



*FINAL*  
**MINUTES OF REGULAR  
MEETING OF  
BOARD OF  
TRUSTEES OF  
YOUNGSTOWN STATE  
UNIVERSITY**

Ohio Room  
Kilcawley Center  
Thursday, September 3, 2020

Pursuant to notice duly given, a regular meeting (the three hundred seventieth) of the Board of Trustees of Youngstown State University convened at 10:00 a.m., on Thursday, September 3, 2020, through the Cisco WebEx Video application.

Eleven trustees and two National/Global trustees were present for the online meeting, to-wit:

Participating virtually from the Ohio Room in Kilcawley Center were: Dr. Anita A. Hackstedde, chairperson of the board who presided; Dr. John R. Jakubek, Vice Chair; Mr. Charles T. George, Secretary; Mr. Joseph J. Kerola; Mr. James Roberts; Mr. Allen J. Ryan; Mr. Michael A. Peterson; Ms. Molly S. Seals; Student Trustee Ms. Galatiani G. Lopuchovsky; and National/Global trustees, Mr. Eric A. Spiegel and Dr. Helen K. Lafferty.

Trustees and individuals participating from their places of residence were: Trustee Ms. Capri S. Cafaro; Student Trustee, Victoria Wood; and Ms. Shannon Tirone, Associate Vice President for Marketing and Communications.

Also present in the Ohio Room in Kilcawley Center were: Mr. James P. Tressel, President of the University; Dr. Mike Sherman, Vice President for Institutional Effectiveness and Board Professional; Dr. Brien Smith, Provost and Vice President of Academic Affairs; Mr. Neal McNally, Vice President for Finance and Business Operations; Ms. Holly A. Jacobs, Vice President Legal Affairs and HR; Dr. Eddie J. Howard, Vice President for Student Affairs; Dr. Chester R. Cooper, Faculty Representative. Mr. Charles T. George, Secretary to the Board of Trustees, was also present.

Students, Faculty, Staff and other interested public individuals and parties were also able to observe the meeting through online access.

The National Anthem was played after which the Chairperson called the meeting to order and presided.

### **ITEM I – PROOF OF NOTICE OF MEETING**

Evidence was available to establish that pursuant to Article II, Section 2, of the Board's *Bylaws*; notice of today's meeting was timely provided to each of the trustees, the student trustees, the national/global trustees and to the president.

### **ITEM II - DISPOSITION OF MINUTES FOR MEETINGS HELD JUNE 4, 2020 and August 10, 2020**

Draft copies of the minutes of the board's regular meeting held June 4, 2020 (#368) and Special meeting held August 10, 2020 (#369) had been provided to the trustees prior to the meeting. There being no corrections, additions, or deletions thereto, the minutes of the meetings were approved as provided.

### **ITEM III – OATH OF OFFICE OF NEW TRUSTEE – JOSEPH J. KEROLA**

The Chairperson said that she was pleased to welcome Mr. Joseph J. Kerola as the Board's newest trustee, who was recently appointed to the board by Governor Mike DeWine. At the request of the chairperson, the secretary to the board administered the oath of office to Mr. Kerola.

### **ITEM IV – OATH OF OFFICE OF NEW STUDENT TRUSTEE – GALATIANI G. LOPUCHOVSKY**

The Chairperson said that she was pleased to welcome Ms. Galatiani G. Lopuchovsky as the Board's newest student trustee, who was recently appointed to the board by Governor Mike DeWine. At the request of the chairperson, the secretary to the board administered the oath of office to Ms. Lopuchovsky.

### **ITEM V – OATH OF OFFICE OF NEW NATIONAL/GLOBAL TRUSTEE – HELEN K. LAFFERTY**

The Chairperson said that she was pleased to welcome Dr. Helen K. Lafferty, who was recently appointed by the board as its second National/Global trustee. At the request of the chairperson, the secretary to the board administered the oath of office to Dr. Lafferty.

### **ITEM VI – REPORT OF THE PRESIDENT OF THE UNIVERSITY**

President Jim Tressel acknowledged the amazing work that the YSU workforce did over the course of the summer in order to ensure a safe return to campus and to be able to provide high quality instruction in five different modalities. He recognized the faculty for the time spent rearranging their courses and instructional methods, the Board of Trustees for their constant support, and the Academic Senate for all of their help to ensure that students have the opportunity to have a successful return to campus. "We also were very blessed that the federal government provided us with one-time CARES Act funding. Our Youngstown State University Foundation also stepped up with the Penguin-to-Penguin fund to meet immediate needs as our students were trying to finish

the semester and the Emergency COVID-19 scholarship which provided nearly \$1.4 million worth of scholarship assistance for incoming transfer students who felt that they needed to make a move closer to home and for a number of students who were not sure if they could persist, if they didn't get some financial backing," said Tressel. He also indicated that students had to meet certain criteria to be supported with these various fund types.

Tressel also reported that full-time equivalent enrollment "ended up being 4.4% down" for the Fall semester. "Truly, it was an amazing effort by everyone on this campus to make sure that as many students as possible could come back and have the opportunity to continue their academic journey," he said.

He also shared a COVID-19 update, reporting that for the months of June, July and August, the university had 22 positive cases, including six employees and 16 students and beginning the week after Labor Day, a dashboard will be available online and updated weekly with numbers.

"The entire campus community's support to the safe return to campus and also the pursuit of excellence has been nothing short of outstanding," added Anita Hackstedde, chair of the YSU Board of Trustees.

## **ITEM VII- FACULTY/STUDENT PRESENTATIONS**

### Faculty Presentations

Dr. Daniel Keown, associate professor of vocal music education in the Dana School of Music shared with the board how in March, the Voices of YSU "pivoted" in order to "explore new ways to learn music, make music and connect with music." He discussed how the vocal ensemble, consisting of YSU students of diverse backgrounds, worked together to produce numerous virtual performances including the YSU Alma Mater, the National Anthem and I Know Where I've Been in honor of Juneteenth.

Dr. Sara Michaliszyn, associate professor and acting chair of the department of Kinesiology and Sport Science, presented to the board her research on the effects of exercise desks on activity and reading skills in children with neurodevelopmental disorders.

Dr. Cory Brozina, assistant professor and director of First-Year Engineering, spoke with the board about the National Science Foundation grant that has been recently been recommended for funding. Once officially awarded, the grant will fund Brozina's proposal to develop and encourage the success of commuter engineering students. Recruitment for the program will target women, including pre-college programs, to increase the number of women in the Engineering programs at YSU and will provide \$624,000 in scholarships over five years.

### Student Presentation

Student trustee, Victoria Woods, introduced Nepalese Student Association members, Shreeya Manandhar and Anish Khadka as the student presenters. "These students help to build a bridge between Nepalese students in the US and their home, as well as between domestic students and the Nepalese culture," said Woods. Manandhar, president of NSA, and Khadka, vice president of NSA, discussed the organization's involvement on campus and the events they host to help Nepalese students feel at home on campus and share their culture with the rest of the YSU community. This is Association is critical to the success of the Nepalese students as most do not return

home during their entire degree program.

## **ITEM VIII – REPORTS OF THE COMMITTEES OF THE BOARD**

The Chairperson asked whether any trustee had an objection to the approval by unanimous consent of the resolutions recommended for adoption by the committees of the board. There being no objection to adoption by consent of any of the proposed resolutions listed in the agenda, the chairperson stated that those recommended resolutions would be considered for adoption by consent. The board considered the following committee reports and recommendations.

### **GOVERNANCE COMMITTEE**

#### **Reports**

Mike Sherman, vice president for Institutional Effectiveness and Board Professional, led a discussion on the results of the board survey and discussed the Plan for Strategic Actions to Take Charge of Our Future and what is being done to implement the Plan.

Presented to the Board via a collaborative engagement by the vice presidents and associate vice president was how the *Plan for Strategic Actions to Take Charge of Our Future* will be acted upon this academic year. Each individual updated the Board on the role they will play in achieving the goals and implementing the strategies of the *Plan*. The PowerPoint illustrating this is attached to these minutes.

The Board also discussed a successful YSU in the future and agreed to focus its efforts and energy during this academic year on: creating a multi-year plan to achieve enrollment that respects YSU's mission, vision, and values and provides a pathway to fiscal sustainability, academic vibrancy, and regional vitality, as well as to participate in the development of an integrated marketing and communication strategy. A timeline for this process was presented that will guide the actions to achieve alignment with the budget presented for fiscal year 2022. The PowerPoint illustrating this is attached to these minutes.

Carol Bennett, assistant vice provost for Diversity, Equity and Inclusion (DEI), shared with the board an update on Diversity, Equity and Inclusion initiatives on campus. She shared that her office is working to ensure that campus understands the meanings of and differences between DEI. Bennett stressed the importance of bringing all of YSU's "diverse populations to the table." She is working with both current and past students to understand issues and challenges for diverse and underrepresented students on campus. She is looking to build a community for students so that they create connections and feel a sense of belonging on campus. Bennett also shared that the Office of Diversity, Equity and Inclusion is offering educational opportunities for students, faculty and staff to offer insight on DEI and how everyone may address these through their everyday work.

## **ACADEMIC EXCELLENCE AND STUDENT SUCCESS COMMITTEE**

The chairperson noted that the Academic Excellence and Student Success Committee was recommending six resolutions for adoption by the board. There being no objection thereto, the chairperson declared the following resolutions adopted by general consent:

### **RESOLUTION TO AUTHORIZE CONFERRAL OF HONORARY DEGREE**

**YR 2021-01**

**BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby authorize the conferral of a Doctor of Laws degree, honoris causa, upon Jamael Tito Brown, with all the rights and privileges attendant thereto.

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### **RESOLUTION TO MODIFY THE STUDENT CODE OF CONDUCT, POLICY 3356-8-01.1**

**YR 2021-02**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, The Student Code of Conduct policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy The Student Code of Conduct, policy number 3356-8-01.1, shown as **Exhibit A** attached hereto. A copy of the policy indicating changes to be made is also attached.

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### **RESOLUTION TO MODIFY RESEARCH, GRANTS, AND SPONSORED PROGRAMS, POLICY 3356-10-13**

**YR 2021-03**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation

of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Research, Grants, and Sponsored Programs policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Research, Grants, and Sponsored Programs, policy number 3356-10-13, shown as **Exhibit B** attached hereto. A copy of the policy indicating changes to be made is also attached.

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**RESOLUTION TO MODIFY COST-SHARING AND OVERMATCHING ON  
EXTERNAL GRANTS AND CONTRACTS, POLICY 3356-10-13.1**

**YR 2021-04**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Cost-sharing and Overmatching on External Grants and Contracts policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Cost-sharing and Overmatching on External Grants and Contracts, policy number 3356-10-13.1, shown as **Exhibit C** attached hereto. A copy of the policy indicating changes to be made is also attached.

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**RESOLUTION TO MODIFY PAYMENT OF INDIRECT COSTS ON EXTERNAL  
GRANTS AND CONTRACTS, POLICY 3356-10-13.2**

**YR 2021-05**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Payment of Indirect Costs on External Grants and Contracts policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Payment of Indirect Costs on External Grants and Contracts, policy number 3356-10-13.2, shown as **Exhibit D** attached hereto. A copy of the policy indicating changes to be made is also attached.

