time students, up to five (5) full-time staff members, and the Chair of the Community Standards Board. Each member of the Community Standards Board will be appointed for one academic year (August – July). Members may be re-appointed for consecutive one-year terms.

- The Chair of the Community Standards Board will be a full-time Student Life staff member whose primary role is focused on student conduct. When conducting a Community Standards Board Hearing, the Chair will not have a vote on the outcome.
- The Dean of Students will appoint student members based on recommendations submitted by the President of the Student Senate. To be eligible for appointment, undergraduate students must be considered full-time students, and be in academic and disciplinary good standing at the time of appointment and throughout the term in which they serve.
- Through the faculty Professional Relations Committee, the Secretary of the Faculty will identify three (3) full-time faculty members to serve on the Board, subject to the Provost's appointment.
- Through the Staff Council, the Chair and Co-Chair will identify up to five (5) full-time administrators and support staff to serve on the Board, subject to the Vice President for Finance, Operations, and Strategy's appointment.

Members of the Community Standards Board may be assigned to serve on Hearing Boards, Appeal Boards, and/or the Student Code of Conduct Review Board as outlined below. The Dean of Students may appoint additional Community Standard Board members to sufficiently address the charge, roles, responsibilities, and workload of any of the above Board(s) to benefit the University Community. Such additional members and Board(s) will have the same composition, training/orientation, and authority.

Assignment to and Roles on Hearing Boards

For each Community Standards Board Hearing, the Chair will select five members of the Community Standards Board to conduct the hearing, each with an equal vote and with a required quorum constituting at least one student, one faculty member, and one staff member. Prior to serving in a Community Standards Board Hearing, members of the assigned Hearing Board will be required to participate in an overview and training orientation program facilitated by the Board Chair. Individuals appointed to a consecutive term of service must complete the Board training/orientation each year.

The Chair will lead and conduct an orderly hearing. The Chair is responsible for assisting the Board by providing clarification on policy and procedure, advice on the rationale, and clarification on appropriate disciplinary sanction(s) (action plan), if necessary. The Chair is the final decision-maker regarding findings of responsibility and any appropriate disciplinary sanctions (action plans).

Assignment to and Roles on Appeal Boards

For each Appeal Review, an Appeal Board of at least three (3) members will be chosen by the Dean of Students. The Appeal Board will be comprised of at least one student, one faculty member, and one staff member, who did not serve on the original Hearing Board, and which will constitute a quorum.

The Board Chair will assist in conducting an orderly Appeal Review. The Chair is a non-voting participant and assures that University procedures are followed throughout the Appeal Review. The Chair is responsible for composing the Appeal Review Board's decision and recommendation, assisting the Board in composing the rationale, providing clarification on policy and procedure, and providing clarification on appropriate disciplinary sanction(s)(action plan). if assigned. The Chair will communicate the Appeal Board's recommendation in writing to the Dean of Students.

Assignment to and Roles on the Student Code of Conduct Review Board

Each year, the Community Standards Board will recommend members to the Dean of Students for appointment to the Student Code of Conduct Review Board. The Dean of Students will appoint at least one student, one faculty member, and one staff member to serve on the Student Code of Conduct Review Board.

The Chair of the Community Standards Board will lead and coordinate the logistics and annual review of the Student Code of Conduct. The Chair is responsible for composing the Board's recommendations and rationale and providing clarification on policy and procedure.

The Student Code of Conduct Review Board will complete its review and provide to the Dean of Students and Vice President for the Student Experience recommendations for additions, omissions, or modifications to the Student Code of Conduct in a timely manner.

Such recommendations will be considered by the Dean of Students and the Vice President for Student Experience and presented to the University President. Upon approval by the President, the Student Code of Conduct will be effective for the following academic year – August 1-July 31.

General Provisions

- Muskingum University reserves the right to make additions, deletions, or other amendments to this Student Code of Conduct in its sole discretion as needed and with or without notice.
- The procedures described in this Student Code of Conduct do not constitute legal proceedings but do advance the educational mission of the University. Formal rules of evidence and procedure used by the legal system do not apply to any proceeding described in this Student Code of Conduct. Depending on the behavior, students may be subject to external legal systems in addition to University policy. In such cases involving legal action, the University may pursue a student conduct hearing and impose an appropriate disciplinary sanction(s) (action plan) before, during, and/or after criminal or civil proceedings.

Parental Notification

The University reserves the right to notify the parents/guardians of dependent students regarding any student conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of nondependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA, with the consent of the student, or without consent of the student if the administrator(s) deems such information is warranted and/or beneficial to the situation.