

# Student Code of Conduct, Anti-Hazing Policy and Academic Integrity Policy

*Revised February 16, 2022*



## Welcome to Sinclair Community College!

Thank you for selecting Sinclair Community College as your College of choice. On behalf of the staff of the Director of Student Affairs office, it is our pleasure to welcome you to Sinclair. Our goal is to promote student development by creating a supportive environment conducive to lifelong learning both in the classroom and beyond. If you want to get involved or find a supportive environment, visit the Student and Community Engagement office. We hope that we will be able to positively contribute to your education. The experiences and skills you acquire at Sinclair will benefit you the rest of your life.

The Student Code of Conduct is a guide to the standards of conduct required for a learning community in which members pursue their goals. This book provides much of the detailed behavioral guidelines College community members are responsible for knowing. The policies included in this book and published on Sinclair's website supersede all previously published policies. Read the contents and become familiar with the information; students are responsible for knowing the material in this book. For more information, contact the Director of Student Affairs Office, (937) 512-2291.

The Student Code of Conduct is a companion to the College catalog, which contains academic policies, financial information, and other policies. Sinclair reserves the right to change this document and the statements within as necessary and will provide appropriate notice to the students via the Student Code of Conduct on the Sinclair website.

The Director of Student Affairs is designated as the principal administrator of this document. Students with questions or comments about these policies should consult with the Director of Student Affairs.

We look forward to serving you. Best of luck with your studies! Student Affairs.

Note: This document contains official information for the academic year. Students are held accountable for the information contained in this Student Code of Conduct as electronically published at ***www.sinclair.edu***

The College reserves the right to change or modify the contents listed herein. Check the Sinclair Community College website at ***my.sinclair.edu*** on a regular basis for updates to this document.

Find the Student Code of Conduct on the Student Judicial Affairs web site:

***<https://www.sinclair.edu/services/conduct-safety/student-judicial-affairs/>***

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# STUDENT CODE OF CONDUCT

## Introduction, purpose and disciplinary authority of Sinclair Community College

1. The purpose of the Sinclair Community College Student Code of Conduct is to educate students on their rights and responsibilities as College community members and to help students understand the balance between individual and College rights; and to promote a safe and inclusive atmosphere for all students.
2. The College established a Student Code of Conduct (the “Code”) to ensure the safety and welfare of the Sinclair Community College community. Students admitted to the College agree to adhere to the rules, regulations, and policies set forth in the Code. Students should follow the guidelines set forth in the Code and be responsible for their actions. The College has developed policies, procedures, and standards to protect the rights of each member of the College community.
3. The President has assigned responsibility for the implementation of the Code to the Student Judicial Affairs Office.
4. Students should be aware that the student conduct process is different from criminal and civil court proceedings.

## Students are expected to:

- Be accountable for information contained in the College course catalog, Code, and any other published regulations relating to student responsibilities.
- Be respectful of the rights of others.
- Comply with the verbal and written directions of College officials.
- Respect and comply with all the laws and rights of good citizenship.
- Respect the freedom to teach and the freedom to learn.

By violating the Student Code of Conduct, a student fails to meet these expectations and, they may be considered not in good conduct standing with the

College. A student is considered to be in good conduct standing with the College unless any of the following apply.

- The student currently has a conduct hold on their account.
- The student is currently on conduct probation.
- The student is currently suspended from the College.
- The student has been dismissed from the College.
- The student is currently trespassed from the College.

## Goals:

1. Educate students, faculty and staff on issues related to student conduct, responsibilities, and behavioral expectations in the Code.
2. Protect the rights of students and the College community.
3. Provide fair and impartial review for students who have allegedly violated the College’s Code.
4. Educate students who have violated the Code by assigning purposeful sanctions that foster learning, ethical development, and personal integrity.
5. Encourage respect for members of the College community.

## Desired Outcomes:

Students involved in the student conduct process will:

1. Demonstrate knowledge of the Code and the rights of others.
2. Be able to identify their rights as students.
3. Be able to recognize their responsibilities as College community members.
4. Demonstrate a greater awareness of their own developing identity.

Students found to be in violation of the Code will be required to review their choices/ decision making, to discuss consequences for their actions, and to demonstrate change in their behaviors.

## Definitions:

The following terms as used in the Code are defined as follows.

1. **“Code”** means the Student Code of Conduct, including the stated expectations for student behavior and the procedures through which the Student Judicial Affairs Office addresses student misconduct.
2. **“College”** means Sinclair Community College and all of its campuses, centers, or other locations on which it operates.
3. **“College Official”** means any person employed or appointed by the College and performing administrative or professional responsibilities within the scope of their job duties.
4. **“College Policy”** means the written regulations of the College as found in, but not limited to the Student Code of Conduct, departmental operating manuals, Sinclair web pages, College rules, and the Course Catalog.
5. **“College Premises”** means all land, buildings, facilities, and other property owned, leased, used, controlled by, or in the possession of the College, including adjacent streets and sidewalks.
6. **“Complainant”** means a person who submits a report alleging that a student has violated the Code.
7. **“Conduct Administrator”** means a college official who has been designated by the Vice President of Student Development to carry out the functions of the Student Judicial Affairs Office.
8. **“Document Delivery”** all documentation that is sent by Student Judicial Affairs will be considered to be delivered one day after it is placed in the regular U.S. Mail to the student’s last known address on file with the College, emailed to the student’s Sinclair email address, or when it is personally delivered to the student.
9. **“Faculty member”** means any person hired by the College to conduct classroom or teaching activities, research activities, or who is otherwise considered by the College to be a member of the faculty.
10. **“Preponderance of the Evidence Standard”** means that it is more likely than not that a violation of the Code occurred.
11. **“Recklessly”** means with heedless indifference to the consequences or disregarding a substantial and unjustifiable risk that such circumstances are likely to exist.
12. **“Respondent”** means the person named in a report who has allegedly violated the Code.
13. **“Student”** means any person who is enrolled in a credit or non-credit/audit course from Sinclair, withdraws after allegedly violating the Code. “Student” may also mean any person who has been accepted for admission or who has been previously enrolled as a student. The Director of Student Affairs has the discretion to determine whether this Code will be applied to any person accepted for admission or who has been previously enrolled as a student. “Student” does not include a person who has registered for or is enrolled in any non-credit courses offered by or through the College’s Workforce Development Division.
14. **“Student Judicial Affairs”** means the Student Judicial Affairs Office which is the department responsible for upholding the Student Code of Conduct and oversight of the processes set forth within it.
15. **“Student organization”** means any group of persons who have complied with the formal requirements for or are actively seeking recognition as a student organization.
16. **“Support Person”** means any individual assisting or supporting a student during their involvement in a Student Judicial Affairs proceeding, including but not limited to, an attorney, one parent, guardian, social worker, student advocate, professor, acquaintance, or friend. The student shall provide the name and contact information for such person, and whether he or she is an attorney. If this

