

Student Judicial Affairs

Code of Conduct

(Revised: 9/2011)

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Welcome to Sinclair Community College!

Thank you for selecting Sinclair Community College as your college of choice. On behalf of the staff of the Student Leadership Development/Student Judicial Affairs office, it is our pleasure to welcome you to Sinclair. Our goal is to promote student development by creating a supportive environment challenging to lifelong learning both in the classroom and beyond. If you want to get involved or find a supportive environment, visit the Student Leadership Development/Student Judicial Affairs 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 Judicial Affairs 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 Web site 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 Student Leadership Development/Student Judicial Affairs office, Building 8, Room 8025, (937) 512-2509.

The *Student Judicial Affairs 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 Judicial Affairs Code of Conduct* on the Sinclair Web site.

The Senior Director for Student & Academic Support Services (SASS) has designated the Student Leadership Development/Student Judicial Affairs manager as the principal administrator of this document. Students with questions or comments about these policies should consult with the manager.

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

Student Judicial Affairs (SJA)

Note: This document contains official information for the academic year. Students are held accountable for the information contained in this *Student Judicial Affairs 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 web site at **my.sinclair.edu** on a regular basis for updates to this document.

Find the Student Code of Conduct on the Student Leadership Development web site:

www.sinclair.edu/student/leader

And the Student Judicial Affairs web site:

www.sinclair.edu/student/judicial

Where to Go For Help

www.sinclair.edu

Admissions	(937) 512-3000
Athletic & Sports Information	(937) 512-2860
Bookstore	(937) 512-BOOK
Call Center	(937) 512-3000
Campus Police	(937) 512-2700
Career Services	(937) 512-2772
Cashier/Bursar	(937) 512-3000
<i>The Clarion</i> Newspaper	(937) 512-2744
College for Lifelong Learning	(937) 512-5184
Counseling Services	(937) 512-2752
Disability Services	(937) 512-5113
English as a Second Language	(937) 512-4549
Enrollment Center	(937) 512-2860
Financial Aid	(937) 512-3000
Honors Program	(937) 512-2517
Leadership Sinclair, CEO	(937) 512-2778
Library	(937) 512-2855
National Society of Leadership & Success	(937) 512-2509
Ombudsman	(937) 512-2205
Parking Information	(937) 512-2397
Phi Theta Kappa	(937) 512-2970
Ponnie Kendell Leadership Development Center	
Prevention Education Resource Services	(937) 512-5110
Registration & Student Records	(937) 512-3000
Sinclair Central	(937) 512-2201
Sinclair Ohio Fellows	(937) 512-2509
Student & Academic Support Services	(937) 512-2291
Student Leadership Development	(937) 512-2509
Student Leadership Association	(937) 512-2509
Student Success Planning Services	(937) 512-3032
Teleport	(937) 512-2718
Testing Center	(937) 512-3076
Tutorial Services	(937) 512-2792
Call Center, Other Numbers	(937) 512-3000

mysinclair.edu

Building 10, Room 10112
Building 8, Room 8023
Building 7, Room 7110
Building 10, Room 10413
Building 7, Room 7112
Building 10, Room 10312
Building 10, Room 10244
Building 8, Room 8027
Building 10, Room 10112
Building 10, Room 10424
Building 10, Room 10421
Building 10, Room 10445
Building 10, Room 10444
Building 10, Room 10324
Building 10, Room 10339
Building 8, Room 8025
Building 7, Lower Level
Building 8, Room 8025
Building 8, Room 8025
Garage Lot A
Building 10, Room 10341
Building 8, Lower Level
Building 10, Room 10424
Building 10, Room 10231
Building 10, Room 10242
Building 8, Room 8025
Building 10, Room 10332
Building 8, Room 8025
Building 8, Room 8025
Building 10, Room 10424
Building 7, Library
Building 10, Room 10445
Building 7, Library
Building 10, Room 10422

Student Code of Conduct & Disciplinary Policy

Introduction

The mission of the Sinclair Community College Code of Student Conduct is to educate students on their rights and responsibilities as college community members; to facilitate an understanding of the balance between individual and college rights; and to promote a safe and inclusive atmosphere conducive to student success.

The college established a Code of Student Conduct 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 this code. Students are entitled to the same fundamental rights, privileges and immunities that are guaranteed to all citizens of the United States. In addition to their inherent rights and privileges as a Sinclair student, students voluntarily assume the obligation to fulfill the responsibilities of all citizens and bear personal responsibility for their actions. The college has the responsibility to develop policies, procedures and standards, which will ensure protection of the rights of each member of the college community.

The Sinclair president has assigned responsibilities for implementation of the Code of Student Conduct to the Senior Director for Student & Academic Support Services (SASS) or his or her designee.

Honor Code

The college has adopted the following Honor Code to help students, faculty and staff aspire to high standards.

As a member of the Sinclair College community of students, faculty and staff, I will uphold the values of citizenship, social responsibility, and personal accountability. I will maintain the highest standards of professional and academic ethnics. I will uphold my personal integrity, dignity, and self-respect by being fair and honest at all times and by treating all individuals with respect. By honoring these ideals, I will be building a better future for myself, my college, and my local, regional, and global communities.

Key Concepts of the Honor Code

Citizenship—Participating actively in democracy through voting and community involvement and awareness and by protecting our own and other's rights.

Social responsibility—Acting in ways that promote the social good while recognizing the impact of one's behavior on others, maintaining professional ethics at all times, and providing service to the college and the community.

Personal accountability—Accepting responsibility for, and answering for one's own behavior, accepting responsibility for one's own learning, and demonstrating academic integrity.

Respect of self and others—Valuing the diverse perspectives of others, appreciating others' ideas, and protecting the physical and intellectual property of self and others.

Expectations of Students

Students are expected to:

- Be accountable for information contained in the college course catalog, *Student Judicial Affairs Code of Conduct*, 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.

Our Goals:

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

Desired Outcomes:

1. Students involved in the student conduct process will demonstrate knowledge of the Code of Student Conduct and the rights of others.
2. Students involved in the student conduct process will be able to identify their rights as students.
3. Students involved in the student conduct process will be able to analyze their responsibilities as college community members.
4. Students involved in the student conduct process will demonstrate a greater awareness of their own developing identity.
5. Students found in violation of the Code of Student Conduct will demonstrate insight into their abilities for ethical decision making.
6. Students found in violation of the Code of Student Conduct will be able to predict consequences for their actions.
7. Students found in violation of the Code of Student Conduct will demonstrate a change in their behaviors.