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**RESOLUTION TO MODIFY DISPOSITION OF RESIDUAL FUNDS FROM EXTERNAL GRANTS AND CONTRACTS, POLICY 3356-10-13.3**

**YR 2021-06**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Disposition of Residual Funds from External Grants and Contracts policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Disposition of Residual Funds from External Grants and Contracts, policy number 3356-10-13.3, shown as **Exhibit E** attached hereto. A copy of the policy indicating changes to be made is also attached.

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**Reports**

Dr. Eddie Howard, vice president of Student Affairs, reported on actions to optimize Fall semester enrollment. A number of changes that were made, including virtual recruiting engagements, video presentations and virtual orientations, as well as “gap funding” provided by the Penguin-to-Penguin fund and the CARES Act, helped to drive numbers up. “I can’t stress enough how truly proud I am to work at Youngstown State University and work with the colleagues that I work with,” said Howard. “The enrollment piece really takes a village, collaboration across the board is how we are able to be where we are today.”

Dr. Mike Sherman, vice president for Institutional Effectiveness and Board Professional added, "Everyone working together, at every level of this institution have contributed to a remarkable enrollment circumstance for YSU."

Dr. Claire Berardini, associate provost of Student Success, updated the board on a "transformational change to the advising structure at YSU." She shared that over the summer, the monumental task of redesigning the first-year advising structure was undertaken and implemented for Fall 2020 with the creation of Student Success seminars. "Instead of being one among hundreds of students vying for the attention of an advisor, you now have an advisor who only has 20 students," said Berardini. "And the advisor, because they're teaching First Year Seminar, will see that student in the classroom twice a week. We have made advising a part of the fabric of the student experience." This initiative will also allow the professional advisers in the colleges to focus on the needs of students who are beyond their first year to better meet their needs and to better support their success.

## **INSTITUTIONAL ENGAGEMENT COMMITTEE**

The chairperson noted that the Institutional Engagement Committee was recommending two resolutions for adoption by the board. There being no objection thereto, the chairperson declared the following resolutions adopted by general consent:

### **RESOLUTION TO ACCEPT WYSU MEMBERSHIPS**

**YR 2021-07**

**WHEREAS**, Board policy provides that the President shall compile a list of memberships to the University for each meeting of the Board of Trustees and present the list accompanied by his recommendation for action by the Board; and

**WHEREAS**, the President has reported that the memberships as listed in **Exhibit F** attached hereto are being held pending acceptance and he recommends their acceptance;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees does hereby accept these memberships on behalf of Youngstown State University and requests that the President acknowledge the acceptance of these memberships.

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### **RESOLUTION TO APPROVE AFFILIATED ORGANIZATIONS POLICY, 3356-05-03**

**YR 2021-08**

**WHEREAS**, the Institutional Policies are being reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;



**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Affiliated Organizations, policy number 3356-05-03 of the **University Guidebook**, shown as **Exhibit G** attached hereto. A copy of the policy indicating changes to be made is also attached.

### **Reports**

David Sipusic, YSU associate general counsel, updated progress on the development of the Mahoning Valley Innovation and Commercialization Consortium and Excellence Training Center and said they have a projected completion date of March 2021 and are currently on time and on budget. The center will house almost \$10 million in equipment.

The YSU Foundation, the university's fund-raising arm, reported receiving 606 outright gifts and 5 pledges totaling \$2.5 million; pledge payments totaling \$1.4 million; and two new planned gift commitments totaling \$401,816 for the fourth quarter of fiscal year 2020.

Paul McFadden, YSU Foundation president, reported that the "We See Tomorrow" fund-raising campaign is over \$109 million and will continue with the expanded \$125 million goal through June 30, 2021. Endowed faculty chairs have now grown from three when the campaign began to 16 with the three new bestowals this semester.

## **FINANCE AND FACILITIES COMMITTEE**

The chairperson noted that the Finance & Facilities Committee was recommending six resolutions for adoption by the board. There being no objection thereto, the chairperson declared the following resolutions adopted by general consent:

### **RESOLUTION TO APPROVE THE FY 2021 OPERATING BUDGET FOR THE PAULA AND ANTHONY RICH CENTER FOR AUTISM**

**YR 2021-09**

**WHEREAS**, Youngstown State University and the Paula and Anthony Rich Center for Autism formed an agreement in 1997 to establish a center for the study and treatment of autism; and

**WHEREAS**, said agreement was renewed in 2010 and stipulates that the Rich Center shall be funded entirely through external funding sources and shall not be funded by the University's general fund; and

**WHEREAS**, the agreement further stipulates that the Rich Center's annual operating budget shall be approved by the YSU Board of Trustees each year; and

**WHEREAS**, the Rich Center has prepared its FY 2021 operating budget in accordance with applicable University policies and procedures;

**NOW THEREFORE BE IT RESOLVED** that the FY 2021 operating budget for the Paula and Anthony Rich Center for Autism, as presented in **Exhibit H**, is hereby approved.

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**RESOLUTION TO APPROVE INTERFUND TRANSFERS**

**YR 2021-10**

**WHEREAS**, University Policy Number 3356-3-11.1, Budget Transfers, requires Board of Trustees approval for inter-fund transfers of \$100,000 or more for operating purposes or for any purpose other than a specific capital improvement project, for capital improvements or construction projects of \$500,000 or more, and for transfers out of operating reserves regardless of amount; and

**WHEREAS**, certain accounting and budget adjustments and transfers outside the operating budget are necessary during the course of a fiscal year and at the end of a fiscal year.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the transfer of funds, as detailed in **Exhibit I**.

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**RESOLUTION TO MODIFY**

**BUSINESS-RELATED AND ENTERTAINMENT EXPENSES POLICY, 3356-3-13**

**YR 2021-11**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Business-related and Entertainment Expenses policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Business-related and Entertainment Expenses, policy number 3356-3-13, shown as **Exhibit J** attached hereto. A copy of the policy indicating changes to be made is also attached.

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**RESOLUTION TO MODIFY**  
**MEMBERSHIPS, DUES, CERTIFICATIONS, AND LICENSING FEES POLICY,**  
**3356-3-15**

**YR 2021-12**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Memberships, Dues, Certifications, and Licensing Fees policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Memberships, Dues, Certifications, and Licensing Fees, policy number 3356- 3-15, shown as Exhibit attached hereto. A copy of the policy indicating changes to be made is also attached.

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**RESOLUTION TO MODIFY ELECTRONIC SIGNATURE RULES POLICY, 3356-3-16.1**

**YR 2021-13**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Electronic Signature Rules policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09,

Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Electronic Signature Rules, policy number 3356-3-16.1, shown as **Exhibit L** attached hereto. A copy of the policy indicating changes to be made is also attached.

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**RESOLUTION TO MODIFY**  
**UNIVERSITY PARKING AND TRANSPORTATION FEES POLICY, 3356-4-06**

**YR 2021-14**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the University Parking and Transportation Fees policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy University Parking and Transportation Fees, policy number 3356-4-06, shown as **Exhibit M** attached hereto. A copy of the policy indicating changes to be made is also attached.

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**RESOLUTION TO RENEW AND AMEND THE AUDIT SUBCOMMITTEE CHARTER**

**YR 2021-15**

**WHEREAS**, the Audit Subcommittee Charter (the Charter) defines the subcommittee's purpose, authority, and responsibility; and

**WHEREAS**, the Charter establishes the subcommittee's relationship with the Finance and Facilities Committee of the Board of Trustees, authorizes access to records, personnel, and physical properties relevant to the performance of oversight

responsibilities, and defines the structure of the subcommittee; and

**WHEREAS**, the Charter is reviewed and approved by the audit subcommittee at least every third year as part of its oversight of the subcommittee functions; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby renew the Audit Subcommittee Charter, as shown in **Exhibit N** and made part hereof.

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### ***Reports***

“Despite the pandemic, we have accomplished a lot over the summer,” said Rich White, director of Planning and Construction, in updating the board on various projects on campus, including: the completion of the campus roof replacements for Ward Beecher and Fok Hall, the Ward Beecher Science Hall structural repairs, the athletic team and locker room renovation within Stambaugh Stadium and Beeghly Center, the Beede Field Replacement, the pedestrian bridge renovations, the parking deck maintenance and repairs, the parking lot resurfacing and the academic area renovations. The Innovation and Commercialization Center is moving forward with a March 2021 completion, Cushwa renovations should be complete by the end of the week, Fedor Hall renovations should be complete by the end of the year and the Covelli arched entrance was just started and should be complete by November.

### ***New Business***

Jim Yukech, associate vice president and chief information officer, discussed the Ellucian Strategic Alignment Planning Assessment that was conducted in July. The free assessment conducted by Ellucian will help to align the IT strategic plan with the university’s strategic plan. This relevant to the recently adopted strategy to implement systems that have the highest levels of compatibility with the enterprise systems in which the university has invested.

## **UNIVERSITY AFFAIRS COMMITTEE**

The chairperson noted that the University Affairs Committee was recommending five resolutions for adoption by the board. There being no objection thereto, the chairperson declared the following resolutions adopted by general consent:

### **RESOLUTION TO RATIFY PERSONNEL ACTIONS**

**YR 2021-16**

**WHEREAS**, the *Policies of the Board of Trustees* authorize the President to manage the University, including appointing such employees as are necessary to effectively carry out the operation of the University and any other necessary personnel actions; and

**WHEREAS**, new appointments and other personnel actions have been made subsequent to the June 4, 2020, meeting of the Board of Trustees; and

**WHEREAS**, such personnel actions are in accordance with the 2019-2020 Budget and with University policies 3356-2-02, Equal Opportunity and Affirmative Action Recruitment and Employment; 3356-7-36, Hiring and Selection Process, Contracts and Compensation for Intercollegiate Athletic Coaches; 3356-9-02, Selection and Annual Evaluation of Administrative Officers of the University; and 3356-7-42, Selection of Professional/Administrative Staff;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby ratify and confirm the personnel actions as listed in **Exhibit O** attached hereto.

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### **RESOLUTION TO MODIFY DISCRIMINATION – HARASSMENT POLICY, 3356-2-03**

**YR 2020-17**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown

State University does hereby approve the modification of the University Policy Discrimination – Harassment, policy number 3356-2-03, shown as **Exhibit P** attached hereto. A copy of the policy indicating changes to be made is also attached.

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**RESOLUTION TO RESCIND SEXUAL MISCONDUCT POLICY, 3356-2-03.1**

**YR 2021-18**

**WHEREAS**, University Policies are being reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby rescind the University Policy governing Sexual Misconduct, policy number 3356-2-03.1, shown as **Exhibit Q**, attached hereto.

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**RESOLUTION TO APPROVE TITLE IX SEXUAL HARASSMENT POLICY, 3356-2-05**

**YR 2021-19**

**WHEREAS**, University Policies are being reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the creation of a University Policy governing Title IX Sexual Harassment, policy number 3356-2-05, shown as **Exhibit R** attached hereto.

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## RESOLUTION TO RATIFY PERSONNEL ACTIONS

YR 2021-20

**WHEREAS**, the Policies of the Board of Trustees authorize the President to manage the University, including appointing such employees as are necessary to effectively carry out the operation of the University and any other necessary personnel actions; and

**WHEREAS**, new appointments and other personnel actions have been made subsequent to the June 4, 2020, meeting of the Board of Trustees; and

**WHEREAS**, such personnel actions are in accordance with the 2019-2020 Budget and with University policies 3356-2-02, Equal Opportunity and Affirmative Action Recruitment and Employment; 3356-9-02, Selection and Annual Evaluation of Administrative Officers of the University; 3356-7-42, Selection of Professional/Administrative Staff; and 3356-7-43, Externally Funded Professional/Administrative Staff;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby ratify and confirm the personnel actions as listed in **Exhibit S** attached hereto.