person is an attorney, the College may choose to have an attorney present at the conference or hearing, and the conference or hearing may be rescheduled so that the College's attorney can be present.

- 17. "Trespass"** No person, without privilege to do so, shall do any of the following:
- a) Knowingly enter or remain on the land or premises of another.
  - b) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows they are in violation of any such restrictions or is reckless in that regard.
  - c) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in such a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access.
  - d) Being on the land or premises of another, negligently fail or refuse to leave upon being so notified to do so by the owner or occupant, or agent or servant of either, or loiter in or about a school without having any business therein.

- 18. "Weapon"** is defined in accordance with federal, state, and local law, and includes any object or substance designed to inflict a wound or cause injury.

### **Jurisdiction:**

1. The Sinclair Student Code of Conduct applies to conduct of students that occurs on College premises. The Code also applies to conduct of students that occurs online or via telephonic or electronic means, including but not limited to the College electronic learning system, texting, the Internet, and social media. The Code also applies to conduct of

students that occurs away from College premises if the conduct is deemed to affect the College or its students and employees. Examples of non-College premises where student conduct will be subject to the jurisdiction of the Code, include but are not limited to:

- a. Any location where a course is being provided.
  - b. Any clinical practice sites;
  - c. Any activity performed to satisfy academic course requirements, such as internships, field trips, or student teaching;
  - d. Any activity supporting pursuit of a degree, such as research at another institution;
  - e. Any activity sponsored, conducted, or authorized by the College or by student organizations, including but not limited to, social events, athletic contests, and philanthropic activities;
  - f. Any activity that causes substantial destruction of property belonging to the College or members of the College community or causes serious harm to the health or safety of members of the College community; or
  - g. Any activity in which a police report has been filed, a criminal indictment or information has been issued, or an arrest has occurred for a crime of violence.
2. Each student shall be responsible for their conduct from the time of notification of acceptance for admission through the actual awarding of a degree or certificate, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, even if the misconduct is not discovered until after a degree or certificate is awarded. The Code shall apply to a student's conduct even if the student withdraws from the College while a disciplinary matter is pending. The Director of

Student Affairs shall determine, in his or her sole discretion, whether the Code will be applied to conduct occurring off College premises, on a case by case basis.

3. All formal complaints alleging a violation of this Code shall be subject to the student disciplinary procedures. Any student who is found to have committed an act of misconduct may be disciplined in accordance with the Code. If the student is suspected of violating a state or federal law, the incident may be reported to the Sinclair Community College Police and appropriate law enforcement agency. Civil or criminal charges may occur concurrently with allegations under this Code.
4. The College reserves the right to initiate conduct proceedings without a formal allegation by the victim or witnesses of misconduct.

### **Prohibited Behaviors:**

1. Disruption of, or interference with, any College activity, including teaching, administration, or other public service functions on or off campus or other authorized non-College activities when the act occurs on College premises;
2. Violation of any College policy, rule, procedure or guideline. Such policies include but are not limited to: Sexual Harassment and Sexual Misconduct Policy, Student Harassment Policy, Acceptable use of Information Technology Policy; Public Use of College Buildings and Grounds Policy; [www.sinclair.edu/about/policies](http://www.sinclair.edu/about/policies).
3. Public intoxication or the use, possession, sale, attempted sale, barter, exchange, gift, or distribution of alcoholic beverages except as expressly permitted by law and College regulations;
4. Attempted or actual theft of, and/or damage to, property of the College or property of a member of the College community or other personal or public property on campus;
5. Gambling, including unlawful games of chance for money or anything of value and the sale, barter, or other disposition of a ticket, order, or any interest in a scheme of chance by

any name;

6. At least three or more incidents of violation of traffic rules while on College property;
7. Failure to comply with the directions of College officials or College law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
8. Permitting another to use their College identification card, impersonating another, or misrepresenting authorization to act on behalf of another;
9. Knowingly instituting a false charge against another person;
10. Unauthorized use, alteration, or in any way tampering with fire equipment, safety devices, or safety equipment;
11. Leaving minor children unattended while on College-owned or leased property, attending a class, or participating in any College activity;
12. Conduct that threatens or endangers the health or safety of any person, including, but not limited to; physical abuse, verbal abuse, threats, intimidation, stalking, or coercion.
13. Use, possession, sale, attempted sale, barter, exchange, gift, or distribution of narcotic or other controlled substances, or drug paraphernalia, except as expressly permitted by law;
14. Acts of dishonesty, including, but not limited to, the following:
  - a) Cheating, plagiarism, or other forms of academic dishonesty. (See Academic Integrity Policy; page 14)
  - b) Furnishing false information to a College official or faculty member,
  - c) Forgery, alteration, or misuse of any College document, record, or instrument of identification,
  - d) Tampering with the election of any College recognized student organization;
15. Hazing as defined in Sinclair's Anti-Hazing Policy
16. Unauthorized or fraudulent use of the College