Jurisdiction

The following acts of misconduct are prohibited on campus, at any clinical or internship site, and at any college sponsored or college affiliated activity or event. The Code

of Student Conduct shall apply to any and all lands owned or leased by the college, as well as to any location where a student is engaged in a college related activity. Including, but not limited to, activities such as college teams traveling to events off campus; Student Leadership Association and recognized clubs/organizations; any student or college sponsored group engaging in an event or activity off campus; off campus internships, community service, and study abroad. This code also applies to behavior that is a violation of city, state, federal or local laws and may have, or has had, an adverse impact upon the college community.

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 rules of 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 code of conduct charges.

Student Code of Conduct Prohibited Behaviors

The code is divided into three categories of prohibited behaviors.

Level I Prohibited Behavior—First Time Misconduct or Minor Violations

A.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 and does not involve bodily injury to any person;

A.2 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;

A.3 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, the total value which does not exceed \$100.00;

A.4 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;

A.5 Solicitation, distribution, selling or promotion of materials on Sinclair owned or controlled property. Exceptions include recognized student organizations after registering with the appropriate college official;

A.6 Distribution or placement of advertising flyers and related literature onto parked vehicles on campus, except if the vehicle is owned by the person distributing flyers or the

person distributing flyers has the expressed consent of the vehicle owner to place the material on the vehicle;

A.7 Violation of any college policy, prohibited behavior, a city, county ordinance or a federal or state misdemeanor offense involving no bodily injury or threat of bodily injury to any person;

A.8 At least three or more incidents of violation of traffic rules while on college property;

A.9 Failure to comply with the directions of college officials or law enforcement officers acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so;

A.10 Participation in a campus demonstration or unauthorized assembly that disrupts the normal operations of the college and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled activities in any campus building or area; or intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus;

A.11 Permitting another to use his or her college identification card, impersonating another, or misrepresenting authorization to act on behalf of another;

A.12 Knowingly instituting a false charge against another person;

A.13 Unauthorized use, alteration or in any way tampering with fire equipment, safety devices or safety equipment;

A.14 Leaving minor children unattended while on campus or persons not officially enrolled and attending classes or participating in a college activity;

A.15 A minor instance (single file, first offense, receipt of single infringement notice) of unauthorized acquisition, use or distribution of copyrighted works, including but not limited to, music, video, software, images, files, trademarks, and logos, through Sinclair information technology resources and services.

Level II Prohibited Behavior—Repeat Misconduct or More Serious Misconduct

B.1 Physical abuse, verbal abuse, threats, intimidation, stalking, coercion and/or conduct that threatens or endangers the health and safety of any person;

B.2 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;

B.3 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, the total value of which equals or exceeds \$100.00;

B.4 Acts of dishonesty, including, but not limited to, the following:

- a. Cheating, plagiarism, or other forms of academic dishonesty,
- 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.

B.5 Hazing of any individual or organization as defined by the laws of the state of Ohio. Hazing is defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in a group or organization, for which the acts do not result in bodily injury to any person;

B.6 Theft or abuse of computer time, including, but not limited to:

- a. Unauthorized entrance into a file to intentionally damage, disable, or impair computing or telecommunications equipment or software,
- b. Acquisition or use of software that does not adhere to applicable software licenses and copyright laws or is not consistent with college computer use policies, including a major instance (multiple files, subsequent offense, receipt of multiple infringement notice or legal subpoena) of unauthorized acquisition, use, or distribution of copyrighted works, including but not limited to, music, video, software, images, files, trademarks, and logos, through Sinclair information technology resources and services;
- c. Introduction of viruses or other destructive software in college computer facilities,
- d. Use of computing facilities to interfere with the work of another student, faculty member, or college official,
- e. Use of computing facilities to send or view obscene or threatening messages,
- f. Use of computing facilities to interfere with the normal operation of the college computing systems.
- g. Any violation of the Sinclair Community College acceptable use of Information Technology Policy (www.sinclair.edu/about/information/usepolicy) Copy or see address from Sinclair Acceptable Use of Technology Policy section.
- h. Library: For more information see course catalog and Web site <http://library.sinclair.edu>.

B.7 Unauthorized or fraudulent use of the college name, seal, emblem, nickname, or motto;

B.8 Unauthorized entry and/or occupancy of college facilities, including unauthorized possession, duplication, or use of keys to any college facility;

B.9 Harassment. Violations of this policy include, but are not limited to:

- a. Any act, display, or communication that would cause a reasonable person to fear for his or her personal safety. This includes, but is not limited to, physical coercion and/or restraint.
- b. Any act, display, or communication that causes substantial injury and/or distress on the part of the person or persons to whom it is specifically directed that results in the individual being deprived of educational activities or opportunities. This includes, but is not limited to, unwanted sexual advances and/or request for sexual favors.
- c. Any attempt to repeatedly make contact with a person over his or her stated objections, when such contact serves no legitimate purpose. This includes, but is not limited to, intentionally following another person in or about a public place or places.
- d. Any act, display or communication that reflects sexual misconduct, sexual and intimate partner violence and stalking.

B.10 Trespass on college grounds;

B.11 A second violation of any Level I Offense by the same student.

Level III Prohibited Behavior—Major Misconduct

C.1 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;

C.2 Any action that causes or attempts to cause a fire, 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;

C.3 The denial of services or access to activities to an individual because of his or her race, religion, age, national origin, gender, sexual orientation, marital status, or disability;

C.4 Battery or physical abuse of any person resulting in bodily injury;

C.5 Violation of a federal or state felony offense law;

C.6 A violation of the sexual assault/misconduct policy on campus or at any college sponsored activity.

C.7 Sexual harassment of any person. (See Sexual Harassment Policy under College Policies).

C.8 Any Level I Offense or Level II Offense that results in death or bodily injury to any person;

C.9 A second violation of any Level II Offense by the same student;

C.10 A third violation of any Level I Offense by the same student.