### ***Reports***

Ron Stollo, executive director of Intercollegiate Athletics, gave his annual report (2018-19) comparing YSU's athletics expenditures and revenues with other schools in the Horizon League and the Missouri Valley Football Conference. Among the details:

YSU spent less and made more on football compared to other MVFC schools. YSU spent \$4.3 million and generated \$1.6 million in revenue, compared to the MVFC average of \$8.6 million and \$1.3 million, respectively. YSU's total institutional investment for football is \$2.6 million. By comparison, the average total institutional investment among MVFC schools for football is \$3.6 million.

Men's basketball expenses totaled \$1.5 million and revenues totaled \$578,046, compared to the Horizon League average of \$2.2 million and \$645,866, respectively.

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**ITEM IX – COMMUNICATIONS AND MEMORIALS**

The Chairperson recognized President Tressel stated that the following persons associated with the university had passed away:

- Christine Mastramico, Retired YSU employee in the Registration Dept.
- Victoria N. Price, Nursing student - Graduated 2017
- Leonard H. Pierce IV, Youngstown Early College student
- Barbara Shimko, Retired YSU Employee - Athletic Dept.
- Edward Matey, YSU Alum & Hall of Fame Recipient
- Richard McLaughlin, Former member of the YSU Board of Trustees, YSU Alumni Association and YSU Foundation Trustees
- Grace O'Connor, Retired YSU Employee - Bitonte Health & Human Services
- Randall Craig Fleischer, Music Director & Conductor, Youngstown Symphony Orchestra

**ITEM X – UNFINISHED BUSINESS**

The board considered no unfinished business.

**ITEM XI – NEW BUSINESS**

The board considered no new business.

**ITEM XII – CHAIRPERSON'S REMARKS**

I think our committee meetings yesterday and our presentations today, I know for me, made it was possible to see the passion dedication, the creativity and really - the brilliance of ... our campus.

I know that in our expertise, and support, we can face the challenges that we're going through today and any future challenges, I'm sure will be around the corner; and I know that we will be shining stars of excellence. Thank you everybody for the participation.

**ITEM XIII – TIME AND PLACE OF UPCOMING REGULAR MEETINGS**

Chairperson Hackstedde said that the next regular meeting of the YSU board of trustees is scheduled to take place at 10:00 a.m. on Thursday, December 3, 2020, in the Board Room in Tod Hall, although it is possible that the meeting may be conducted virtually, as was today's meeting.

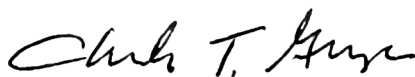
**ITEM XIV – ADJOURNMENT**

There being no further business to come before the board of trustees, and upon motion duly made and seconded, the meeting was duly adjourned by unanimous vote of all trustees at 10:45 am.



Chairperson

ATTEST:



Secretary to the Board of Trustees



**YOUNGSTOWN  
STATE  
UNIVERSITY**

**Youngstown State University**

**Board of Trustees**

**Regular Board Meeting**

**Thursday, September 3, 2020**

**Virtual Meeting**

**<https://ysu.edu/board-of-trustees>**



## **BOARD OF TRUSTEES' MEETING**

**Thursday, September 3, 2020  
10:00 a.m.**

<https://ysu.edu/board-of-trustees>

### **AGENDA**

- A. Roll Call
- B. Proof of Notice of Meeting
- C. Disposition of Minutes
- D. Oath of Office of New Trustee, Mr. Joseph J. Kerola
- E. Oath of Office of New Student Trustee, Ms. Galatiani G. Lopuchovsky
- F. Oath of Office for New Global/National Trustee, Dr. Helen K. Lafferty
- G. Report of the President of the University
- H. Report of the Committees of the Board
  - 1. Academic Excellence and Student Success Committee
    - a. Faculty Presentation – Dr. Daniel Keown, Dana School of Music
    - Faculty Presentation – Dr. Sara Michaliszyn, Kinesiology & Sport Science
    - Faculty Presentation – Dr. Cory Brozina, Mechanical & Industrial Engineering
    - Student Presentation – Nepalese Student Association
    - b. Resolution to Authorize Conferral of Honorary Degree
    - c. Resolution to Modify The Student Code of Conduct Policy, 3356-8-01.1
    - d. Resolution to Modify Research, Grants, and Sponsored Programs Policy, 3356-10-13
    - e. Resolution to Modify Cost Sharing and Overmatching on External Grants and Contracts Policy, 3356-10-13.1
    - f. Resolution to Modify Payment of Indirect Costs on External Grants and Contracts Policy, 3356-10-13.2
    - g. Resolution to Modify Disposition of Residual Funds from External Grants and Contracts Policy, 3356-10-13.3
  - 2. Institutional Engagement Committee
    - a. Resolution to Accept WYSU Memberships
    - b. Resolution to Approve Affiliated Organizations Policy, 3356-5-03
  - 3. Finance and Facilities Committee
    - a. Resolution to Approve the FY 2021 Operating Budget for the Paula and Anthony Rich Center for Autism
    - b. Resolution to Approve Interfund Transfers
    - c. Resolution to Modify Business-Related and Entertainment Expenses Policy, 3356-3-13
    - d. Resolution to Modify Memberships, Dues, Certifications, and Licensing Fees Policy, 3356-3-15
    - e. Resolution to Modify Electronic Signature Rules Policy, 3356-3-16.1
    - f. Resolution to Modify University Parking and Transportation Fees Policy, 3356-4-06
    - g. Resolution to Renew and Amend the Audit Subcommittee Charter
    - h. Report of the Audit Subcommittee, Michael A. Peterson, Chair
    - i. Report of the Investment Subcommittee, Capri S. Cafaro, Chair

4. University Affairs Committee
  - a. Resolution to Ratify Personnel Actions - Athletics
  - b. Resolution to Modify Discrimination – Harassment Policy, 3356-2-03
  - c. Resolution to Rescind Sexual Misconduct Policy, 3356-2-03.1
  - d. Resolution to Approve Title IX Sexual Harassment Policy, 3356-2-05
  - e. Resolution to Ratify Personnel Actions – Faculty/Staff
- I. Communications and Memorials
- J. Unfinished Business
- K. New Business
- L. Chairperson’s Remarks
- M. Dates and Times of Upcoming Regular Meetings of the Board
  - Tentative Meeting Dates: 10 a.m., Thursday, December 3, 2020
  - 10 a.m., Thursday, March 3, 2021
  - 10 a.m., Thursday, June 3, 2021
- N. Adjournment

# **Oaths of Office**

## GOVERNOR'S APPOINTMENTS TO BOARDS AND COMMISSIONS

**Date:** 6/25/2020

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**Name of Appointee:** Mr. Joseph J. Kerola  
**Address:** 420 Ravine Drive  
Hubbard, OH 44425  
Trumbull County  
(H) - 3305347832  
(W) - 3304484035  
(M) - 3305026623

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**Name of Commission:** Youngstown State University Board of Trustees  
**Contact:** Cindy Bell, Assistant to the President  
One University Plaza  
Youngstown, OH 44555  
(330) 941-3102

**Term Begins:** 5/1/2020  
**Term Ends:** 4/30/2029  
**Party Affiliation:** Democrat  
**Senate Confirmation:** Appointed by the Governor, confirmed by the Senate  
**Financial Disclosure:** Confidential disclosure required  
**Vice:** David C. Deibel

Agenda Item D

## GOVERNOR'S APPOINTMENTS TO BOARDS AND COMMISSIONS

**Date:** 6/25/2020

**Name of Appointee:** Ms. Galatiani G. Lopuchovsky  
**Address:** 7813 Eastbrooke Trail  
Poland, OH 44514  
Mahoning County  
(H) - 3307576018  
(W) -  
(M) - 3305182906

**Name of Commission:** Youngstown State University Board of Trustees  
**Contact:** Cindy Bell, Assistant to the President  
One University Plaza  
Youngstown, OH 44555  
(330) 941-3102

**Term Begins:** 5/1/2020  
**Term Ends:** 4/30/2022  
**Party Affiliation:** Independent  
**Senate Confirmation:** Appointed by the Governor, confirmed by the Senate

**Vice:** Rocco Lawrence Core



**RESOLUTION OF APPOINTMENT  
NATIONAL/GLOBAL TRUSTEE – HELEN K. (LAMB) LAFFERTY**

**WHEREAS**, Article IV, Paragraph B. of the *Bylaws of the Board of Trustees of Youngstown State University* provides that, in order to take advantage of the diverse talents, resources and experiences of friends and alumni of the University, the Board may nominate and appoint up to three (3) persons to the position of National/Global Trustee; and

**WHEREAS**, Mahoning Valley native Helen K. (Lamb) Lafferty is an Administrator and a faculty member at Villanova University in Villanova, Pennsylvania. She has held the positions of Academic Counselor in the University Counseling Center, Associate Dean of the College of Liberal Arts and Sciences, Interim Vice President for Academic Affairs, and the first University Vice President, a position she held for sixteen years. Currently, she holds the title College Professor of the Liberal Arts and Sciences and is a full-time faculty member of the Department of Education and Counseling; and in December 2019 received an honorary Doctor of Humane Letters from Youngstown State University; and

**WHEREAS**, Helen Lafferty is eminently qualified to serve as the Board's second appointment to the nonvoting position of National/Global Trustee.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby appoint Mrs. Helen Lafferty as a National/Global Trustee, for a three-year term effective July 1, 2020, and concluding June 30, 2023, pursuant to Article IV of the Board's *Bylaws*.



# **Academic Excellence and Student Success Committee**

## **Main Agenda**



**YOUNGSTOWN  
STATE  
UNIVERSITY**

**RESOLUTION TO AUTHORIZE  
CONFERRAL OF HONORARY DEGREE**

**BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby authorize the conferral of a Doctor of Laws degree, honoris causa, upon Jamael Tito Brown, with all the rights and privileges attendant thereto.

**Board of Trustees Meeting  
September 3, 2020  
YR2021-**

**Agenda Item H.1.b**

## **Jamael Tito Brown Biography**

Jamael Tito Brown was elected the 51st Mayor of the City of Youngstown on November 7th, 2017.

Formerly the Chief Deputy Treasurer overseeing day-to-day operations of the Mahoning County Treasurer's office, Brown has also served as the Director of the Human Relations Commission for the City of Youngstown.

The Mayor has been a Community Organizer for Youngstown State University Urban & Regional Studies Department and a Caseworker for Mahoning County Children Services Board. His community involvement includes positions on the Board of Directors for Mahoning Valley Sanitation District, as Secretary of Wick Neighbors Inc., and as Chairman of Mahoning-Youngstown Community Action Partners (MYCAP).

Mayor Brown previously served the residents of Youngstown as President of Council, as 3rd Ward City Councilman, and as a Member of the Youngstown City School Board.

Tito Brown is married to Lynette C. Frost Brown. They have 4 children: Aaron, Camille, Clarisa, and Quentin. He and his family are members of Union Baptist Church of Youngstown, Ohio. Brown earned both his Bachelor's and Master's Degrees from Youngstown State University.

He is a lifelong resident of Youngstown in the 3rd Ward.



**YOUNGSTOWN  
STATE  
UNIVERSITY**

**RESOLUTION TO MODIFY THE STUDENT CODE OF CONDUCT, POLICY  
3356-8-01.1**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, The Student Code of Conduct policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy The Student Code of Conduct, policy number 3356-8-01.1, shown as **Exhibit A** attached hereto. A copy of the policy indicating changes to be made is also attached.