- name, seal, emblem, nickname, or motto;
17. Unauthorized entry and/or occupancy of College premises;
  18. Unauthorized possession, duplication, or use of keys to any College premises;
  19. Use, possession, or carrying of firearms (including, but not limited to, pistols, rifles, shotguns, or ammunition), incendiary devices, smoke devices, dangerous knives, explosives, or other dangerous weapons while on College-owned or controlled property, or at College sponsored or supervised activities, except by College and other police officers and other persons specifically authorized by the College, or as otherwise permitted by law;
  20. Any action that causes or attempts to cause a fire or explosion, including bomb threats, or any intentionally false reporting of a fire, or any tampering with the safety devices or the failure to leave College buildings during a fire alarm;
  21. Violation of a federal, state, or local criminal law;
  22. Engaging in sexual activity on College premises.
  23. Harassment and/or discrimination on the basis of race, religion, age, national origin, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, or disability.

### **Potential Sanctions for Violations of the Code:**

1. **Restitution:** Compensation for loss, damage, or injury and can take the form of service and or monetary/ material replacement.
2. **Educational Sanctions:** The broadest and most flexible category of sanctions. Educational Sanctions may include one or more of the following: written apology, meeting attendance, work assignment, essay, community service, behavioral contract, and educational assignments.
3. **Formal Warning:** Emphasize to the student that further violations would result in progressive sanctioning. A student receiving

a Formal Warning shall continue to exercise the rights and privileges of a student in good standing.

4. **Conduct Probation:** Serves as a statement to students that they are not in good standing with the College. Further violations of the Code of Conduct could result in suspension or dismissal.
5. **Facility Suspension:** The student is prohibited from entering or using a particular facility or building for a specified period of time or until a specific condition is met.
6. **Facility Expulsion:** The student is prohibited from entering or using a particular facility or building indefinitely.
7. **Loss of Privileges:** The loss of specified privileges for a designated period of time.
8. **Removal from Class:** The student is barred from attending a particular class. The student may or may not be reassigned to a different section of the same class.
9. **Revocation of Admission:** The student loses their admitted status to the College.
10. **Suspension:** The termination of a student's enrollment for a particular period of time, or until specific conditions are met. A suspended student is prohibited from being present on College-owned or leased property, or at any College-sponsored activity or event, even if the event is held at a location other than College premises.
11. **Dismissal:** The termination of a student's enrollment with Sinclair Community College. A dismissed student is prohibited indefinitely from being present on College-owned or leased property, or at any College-sponsored activity or event, even if the event is held at a location other than College premises.

### **Student Conduct Complaint Procedures:**

A complaint of an alleged violation of the Code will be handled in accordance with the procedures described herein.

All disciplinary decisions made under the Code will be based on a review of relevant information and facts. Decisions made by Student Judicial Affairs will be made based on a preponderance of

the evidence standard.

## **Reporting a Violation of the Student Code of Conduct:**

Any student, faculty member, or College employee, or any person not affiliated with the college may file a complaint against a student alleging a violation of the Code. A complaint shall be made in writing and may be made by using the online reporting form at <http://www.sinclair.edu/services/conduct-safety/student-judicial-affairs/file-a-report/>.

1. All complaints will be referred to the Student Judicial Affairs Office for investigation, and/or possible resolution.
2. The Student Judicial Affairs Office will conduct an investigation and endeavor to complete the investigation within twenty (20) calendar days of receiving the complaint.
3. After the investigation of a complaint is completed, the Director of Student Affairs, or their designee, may determine that:
  - a. no grounds or insufficient grounds exist to conclude that a violation occurred and dismiss the complaint; or
  - b. grounds exist to conclude that a violation may have occurred
4. If the Director of Student Affairs, or their designee, determines that grounds exist to conclude that a violation may have occurred, they shall follow the procedures established in this Code.

If the Director of Student Affairs or their designee determines to hold a Student Conduct Conference, the student has the right to request a hearing before the Student Conduct Hearing Panel by notifying the Student Judicial Affairs at least two (2) days prior to the Student Conduct Conference in writing or by email. The hearing may be rescheduled if such a request is made.

## **Student Conduct Conference and Hearing Process:**

1. The Student Judicial Affairs Office shall oversee these processes.
2. A written notice will be provided to the

student, via regular U.S. Mail, College email, or personal delivery (see Document Delivery pg. 5). The notice shall include the following:

- a. The date, time, and location of conference or hearing.
  - b. A copy of the Code or an internet link to the Code.
  - c. A summary of the complaint and allegation(s).
  - d. A tentative list of witnesses who may appear at the conference or hearing.
    - In the case of a hearing a list of Hearing Panel members.
  - e. A summary of the complaint and potential violations.
3. All conferences and hearings will be conducted at the College's Dayton Campus unless the Director of Student Affairs or their designee determines otherwise.
  4. Prior to the Student Conduct Conference or Student Conduct Hearing, the Student Judicial Affairs Office shall prepare the supporting documentation that may be presented. This information shall be made available for the student to review prior to the conference or hearing upon request. This review must be at least two (2) business days prior to the conference or hearing.
  5. The respondent has the right to have a support person of their choice to provide advice and support during the conference or hearing and any meetings with the Director of Student Affairs or their designee. The support person will be an observer only in any meeting. The respondent must inform the Student Judicial Affairs office at least two (2) business days prior to any meeting if a support person will be present.
    - a. "Support Person" means any individual assisting or supporting a student during their involvement in a Student Judicial Affairs proceeding, including but not limited to, an attorney, one parent, guardian, social worker, student advocate, professor, acquaintance, or

friend. The student shall provide the name and contact information for such person, and whether he or she is an attorney. If this person is an attorney, the College may choose to have an attorney present at the conference or hearing, and the conference or hearing may be rescheduled so that the College's attorney can be present.