Potential Sanctions for Violations of Prohibited Behaviors

- Written warning
- Temporary loss of privileges
- Monetary restitution
- Referral to counseling
- Attendance at selected workshops
- Work/service restitution
- Written reprimand
- Educational assignment
- Probation and permanent loss of privileges
- Withdrawal from current classes
- Suspension (including specific conditions for readmission)
- Dismissal (no readmission permitted)

Student Conduct Complaint and Hearing Procedures

Every formal complaint of a violation of the Code of Student Conduct will be handled in accordance with the procedures described herein:

Complaint

1. Any student, faculty member, staff member or college administrator may file a formal complaint against a student alleging a violation of the Code of Student Conduct. A formal complaint must be in writing and signed by the complainant.
2. All formal complaints will be referred to the Student Leadership Development /Student Judicial Affairs (SLD/SJA) manager for investigation, mediation, and/or possible resolution. The SLD/SJA will conduct an investigation and endeavor to complete the investigation within fifteen (15) calendar days of receiving the complaint.
3. After reviewing document and other information related to the complaint, the SLD/SJA manager may:
 - a) Determine that no grounds or insufficient grounds exist to believe that a violation occurred and dismiss the complaint; or
 - b) Determine that grounds exist to believe that a violation occurred and notify the student that a Student Conduct Conference with the SLD/SJA manager will be held or that a hearing before a Student Conduct Hearing Panel will be held.
4. If the complaint relates to conduct involving alleged sexual harassment or sexual violence, the matter will be referred to a Student Conduct Hearing Panel.
5. If the determination is to hold a Student Conduct Conference, the student has the right to request a hearing before the Student Conduct Hearing Panel instead.
6. If the determination is that grounds exist to believe that a violation occurred, the SLD/SJA manager will prepare a written summary of the complaint and the violations, and a list of potential witnesses and supporting documentation.
7. The SLD/SJA manager will inform the student that the college Ombudsman is available to assist the student with understanding and following the procedures set forth in the Student Code of Conduct. While the Ombudsman will not represent the student at the Student Conduct Conference or at a hearing, the Ombudsman may, at the request of the student, attend the conference or hearing to provide procedural assistance to the student. The student may also have one other support person or an attorney present at the Student Conduct Conference or Student Conduct Hearing, but this person will be an observer only and cannot participate. The student must inform the SLD/SJA manager at least two days prior to the Student Conduct Conference or Student Conduct Hearing if a support person or an attorney will be present.

Student Conduct Conference Process

1. The student will be sent, via certified and regular U.S. mail and campus e-mail a notice which includes the following:
 - The date, time and location of the Student Conduct Conference;
 - Summary of the complaint and violations;
 - Tentative list of potential witnesses;
 - Web site link to the Student Judicial Affairs Code of Conduct.
2. At the Student Conduct Conference, the student will be asked to respond to the complaint.
3. If the student does not appear for the Student Conduct Conference, the SLD/SJA manager may proceed to make a decision based on the information gathered during the investigation.
4. Following the Student Conduct Conference, the SLD/SJA manager or designee will decide whether the student violated the Student Code of Conduct. The decision will be based on a preponderance of the evidence standard.
5. If the SLD/SJA manager determines that the student violated the Student Code of Conduct, he or she will also determine a sanction, up to and including dismissal.

Student Conduct Hearing Panel Hearing Process

1. In order to be able to promptly schedule hearings and to avoid potential conflicts of interest, the College has established two Student Conduct Hearing Panels.

Each Hearing Panel consists of 4-6 faculty and/or staff members, 3 students, and the SLD/SJA manager or designee. The members are selected by the SLD/SJA manager. One member of each Hearing Panel will be designated to serve as the chairperson.

2. The SLD/SJA manager will schedule a date and time for the hearing, taking into consideration the class schedule of the accused student and the availability of potential witnesses and Hearing Panel members. If possible, the hearing should take place within thirty (30) calendar days following the referral of the complaint to the SLD/SJA manager.
3. The student will be sent, via regular U.S. mail and campus e-mail a notice which includes the following:
 - The date, time and location of hearing;
 - Summary of the complaint and violations;
 - Tentative list of potential witnesses;
 - Web site link to the Student Judicial Affairs Code of Conduct.
4. For a hearing to take place, a minimum of two (2) students, two (2) faculty members and the Chairperson of the Student Conduct Hearing Panel must be present. All hearing will be conducted at the college's Dayton Campus.
5. The SLD/SJA manager will make arrangements for the presentation of witnesses and information at the hearing. Both the SLD/SJA manager and the student may identify witnesses or present witness statements. The Hearing Panel members and the student will be permitted to question each witness and to inspect all documentary and other information. Both the SLD/SJA and the student may make a closing statement. The SLD/SJA manager will provide information to the Hearing Panel about any prior determinations of violation of the student code of conduct by the student.
6. The hearing will be recorded, and the recording will remain the property of the college.
7. If the student does not appear for the hearing, the Student Conduct Hearing Panel may receive written documents and a verbal summary by the SLD/SJA manager of the complaint and violations.
8. 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 Student Code of Conduct. The decision will be based on a preponderance of the evidence standard.
9. If the Student Conduct Hearing Panel determines that the student violated the Student Code of Conduct, it will also determine a sanction, up to and including dismissal. The decision of the Student Conduct Hearing Panel will be placed in writing, and the SLD/SJA manager will deliver a copy to the student and to the Senior Director for Student and Academic Support Services. The decision

will be considered to be delivered when it is personally delivered to the student or one day after it is placed in the regular U.S. mail to the student's last known address on file with the College.