**3356-8-01.1— “~~The Student Code of Conduct~~The Student Code of Conduct”.**”

Responsible Division/Office: ~~Student Experience~~Student Affairs  
Responsible Officer: ~~Associate~~ VP for Student ~~Experience~~Affairs  
Revision History: March 1998; December 2010; June 2016;  
September 2017; September 2020  
Board Committee: Academic Excellence and Student ~~Affairs~~Success  
**Effective Date:** ~~September 7, 2017~~September 3, 2020  
Next Review: ~~2020~~2025

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- (A) Policy statement/preamble. Youngstown state university (“YSU”) is a student-centered institution committed to the education, development, well-being, and success of students of all ages and from all walks in life. In concert with our mission to help students grow intellectually, we strive to foster their personal, social, emotional, and career growth, as well as their capacities for lifelong learning, civic responsibility, and leadership.

As a campus community, we expect all conduct to be rooted in integrity, mutual respect, and civility. We value ethical behavior in scholarly and other endeavors, believe in the dignity and worth of all people, strive to foster an appreciation of, and respect for, differences among the human race, and celebrate the diversity that enriches the university and the world. As a member of a higher education community, students have an obligation to conduct themselves in a manner that is compatible with the university’s purposes as an institution of higher education. Each student is expected to be fully acquainted with all published policies, procedures, and regulations of the university and is held responsible for compliance with them. All members of the university community are expected to assume responsibility for creating an environment conducive to the educational mission and purpose of the university.

The policies and regulations in “~~The Student Code of Conduct~~The Student Code of Conduct” have been established to ensure a positive educational experience for every student. “~~The Student Code of Conduct~~The Student Code of Conduct” serves as an official university document that outlines conditions and regulations considered essential to the effective functioning of the university.

The student conduct process at Youngstown state university adheres to procedural due process and is intended to be part of the educational process at the university. This student conduct process provides a forum for the impartial and expedient resolution of alleged misconduct in the university community and encourages students to live responsibly and be accountable for their actions. The student conduct process is based on the university's commitment to developing integrity, respect, and responsibility among all students.

(B) Article I. Rights and responsibilities.

- (1) Basic rights. The following enumeration of basic rights shall not be construed to deny or disparage other rights and privileges retained by students in their capacity as members of the student body or as citizens of the community at large:
  - (a) The right of free inquiry, expression, and/or assembly.
  - (b) The right to pursue educational goals and appropriate opportunities for learning in the classroom, on campus, and online.
  - (c) The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures.
  - (d) The right to retain ownership of class projects/assignments authored by a student and submitted to fulfill requirements of a course, except as provided by section 3345.14 of the Revised Code.
- (2) Basic responsibilities. Students, as members of the university community, shall have the following responsibilities which are inherent in the basic rights delineated in this paragraph:
  - (a) To maintain standards of academic performance as established by their faculty.
  - (b) To be responsible for acting in such a manner as to ensure other students the basic rights enumerated in this policy.

- (c) To be responsible for their actions with respect to, and to follow, all university regulations and policies.
  - (d) To be responsible for their actions with respect to provisions of local, state, and federal law.
  - (e) To conduct themselves in a manner which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the university community are respected.
  - (f) To have in their possession a valid university identification card when on university premises.
  - (g) To be responsible for adhering to the university policy 3356-7-20, "Drug-free environment" (rule 3356-7-20 of the Administrative Code).
  - (h) To ensure adherence to all university board of trustees' policies that apply to students.
- (C) Article II. Student conduct authority. The president has delegated the authority for the university student conduct system to the ~~associate vice president for student experience~~ vice president for student affairs. The ~~associate vice president for student experience~~ vice president for student affairs, or designee, serves as the student conduct administrator responsible for the administration and operation of "~~The Student Code of Conduct~~" The Student Code of Conduct" and the student conduct process. Members of the university seeking formal disciplinary action for alleged student misconduct should make referrals to the office of student conduct.

The student conduct administrator shall determine the composition of student conduct bodies and appellate hearing panels.

The student conduct administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are consistent with provisions of "~~The Student Code of Conduct~~" The Student Code of Conduct." The student conduct officer shall be the associate director for student conduct. The student conduct administrator may also appoint one or more deputy conduct officers to review reports of violations of "~~The Student Code of~~

~~Conduct~~””The Student Code of Conduct” and to conduct investigations. Deputy conduct officers shall be under the supervision of the student conduct officer and/or the student conduct administrator.

- (1) Jurisdiction of ~~“The Student Code of Conduct”~~”The Student Code of Conduct”.<sup>2</sup>
  - (a) ~~“The Student Code of Conduct”~~”The Student Code of Conduct” shall apply to conduct which adversely affects the university community or interferes with the pursuit of its mission or educational objectives and programs whether it occurs on university premises, at university sponsored activities, or on non-university premises. It is important to note that a student and/or group/organization will be subject to the university student conduct process where the conduct has occurred on non-university premises when the conduct adversely affects the university community or interferes with the pursuit of its mission or educational objectives and programs.
  - (b) Students shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). ~~“The Student Code of Conduct”~~”The Student Code of Conduct” shall apply to a student’s conduct even if the student withdraws from the university while an investigation into alleged of misconduct is pending.
  - (c) An incident which results in a charge under ~~“The Student Code of Conduct”~~”The Student Code of Conduct” may also lead to a proceeding outside of the university for a violation of local, state, or federal law. In these instances, university proceedings are not subject to challenge based on concurrent criminal or civil proceedings or that such proceeding has been or will be dismissed, reduced, withdrawn, resolved, or settled. The university will cooperate, to the extent permitted by law, with law



enforcement and other agencies in the enforcement of all laws. In all cases, hearings within the university will be held according to the student conduct procedures set forth in in this policy. Since the university student conduct process is educational in nature, differing judgments may result.

- (2) Campus student organizations. Registered student organizations may exist for any appropriate purpose that does not conflict with university policies and regulations or with local, state, and/or federal laws. The development of policies and guidelines for student organizations is the responsibility of the ~~associate vice president for student experience~~ [vice president for student affairs](#), or designee. The policies and regulations that apply to student groups/organizations are outlined in the “Penguin Student Handbook,” which houses all of the student organization policies. Student groups/organizations that violate any of the student organization policies may be charged with violating “~~The Student Code of Conduct~~” [The Student Code of Conduct](#) and be subject to the student conduct procedures set forth in this policy.
- (3) Student conduct authority.
  - (a) The enforcement of regulations, policies, and guidelines that apply to students, student organizations/groups are within the jurisdiction of the ~~associate vice president for student experience~~ [vice president for student affairs](#), or designee.
  - (b) Any internal college, departmental, or program processes used to address alleged violations of policy or concerns about student conduct are secondary to the processes outlined herein.
  - (c) Student groups and registered student organizations may be charged with violations of “~~The Student Code of Conduct~~” [The Student Code of Conduct](#) in the following circumstances:
    - (i) An organization is responsible for its actions and shall be held responsible when the organization fails

to comply with the university's student organization policies, and/or university policies or regulations.

- (ii) An organization is responsible for its actions and shall be held responsible when the organization fails to comply with city, state, or federal law.
- (iii) A student group (as defined in the glossary of terms section of this policy) or registered student organization and its officers may be held collectively or individually responsible for violations of "~~The Student Code of Conduct~~[The Student Code of Conduct](#)"."

- (D) Article III. Student conduct standards/prohibited conduct. The student conduct process aspires to develop and maintain conduct standards in support of character, civility, and community. This section of "~~The Student Code of Conduct~~[The Student Code of Conduct](#)" provides a set of expectations regarding student conduct in support of the university community.

A student or student group/organization may be charged with violating any student conduct standard. In cases where a violation is committed by a member of a student group/organization, the entire group/organization may be held responsible in addition to the student when those members of the group/organization not directly involved participate in the activity by encouraging, witnessing, or condoning the act in any manner. The following behavior is subject to disciplinary action under "~~The Student Code of Conduct~~[The Student Code of Conduct](#)":

- (1) Academic integrity. Violations of academic integrity include:
  - (a) Plagiarism, which includes the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgement, the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials, or the misrepresentation of another person's work as one's own.
  - (b) The use of any unauthorized assistance or tools:

- (i) In taking quizzes, tests, assignments, or examinations;
  - (ii) When completing assignments, solving problems, or carrying out other assignments as detailed in the course syllabus or in other instructions by the instructor.
- (c) The acquisition, without permission, of tests or other academic material belonging to a member of the university faculty or staff.
  - (d) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
  - (e) Inappropriate collaboration, including working together on assignments or projects to an extent not permitted by the instructor.
  - (f) Multiple submissions of the same work, including submitting the same or parts of the same assignment for multiple classes without permission from the instructor.
  - (g) Fabrication of data, including presenting fictitious data relating to experiments, changing of data obtained from sources, and citing non-existent sources.
  - (h) Bribes, threats, or intimidation, including exchange of payment for assignments or parts of assignments, and threats to entice others to engage in violations of the academic integrity policy.
  - (i) Impersonation, pretending to be another person in the completion of a quiz, exam, or other assignment.
  - (j) Altering or destroying the work of others unless given permission.

- (k) Lying in order to obtain an academic advantage, which includes falsification of documents or other information used to request makeup work.
  - (l) Assisting another person in any of the behaviors mentioned above is itself academic dishonesty.
  - (m) Asking others to engage in any of the behavior described above is academic dishonesty;
  - (n) Attempting to engage in any of the above behaviors is academic dishonesty.
- (2) Alcohol.
- (a) Use or possession of alcoholic beverages, except as permitted by law and university policy.
  - (b) Public intoxication.
  - (c) Manufacturing or distribution of alcoholic beverages to any person under twenty-one years of age except as permitted by law.
- (3) Bullying and harassment. Unwelcome or unreasonable behavior that harasses or intimidates people, either as individuals or as a group, and is sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person) viewpoint. Bullying and harassing behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. See university policy 3356-2-03, "Discrimination/ harassment" (rule 3356-2-03 of the Administrative Code) for prohibited conduct based on an individual's sex, race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran/military status, or any other basis protected by law.
- (4) Complicity. Allowing or enabling a violation to occur, failing to report a violation, or concealing, condoning, supporting or encouraging a violation or an attempted violation.

- (5) Student conduct system.
  - (a) Failure to obey the summons of a student conduct body or university official to appear for a meeting or hearing as part of the student conduct process.
  - (b) Falsification, distortion, or misrepresentation of information before a student conduct body.
  - (c) Institution of a student conduct proceeding knowingly without cause.
  - (d) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
  - (e) Attempting to influence the impartiality of a member of a student conduct body prior to and/or during the course of the student conduct process.
  - (f) Harassment (verbal or physical) and/or intimidation of a member of a student conduct body, participants, or witnesses prior to during or after a student conduct proceeding.
  - (g) Failure to comply with the sanction(s) imposed by a student conduct body.
  - (h) Influencing or attempting to influence another person to commit an abuse of the student conduct system.
  - (i) Disruption or interference with the orderly conduct of a student conduct proceeding.
- (6) Disorderly conduct. Conduct which is disorderly, lewd, or indecent; a breach of peace; obstructs teaching, research, administration, or university activities or functions.
- (7) Drugs.
  - (a) Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances

in either refined or crude form, including the use of drug-related paraphernalia.