6. At the Student Conduct Conference or Hearing, the student will be asked to respond to the complaint.
  - a. If the student does not appear for the Student Conduct Conference or Hearing, the Director of Student Affairs, their designee or the Hearing Panel may proceed to make a decision based on the information gathered during the investigation.
7. Following the Student Conduct Conference or Hearing, a decision will be made whether or not the student violated the Code. The decision will be based on a preponderance of the evidence standard.
8. If it is determined that the student violated the Code, a sanction may be issued, up to and including dismissal.
9. The decision of the Student Conduct Conference or Hearing will be put in writing and be provided to the student via regular U.S. Mail, College email, or personal delivery (see Document Delivery pg. 5).

### **Additional Information for a Student Conduct Hearing:**

1. A Student Conduct Hearing Panel shall consist of at least five (5) faculty and/or staff members. The members of the Panel are selected at least annually by the Vice President of Student Development or their designee. A sufficient number of persons shall be selected so that a panel may be established promptly to consider any complaint.
2. The Director of Student Affairs or their designee will arrange for the presentation of witnesses and information at the hearing. Student Judicial Affairs and the student may present witnesses or written witness

statements. The Hearing Panel members and the student will be permitted to question each witness and to inspect all documents and other information. The Director of Student Affairs or their designee and the student may make a closing statement.

3. The Director of Student Affairs or their designee will provide information to the Hearing Panel about any prior determinations of violation of the Code by the student.
4. The hearing will be recorded. The recording will remain property of the College.
5. At the conclusion of the hearing the Student Conduct Hearing Panel will decide, by majority vote, outside the presence of the student and any non- members, whether the student violated the Code. The decision will be based on a preponderance of the evidence.

### **Appeal Process:**

The following process applies if the student wants to appeal the decision made following the Student Conduct Conference or the Student Conduct Hearing Panel:

1. The student must deliver a written letter of appeal to the Vice President of Student Development. The letter of appeal must set forth why the student believes the decision or sanction should be overturned or modified, based on one or more of the grounds set forth below. The letter of appeal must be postmarked, emailed, or hand-delivered within ten (10) calendar days after the outcome of the Student Conduct Hearing or the Student Conduct Conference was delivered (see Document Delivery pg. 5) to the student.
2. Appeals are limited to the following grounds:
  - a. Whether there was a procedural error that resulted in material harm or prejudice to the party filing the appeal. Deviations from the designated procedures in the Code will not be a basis for sustaining an appeal unless material harm or prejudice results.
  - b. Whether the sanction is grossly disproportionate for the conduct violation,

considering the relevant aggravating and/or mitigating factors.

- c. Whether the discovery of substantial new information not available at the time of the Student Conduct Conference or Student Conduct Hearing and, upon consideration by the hearing panel or administrator, would have reasonably affected the outcome.
3. The Vice President of Student Development will review all of the materials submitted by the student and the College file on the matter. They may, but is not required to:
  - a. Review the recording of the Hearing Panel
  - b. Interview the student and/or other persons who may have information relevant to the appeal.
4. If the student has submitted substantial new information not available at the time of the Student Conduct Conference or Student Conduct Hearing, the Student Judicial Affairs office will receive a copy of the new information and may present a response or other additional information related the student's new information. The student will receive a copy of or be present for the presentation of any such new information or response from the Director of Student Affairs.
5. The Vice President of Student Development will determine whether the outcome of the Student Conduct Conference or Student Conduct Hearing will be upheld, whether there should be a reduced sanction, or whether the case should be remanded for an additional conference or hearing. The Vice President of Student Development will issue the decision within ten (10) calendar days of the date of receipt of the student's appeal letter if possible.
6. The decision of the Vice President of Student Development will be put in writing and a copy will be provided to the student via regular U.S. Mail, College email, or personal delivery (see Document Delivery pg. 5).
7. The decision of the Vice President of Student Development shall be final.
8. At the conclusion of the appeal process, all

records of the proceedings will be returned to Student Judicial Affairs for retention in accordance with College policy and applicable law.

### **Temporary Suspension / Restriction:**

When Director of Student Affairs has reasonable cause to believe that a student's presence on Sinclair's property or at a College-related event poses a significant risk of substantial harm to the health or safety of any person the student may be immediately suspended. The Director of Student Affairs shall issue a written notice to the student of any temporary suspension or restriction.

- A suspended student is prohibited from being present on College-owned or leased property, or at any College-sponsored activity or event, even if the event is held at a location other than College premises.

The temporary suspension or restriction will remain in effect until the conclusion of a student conduct proceeding held in accordance with this Code or until such other time as the Director of Student Affairs may determine. The student conduct proceeding shall be held promptly.

The student may, within three (3) working days of the imposition of the restriction, petition the Director of Student Affairs for a lifting or modification of the temporary restriction or suspension. The petition must be in writing, and must include supporting evidence or documentation that the student does not pose, or no longer poses, a significant risk of substantial harm to the safety or security of others, or to property. A decision on such petition will be made without undue delay by the Director of Student Affairs.