Additional Procedures if Complaint Relates to Conduct Involving Alleged Sexual Harassment or Sexual Violence

If the complaint relates to conduct involving alleged sexual harassment or sexual violence the following additional procedures apply:

1. The complainant will be informed in writing if the SLD/SJA manager determines that no grounds or insufficient grounds exist to believe that a violation occurred and dismisses the complaint.
2. The complainant will be informed in writing if a hearing is scheduled for the student against whom the complaint has been made and that he or she may attend the hearing. Upon request, the complainant will be provided with a copy of the written notice of the complaint sent to the student.
3. The complainant will be informed that he or she may have one other support person or an attorney present at the hearing, but this person will be an observer only and cannot participate. The student must inform the SLD/SJA manager at least two business days prior to the hearing if a support person or an attorney will be present.
4. If the complainant believes that there are witnesses in addition to those listed in the tentative list of potential witnesses provided to the student who should testify at the hearing, he or she must notify the SLD/SJA manager in writing of the identity of those witnesses and the expected nature of their testimony. The complainant may request to review copies of all written evidence that the SLD/SJA has which may be presented at the hearing. If the complainant has additional written evidence that he or she desires to be presented at the hearing, he or she must provide copies to the SLD/SJA manager. Any notice regarding witnesses or copies of written evidence must be provided to the SLD/SJA manager at least five business days prior to the scheduled date of the hearing. The SLD/SJA manager will decide prior to the hearing whether to present the additional witnesses or written evidence suggested by the complainant and inform the complainant of the decision as soon as possible prior to the start of the hearing.
5. If the complainant is a witness at the hearing, the student will not be permitted to directly question or cross-examine the complainant. If the student wants to present questions to the complainant, he or she must write the questions down and ask the Chair of the Student Conduct Hearing Panel to ask them. The decision of whether to ask these questions shall be made by the Chair.

6. The complainant will be sent a copy of the written decision of the Student Conduct Hearing Panel.
7. The access of the student and the complainant to information about the other may be limited by the Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g or other laws relating to confidentiality or privacy, and in some cases, these procedures may be adjusted to comply with such laws.

Appeal Process

If the student wants to appeal the decision of the Student Conduct Conference or the Student Conduct Hearing Panel, the following process applies:

1. The student must deliver a written letter of appeal to the Senior Director for Student and Academic Support Services. 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 or hand delivered within ten (10) days after the decision of the Student Conduct Hearing Panel or the Student Conduct Conference was delivered to the student.
2. Appeals are limited to the following grounds:
 - Whether the decision is in accordance with the facts presented.
 - Whether the decision was reached through a procedure in accordance with the Student Code of Conduct.
 - Whether the sanction is appropriate for the conduct violation.
 - Whether new information not available at the time of the Student Conduct Conference or Student Conduct Hearing should be considered, and if so, what impact does the new information have on the decision.
3. The Senior Director for Student and Academic Support Services will review all of the materials submitted by the student, will review the college file on the matter, may review the recording of the Hearing Panel, and may interview the student and/or other relevant persons. If the student has submitted new information allegedly not available at the time of the Student Conduct Conference or Student Conduct Hearing, the SLD/SJA manager 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 information from the SLD/SJA manager.
4. The Senior Director for Student and Academic Support Services will determine whether the decision of the Student Conduct Conference or Student Conduct Hearing Panel will be upheld, whether there should be a reduced sanction, or whether the case should be remanded to the Hearing Panel for an additional hearing. The decision of the Senior Director for Student

and Academic Support Services will be put in writing and a copy will be sent to the student via certified mail and regular U.S. mail. The Senior Director for SASS will issue the decision within ten (10) calendar days of the date of receipt of the student's appeal letter if possible.

5. If the complaint relates to conduct involving alleged sexual harassment or sexual violence, the complainant will be informed in writing:
 - if the student appeals and have the opportunity to provide a written statement setting forth why the student believes the decision and sanction should be upheld;
 - that he or she may appeal the decision, in accordance with the same time periods, procedures, and grounds for appeal set forth above.
6. At the conclusion of the appeal process, all records of the proceedings will be returned to the Student Judicial Affairs manager for storage and retention in accordance with college policy and applicable law.

Removal for Threatening or Disruptive Behavior

There will be occasions when, in the opinion of the instructor, staff or other students, inappropriate behavior by a student involves an imminent threat to safety or threatens to disrupt seriously the classroom or educational process. In these circumstances the instructor or staff member should immediately contact Sinclair Community College Police and have the student removed from the class. The Sinclair Police will develop an incident report and if the behavior is non-criminal will forward the report to the Student Judicial Affairs office for Student Conduct Code review.

Threatening and/or disruptive behavior is subjective. The definition that counts is that of the classroom instructor or staff member at the time of the incident. In cases of uncertainty it is recommended to err on the side of safety. When in doubt call the police. The incident will be immediately managed and the rights and safety of all will be protected.

Temporary Suspension

Students may also be administratively withdrawn from classes as a result of a Due Process Hearing Procedure with either the Student Judicial Affairs manager or the Student Conduct Hearing Panel. Administrative withdrawals may be made when it has been determined that the student's presence on campus is potentially detrimental to the college, faculty, staff, students or themselves.

Re-Admittance Process

Following a suspension, students may request, in writing, re-admittance to Sinclair. The written request should be submitted to the Student Judicial Affairs office. All sanction requirements must be documented and completed. The Re-Admit Status Review Committee will review the case and

meet with the student. A re-admit plan will be made and the student will be notified by mail.

Students may be temporarily trespassed from campus and/or issued a Cease and Desist Order pending Due Process for a Conduct Conference or a Student Conduct Hearing Panel. This would occur when it has been determined that a student is an imminent threat or poses a danger to self or others.

ORC 3345:23 (Ohio Revised Code 3345:23) Dismissal of Students

This code provides a process to dismiss students and/or not allow students who have been convicted of a crime that occurred on a campus to continue attending that institution or be admitted to another college or university. There may be instances when the Student Judicial Affairs office may need to exercise this option.

Failure to Appear

If a student fails to appear for a scheduled conduct conference or an appearance before the Student Conduct Hearing Panel, the case may be adjudicated and a sanction imposed. The Student Judicial Affairs manager 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 SLD/SJA manager will then notify the student of the decision in writing. If the student is found in violation of the Student Code of Conduct 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 Mandatory Sanction

Failure to complete a required sanction is a serious offense at Sinclair Community College. It is considered an additional violation of the Code of Conduct, and will usually result in more serious sanctions being imposed. Students failing to complete sanctions by the required deadlines may be suspended or dismissed from the college. No student who has been dismissed from Sinclair Community College may enroll again as a student.

Disciplinary HOLD on Student Record

Within two weeks of a student's failure to complete a sanction, a HOLD will be placed on the student's records, and any pre-registration that the student might have already conducted. Thus, it is very important for the student to complete sanctions on time and avoid a HOLD being placed on his or her academic records or registration. 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 of Student Conduct.