- (b) The misuse of materials as an intoxicant.
  - (c) Use of prescription drugs in any way other than as prescribed. Distribution of prescription drugs to anyone other than the person to whom they are prescribed.
- (8) Failure to comply. Failure to comply with directions and/or oral or written instructions which are given by any university official, student, faculty member, or staff who is acting in an official university capacity and/or failure to identify oneself to these persons when requested to do so.
- (9) Financial obligations. Failure to meet all financial obligations to the university.
- (10) Gambling. Gambling or wagering of any form except as expressly permitted by law and/or university policy.
- (11) Hazing. An act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
- (12) Information technology. Theft or other abuse of information technology and resources, including, but not limited to:
- (a) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
  - (b) Unauthorized transfer of a file.
  - (c) Unauthorized use of another individual's identification and password.
  - (d) Use of computing facilities and resources to interfere with the work of another student, faculty member, or university official.

- (e) Use of computing facilities and resources to send obscene or abusive messages.
  - (f) Use of computing facilities and resources to interfere with the normal operation of the university computing system originating from an on-campus or off-campus source.
  - (g) Use of computing facilities and resources in violation of copyright laws.
  - (h) Any violation of the university policy 3356-4-09, “Acceptable use of university technology resources” (rule 3356-4-09 of the Administrative Code).
- (13) Dishonesty.
- (a) Furnishing false information to any university official, faculty member, or office.
  - (b) Forgery, alteration, or misuse of any university document, record, credit card, or instrument of identification.
  - (c) Tampering with the election of any university recognized student organization.
  - (d) Deliberately misleading or intentionally failing to maintain correct address and telephone information with the registrar.
  - (e) Misrepresenting enrollment status and/or achievement at the university to non-university officials and/or on non-university documents.
- (14) Obstruction of traffic. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.
- (15) Endangering behavior.
- (a) Intentionally, knowingly, or recklessly causing physical harm to another person or their property or engaging in

conduct which threatens or causes a reasonable apprehension of harm to the health, safety, life, or property of a person, including one's self.

- (b) Entering false fire alarms, bomb threats, or tampering with fire extinguishers, alarms, smoke detectors, or other safety equipment.
- (16) Property damage. Any action which damages or could reasonably damage property of the university, or property of a member of the university community, or other personal or public property on or off campus, or acts of vandalism even if this behavior does not cause damage.
- (17) Published university policies. Violation of published university policies, rules, or regulations, including those available electronically on the university website.
- (18) Sexual harassment. Conduct on the basis of sex that satisfies one or more of the following categories:~~Sexual misconduct. A broad range of behaviors, including sexual assault, dating violence, domestic violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual or is carried out through force, threat, intimidation or coercion. Please see university policy 3356-2-03.1 for further information (rule 3356-2-03.1 of the Administrative Code).~~
- (a) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo). An individual does not have to submit to the conduct in order for quid pro quo sexual harassment to occur.~~Sexual assault. Any intentional, nonconsensual and/or coerced sexual contact. Physical resistance need not occur to meet the definition of sexual assault.~~
  - (b) Unwelcome conduct determined by the reasonable person standard, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e. hostile environment).~~Consent. Sexual activity requires consent, which is defined~~



~~as a positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion or from someone who is unconscious, asleep, or whose judgment is impaired by the use of a drug or alcohol, or diminished by an intellectual, mental or physical condition or disability. Consent may be withdrawn at any time.~~

- (c) Sexual assault as defined in the Clery Act (which includes rape, fondling, incest or statutory rape, as defined below).  
~~Coercion, Intimidation, physical or psychological threat, or pressure used to force another to engage in sexual acts.~~
- (d) Rape (except statutory rape). The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.  
~~Stalking. Repeated behaviors or activities whether in person, online, or through any other means which threaten or endanger the safety, physical or mental health, life or property of another or creates a reasonable fear of such threat or action.~~
- (ii) Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- (iii) Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- (iv) Statutory rape. Sexual intercourse with a person who is under the statutory age of consent.
- (e) Dating violence, domestic violence or stalking pursuant to the Violence Against Women Act (also defined below).

- (i) Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (ii) Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- (iii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

~~Dating violence. Violence or abusive behavior (sexual, physical, or threat of violence) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on a consideration of the length and type of relationship, and the frequency of interaction between the persons involved in the relationship.~~

- (~~f~~e) Sexual misconduct. Conduct of a sexual nature that is nonconsensual or is carried out through force, threat or coercion. Sexual misconduct includes but not limited to sexual exploitation and voyeurism.
- (i) Sexual exploitation. Sexual exploitation occurs when a person takes nonconsensual or abusive

sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, nonconsensual video or audiotaping of sexual activity, permitting others to secretly observe or record consensual activity or engaging in voyeurism.

- (ii) Voyeurism. Voyeurism occurs when a person, for the purposes of sexual arousal or gratification sexual purposes, surreptitiously invades the privacy of another. Voyeurism can occur in person or through recording or electronic means.

~~Domestic violence. Violence or abusive behavior (sexual, physical or threat of violence) used to maintain control or power within a current or former relationship and which is committed by any of the following:~~

- ~~(i) A current or former spouse or intimate partner of the victim;~~
- ~~(ii) A person with whom the victim shares a child in common;~~
- ~~(iii) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;~~
- ~~(iv) By any other person against an adult or youth victim under the domestic or family violence laws of the state of Ohio (see section 2919.25 of the Revised Code, "Domestic Violence").~~

- (g) Consent. An action which is which is defined as positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent is the equal approval, given freely, willingly, and knowingly, of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. A person

may be incapable of giving consent due to physical incapacitation, physical or mental disability, threat or force, coercion, the influence of drugs or alcohol or age. Silence or lack of resistance cannot be the sole factor in determining one has received consent.~~Sexual exploitation. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, non-consensual video or audio taping of sexual activity, permitting others to secretly observe or record consensual activity, or engaging in voyeurism.~~

- (i) Coercion. Intimidation, physical, or psychological threat, or pressure used to force another to engage in sexual acts. Coercion is unreasonable pressure for sexual activity.
  - (ii) Force. The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
  - (iii) Incapacitation. Inability to evaluate, understand, or control conduct because an individual is unconscious, asleep, intoxicated or under the influence of other drugs, or for any other reason, physically, mentally, or legally unable to communicate or grant consent. Incapacitation does not correlate to a specific blood alcohol content (“BAC”) and could be the result of drug use.
- (hg) Sex offenses. See Chapter 2907. of the Revised Code which defines sex offenses under Ohio law.
- (19) Theft. Attempted or actual theft, including possession of stolen property.

- (20) Unauthorized entry.
- (a) Unauthorized entry to or use of university premises, including access to residential spaces other than one's own assigned space.
  - (b) Unauthorized possession, duplication, or use of keys to any university premises.
- (21) Unauthorized recording.
- (a) Unauthorized use of electronic or other devices to make ~~an audio~~an audio or video record or photograph of any person while on university premises without their prior knowledge or without their effective consent when such a recording or photograph is likely to cause injury or distress, except as otherwise permitted by law.
  - (b) Unauthorized distribution or dissemination of an audio or video recording or photograph of any person without their prior knowledge or consent, even if the recording or photograph originally had been produced with the person's consent, when such a recording or photograph is likely to cause injury or distress, except as otherwise permitted by law.
- (22) Violation of law.
- (a) Behavior which would constitute a violation of federal, state, or local law that adversely affects the university community or interferes with the university's mission or its educational objectives and programs.
  - (b) Since the university student conduct process is educational in nature and differing judgements may result between university action and outside legal action, the university, in its sole discretion, may pursue student conduct action and impose sanctions against a student for a violation of law:
    - (i) Regardless of where the behavior occurs;

- (ii) When a student is charged with a violation of law but not with any other violation of ~~“The Student Code of Conduct”~~[“The Student Code of Conduct”](#);
  - (iii) When a student is charged with a violation of law which is also a violation of ~~“The Student Code of Conduct”~~[“The Student Code of Conduct”](#);
  - (iv) While the student is also subject to criminal proceedings, arrest and/or prosecution or civil litigation.
- (c) University conduct action may be carried out prior to, simultaneously with, or following civil or criminal proceedings.
- (d) The university will cooperate, to the extent permitted by law, with law enforcement and other agencies in the enforcement of all laws and will not request or agree to special consideration for an individual because of that individual’s status as a student.
- (23) Weapons. Illegal or unauthorized possession of firearms, fireworks, explosives, other weapons, or dangerous chemicals on university premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.
- (24) [Sexual harassment as defined in Title IX of the Education Amendments of 1972 as set forth in university Title IX sexual harassment policy. See rule 3356-02-05 of the Administrative Code and university policy 3356-2-05 “Title IX sexual harassment policy”. Students, faculty, employees, volunteers, third parties, campus visitors and other individuals should refer to the Title IX policy referenced above for processes and procedures under Title IX\). The complaint, adjudication, resolution and appeal process for an allegation of a Title IX violation as well as possible sanctions is delineated in university policy 3356-2-05 Title IX sexual harassment policy.](#)
- (E) Article IV. Student conduct procedures.

- (1) General. This overview gives a general idea of how the university's campus student conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, while consistency in similar situations is a priority, these procedures are flexible, and are not exactly the same in every situation.
  - (a) These proceedings are administrative procedures and do not follow the specific steps, methods, or standards of proof of evidence used in civil or criminal courts.
  - (b) Any member of the university community may report alleged violations of "~~The Student Code of Conduct~~" The Student Code of Conduct" by a student or a student group/organization. The report shall be prepared in writing and directed to the office of student conduct. A report of a violation of "~~The Student Code of Conduct~~" The Student Code of Conduct" shall be submitted as soon as possible after the incident occurs but not later than thirty days following the university becoming aware of an incident. Exceptions to this limitation period will be reviewed by the student conduct administrator and may be granted in their discretion.
  - (c) The student conduct officer shall review reports of violation(s) and may initiate investigations of possible violation(s) of "~~The Student Code of Conduct~~" The Student Code of Conduct" ~~to determine~~ to determine if the charges have merit. In reviewing the reports, the student conduct officer will determine whether the alleged violation(s) may be resolved through a conduct conference or a conduct hearing. Students or student groups/organizations that might be subject to university suspension or expulsion shall automatically be provided a student conduct board hearing. Additionally, students alleged to have violated the University's sexual misconduct policy will automatically be provided a student conduct board hearing. Sexual misconduct incidents are investigated by the Title IX office, with findings forwarded to the office of student conduct for adjudication.

(d) The standard of proof utilized in all university student conduct proceedings shall be a preponderance of evidence. Preponderance of the evidence is known as the balance of probabilities, met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than fifty per cent chance that the proposition is true.

(2) Student conduct conference.

(a) Any student, student group, or student organization (hereinafter referred to as the respondent) who has been charged with an alleged violation of the student conduct standards of ~~“The Student Code of Conduct”~~“The Student Code of Conduct” will first be scheduled for a conduct conference with the conduct officer assigned to review the allegation. The respondent will be notified in writing via their official university email address, of the date, time, and location of the conduct conference. Written notification will include:

- (i) The specific charges pending against the respondent;
- (ii) A brief summary of the referral;
- (iii) Statement of rights and responsibilities; and
- (iv) If applicable, a statement notifying the respondent that the alleged conduct is significant enough that they may face suspension or expulsion if the charge is substantiated.

(b) The conduct conference is the first step in student conduct process and serves to provide the respondent with the opportunity to discuss the allegations that led to the referral. The respondent will receive more information regarding the process, clarification of their rights and options, the ability to inspect and review all relevant information as well as a range of potential sanctions(s) for



the violation(s) in question should the charges be substantiated. After a discussion regarding the incident and review of relevant information, the respondent will have an opportunity to accept or deny responsibility for the charge(s).