### **Removal from Classroom for Threatening/ Disruptive Behavior:**

There may be occasions when, in the opinion of a Sinclair instructor or other employee, inappropriate behavior by a student presents an imminent threat to safety or threatens to seriously disrupt the classroom or educational process. In these circumstances the instructor or employee should immediately contact Sinclair Community College Police and have the student removed from the class. The

Sinclair Police will prepare an incident report and forward it to the Student Judicial Affairs office for appropriate follow up under this Code.

### **Re-Admission:**

Following a suspension, students may request, in writing, re-admission to Sinclair. The written request must be submitted to the Director of Student Affairs.

To be eligible for re-admission, all sanctions and conditions related to the suspension must be completed. The Re-Admission Status Review Committee (Care Team Professionals) will review the request and meet with the student. As a condition of re-admission, a re-admission plan may be made. The student will be notified in writing of the decision of the Re-Admission Status Review Committee.

### **Suspension or Dismissal of Student under Ohio Revised Code 3345.22 and 3345.23:**

Under Ohio Revised Code Section 3345.22, a student who has been arrested for an offense of violence which was committed on or affects persons or property on the College, or which was committed in the immediate vicinity of the College with respect to which an emergency has been declared and is in effect pursuant to section 3345.26 of the Revised Code may be immediately suspended from Sinclair following a hearing. Under Ohio Revised Code Section 3345.23, if the student is convicted of the crime, the student is automatically dismissed from Sinclair and may be readmitted after one year. The Student Judicial Affairs office will choose to proceed under these statutes.

### **Failure to Appear:**

If a student fails to appear for a scheduled conduct conference or a conduct hearing, the case may be adjudicated and a sanction imposed based off of

the information available. The Director of Student Affairs, their designee or Student Conduct Hearing Panel will consider the facts presented when making their decision. The student's absence will not be a factor in the determination. The student will be notified the student of the decision in writing. If the student is found in violation of the Code and a sanction is applied, the sanction must be completed by the student in the allotted time or a HOLD will be placed on the student's academic record.

### **Failure to Complete a Required Sanction:**

Failure to complete a required sanction may be considered an additional violation of the Code, which may result in more serious sanctions being imposed, up to and including suspension and/or dismissal.

No student who has been dismissed from Sinclair Community College may enroll again as a student.

### **Disciplinary HOLD on Student Records and Ability to Register:**

In connection with a sanction issued to a student, a HOLD may be placed on the student's records, and any pre-registration that the student might have already conducted. A HOLD on a student's admission, registration, transcript access or financial aid is not an independent penalty, but may be utilized by the College as a means to either direct a student's attention to subsequent participation in a pending disciplinary (or grievance) proceeding or obtain the student's compliance with a sanction which has been imposed, or other action which has been taken, under the Code.

### **Confidentiality:**

Student disciplinary matters are kept confidential to the extent required by law.

# Addendum for Cases Involving Sexual Harassment or Other Sexual Misconduct by Students

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## I. Introduction

A. This Addendum (Add-on) to the Student Code of Conduct:

1. Describes additional procedures for dealing with behavior by students which is “Prohibited Conduct” under Sinclair’s *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*.
2. Defines *Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct* and describes procedures for dealing with that behavior by students.
3. Lists rights of Complainants to participate in the student conduct processes when a student is accused of conduct that falls under the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure* or *Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct*.

B. All complaints or reports of conduct by students which may be sexual harassment, dating violence, domestic violence, stalking, and sexual assault by students, as defined in the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure* or in the *Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct* below, will be referred to and reviewed by the Title IX Office.

C. If the Title IX Office concludes the alleged conduct (what you are accused of) does not fall under the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure* or is not *Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct*, the information gathered by the Title IX Office will be provided to the office of Student Judicial Affairs, which will evaluate it to determine if the alleged conduct is Prohibited Behavior under the Student Code of Conduct.

## II. Additional Procedures for Dealing with Prohibited Conduct under *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*

The following specific procedures are in addition to the processes for hearing, decision-making and appeal in the *Title IX Sexual Harassment and Sex Discrimination Procedure* in cases where a student is a Respondent.

- A. The Office of Student Judicial Affairs will manage and conduct the live hearing, decision-making and appeal processes, and will coordinate with the Title IX Office as needed.
- B. The Director of Student Affairs or designee (another employee asked to make the decision) will appoint the decision-maker for each case. All hearings will follow the procedures in the *Title IX Sexual Harassment and Sex Discrimination Procedure*.
- C. Decisions about sanctions (punishments) on student Respondents will be made by the Director of Student Affairs or designee.
- D. A student Respondent or a Complainant in a case involving student Respondents may appeal the decision to the Vice President of Student Development under Section VII.H. of the *Title IX Sexual Harassment and Sex Discrimination Procedure*.

## III. Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct

### A. Definitions.

The following conduct, known as “Non-Title IX Sexual Harassment and Sexual Misconduct” is prohibited even though it is not covered by the *Title IX Sexual Harassment and Sex Discrimination Procedure*, and:

1. “Consent” has the same definition of Consent in the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*: Clear verbal or non-verbal communication, freely and actively given, that is understood by both people as willingness to participate in a sexual activity and the conditions of the sexual activity. An individual may withdraw consent for further sexual activity at any time with clear communication to the other party. An individual’s consent to one sexual activity

cannot be seen as consent to other sexual activity. Consent cannot be given by a person who has not reached an age under state law by which they are permitted to consent, by individuals with a developmental or cognitive disability that prevents them from having the capacity to consent, and individuals who are incapacitated. If consent cannot be given by an individual, sexual activity with that individual is considered to be without consent, even if the person appears to have given consent. Silence or failure to resist does not constitute consent. Consent cannot be obtained through force, threat of force, fraud, or coercion. Consent for previous sexual activity between the parties does not constitute consent for future sexual activity.