Confidentiality

Disciplinary matters are kept confidential to the extent required by law.

Family Educational Rights & Privacy Act of 1974 (FERPA)

FERPA affords students certain rights with respect to educational records. Copies of educational records or personally identifiable information concerning students will not be released to anyone outside the college, except as required or allowed by law, without their written consent. However, directory information may be released without their written consent. Directory information includes: the student's name, address, e-mail address, I.D., photo, telephone number, date and place of birth, major field of study, participation in Sinclair activities and sports, weight and height of members of athletic teams, dates of attendance at Sinclair, degrees, certificates and awards received, and the most recent previous educational institution attended. If the students do not want their directory information released, they must complete a form requesting it not be released and file the form with the Registrar in Registration & Student Records.

The Sinclair Student Records Policy is available for review and inspection at the office of Registration & Student Records. A copy is available upon request. Problems or questions concerning the Sinclair Records Policy may be brought to the FERPA coordinator, Registrar in Registration & Student Records. Students also have the right to file complaints with the U.S. Department of Education FERPA office. Both these acts have strict rules to protect personal confidential information. Questions regarding privacy and confidentiality issues should be addressed to the Registrar's office.

Ombudsman

The Ombudsman will provide assistance to any student, faculty or staff member who seeks resolution to a college related problem/issue or concern. The Ombudsman's involvement may include conflict resolution, mediation, coaching or advocacy/support.

The Ombudsman can:

- Cut red tape
- Listen to problems
- Investigate, mediate, facilitate
- Clarify policies and procedures

Students who wish to contact the Ombudsman may do so by calling (937) 512-2205, stopping by Building 10, Room 10424, during posted contact hours, or by completing a reporting form at www.sinclair.edu/support/advocate.

Student Non-Academic Grievance Procedures

Students who have a non-academic grievance with the college should follow this process:

1. First, attempt to resolve grievances informally with the person/parties involved.
2. If no resolution, the next step would be to discuss the matter with the department supervisor or manager involved.
3. If steps 1 and 2 do not resolve the complaint, submit a written grievance to the Ombudsman, Building 10, Room 10424. This written grievance should include:
 - a. Names for all students involved.
 - b. Time and date of incident.
 - c. A description of the incident. You may access the Ombudsman Reporting Form at www.sinclair.edu/support/advocate
4. The Ombudsman will review all of the information submitted by the student, will investigate the incident, to determine if the grievance is supported by the information provided.
5. A letter will be sent to the complainant informing him or her of the outcome.

Student Academic Grievance Procedures

If a student encounters a problem in a class and wishes to file a grievance, they should follow these guidelines:

1. Talk with the instructor and try to resolve the issue. If that does not work,
2. The next step is to contact the department chairperson;
3. Following this step the student may take the problem to the dean of the division. If the problem has not been resolved,

Student Petition Process

If a student has questions about a grade recorded for a course, he or she must discuss concerns with the instructor. Since grades are the responsibility of the instructor, generally only an instructor can change an earned grade. These changes must occur no later than two years following the term in which the grade was earned.

Academic Petition Process

Changes for an earned grade in any course—whether failing or not—can be made by the instructor involved. Students may also file a petition in the office of the associate vice president for Instruction no later than two years following the term in which they earned the grade. Such requests usually involve emergency type situations which prevented the student from withdrawing by the deadline date or occurred subsequent to that date and which could be accepted as rendering the student unable to perform the withdrawal process. The student will be asked to submit

documentation to verify the circumstances that prevented them from withdrawing by the deadline. For questions, contact the office of the Associate Vice President for Instruction, Building 7, Room 7330, or call (937) 512-3044.

Academic Integrity Policy

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 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 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., Disability Services, Athletic Department, ILP counselors, 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 him or her 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 his or her 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 his or her 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 his or her 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 he/she 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 Student Code of Conduct 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.
- 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 Student Code of Conduct 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 Student Code of Conduct B.4, (Cheating, plagiarism, or other forms of academic dishonesty) will be maintained by the Student Judicial

Affairs Office.

- Repeat violators will receive additional sanctions from the college following the procedures set forth in the Student Code of Conduct.

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.

Academic Administrative Withdrawal

Students may be administratively withdrawn from a class by their faculty member for Nonattendance. Faculty must advise students in writing at the first class meeting what attendance record would constitute cause for administrative withdrawal. If students do not attend the first class, it is the student’s responsibility to obtain a copy of all material distributed at the first class meeting.

Safety & Security

Students may access the Sinclair Police web site at: www.sinclair.edu/police for information on safety, crime reports/statistics, the department’s annual report, and other services. For more information, contact the Sinclair Police department in Building 7, Room 7112 or call (937) 512-2534.

Jeanne Clery Act (Campus Security Act of 1990)

The federal Jeanne Clery Disclosure of the Campus Security Policy and Crime Statistics Act requires Sinclair’s annual security report to include statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings owned or controlled by Sinclair Community College, and on the public property within, or immediately adjacent to and accessible from the campus. The public may obtain a copy of the report by contacting the Sinclair Police at (937) 512-2700 or by visiting: www.sinclair.edu/police

Library Policies

Use of the Library is a privilege extended to Sinclair students to support learning and promote academic success. Through the Library, the college provides students with access to computers, laptops, books, periodicals, study space, tutors and other academic help, comfortable seating, and formal

and informal learning spaces. Students are expected to follow college rules defined in the *Student Affairs Judicial Code of Conduct*, guidelines, and honor code in order to maintain their good standing and continue to receive library privileges.

In the Library's course reserve program, college faculty place important readings and media in a special collection to assure all students have access to critical information in order to complete assignments. Most reserve materials are designated for "Library Use Only" and may not be removed from the Library. Library reserves are an extension of the classroom, and the faculty and librarians share information about students and borrowed library materials and work together to supervise their use.