- (c) If the respondent accepts responsibility for the charge(s), the conduct officer will sanction the respondent as part of the conduct conference. The respondent will be asked to sign a conduct agreement which will outline all of the sanctions offered to the respondent. While the student may sign the agreement immediately, they have up to three university working days to do so. The respondent has the option to accept the charge(s) but contest the sanction(s) or agree to both the charge(s) and sanction(s). Once the agreement is signed, the decision is final and there is no appeal process. If the respondent denies responsibility for one or more of the charges, the conduct officer will refer the case for a student conduct board hearing.

(3) Student conduct board hearing.

- (a) The purpose of a hearing is to provide an equitable forum for the review of the available information regarding an alleged incident of misconduct. The student conduct board hearing panel will decide by the preponderance of evidence whether or not the respondent is found responsible for the charge(s). All hearings are closed to the public, with the exception of [the complainant, respondent](#), advisors for the complainant and/or respondent, ~~witnesses, and the~~ hearing panel, [hearing panel advisor, and the conduct officer](#). All parties directly participating in the hearing (the respondent, complainant, [advisors](#), and conduct officer) may remain present the entire time, excluding deliberations.
- (b) Student conduct board hearing panels consist of three members of the student conduct board. [Hearing panels are comprised of trained faculty, staff, and students](#). Each student conduct board hearing will have a hearing panel chair. The chair is responsible for keeping the proceedings moving forward.

- (c) If the respondent or complainant fails to appear at a scheduled student conduct board hearing and the absence is not excused, the hearing may proceed in the ~~respondent's~~ absence or may be rescheduled at the discretion of the chair. Additionally, In the event that the complainant, respondent, or witnesses are unable to attend the hearing in-person, video technology may be used to enable participants to simultaneously see/hear each other. Video technology may also be used if the complainant or respondent prefers to participate in the hearing from a different room than the opposing party
  - (d) Each student conduct board hearing panel ~~may have a~~ will have a hearing panel advisor, ~~at the discretion of the chair or the student conduct administrator.~~ The role of the hearing panel advisor is to ensure the student conduct process is adhered to and to answer procedural questions posed by any party during the hearing. The hearing panel advisor will also keep the proceedings focused on issues relevant to the specific allegations. The hearing panel advisor may be summoned by the hearing panel during deliberations to answer questions and provide guidance as necessary.
- (4) Hearing procedures.
- (a) Guidelines.
    - (i) The chair will explain the rights and responsibilities of the respondent and the complainant.
    - (ii) The chair and hearing panel advisor are responsible for assuring that these rights as well as the process described in this section are adhered to during the hearing.
    - (iii) The respondent or the complainant may ask for the removal of a hearing panel member by providing written or verbal evidence of bias. The charge of bias is made to the chair who will determine

whether it is valid. If the charge of bias is against the chair, the hearing panel advisor will decide whether it is valid. If bias is found, or is unable to be determined, the hearing will be rescheduled.

- (iv) The conduct officer may ask questions of any party at any time throughout the hearing.
  - (v) The chair and hearing panel advisor are responsible for determining the relevancy of questions asked during a hearing and may deem certain questions irrelevant and not allow them to be answered. The chair must explain to the party proposing questions any decision to exclude a question as not relevant.
  - 
  - (vi) The chair may exclude persons from the hearing if they are disruptive or postpone the hearing because of disruptive behavior by participants or observers. deemed, that advisor will be removed
- (b) Introduction.
- (i) Each party in the room will introduce themselves and explain their role in the hearing.
  - (ii) The chair will then explain the process and procedures for the hearing.
  - (iii) All witnesses will then be dismissed from the room.
- (c) Presentation of information.
- (i) Following the introduction, the chair will present the respondent with the charges against them. The respondent will respond to each charge by acknowledging that they are responsible for the charge or by denying responsibility for the charge.
  - (ii) The conduct officer will explain why the case was referred for a hearing and will provide a detailed

summary of the incident and any subsequent investigation undertaken.

- (iii) If there is a complainant, they will then have an opportunity to provide the hearing panel with a summary of their role and perspective on the incident. ~~The complainant may be represented by the conduct officer.~~
- (iv) The hearing panel will then ask the respondent to describe their involvement in the matter at hand as it pertains to the charges being considered in the hearing.
- (v) The conduct officer will then present any relevant witnesses or documentary information. The respondent and complainant~~nt~~ will each in turn have the opportunity to ask questions regarding the information presented by the conduct officer to this point.
- (vi) The respondent will then present any relevant witnesses or documentary information to the hearing panel. The hearing panel and the conduct officer will each in turn have the opportunity to ask questions regarding the information presented by the respondent to this point.
- (vii) The respondent and complainant, in turn, will have the opportunity to cross-examine one another.
- (viii) The conduct officer will have an opportunity to make a summary statement including any sanctioning recommendations.
- ~~(viii)~~ix) The complainant will have an opportunity to make a summary statement including any sanctioning recommendations.

- (ix) The respondent will have an opportunity to make a summary statement including any sanctioning recommendations.
- (d) Deliberation and finding.
- (i) The hearing panel will go into closed session to determine by the preponderance of evidence whether the respondent will be found responsible for the charge(s) pending in this matter. Student conduct hearing panels determine findings by majority vote.
  - (ii) If the respondent is found responsible for a violation of one or more of the pending charges, the hearing panel will proceed to sanctioning. At this time, the hearing panel will be presented with any relevant information pertaining to the respondent's prior student conduct cases and sanctions.
  - (iii) The hearing will reconvene for the announcement of the findings and any subsequent sanction(s). In student conduct board hearings, the sanction(s) are recommended to the ~~associate vice president for student experience~~ vice president for student affairs or designee, who will make the final decision. While normally the recommendation will be the sanction imposed, the ~~associate vice president for student experience~~ vice president for student affairs or designee may impose a different sanction.
  - (iv) Written notification of the decision will be sent to the respondent and complainant simultaneously via their official university email addresses.
- (5) Student rights and responsibilities. The following rights and responsibilities apply to those involved in a matter being addressed by the student conduct process, in an effort to uphold due process.

- (a) Rights of respondent. All respondents in the student conduct process have the following rights:
- (i) Written notice of the charge(s) made against them and the basis of the allegation that led to the charge(s).
  - (ii) In matters that could result in a sanction of suspension or expulsion, the above-mentioned notification will alert the respondent to the possible severity of the outcome.
  - (iii) The right to an advisor. It is the respondent's responsibility to communicate all necessary information regarding the student conduct process and proceedings with the advisor, unless the respondent signs an authorization for the release of information, thus allowing the office of student conduct to communicate directly with the advisor: [Title IX Coordinator](#)
  - (iv) To request reasonable accommodations due to disability. See paragraph (E)(6) of this policy, "Reasonable accommodation for students with disabilities."
  - (v) To make a request for a change of date for a student conduct proceeding, so long as the request is made no less than forty-eight hours in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within three university working days of the initially scheduled proceeding.
  - (vi) Reasonable access to inspect and review their own case file, which includes all information that would be used during the student conduct process, [including hearing audio/video](#), to the extent permitted by confidentiality laws.

- (vii) Explanation of the resolution options available to them through the student conduct process.
  - (viii) To be presumed not responsible for an alleged violation until found in violation by a preponderance of the evidence.
  - (ix) To speak or not speak on their own behalf.
  - (x) The opportunity to respond to information used as part of the decision-making process.
  - (xi) To deny responsibility for the charge(s) facing them and request that the case be referred to a student conduct board hearing.
  - (xii) To question any witness who participates as part of a hearing.
  - (xiii) The right to appeal.
  - (xiv) To waive any of the above stated rights provided that the waiver is made freely and in writing.
- (b) Rights of the complainant. All complainants in the conduct process have the following rights:
- (i) To pursue criminal or civil charges where a legal case exists (without university assistance).
  - (ii) Explanation of the resolution options available to them through the conduct process.
  - (iii) To be free from harassment and intimidation from respondents and others as they engage in this process.
  - (iv) The right to an advisor. It is the complainant's responsibility to communicate all necessary information regarding the student conduct process

and proceedings with the advisor, unless the complainant signs an authorization for the release of information, thus allowing the office of student conduct to communicate directly with the advisor.

~~Title IX Coordinator~~

- (v) Reasonable access to inspect and review their own case file, which includes all information that would be used during the student conduct process, including hearing audio/video, to the extent permitted by confidentiality laws.
- (vi) To request reasonable accommodations due to disability. See paragraph (E)(6) of this policy, “Reasonable accommodation for students with disabilities.”
- (vii) To make a request for a change of date for a student conduct proceeding, so long as the request is made no less than forty-eight hours in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within three university working days of the initially scheduled proceeding.
- (viii) To provide information for consideration during the conduct process, and to know the results of the process to the extent allowed under federal laws and university policies.
- ~~(viii)~~ix) The opportunity to appear at any hearing that may take place in order to provide relevant information.
- ~~(ix)~~ The opportunity to submit a written impact statement for use in a hearing, even if the complainant chooses not to attend the hearing.  
~~prior to a determination is made by the Complainants and Respondents may elect to pursue an informal resolution at any point during the investigation and hearing prior to a determination is made by the student conduct board.~~



- (c) Responsibilities of respondents, complainants, and witnesses. All respondents, complainants, and witnesses in the conduct process have the following responsibilities:
- (i) To be honest and forthright in all information they provide during the student conduct process. Presenting false and misleading information during this process is a violation of student conduct standards as outlined in this policy.
  - (ii) To attend all scheduled meetings, conferences, or hearings, unless alternate arrangements are made in advance.
  - (iii) To refrain from disruption of the hearing process. Disruption of this process is a violation of this policy. See paragraph (D) of this policy, “Student conduct standards/ prohibited conduct.”
  - (iv) Respondents<sup>s</sup> have the responsibility to prepare and present their entire case as well as secure the presence of any witnesses who will speak on their behalf.
- (6) Reasonable accommodation for students with disabilities. Any student with a disability involved in the student conduct process has the right to request reasonable accommodation in order to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to the center for student progress (“CSP”) disability services. Students do not have to disclose information about the complaint or charge to CSP disability services to request reasonable accommodation, except to the extent that it may assist in the determination of reasonable accommodations.

Accommodations are determined on an individual basis by CSP disabilities services staff and implemented in consultation with the office of student conduct. Examples of reasonable accommodation include sign language interpretation, real-time communication

access during hearings, large print documents, extended time to review documents, or assistance with transcribing questions during interviews or hearings.

- (7) Sanctions. If the student or student group/organization is found responsible for a violation of a policy, sanctions will be issued in accordance with the office of student conduct's sanctioning rubric. The Student Conduct Administrator may adjust recommended sanctions on a case-by-case basis, as appropriate. A conduct sanction imposed or other action taken by any Student Conduct Body shall become effective upon written notification to the respondent. The notification will be sent to the respondent's official University email account. In cases involving a student group/organization, notification will be sent to the official University email account for the President or student group/organization leader.