2. “Dating Violence (non-Title IX)” has the same definition of Dating Violence in the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*, but is either not on the basis of sex or does not meet all of the requirements to be addressed under the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*.
3. “Domestic Violence (non-Title IX)” has the same definition of Domestic Violence in the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*, but is either not on the basis of sex or does not meet all of the requirements to be addressed under the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*.
4. “Sexual Assault (non-Title IX)” has the same definition of Sexual Assault in the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*, but does not meet all of the requirements to be addressed under the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*.
5. “Sexual Harassment (non-Title IX)” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one of the following occurs:
  - a. Submission to the conduct is made either directly or indirectly as a term or condition of a person’s employment or access by the person to aid, benefits, or services;
  - b. Submission to or rejection of the conduct by a person is used as the basis for employment

decisions affecting the person or access of the person to aid, benefits, or services; or

- c. The conduct has the purpose or effect of unreasonably interfering with a person’s job performance or learning ability or creating an intimidating, hostile, or offensive working environment.
6. “Sexual Exploitation” is non-consensual (person doesn’t consent or agree to it) abuse or taking advantage of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples include, but are not limited to:
    - a. Invasion of sexual privacy (for example: watching someone undress without them knowing).
    - b. Recording or attempting to record nude, partial nude or sexual media without the consent of the person or persons depicted in the media.
    - c. Streaming, sharing or distributing nude, partial nude or sexual media without the consent of the person depicted in the media.
    - d. Non-consensual sexual voyeurism (watching without consent).
    - e. Causing another person to be incapacitated for the purpose of making the other person vulnerable to nonconsensual sexual activity,
    - f. Administering drugs including, but not limited to alcohol, sleeping pills, sedatives, tranquilizers, anesthetics, depressants, and psychotropics without a person’s knowledge and permission, to facilitate sexual assault.
    - g. Going beyond the boundaries of consent, such as knowingly allowing another person to secretly watch consensual sexual activity.
    - h. Exposing one’s genitals in non-consensual circumstances.
    - i. Forcing another to expose their genitals.
    - j. Discontinuing the use of a condom without the partner’s knowledge or consent during sexual intercourse.

- k. Prostituting another person.
  - l. Knowingly transmitting or exposing another person to a sexually transmitted infection without the other person’s knowledge.
7. “Stalking (non-Title IX)” has the same definition of stalking in the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*, except that it is either not on the basis of sex or does not meet all of the threshold requirements. For purposes of this definition of “stalking”:
- a. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - b. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
  - c. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

definition of Advisor in the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*.

- b. An Advisor can be:
  - i. A member of Sinclair’s community, such as a faculty member, another employee, or another student.
  - ii. Any other person, such as a parent or friend.
  - iii. An attorney.
- c. An Advisor cannot be a party or witness in the same incident as the student seeking the advisor’s support.
- d. Advisors are not permitted to speak, advocate for, or participate directly in any meeting or processes.
- e. Students and Complainants are each responsible for choosing and arranging for the attendance of their Advisors.
- f. Advisors must follow restrictions about the extent to which they may participate in proceedings, and any restrictions will apply equally to both parties. If a party’s Advisor refuses to comply with restrictions, Sinclair may require the party to use a different Advisor.

## B. Conference and Hearing Process

The Conference and Hearing Process in the Student Code of Conduct applies to *Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct*, with the following adjustments:

- 1. A student or Complainant in a matter involving a student’s alleged violation of the Student Code of Conduct’s prohibition on dating violence (non-Title IX), domestic violence (non-Title IX), sexual assault (non-Title IX), sexual exploitation, sexual harassment (non-Title IX), or stalking (non-Title IX), may be accompanied by an Advisor of their choosing.
  - a. “Advisor” means a person who provides support, guidance, or advice to either party where the matter involves the Code’s prohibition of dating violence, domestic violence, sexual assault, or stalking. (This definition should not be confused with the
- 2. In cases involving non-Title IX dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, or stalking, Sinclair will notify the Complainant and Respondent at the same time about:
  - a. The result of any disciplinary proceeding.
  - b. The right of either party to appeal the result of any disciplinary proceeding and the procedures for appeal.
  - c. Any change to the result of a disciplinary proceedings as a result of an appeal.

- d. When the results of any disciplinary proceedings become final.
3. All conferences and hearings will be conducted by Sinclair employees or representatives who do not have a conflict of interest or bias for or against the Complainant or Respondent, and who have been trained annually on issues relating to of dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, or stalking.

### **C. Supportive Measures**

Supportive measures may be offered to students involved in a complaint or hearing brought under the

Student Code of Conduct and this Addendum based on Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct. Supportive measures are the same as those in the *Title IX Sexual Harassment and Sex Discrimination Policy and Procedure*.

A student requesting supportive measures should contact the Director of Student Affairs, who will coordinate the response to the request.

### **D. Applicable Procedures**

Except as stated above, the definitions and procedures in the Student Code of Conduct apply in cases involving Prohibited Non-Title IX Sexual Harassment and Sexual Misconduct.

# Sinclair Community College

## Anti-Hazing Policy

(Board Approved February 3, 2022)

The Policy is separate from the Student Code of Conduct. Sinclair Community College prohibits hazing as defined in this policy. Sinclair will investigate and respond to all reports of hazing as outlined in this policy.

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### Definition:

For purposes of this policy, “hazing” has the same definition as contained in Ohio Revised Code Section 2903.31(A)(1):

“Hazing” means doing any act or coercing another, including the victim, to do any act of initiation into any student or other 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 Revised Code.

