

STUDENT CODE OF CONDUCT

Philosophy on Student Responsibility

The premise of our student conduct administration process is that we expect students to take responsibility for their behavior, in addition to holding their peers accountable for being good citizens. Research has demonstrated that students who are active participants in the university and surrounding communities are also more likely to uphold college policies and maintain a positive community environment.

The student conduct administration process is how we address behavior that has a negative impact on the campus community. The Student Code of Conduct helps us to identify behaviors that negatively impact our community.

As a member of Capital University, you have voluntarily entered into a community of learners who are expected to exhibit thoughtful academic study and discourse, and ethical and socially responsible behavior on and off-campus. The university has developed the Student Code of Conduct, and other policies and procedures to support its academic mission, objectives, processes, functions, and general operations. These standards represent the core values of integrity, fairness, respect, community, and responsibility.

Purpose of the Student Code of Conduct

Capital University is committed to student development and personal growth. We encourage students to be reflective of the university values and behavioral expectations as they practice self and group advocacy and personal responsibility. Conduct occurs in the context of a community of scholars dedicated to seeking excellence in academics, personal learning and leadership.

The student conduct administration process, including the right to appeal, is established to promote the rights and responsibilities of each student and/or student organization to the greater university values and behavioral expectations, in addition to determining future privileges as a member of the Capital University community. This is accomplished by holding individual students and student organizations accountable to the university's stated values and behavioral expectations.

Student Conduct Administration Values

The following are the values of the student conduct administration process:

1. **Integrity-** All members of our community are expected to exemplify honesty, respect for truth, and congruence with university standards and behavior expectations in all exchanges and interactions.
2. **Responsibility-** Members of our community are expected to take ownership of individual choices and any subsequent consequences.
3. **Respect-** All community members are expected to honor and esteem the rights and freedoms of each unique individual, and to understand the value and worth of college property and the property of others, and demonstrate care for individuals and property.
4. **Fairness-** Members of the community are expected to follow all published rules and guidelines in good faith as the university is committed to developing consistent, honest and just systems.

5. **Community-** Learning to live as a member of a community is an important part of the personal development of our students. Each individual must learn to respect others' needs and expectations, voice their own expectations and concerns about community life, and resolve differences and conflicts peacefully.

Student Code of Conduct

All members of the Capital University community are expected to be responsible adults and representatives of the university. Students are accountable for all actions at all times. Because we exist in the larger society, the university does not provide immunity from city, state, or federal law. The following conduct is subject to intervention and disciplinary action:

1. **Abusive Conduct** is any words or acts that cause physical injury, threaten any individual, or interfere with any individual's rightful actions.
2. **Alcohol-** A person must be 21 years old in order to possess or consume and/or purchase beer or any other alcoholic beverage. Possession, distribution or use of alcoholic beverages by a minor, drinking any alcoholic beverage in public areas of university premises that is not approved for such activity, public intoxication, and driving while under the influence of alcohol are expressly prohibited. *For a complete policy overview, please see pages 36-38 of the Student Handbook.*
3. **Breaching campus safety or security-** Any act which threatens the health, safety, security, and welfare of our community. Representative actions include:
 - a. Unauthorized access to university facilities; intentionally damaging door locks; unauthorized possession of university keys or access cards; duplicating university keys or access cards; or propping open fire doors, security doors, and/or secured doors;
 - b. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.
4. **Complicity-** Helping, procuring, encouraging, and/or cooperating with another person in the commission of a violation of the Student Code of Conduct.
5. **Dangerous/Prohibited Items--** The following are unauthorized for use, possession or storage on university premises or at any university-sponsored activity is prohibited.
 - a. **Toy Weapons-** Any toys or other items that resemble weapons.
 - b. **Weapons-** The term weapon may be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate. Weapons may include, but are not limited to, all firearms, pellet and air guns, slingshots, martial arts devices, switchblade knives and clubs.
 - c. **Explosives-** Possession and use of any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation is prohibited.

