

3335-23-04 Prohibited conduct.

Any student found to have engaged, or attempted to engage, in the following conduct while within the university's jurisdiction, as set forth in rule 3335-23-02 of the Administrative Code, will be subject to disciplinary action by the university. For the purposes of this section, attempt shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct. Any student who abandons an attempt or prevents the prohibited conduct from occurring under circumstances that demonstrate a complete and voluntary renunciation of the prohibited conduct will not be subject to disciplinary action by the university.

(A) Academic misconduct.

Any activity that tends to compromise the academic integrity of the university, or subvert the educational process. Examples of academic misconduct include, but are not limited to:

- (1) Violation of course rules as contained in the course syllabus or other information provided to the student; violation of program regulations as established by departmental committees and made available to students;
- (2) Knowingly providing or receiving information during examinations such as course examinations and candidacy examinations; or the possession and/or use of unauthorized materials during those examinations;
- (3) Knowingly providing or using assistance in the laboratory, on field work, in scholarship or on a course assignment;
- (4) Submitting plagiarized work for an academic requirement. Plagiarism is the representation 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) 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;
- (6) Falsification, fabrication, or dishonesty in creating or reporting laboratory results, research results, and/or any other assignment;
- (7) Serving as, or enlisting the assistance of a substitute for a student in the taking of examinations;
- (8) Alteration of grades or marks by the student in an effort to change the earned grade or credit;
- (9) Alteration of academically-related university forms or records, or unauthorized use of those forms or records; and
- (10) Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system.

(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, whether intentionally or as a result of recklessness or gross negligence.
- (2) Stalking: Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action.

(C) Sexual misconduct.

Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent, including but not limited to:

- (1) Non-consensual sexual intercourse, defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object, by any person upon any person without consent.
- (2) Non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object, by any person upon any person without consent.
- (3) Sexual exploitation, defined as taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and knowingly transmitting or exposing an STD or HIV to another student without the knowledge of the student.
- (4) Sexual harassment, as defined in applicable university policy.
- (5) Indecent exposure, defined as the exposure of the private or intimate parts of the body, in a lewd manner, in public or in private premises, when the accused may be readily observed.

For the purposes of this rule, consent shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. An individual cannot consent who is obviously substantially impaired by any drug or intoxicant; or who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority.

(D) Destruction of property.

Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.

(E) Dangerous weapons or devices.

Use, storage, or possession of dangerous weapons or devices including, but not limited to, firearms, ammunition or fireworks, unless authorized by an appropriate university official or permitted by a university policy, even if otherwise permitted by law.

(F) Dishonest conduct.

Dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of university documents by actions such as forgery, alteration, or improper transfer; submission to a university official of information known by the submitter to be false.

(G) Theft/unauthorized use of property.

Theft or attempted theft, or the unauthorized use or possession of university property or services, or the property of others.

(H) Failure to comply with university or civil authority.

Failure to comply with legitimate directives of authorized university 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.

(I) Drugs.

Use, production, distribution, sale, or possession of drugs in a manner prohibited under law.

(J) Alcohol.

Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy.

(K) Unauthorized presence.

Unauthorized entrance to or presence in or on university premises.

(L) Disorderly or disruptive conduct.

Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.

(M) Hazing.

Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

(N) Judicial system abuse.

Abuse of any university judicial system, including but not limited to:

- (1) Failure to obey the summons or directives of a judicial body or university official;
- (2) Falsification, distortion, or misrepresentation of information before a judicial body;
- (3) Disruption or interference with the orderly conduct of a judicial proceeding;
- (4) Institution of a judicial proceeding knowingly without cause;

- (5) Attempting to discourage an individual's proper participation in, or use of, a university judicial system;
- (6) Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of a judicial proceeding;
- (7) Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding;
- (8) Failure to comply with one or more sanctions imposed under the code of student conduct; and
- (9) Influencing or attempting to influence another person to commit an abuse of a university judicial system.

(O) Violation of university rules.

Violation of other published university regulations, policies, or rules, or violations of federal, state, or local law. These university regulations, policies, or rules include, but are not limited to, those which prohibit the misuse of computing resources, sexual harassment, rules for student groups or organizations, and residence hall rules and regulations.

(P) 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; and
 - (b) Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and
 - (c) Failing to comply with a directive to disperse by university officials, law enforcement or emergency personnel; and
 - (d) Intimidating, impeding, hindering or obstructing a university 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.

(Q) Recording of images without knowledge.

Using electronic or other means to make a video 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 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. (B/T 3/2/2001, B/T 7/11/2003, B/T 7/7/2006, B/T 12/7/2007)