~~The decision of a Student Conduct Body may be appealed, as outlined in ARTICLE IV. I. of this document. If the respondent files a request for appeal, and if the appeal is denied, the sanction shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the respondent. If the student or student group/organization is found in violation of any policy, sanctions will be issued. A conduct sanction imposed or other action taken by any student conduct body shall become effective upon written notification to the respondent. The notification will be sent to the respondent's official university email account. In cases involving a student group/organization, notification will be sent to the official university email account for the president or student group/organization leader. The decision of a student conduct body may be appealed in writing pursuant to paragraph (E) (9) of this policy. If the respondent files a request for, and if the appeal is denied, the sanction shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the respondent.~~

- (a) The following sanctions may be imposed upon any student who has been found responsible for a violation of "~~The Student Code of Conduct~~The Student Code of Conduct".  
Sanctions are typically issued in a progressive

~~fashion~~, fashion; however, each situation differs; and many factors, including the severity of a violation and the impact of the violation on the campus community will be taken into consideration in determining sanctioning.

- (i) Warning. A written notification statement that the student is violating or has violated “~~The Student Code of Conduct~~The Student Code of Conduct.” Continuation or repetition of inappropriate conduct may be cause for increased sanctioning.
- (ii) Conduct probation. Notice in writing that the violation of “~~The Student Code of Conduct~~The Student Code of Conduct” is serious and that any subsequent violation(s) of university regulations may result in imposition of additional restrictions or conditions, suspension or expulsion.
- (iii) Conduct probation with restrictions. Notice in writing that the violation of university regulations is a serious and that any subsequent violation(s) of “~~The Student Code of Conduct~~The Student Code of Conduct” may result in suspension or expulsion. In addition, an order preventing the student from holding university elective office, student employment, participating in any intercollegiate activity or sport, participating in any university sponsored program/organization, or representing the university in any other manner will be attached to this sanction.
- (iv) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.
- (v) Educational sanctions. Other sanctions may be imposed instead of, or in addition to, those specified above. These may include community service, educational assignments, referrals to Student Outreach & Support and other campus offices, or other similar sanctions designed to assist the

respondent in reflecting upon their behavior and the impact of their behavior on self or others.

~~Other sanctions may be imposed instead of, or in addition to, those specified above. These may include community service, counseling, educational assignments, or other similar sanctions designed to assist the respondent in reflecting upon their behavior and the impact of their behavior on self or others.~~

- (vi) Deferred suspension. Separation of the student from the university and/or residence halls is deferred for a specified period of time. If the student is found in violation of any subsequent violations of ~~“The Student Code of Conduct”~~“The Student Code of Conduct”,<sup>2</sup> the suspension takes effect immediately and may not be appealed.
  - (vii) Residence hall probation. Notice in writing that the violation of “The Student Code of Conduct” is serious and that any subsequent violation of University regulations and/or Resident Handbook policies may result in imposition of additional restrictions or conditions, residence hall suspension, or residence hall expulsion.
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- (viii) Guest restriction. Residence hall students are restricted from signing in to other residential communities as guests into for a designated period of time.
  - (ix) Host restriction. Residence hall students are restricted from hosting other guests for a designated period of time.
  - (x) Relocation. Requiring a student to move to another floor, residence hall, or apartment as a result of community disruption.
  - (xi) Deferred residence hall suspension. Separation of the student from the residence halls is deferred for a specified period of time. If the student is found responsible for any subsequent violations of “The

Student Code of Conduct”, Residence Hall Suspension takes effect immediately and may not be appealed.

- (xii) ~~(vii)~~—Residence hall suspension. Separation of the student from the residence halls for a specified period of time after which time the student is eligible to return. During the suspension period, the student is prohibited from accessing any university housing facilities. This may include residential dining facilities.
- ~~(viii)~~xiii——University suspension. Separation of the student from the university for a specified period of time after which time the student is eligible to return. During the suspension period, the student does not have access to the university and is prohibited from participating in any academic or other university activities. This may include residential dining facilities. A university suspension is noted on an addendum attached to a student’s transcript.
- ~~(ix)~~xiv Residence hall expulsion. Permanent separation of the student from the residence halls. An expulsion denies the student access to all university housing facilities on a permanent basis. This may include residential dining facilities.
- (xv) University expulsion. Permanent separation of the student from the university. An expulsion denies the student access to the university, including any campus facilities, any campus programs or activities, and any class sessions on a permanent basis. A university expulsion is permanently noted on a student’s transcript.
- (xvi) Revocation of admission and/or degree. Revocation of admission to or awarding of a degree from the university for fraud, misrepresentation, or other violation of university standards in obtaining the

degree, or for serious violations committed by a student prior to graduation.

- (xvii) Withholding degree. Withholding the awarding of a degree otherwise earned until the completion of the process set forth in “~~The Student Code of Conduct~~The Student Code of Conduct,” including the completion of all sanctions imposed, if any.
  - (xviii) Fines. Fines for violations of “~~The Student Code of Conduct~~The Student Code of Conduct” will be assessed and charged to the student’s account. A list of fines for all violations will be determined at the discretion of the ~~associate vice president for student experience~~vice president for student affairs, who will submit a list of the fines structure to the university board of trustees for approval on an annual basis. The fines structure must be included as a part of “~~The Student Code of Conduct~~The Student Code of Conduct” when published and presented to students.
  - (xix) No contact order. The student is restricted from making contact in any verbal, written, electronic, or physical manner with a designated individual. If a student is found in violation of the no-contact order, they may be subject to arrest and removed from campus.
  - (xx) Parental notification. Student Conduct staff will coordinate the parental notification in cases of alcohol or drug use when the student’s behavior demonstrates a risk of harm to self or others or any violation of law involving a controlled substance.
- (b) More than one of the sanctions listed above may be imposed for any single violation.
  - (c) The following sanctions may be imposed upon student groups/organizations:

- (i) Those sanctions as outlined in paragraph (E)(7) of this policy.
  - (ii) Deactivation. Loss of all privileges, including university recognition, for a specified period of time.
- (d) In each case in which a student conduct body determines that a student or student group/organization has violated ~~“The Student Code of Conduct”~~ “The Student Code of Conduct.”, the sanction(s) shall be determined and imposed by the same student conduct body. The student conduct administrator shall be responsible for ensuring that sanctions imposed by hearing panels and conduct officers are consistent with the violation and sanctions imposed for similar violations in other similar cases.
- (8) Interim measures. In certain circumstances, the ~~associate vice president for student experience~~ vice president for student affairs may impose an interim measure prior to a student conduct board hearing or conduct conference. This includes university or residence hall suspension.
- (a) Interim measures may be imposed only:
    - (i) To ensure the safety and well-being of members of the university community or to preserve university property;
    - (ii) To ensure the respondent’s own physical or emotional safety and well-being;
    - (iii) If the respondent poses a threat of disruption or interference with the normal operations of the university; or
    - (iv) If the respondent is charged with the commission of a criminal offense as defined in section 2901.01 of the Revised Code.

- (b) In the event that an interim measure is imposed, the student or student group/organization will be notified either in person or by regular U.S. or certified mail of the cause for the interim measure. The respondent will also be notified via their official university email address. The interim measure becomes effective immediately upon notification. A hearing panel will convene as expeditiously as possible to review the case. The hearing will follow the procedures outlined in paragraph (E)(4) of this policy and may proceed before, during, or after any criminal proceedings.
- (c) In the case of an interim suspension, the student or student group/organization shall be denied access to all housing facilities and/or to the campus (including classes) and/or all other university activities or privileges for which the student or student group/organization might otherwise be eligible, unless determined otherwise by the student conduct administrator.

(9) Appeals.

- (a) The decision or sanction imposed by a student conduct body may be appealed by the respondent or complainant (“the appellant”) within five university working days of notification of the decision. If an appeal is not received within this time frame, the decision reached by the student conduct body will be final.
- (b) Requests for appeals shall be made in writing and shall be emailed or delivered to the office of student conduct. The request for appeal should indicate the grounds on which the decision is being appealed, referencing at least one of the grounds for the appeal (see paragraph (E)(9)(d) of this policy) along with supporting information.
- (c) Once a request for appeal has been submitted and until the appeal decision has been communicated to the appellant, all sanctions except any issued as interim measures, such as interim suspensions, will be held in abeyance.



- (d) Appellate hearings are not a re-hearing of the student conduct case. Except as required to explain the basis of new evidence, an appellate hearing shall be limited to review of the record of the initial hearing and supporting documents for one or more of the following grounds:
  - (i) A claim that the original hearing was conducted in violation of procedural requirements set forth in ~~“The Student Code of Conduct”~~[“The Student Code of Conduct”](#) and to determine whether these violations could have affected the outcome of the hearing.
  - (ii) A claim that the decision reached regarding the respondent did not have a reasonable basis for the conclusion reached and that it was not based on proof by a preponderance of the evidence.
  - (iii) A claim that the sanction(s) imposed was/were disproportionate and without basis to the violation of ~~“The Student Code of Conduct”~~[“The Student Code of Conduct”](#) for which the respondent was found responsible.
  - (iv) A claim that there is new information, sufficient to alter a decision or other relevant facts not presented in the original hearing because such information and/or facts were not known by the appellant at the time of the original hearing.
- (e) The burden of proof rests with the appellant.
- (f) The appellant may, in preparing the request for appeal, have access to records of the case, which must be reviewed in the office of student conduct.
- (g) A request for appeal in a case adjudicated by a conduct officer will be reviewed by the student conduct administrator. A request for appeal in a case adjudicated by a student conduct board hearing panel will be reviewed

by an appellate hearing panel. An appellate hearing panel is composed of three members from the student conduct board selected by the student conduct administrator.

- (h) Once a request for appeal has been submitted by the complainant or respondent, the other party shall receive a copy of the request for appeal and may submit a written response to the request for appeal, which will be considered alongside the request for appeal. Any written response must be submitted within five university working days of notification of the submission of a request for appeal.
  - (i) The appellate hearing panel or the student conduct administrator will review the appeal to determine whether one of the grounds listed in this policy has been met.
  - (j) If an appellate hearing panel or student conduct administrator determines that a request for appeal has met one or more of the grounds, the following options are available:
    - (i) Remand the case to the original panel for reconsideration consistent with the granted grounds for appeal.
    - (ii) Uphold the original decision.
  - (k) If the appellate hearing panel or student conduct administrator determines that the request for appeal does not meet one of the grounds, the appeal will be dismissed and the original decision will be upheld.
  - (l) The decision of the appellate hearing panel or student conduct administrator after an appellate review is final.
- (10) Conduct procedures for university housing. Deputy conduct officers have been designated by the student conduct administrator to assist in the review of alleged violations of policy originating within university housing.

- (a) The responsibility for the enforcement of rules and regulations governing student conduct in the residence halls, as outlined in the “Resident Handbook,” is delegated by the student conduct administrator to a conduct officer.
  - (b) Any student, faculty member, or university official may file a written report against any student living in a residence hall for alleged violations of policy within the residence hall, campus dining facilities, or at any residence hall function.
  - (c) Upon receipt of a written report, the conduct officer will conduct an investigation to determine whether there is reasonable cause to believe that a violation of “~~The Student Code of Conduct~~”The Student Code of Conduct” may have occurred. If the conduct officer believes that such a violation did occur they will follow the procedures outlined in paragraph (E)(4) of this policy to address the alleged violation.
- (11) Student conduct record. The student conduct administrator shall maintain all student conduct records of information received and action taken by the respective student conduct bodies.
- (a) Conduct sanctions shall not be made part of the student’s academic record but shall become part of the student’s conduct record. Student conduct records shall be expunged seven years after final disposition of the case, excluding students who were sanctioned with residence hall expulsion, university suspension, university expulsion, or revocation or withholding of a degree which shall be expunged fifteen years after final disposition of the case resulting in such action. Upon graduation, the student may petition the student conduct officer for removal of all files contained in their student conduct records. The student may appeal a negative response of the student conduct officer the student conduct administrator.
  - (b) Records regarding university expulsion or university suspension of a student group/organization shall be kept indefinitely.