General Expectations

- Students are expected to behave in a civil manner that does not interfere with other people using the facility. Excessive displays of affection, wrestling, and similar physical contact activities are considered a disturbance.
- Students are encouraged to use the facility for individual and group work, but students who participate in groups that become disruptive through excessive noise or other disruptive behaviors will be held accountable, individually and collectively, for the group's actions.
- Talking in a normal voice that does not disturb others or quiet cell phone use is permitted in all parts of the Library except the Quiet Reading Room. Playing musical instruments as well as iPod music and similar devices without headphones is considered a disturbance.
- Students are expected to leave the furniture, equipment, and facilities in good condition for the next person's use.
- Food and drink are permitted in the Library in disposable containers, and students are expected to clean up any resulting trash and notify staff of any spills. Trays and dishes from the Marketplace are not permitted.
- Students are expected to follow directions or instructions of Library and college staff.
- Students borrowing materials (books, laptops, or media) are responsible for returning them on time and in the same condition as when borrowed.
- Students may not remove materials designated for Library Use Only from the facility. This includes laptops, course reserves, and any other library property so designated.
- Students are responsible for paying any fines incurred for overdue, lost, or damaged materials charged to their Library and college accounts.
- Students are not permitted to share their Tartan Card with anyone or download or share information with non-Sinclair students.
- Students are expected to obey copyright laws and applicable software licenses.
- Students are expected to follow the policy on

Appropriate Use of Information Technology.

Students who violate these guidelines may lose their library privileges, have an academic HOLD placed on future registration, and be referred to Student Conduct. Students who take library material without permission or do not return borrowed material can be charged with a crime.

General College Policies

Diversity Vision & Mission Statement

Sinclair Community College strives to create an inclusive environment in which all people are valued and supported. The goal within this environment is to recognize and acknowledge our similarities; to understand and respect our differences; and to prepare ourselves and our students to live, learn, and work together in a global community.

In pursuit of this vision, the mission of diversity at Sinclair is to:

- Recruit a diverse student population and engage them in an open, supportive, and responsive environment;
- Employ a diverse faculty and staff to reflect the diversity in Montgomery County and beyond;
- Use learning styles and strategies which are compatible with the needs of diverse students;
- Offer a curriculum which reflects the contributions and experiences of a multicultural society;
- Analyze continuously the diverse needs of our internal and external communities and endeavor to meet them;
- Offer education and development opportunities on diversity for all employees, and;
- Plan activities and special events on campus which promote diverse cultures.

Non-Discriminatory Practices

Sinclair Community College is strongly committed to a policy of equal opportunity in its employment practices, educational programs and activities, and the many services it offers to the community. The college does not discriminate against applicants, employees or students on the basis of race, color, creed, religion, age, sex, marital status, veteran status, national origin, ancestry, citizenship.

Inquiries and complaints concerning this policy should be referred to the Equal Opportunity Officer who coordinates Title VI (discrimination claims on the basis of race, color, or national origin); Title IX (discrimination on the basis of sex); ADA (as amended) and Section 504 (discrimination on the basis of disability) and ADEA (discrimination on the basis of age). Contact: Equal Opportunity Officer, Office of Human Resources, Sinclair Community College, 444 West Third Street, Room 7340, Dayton, Ohio 45402-1460. Or Title IX Student Coordinator who coordinates Title IX (discrimination claims by students on the basis of sex--including claims of sexual harassment or sexual assault).

Contact: Title IX Student Coordinator, Gwen Jones, Chief Diversity Officer, Sinclair Community College, 444 West Third Street, Room 7342, Dayton, Ohio 45402-1460

Sexual Assault and Misconduct Policy

Sinclair Community College does not tolerate sexual assault, coercion, exploitation, or other forms of sexual misconduct. Sexual assault, whether occurring on campus or at college sponsored activities, is a violation of the standards of the college. Individuals who believe they have been the victims of a sexual assault should report the assault to the Sinclair Police. Resolution on campus and/or criminal or civil action against an alleged perpetrator will be determined.

Student Harassment Policy and Procedure Involving Only Students

Sinclair Community College is committed to providing an educational environment free from harassment (including sexual harassment), and such conduct will not be tolerated in the academic environment and may constitute a violation of the Code of Student Conduct (hereafter known as the code). Harassment on the basis of race, color, creed, religion, age, sex, marital status, veteran status, national origin, ancestry, citizenship, or disability, or any other protected status, is strictly prohibited.

Prohibited Conduct

Examples of prohibited conduct involving students include, but are not limited to:

- Harassment which has the purpose or effect of being so severe, pervasive or objectively offensive that the student is unable to enjoy and access the educational opportunities and benefits provided by the college.
- Any type of physical contact, demeaning or abusive written or spoken language, or graphic communication that is unwelcome or unwanted by another person.
- Unwelcome sexual flirtations, advances or propositions; verbal abuse of a sexual nature; unnecessary touching of an individual; or physical assault.
- Slurs, jokes, posters, cartoons or gestures that are intimidating to a student, create a hostile learning environment, such that a student is denied educational benefits.

Reporting

A student who has a complaint of harassment against another student may report it to the Manager, Student Leadership Development/Student Judicial Affairs. If it is not a student-on-student situation, then it is reported to Human Resources. Any questions about the policy can be answered by persons in any of the above listed positions.

Investigation

- The college will promptly investigate all allegations of harassment in as confidential manner as possible.

- Consultation on allegations of faculty and staff harassment involving students should be referred to the Ombudsman and Human Resources.
- If the matter is not resolved through investigation and/or mediation, a formal Student Conduct Hearing may be convened.
- Each party may bring an advisor to the Student Conduct Hearing. The advisor may accompany the student but may not participate or provide representation.
- At the conclusion of the hearing, the Student Conduct Hearing Panel will make a written recommendation to the Manager, Student Judicial Affairs with respect to the resolution of the complaint. This might also include a recommendation for discipline.
- The Student Conduct Hearing Panel will consider the totality of circumstances, including the nature and context of the alleged sexual assault, misconduct and/or harassment, in determining the appropriateness of disciplinary action. A determination will be made based upon the facts, on a case-by-case basis.

Appeals from the Student Conduct Hearing Panel may be made to the Senior Director of SASS in writing. Appeals must be received no later than thirty (30) calendar days after receipt of the notification by the Student Leadership Development/Student Judicial Affairs office.

All persons involved in resolving a complaint of student harassment will preserve the confidentiality of the parties and witnesses involved to the greatest extent possible.