Confiscation of Toy Weapons, Weapons and Explosives

The university reserves the right to confiscate firearms, other weapons and fireworks. *For a complete policy overview, please see page 56 of the Student Handbook.*

6. **Destroying, damaging or littering of any property-** intentionally or recklessly destroying, damaging, or littering personal or university property.
7. **Dishonesty, Forgery, and Furnishing False Information**
 - a. **Dishonesty-** Lack of honesty, fraud, cheating, and/or stealing
 - b. **Forgery/Furnishing false information-** Unauthorized alteration or misuse of any document, record or instrument of identification
8. **Disorderly and Disruptive Behavior/Activities**
 - a. **Disorderly Conduct-** An offense involving disturbance of the public peace, lewd and indecent behaviors. This includes belligerent behavior toward students, faculty and/or staff in the performance of their duties. Belligerent behaviors include aggressive, argumentative, quarrelsome, loud-mouthed, confrontational, threatening remarks or gestures, foul and/or abusive language.
 - b. **Disruptive activity-** Participation in an activity that interferes with teaching, research, administration, student conduct proceedings, other university functions including public-service functions and off-campus activities. Representative actions include:
 - i. Leading or inciting others to disrupt scheduled and/or normal activities on university premises.
 - ii. Classroom behavior that seriously interferes with either the instructor's ability to conduct the class or the ability of other students to profit from the instructional program.
 - iii. III. Any behavior in class or out of class, which for any reason materially disrupts the academic work of others, involves substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the university.
9. **Drugs and Controlled Substances-** The manufacture, possession, sales, and use of illegal drugs, controlled substances, and drug paraphernalia. Prescription drugs are considered controlled substances, and are permitted as long as being used by the person to whom the drug is prescribed in accordance with the directed use. *For a complete policy overview, please see pages 38-39 of the Student Handbook.*
10. **Electronic Copyright Infringement-** Using intellectual property without authorization from the owner. Downloading, uploading or sharing copyrighted material without permission is illegal. *For a complete policy overview, please see pages 43-44 of the Student Handbook.*
11. **Safety and Equipment** - the following are representative actions that threaten the health, safety, and welfare of members of our community:

- a. Tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits
 - b. Failure to comply with Fire Safety Procedures
 - c. c. Unapproved use of fire within university facilities, particularly within residential units.
 - d. Use of all candles and incense in student rooms is prohibited
 - e. Open fires, including bonfires, camp fires, etc., are prohibited without university approval
 - f. Grilling and other outdoor cooking outside of designated areas
12. **Harassment-** Physical, verbal, graphic, written, or electronic communications that are sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to function in the university community.
- a. **Sexual Harassment-** Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature which is made either explicitly or implicitly as a term or condition of an individual's employment, academic advancement, or ability to participate in or benefit from the services, activities or privileges provided by the university. *For a complete policy overview, please see page 54-55 of the Student Handbook.*
 - b. **Stalking-** Any repeated conduct directed specifically at another person that creates fear for his/her safety, following another person, acts that threaten or intimidate another person through fear of bodily injury, or harm to property.
13. **Hazing-** The Ohio Revised Code Section 2903.31 defines "hazing" as doing any act or coercing another, including the victim, to do any act of initiating into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. Individual students, groups, and/or student organizations shall not conduct or condone any action taken or situation created, directly or indirectly, whether on or off university premises, which results in or has the potential to result in mental or physical injury, discomfort, embarrassment, harassment, or ridicule *regardless of a person's willingness to participate*. In addition, individuals, group, and/or student organizations may be held responsible for the actions of former students as participating, aiding, and/or failing to confront hazing acts represents a form of complicity.

It shall not constitute a defense to the charge of hazing that the participant(s) took part voluntarily, that the participant voluntarily assumed the risks or hardship of the activity, or that no physical or mental injury was suffered.

Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate university officials (Vice president/Dean of Students and Public Safety) is also a violation under this section.

Students who are recipients and/or victims of hazing, and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting, and

who report the activities to the Office of Student Activities, the Vice president/Dean of Students, and/or Public Safety may not be charged with a violation of the hazing provision of the code.