### Jurisdiction:

This policy applies to Sinclair students, recognized student organizations (including intramural and intercollegiate athletic and esports teams), and employees. This policy also applies to volunteers acting in an official capacity who advise or coach student organizations and who have direct contact with students.

This policy applies to conduct that occurs on or off-campus, between two or more people who are affiliated with Sinclair, any Sinclair student, or any organization associated with Sinclair.

### Process:

Alleged violations of this policy are subject to referral to appropriate law enforcement or Sinclair’s office of Student Judicial Affairs, and to regional, national, or international affiliated offices of student organizations, for action and prosecution.

Student Judicial Affairs will investigate and adjudicate all hazing allegations involving student

respondents. Alleged violations of this policy by students and/or recognized student organizations will be processed in accordance with the [Student Code of Conduct](#).

Student Judicial Affairs will also assess the need for interim measures.

Student Judicial Affairs may charge an individual or a recognized student organization with a violation of this policy. Those found in violation of this policy will be subject to sanctions established within the Student Code of Conduct, up to and including dismissal for individuals and loss of charter for organizations.

When appropriate, other college offices may handle certain aspects of the College response, e.g., Provost Office, Sinclair Police, and Title IX Office.

Every effort will be taken to complete the investigation in a timely manner.

### Reporting:

Campus safety is Sinclair’s top priority, and Sinclair takes all reports of misconduct seriously to protect everyone’s health and well-being. Sinclair depends on administrators, faculty, staff, and students to identify and report behaviors of concern so that the College can provide distressed students and employees with appropriate support services and resources. All are responsible for campus safety.

Sinclair is committed to reviewing all reports of hazing. Anonymous reports are accepted; however, the ability to obtain additional information may be compromised, and the ability to investigate anonymous reports may be limited.

Immediately upon learning of potential hazing, any individual with a duty to report violations of this

policy who receives a complaint of hazing or who observes or learns of conduct that is reasonably believed to be in violation of this policy is required to report the alleged conduct to Student Judicial Affairs [here](#).

Individuals with a duty to report violations of this policy include all employees and students enrolled at Sinclair. In addition to the duty to report hazing as identified in the prior paragraph, there is also a duty to report allegations of criminal conduct to law enforcement in some circumstances under Ohio Revised Code Sections 2903.311(B) and 2903.31(C)(2).

**Section 2903.311(B) states:**

No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other public or private educational institution, who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred.

**Section 2903.31(C)(2) states:**

No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person.

**Bi-Annual Hazing Report:**

Sinclair will maintain a report of all violations of this policy reported to the College, resulting in a charge of violation of this policy. The College will update the report bi-annually on January 1 and August 1 of each year and will post the updated report on the College's website.

**Training:**

All students seeking membership in a recognized student organization at Sinclair must complete the anti-hazing training provided by Sinclair. Failure to complete the training will result in the student being denied the ability to join any recognized student organization or group. If a student is unsure if they have completed the required program, they should contact the Student and Community Engagement Office at 937-512-2509 or [studentandcommunity@sinclair.edu](mailto:studentandcommunity@sinclair.edu) to verify their eligibility to join a student organization.

# ACADEMIC INTEGRITY POLICY

The Academic Integrity Policy is separate from the Student Code of Conduct. It is enforced initially by Sinclair's faculty and Chairperson in the Division of Instruction.

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## Introduction:

This Academic Integrity Policy addresses willful acts of cheating, dishonesty, and plagiarism and establishes common procedures to be followed when such acts occur. The intent of the policy is to improve students' understanding of academic integrity while affirming the concepts and philosophies established in the Sinclair Community College Student Honor Code. Furthermore, the policy provides guidance for faculty, and their immediate supervisor(s) as they address violations of academic integrity. This policy is intended to be followed for all courses taught by Sinclair Community College faculty. In all instances, departments may develop and enforce academic integrity policies that are more stringent than, but not in conflict with, this policy.

## Definitions:

**Cheating** includes, but is not limited to any act that:

- Aids or assists another in an unfair advantage, which diminishes the educational experience of others.
- Uses or attempts to use unauthorized materials for exams.
- Allows someone else to do any part of the student's work.
- Involves doing someone else's work for them, or allowing others to use your work.
- Fails to use reasonable efforts to protect electronic work. In a situation in which a student(s) fails to use reasonable efforts, and another student(s) steals that electronic work, all involved students will have been considered to be cheating.

- Aids and abets dishonesty, including providing material, information, or other assistance to another person to help them cheat.
- Involves collaboration on assignments unless it is a team/group assignment.
- Makes use of any telecommunication, cell phone or other information storage and retrieval equipment during an exam unless pre-approved by the faculty, and
- Other acts not defined above that demonstrate academic dishonesty.

**Dishonesty** includes, but is not limited to:

- Acts of academic fraud (deliberate deception).
- Attempts by a student(s) to deceive an instructor.
- Attempts to hide or cover up information pertinent to student(s) course work.
- Falsification of records and or documentation, and
- Other acts not defined above that demonstrate academic dishonesty.

**Plagiarism** includes, but is not limited to:

- Presenting someone else's written work as your own.
- This includes the work of other students or any other persons, and works published elsewhere, including the World Wide Web. Students are expected to document all sources following established procedures for source citation.
- Using another's work in whole or in part without providing proper documentation of what and from where it is being borrowed.
- Obtaining another person's work through

purchase, or otherwise, and submitting it as one's own, and

- Other acts not defined above that demonstrate academic dishonesty.