Retaliation & Discipline

The college will not retaliate against any student for reporting or assisting in the investigation of a complaint of harassment.

Any student who has been determined to have engaged in harassment in violation of this policy will be subject to appropriate disciplinary action, up to and including suspension or dismissal in accordance with the Sinclair Code.

Equal Opportunity/Non-Discrimination

Policy Statement

Sinclair Community College is strongly committed to a policy of equal opportunity in its employment practices, educational programs and activities, and the many services it offers to the community. The college does not discriminate against applicants, employees, or students on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity, marital status, veteran status, national origin, ancestry, citizenship or disability.

Scope

This policy applies to all employees, students, contractors and other designated affiliates of Sinclair Community College. Notice of this policy shall be posted and provided as required by law.

Responsibility

Inquiries and complaints concerning this policy should be referred to the Equal Opportunity Officer who coordinates Title VI (discrimination on the basis of race, color or national origin); Title IX (discrimination on the basis of sex); ADA (as amended) and Section 504 (discrimination on the basis of disability) and ADEA (discrimination on the basis of age).

Equal Opportunity Officer

Office of Human Resources
Sinclair Community College
444 West Third Street
Building 7, Room 7340
Dayton, Ohio 45402-1460
Phone: (937) 512-2514

Inquiries and complaints by students of Title IX discrimination on the basis of sex should be referred to the Title IX Coordinator (Student Complaints):

Title IX Coordinator (Student Complaints)

Diversity Officer
444 West Third Street
Building 7, Room 7342
Dayton, Ohio 45402-1460
Phone: (937) 512-4294

Note: Sex discrimination covers sexual harassment, including sexual violence.

Smoke Free Campus Policy

In 1988 the Sinclair Board of Trustees, upon the recommendation of a campuswide committee, adopted a smoking policy that prohibits smoking in designated locations on the campus. Because of the continued concerns about the health and comfort of the Sinclair community, the committee, faculty, staff and student groups recommended in 1993 that Sinclair's campus is smoke free.

The state has recently released detailed directives regarding the recently passed non-smoking law. Sinclair has designated smoking areas as listed below. Outside ashtrays can be found at these locations. Please note: smoking is restricted to the area immediately adjacent (within 10 feet) of the ashtray.

- Lot "A," First Floor immediately adjacent to PMI Office 25 feet from door way and away from generator fuel cell
- Building 2, southwest of Blair Hall on steps under the overhang

- Building 5, west side between Buildings 5 & 8
- Building 7, north Terrace area
- Building 7, south entrance
- Center Plaza
- Building 8, entrance south side of plaza
- Building 9, west side of building at Perry Street
- Building 10, Grand Stairs north side/east half of stairs
- Building 12, west plaza
- Building 12, southeast along planters
- Building 13, west side under pedestrian bridge on Longworth Street
- Building 14, eastern most point of plaza
- Building 16, south near air unit
- Building 19, northwest on Wilkinson Street by the alley
- Building 20, near west art display
- Building 20, east southeastern most corner

Health Insurance Portability & Accountability Act of 1996 (HIPAA)

Students may be required to provide medical or psychological records to Sinclair Community College in order to document and receive certain specialized services. These records are confidential and protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) until they are provided to Sinclair Community College. At that point they become educational records and come under the protection of the Family Educational Rights and Privacy Act of 1974 (FERPA). Both these acts have strict rules to protect personal confidential information. Questions regarding privacy and confidentiality issues should be addressed to the Registrar's office.

Definitions

Alcoholism and drug/substance dependence—This condition is defined as a disease in which an individual's consumption of alcohol or any other mood-altering drug definitely and repeatedly interferes with a student's academic performance.

Appeal—The process that provides a student with the opportunity to challenge the fairness of a decision made by a conduct officer or a Student Conduct Hearing Panel. All appeals of decisions made by judicial conduct officer or the Student Conduct Hearing Panel will be made to the Senior Director for Student & Academic Support Services.

College member—Any person associated with Sinclair Community College through enrollment in classes or employment.

Complaint—An allegation of a violation of a prohibited behavior.

Conduct Conference—A process in which the facts of an alleged violation of the code are presented to a conduct officer to determine if a violation(s) took place and what sanction(s) are appropriate.

Conduct Officer—Professional staff trained to adjudicate violations of the Code of Student Conduct. The student conduct officer, Student Leadership Development manager, participates in training that involves diversity, student development theory, and due process.

Confidentiality—The college will make every effort to maintain confidentiality in addressing complaints of harassment. There may be times, however, when the identity of parties involved in an incident must be revealed to appropriate parties during an investigation. All persons involved with a complaint of harassment should treat the matter with discretion, respect and confidentiality.

Consensual—Any act or pattern of behavior between two parties that is conducted with mutual agreement.

Consensual Romantic and/or Sexual Relationships—No person involved in a consensual romantic and/or sexual relationship shall have direct responsibility for evaluating the employment or academic performance, or for making decisions about the promotion, tenure, or compensation of the other party in the relationship.

Consensual romantic and sexual relationships between a supervisor and an employee or an employee and student, including faculty and student, are strongly discouraged. Relationships between supervisor/employee and/or employee/student present concerns about the validity of consent, conflicts of interest, and unfair treatment of other students or employees. These relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship.

Disciplinary Probation—A limitation is placed upon selected privileges for a specified period of time. During

the probationary period, a student may be excluded from utilizing campus facilities, denied program funding, have a HOLD placed on their records, excluded from participation in co-curricular activities, and may not participate in any college sponsored events. Additional stipulations that are consistent with the nature of the offense shall also be imposed. A violation of disciplinary probation may lead to suspension or dismissal.

Dismissal—The immediate termination of student status. A dismissed student may never return to the college.

Discipline/Termination—When it has been determined that an individual has engaged in unlawful harassment, the college will take prompt, remedial action to stop the harassment. Violation of this policy will be grounds for discipline, up to and including termination of employment.

Discipline may also be imposed for any management official of the college who fails to respond appropriately to a complaint of harassment. An "appropriate response" is one which is consistent and in accordance with the Sinclair Community College Harassment Policy and Procedure.