14. **Hindering, obstructing or interfering-** Action or conduct that hinders, obstructs or otherwise interferes with the implementation and/or enforcement of the Student Code of Conduct and student conduct administration processes.
 - a. Failing to comply with the directions of university officials or law enforcement officers acting in performance of their duties
 - b. Failure to appear for a university student conduct hearing to respond to allegations or to appear as a witness when reasonably notified to do so. This includes student conduct hearings, university investigations, and appeals hearings as requested by the Hearing Officer
 - c. Withholding material information from the university, misrepresenting the truth in a student conduct hearing, and making false statements to any university official
 - d. Failing to present valid identification upon the request of a university official
 - e. Intentionally initiating or causing to be initiated any false report, warning, threat of fire, explosion or other emergency concerning the university and university-sponsored activities
 - f. Retaliation or harassment of complainant or other person alleging misconduct, including but not limited to intimidation and threats
 - g. Knowingly violating the terms of any student conduct sanction, including failing to complete the sanction, meet the specified deadlines and/or committing a violation of university policies while serving a probationary sanction, imposed in accordance with university policies

15. **Host Responsibility** - Students and student organizations are responsible for their guest/visitor's behavior and compliance with university policies and procedures in academic and non-academic buildings, on university owned property, and at university sponsored events. Any student's failure to fulfill his/her responsibilities will be subject to fines/charges for any damage and possible disciplinary action. Nonmembers of the Capital community whose behavior is detrimental to the university may have his/her visiting privileges revoked and/or be subject to charges of trespassing on Capital University property.

16. **Human Dignity-** physical, verbal, graphic, electronic or written conduct based on race, ethnic origin, gender, age, religion, disability or sexual orientation that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by the university. *For a complete policy overview, please see page 44 of the Student Handbook.*

17. **Inducing Panic:** The Ohio Revised Code 2917.31 states that no person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, at any of Ohio's public or private colleges or universities, community and technical colleges. Representative actions include the following:

- a. Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false
 - b. Threatening to commit any offense of violence
 - c. Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm. Inducing panic is a second-degree felony and will be prosecuted by the State of Ohio.
- 18. **Injury or Harm-** Intentionally or recklessly causing physical or mental harm to any person or to self, and/or intentionally or recklessly causing reasonable apprehension of such harm. The alleged victims' consent or acquiesce to physical mistreatment is not an acceptable defense by any individual or group in the Capital University community.
- 19. **Pets**—Pets and other animals are prohibited in all university buildings, with the exception of those approved by the university.
- 20. **Publicity/Posting Policy-** All flyers or other media used for marketing or event purposes that are not approved or aligned with individual building and university publicity and posting policies.
- 21. **Sales and Solicitation**— Solicitation is defined as requesting money, seeking agreement to pay, taking subscriptions, selling merchandise or tickets or offering any other comparable event admission, materials and privileges.
 - a. Promoting sales in person or by handbills, through e-mail and/or internet, or by posters or similar materials must be approved by the Building Coordinator and/or Residence Life and Housing staff
 - b. Soliciting and selling for private or commercial gain is not permitted on Capital University's campus
 - c. Door-to-door solicitation is not permitted in any residential facility at any time, and the commercial stuffing of student mailboxes is strictly prohibited
- 22. **Sexual Misconduct-** Non-consensual, intentional physical conduct of a sexual nature. Lack of consent may be inferred from the use of force, threat, physical intimidation, or advantage gained by the victim's mental or physical incapacity or impairment of which the perpetrator was aware or should have been aware. *For a complete policy overview, please see page 50-51 of the Student Handbook.*
- 23. **Sexual Assault/Rape-** Sexual assault is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim. *For a complete policy overview, please see page 50-51 of the Student Handbook.*

24. **Smoking**—Smoking is prohibited in all campus buildings, on patios, in or around entryways, windows, HVAC systems, and other public places. Ash cans will be relocated to those areas where smoking may be permissible and is unlikely to affect the rights of others.
25. **Theft**- The unauthorized use of university resources and/or unauthorized removal of personal property or university property.
26. **Violation of Published University Policies and Procedures**- Such policies and procedures include published materials, policies, procedures, and guidelines provided by university departments.
27. **Violation of law**- Violation of any city, county, state, and/or federal law or municipal ordinance.