## **Guiding Principles:**

Cheating/dishonesty/plagiarism in any academic environment is a serious and delicate issue. In some cases, students are unaware through a lack of educational exposure or diverse cultural mores of their responsibility or the procedure for properly documenting borrowed material. In other situations, students knowingly purchase, steal, and/ or copy the works of others for academic gain.

The challenge for any faculty member is to determine whether a case of suspected plagiarism is intentional or not. The faculty member most closely connected with a student's work is best suited to determine willful intent. Faculty may wish to seek guidance from other more experienced faculty, their immediate supervisor, other campus counselors (i.e., Accessibility Services, Athletic Department, PTC coaches, student mentor, etc.), or through faculty volunteers in the Center for Teaching and Learning. This additional guidance is encouraged but not required.

The process of determining a student's awareness and intent will likely require a conversation with the student(s) involved. A faculty member is advised to invite the student(s) to discuss the issue with them in an appropriate location if the question of intentionality is unclear. This discussion can be beneficial to educate and illuminate the faculty member and the student. Furthermore, the student's right to due process requires that students be afforded an opportunity to explain their behavior.

## **Individual and Group Work:**

It is imperative that students understand clearly what is considered acceptable as individual versus group work. Some of Sinclair class work is done in groups. Students in those instances are encouraged to help each other understand concepts presented, find needed resources, solve technological problems, and promote each other's learning. Students are expected to be prepared for group work and fully participate with classmates. Working on

specific class work as a group does not imply or suggest that individual work can or should include assistance from others. When in doubt a student should check with their instructor.

To clarify the issue of individual versus group work, it may be beneficial to include a statement such as the following in class syllabi:

With the exception of assignments designated as group assignments by the instructor, all assignments are presumed to be completed individually, not as a part of a pair or team. Assignments include exams, tests, quizzes, papers, notebooks, extra credit, and any work completed for points.

## **Academic Integrity Procedure:**

1. The faculty member should meet with the student(s) to understand the scope and intentionality of the issue in question.
2. A faculty member who identifies a situation involving intentional cheating, dishonesty or plagiarism as defined above must notify their immediate supervisor and then notify the student(s) in writing as to the violation of academic integrity.
3. The faculty member will prepare a written summary of the incident for their immediate supervisor.
4. The faculty member's immediate supervisor (or designee) should invite the student(s) to discuss the issue. It is recommended that this interaction take place in a face-to-face meeting if possible. The purpose of this meeting is to afford the student(s) due process to be heard regarding the issue. If the facts concerning the incident are in dispute, the faculty member involved may attend the meeting with the supervisor (or designee) and student.
5. The immediate supervisor (or designee) should review the "Statement of Understanding" with the student(s).
6. At the close of the meeting, all parties should sign a "Statement of Understanding." This statement need not include any admission of fault, but should clearly delineate the agreement regarding how the issue will be resolved.
7. If the incident of cheating, dishonesty or

plagiarism is determined not to have occurred, that shall be documented, and a copy provided to the student(s) and communicated to all involved.

8. If the incident of cheating, dishonesty or plagiarism is determined to have occurred, the matter will proceed as set forth below.

### **Statement of Understanding:**

If a faculty member identifies a situation involving intentional cheating, dishonesty or plagiarism, said incident will be recorded on a separate “Statement of Understanding,” which shall contain:

1. A summary of the events involving the cheating, dishonesty or plagiarism;
2. A statement that the student either agrees with the summary or disputes it;
3. A statement clarifying that the student understands the penalty for cheating, dishonesty or plagiarism in the course as set forth by the “Statement of Understanding;”
4. If appropriate, a statement that the student understands the consequences of withdrawal from the course and that it does count as one attempt toward successfully passing the course;
5. If it is determined that this is the student’s second offense, a statement that they can have academic privileges restricted (see possible penalties below);
6. The signatures of the student, faculty member, and immediate supervisor;
7. A copy of the supporting documentation or evidence (e.g., copy of the course policies, a copy of the assignment, or other useful documentation), should be attached to the “Statement of Understanding,” and
8. As a last step, the “Statement of Understanding,” with any supporting documentation, would be forwarded to the Student Judicial Affairs Office for inclusion in the Code database.

### **Penalties:**

- First violation: If it is determined that a student has committed an act of academic dishonesty, the student will receive a grade deemed

appropriate by the assigning faculty member as outlined in the course policy statement. In most instances, this grade would be a zero for the assignment or possibly an F for the course depending on the course policies.

- Second violation: Any student who violates the academic integrity policy twice in the same term will receive an F for the course.
- Withdrawal: Some students may decide to withdraw from a course rather than receive a failing grade. Withdrawing from a course in which the student has been determined to have cheated, plagiarized or otherwise behaved in an academically dishonest manner counts as an attempt towards successfully passing the course under the Repeating Courses Policy.  
*<http://www.sinclair.edu/about/policies/>*
- Incomplete grades assigned at the end of a course while academic integrity violations are investigated will naturally convert to an F grade unless lesser sanctions are deemed appropriate. Grade change forms should be used per standard practice in this instance.
- A violation of the Code involving academic matters will be submitted to the Student Judicial Affairs Office. The signed copy of the “Statement of Understanding,” with supporting documentation, will suffice for this report.
- A record of the violation of the Code (cheating, plagiarism, or other forms of academic dishonesty) will be maintained by Student Judicial Affairs.
- Repeat violators will receive additional sanctions from the College following the procedures set forth in the Code.

### **Appeal Procedure:**

An appeal of the determination of cheating may be made to the Dean (or Dean’s designee) of the division. The faculty member’s immediate supervisor will send a copy of the “Statement of Understanding” to the Dean if the matter is appealed.

Appeals may be made only on the grounds of inappropriate sanction, procedural defects, or new evidence.



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