Educational Assignment—A sanction designed to promote self-awareness of behavior, awareness of appropriate/inappropriate behavior, awareness of institutional expectations, and to educate the student in the specific area of their violation.

False Accusations—It is a violation of this policy for anyone knowingly to make false accusations of harassment and will result in disciplinary action. Failure to prove a claim of harassment is not equivalent to a false accusation.

Grievance—A disagreement with a decision, policy or action.

Harassment—The college prohibits discrimination and/or harassment on the basis of race, color, creed, religion, age, sex, marital status, veteran status, national origin, ancestry, citizenship, or disability, or any other protected status. This policy covers harassment on any of these bases.

An allegation of harassment may be reported to an appropriate official of the college, including the employee's supervisor, supervisor's superior, Equal Opportunity officer, director of Human Resources, department chairperson, dean, or Senior Director for Student & Academic Support Services (SASS).

Illegal or illicit substances—Any mood-altering chemical for which the use is prohibited by any federal or state laws or local ordinances.

Impairment of functioning—Refers to observable behavior related to a mood-altering drug where an individual's use interrupts one's ability to think and act appropriately and results in behavior which is quite atypical from one's normal level of functioning.

Judicial Body—Any person or panel member authorized by the college to determine whether a student has violated the Code of Student Conduct and to assign appropriate sanctions.

Legal drug—Prescribed drugs, over-the-counter medications or other consumer-sold drugs, which are legally obtained and are being used for their intended purpose.

Level “I” Prohibited Behaviors—A relatively minor violation that is usually heard by the conduct officer.

Level “II” Prohibited Behaviors—A more serious or repeat of a violation that may warrant a more severe sanction. Level II misconducts may be heard by the conduct officer or the Student Conduct Hearing Panel.

Level “III” Prohibited Behaviors—Are more serious violations that may be immediately referred to the Student Conduct Hearing Panel.

Mediation—A facilitated meeting with victims, offenders, and/or community members

Mood-altering drug/substance/chemical—Includes a legal or illegal drug (including alcohol) that alters the emotional or mental state of an individual. For the purpose of this policy statement, commonly used legal substances such as caffeine and nicotine are not classified as “drugs.”

Minor—In regard to child endangerment, under the Ohio Revised Code: a minor is a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age.

On-campus event—A college sponsored event that is held on campus or at a site location.

Parties—Both the person lodging a complaint of harassment, and the person about whom the complaint is made.

Personal violence—Refers to physical, mental or emotional abuse directed at any individual.

Preponderance of Evidence—A standard of proof in which it is established that something is more likely than not to have taken place.

Prohibited conduct—Any behavior that is inconsistent with the standards of the college community as outlined in the *Student Judicial Affairs Code of Conduct*.

Prohibited Conduct—Offensive conduct and/or harassment that is of a sexual nature, or based on race, color, creed, religion, age, sex, marital status, veteran status, national origin, ancestry, citizenship, or disability, or any other protected status is strictly prohibited.

Examples of prohibited conduct, including specific examples of sexual harassment, are listed below:

- Any type of physical contact, demeaning or abusive written or spoken language, or graphic communication that is unwelcome or unwanted by the recipient. This includes, but is not limited to, physical assault that is

sexual in nature.

- Slurs, jokes, posters, cartoons or gestures that are offensive, hostile or intimidating to an individual.
- Unwelcome sexual advances, requests for sexual favors and/or other verbal, physical, or nonverbal offensive conduct when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s employment (work status, promotion, etc.) or the student’s academic performance (better grades, letters of recommendation, etc.), (2) submission to, or rejection of, the conduct by an individual is used as a basis for employment decisions or the student’s academic performance affecting that individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.
- A pattern of conduct (not legitimately related to the subject matter of a course) that has the purpose or effect of creating an embarrassing, uncomfortable, hostile, intimidating, or offensive environment including:
 1. discriminatory comments based upon race, color, sex, age, religion, disability, or any other protected status;
 2. sexually explicit or otherwise discriminatory statements, questions, jokes, or anecdotes;
 3. touching, patting, hugging or brushing against a person’s body;
 4. repeated or unwanted provocative staring;
 5. remarks about sexual activity, experience or orientation; and
 6. possession and/or display of inappropriate sexually oriented materials in the work place.

Provisions—Employees may report any harassing act(s) or pattern of conduct to any of the following persons: his or her supervisor or the supervisor’s superior, the Equal Opportunity officer, or the director of Human Resources. Students may also report any harassing act(s) or pattern of conduct by an employee to any of the following persons: Senior Director for Student & Academic Support Services (SASS), department chairperson, dean, the Ombudsman, and the Manager, Student Leadership Development/Student Judicial Affairs Any witnesses or others who have credible information about the alleged harassment may also report the action to these parties in a timely manner.

Relationships Between an Employee and a Minor Student—Under Ohio Revised Code Section 2907/03(A) (8), it is a third degree felony for a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education to engage in sexual conduct with a minor who is enrolled at the college. Such conduct is strictly prohibited and will result in immediate termination of the person’s employment, and referral for prosecution.

Restitution—A written directive to replace, repair or make specific compensation for property of the college or member of the college community which was destroyed, damaged, misused or lost.

Restorative Justice—May involve mediation. Is a facilitated meeting of victims, offenders, and the community focused on victim needs and offender responsibility for repairing harm.

Retaliation—The college will not retaliate against any individual for protesting, reporting and/or participating in a complaint and/or investigation of harassment. Retaliation is a serious violation that can subject the offending person to corrective measures, independent of the merits of the case of harassment.

Sanction—An outcome imposed for the violation of the Code of Student Conduct. Generally, sanctions are educational in nature and intended to modify the student's behavior and build an awareness of personal responsibility and community standards.

Student—Anyone enrolled in a credit or non-credit course at Sinclair Community College.

Suspension—The termination of the right to register or attend classes for a period of one (1) to four (4) quarters, after which the student may return following completed sanctions, documentation, and review by Re-Admit Status Review Committee. A violation of suspension may lead to dismissal.

Under the influence—When a person is affected by alcohol or other drugs in a noticeable and detectable manner.

Warning—An admonition that the student's behavior has violated the Code of Student Conduct and notice to the student that continuation or the repetition of specified conduct may be cause for other disciplinary action.