- (c) All material gathered from a substantiated conduct case (residence hall, academic, and other) shall become part of any new case against the same respondent(s) after the new charges have been substantiated.
  - (d) Student conduct records are maintained only in the names of respondents found responsible for violations of university policy, local, state or federal law.
- (12) Special procedures. To ensure continued participation of students, faculty, and administration in the student conduct process and to ensure speedy disposition of conduct cases, the president of the university is empowered to develop a subcommittee structure in the event of a large number of student conduct cases. Such subcommittee shall be empowered to hear and adjudicate cases in accordance with the provisions of “~~The Student Code of Conduct~~”The Student Code of Conduct” and shall ensure that all elements of procedural due process delineated in this article are observed.
- (13) Responsible action exemption. The University encourages students to seek immediate medical attention for themselves or others during alcohol and/or drug-related emergencies. When students act as responsible bystanders, the University may choose to resolve alcohol and/or drug violations informally, rather than through the student conduct process. The office of student conduct determines when students are eligible for Responsible Action Exemption on a case-by-case basis. In instances involving possible sexual misconduct, the office of student conduct will seek input from the Title IX office before making a determination. For exemption to be considered, the following must occur:
- (a) Students must directly contact law enforcement, medical personnel, or university staff to request medical assistance.
  - (b) Students must identify themselves and the student(s) of concern to first responders.
  - (c) Students must comply with specific instructions given by responding personnel.

Students exempted from alcohol and/or drug charges will not face formal sanctions, but are required to meet with a Conduct Officer to discuss the incident and learn about campus and community resources. If a student is under 21 years of age at the time of the incident, the Conduct Officer may notify parents or guardians of the exemption.

Documentation of exemptions will be maintained by the office of student conduct as informational records and are not considered part of a student's conduct record. Incident information will not be released by the office of student conduct when contacted for background checks/transfer verifications.

The University reserves the right to deny exemption for any case in which violations are repeated or egregious, including activities related to hazing. Students will only receive one (1) exemption during their tenure at the University.

Members of student organizations that actively seek medical assistance during alcohol and/or drug-related emergencies may be granted exemption from organizational conduct charges. Incidents involving student organization intervention will be considered on a case-by-case basis. The same standards outlined above apply.

- (14) Serious misconduct policy. Serious misconduct is defined as, "any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, any assault that employs the use of a deadly weapon" as defined in Ohio Revised Code 2923.11 (A) or causes serious bodily injury.

Additional parameters will be placed upon students returning from suspension for violations of Serious Misconduct, including conduct probation with loss of good standing for one calendar year, preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. After one year, students may petition the vice president for student affairs for permission to participate in extracurricular activities and employment.

- (F) Article V. Title IX sexual harassment procedures (per University policy 3356-2-05).

(1) Grievance process.

- (a) Timeframe. The process outlined below is expected to occur within ninety (90) calendar days from the date a complaint is filed. The Title IX coordinator or designee may extend this time period by providing written notice to the parties citing the reason(s) for the extension. The complainant or respondent may request a temporary delay of the grievance process for good cause by written request to the Title IX coordinator. Good cause includes but is not limited to the absence of party, a party's advisor or a witness, or the accommodation for disabilities.
- (b) Report. Information, however received, alleging sexual harassment as defined in this policy and provided to a person with the authority to initiate corrective action. A report may lead to further action, including the filing of a formal complaint depending on the alleged facts and circumstance.
- (c) Formal complaint. A formal complaint is a verbal or written account which alleges a conduct which could violate this policy and is made to a person with authority to initiate corrective action. A complaint may be submitted by mail, e-mail, in person, by telephone or electronically at TitleIX@ysu.edu.

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(2) Notice

- (a) Upon receipt of a formal complaint, the university shall provide the following written notice to the parties who are known: notice of this grievance process, including any informal resolution process; and notice of the allegations of sexual harassment as defined above, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
- (b) If, in the course of an investigation, the university decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the university shall provide notice of the additional allegations to the parties whose identities are known.

(c) Notice to the university staff listed below, of sexual harassment or allegation of sexual harassment, constitutes actual notice to the university and triggers the university's obligation to respond.

\_\_\_\_\_ (i) Title IX coordinator and deputy Title IX coordinators.

(ii) Director of equal opportunity and policy development.

(iii) Vice-presidents and associate vice-presidents.

\_\_\_\_\_ (iv) Academic deans and chairpersons.

\_\_\_\_\_ (v) Supervisors/managers.

\_\_\_\_\_ (vi) Coaches and assistant coaches.

(3) Consolidation of formal complaints. The university may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

(4) Dismissal of formal complaint. The Title IX coordinator shall dismiss formal complaints that do not meet the following criteria.

a. Mandatory dismissal.

(i) Would not constitute sexual harassment as defined in this policy even if proved.

\_\_\_\_\_ (ii) The alleged sexual harassment did not occur in the university's education program or activity.

(iii) The alleged conduct did not occur in the United States.

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(b) Discretionary dismissal.

(i) Complainant notifies the Title IX coordinator in writing that they would like to withdraw the formal complaint.

(ii) The respondent is no longer enrolled or employed by the university.

(iii) Specific circumstances prevent the university from gathering sufficient evidence.

(c) The dismissal of a formal complaint shall be done simultaneously and in writing to the parties.

(d) A dismissal of a formal complaint may be appealed pursuant to section (F) below.

(e) A formal complaint which is dismissed pursuant to this policy may be considered under a different university policy, such as policy 3356-2-3 Discrimination/harassment or 3356-7-04 Workplace and off-campus violence, threats, and disruptive behavior, or under the student code of conduct.

(5) Informal resolution. At any time prior to reaching a determination regarding responsibility, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication

(a) Both parties' voluntary, written consent to the informal resolution process is necessary. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.



- (b) Informal resolution is not an option for resolving allegations that an employee or faculty member sexually harassed a student.
- (6) Investigation. The Title IX coordinator or designee is responsible for investigating formal complaints which meet the criteria of this policy.
  - (a) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the investigator and not on the parties.
  - (b) The respondent is not considered responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
  - (c) The university shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party's voluntary, written consent to do so for a grievance process under this section, or as permitted by law.
  - (d) The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the course of the investigation. All parties are free to discuss the allegations under investigation or to gather and present relevant evidence.
  - (e) All parties shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice including an attorney. However, the advisor may not speak during any interview or proceedings, with the exception of the cross-examination portion of any hearing.

- (f) Any party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
  - (g) Both parties shall receive an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
  - (h) Prior to completion of the investigative report, the investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.
  - (i) The investigator shall make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
  - (j) The investigator shall create an investigative report that fairly summarizes relevant evidence and shall provide a copy, in electronic or hard copy format, to the parties and their advisors at least ten (10) calendar days prior to any hearing. Either party can submit a written response to the investigator during these ten (10) days.
- (7) Hearings. Formal complaints that are not resolved informally or dismissed will result in a live hearing.
- (a) The hearing will be scheduled by the office of student conduct and will be held before a Title IX decision-maker. Where the complainant and respondent are both employees and/or faculty members, the Title IX coordinator will convene the hearing.

- (b) Live hearings may be conducted with all parties physically present in the same geographic location, or participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- (c) The decision-maker shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing shall be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- (d) At the request of either party, the hearing may occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- (e) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Parties may not challenge the relevancy determination of the decision-maker, except on appeal.
- (f) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- (g) If a party does not have an advisor present at the live hearing, the university shall provide without fee or charge to that party, an advisor of the university's choice to conduct cross-examination on behalf of that party.

- (h) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) shall not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- (i) Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.
- (j) Parties are not required to divulge any medical, psychological, or similar privileged records as part of the hearing process.
- (k) The decision<sup>[ELH1]</sup>-maker <sup>[ELH2]</sup><sup>[ELH3]</sup><sup>[ELH4]</sup>shall create an audio recording for a live hearing and an audiovisual recording for a virtual live hearing. Such recording will be available to the parties for inspection and review upon written request to the convener.

(8) Findings.

- (a) The hearing decision-maker shall issue a written determination simultaneously to the parties regarding responsibility/policy violation(s) and sanctions/discipline when responsibility/policy violation is found to have occurred. To reach this determination, the preponderance of the evidence standard (whether it is more likely than not that the alleged conduct occurred) will be used.
- (b) The determination regarding responsibility and sanction(s)/discipline becomes final either on the date that the university provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (c) The written determination shall include:

- (i) Identification of the allegations potentially constituting sexual harassment;
  - (ii) A description of the procedural steps which were followed starting with the formal complaint and continuing through determination;
  - (iii) The finding of facts that support the determination;
  - (iv) A conclusion applying the appropriate definition of the university's policy to the facts;
  - (v) A rationale for the result of each allegation regarding the determination of responsibility;
  - (vi) For respondents who are students, the hearing decision-maker shall consult with the vice-president of student experience or their designee regarding sanctions. For respondents who are employees or faculty members the hearing decision maker shall consult with the chief human resources officer or their designee regarding discipline.
  - (vii) Information regarding whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the complainant. The Title IX coordinator is responsible for effective implementation of any remedies.
  - (viii) The procedures and bases for the complainant and respondent to appeal the determination
- (9) Sanctions/discipline.
- (a) Students.
    - (i) Possible sanctions for student respondents: warning, conduct probation with or without restrictions, restitution, educational sanctions, deferred suspension, residence hall suspension, university suspension, residence hall expulsion, university

expulsion, revocation of admission and/or degree, withholding degree, fines. [ELH5]

- (ii) Students who have been found responsible for serious misconduct and are returning from a sanction of suspension, will be subject to additional parameters including conduct probation with loss of good standing for one calendar year preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. Serious misconduct is defined as any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, or any assault that employs the use of a deadly weapon as defined in Ohio Revised Code 2923.11(A) or causes serious bodily injury.
- (b) Possible sanctions/discipline for employee or faculty respondents: employment probation, demotion or reassignment, suspension with or without pay for a specific period of time, termination of employment, ineligibility for rehire, and/or other sanctions or remedies as deemed appropriate under the circumstances.
- (10) The appeal process.
  - (a) Filing an appeal.
    - (i) Appeals are not a re-hearing of the allegation(s).
    - (ii) Only a complainant or respondent (referred to as party or parties) may request an appeal.
    - (iii) An appeal must be submitted in writing to the Title IX coordinator within five (5) working days from receipt of a decision using the *Title IX Appeal Request Form* and include all supporting material.
    - (iv) A party may appeal the determination regarding responsibility, sanctions/discipline and/or the university's dismissal of a formal complaint or any allegations therein.

(v) There are four (4) grounds for appeal:

- (1) Procedural irregularity that significantly impacted the outcome of the matter (for example material deviation from established procedures). The appeal request must cite specific procedures and how they were in error; and/or
  - (2) New evidence that was not reasonably available at the time the original decision was made that could have affected the outcome. A summary of this new evidence and its potential impact must be included in the request. (Note: failure to participate or provide information during an investigation or hearing, even based on concern over a pending criminal or civil proceeding, does not make information “unavailable during the original investigation or hearing); and/or
  - (3) The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The appeal must cite specific examples of how the bias affected the outcome.
  - (4) The discipline/sanction(s) imposed are substantially outside the parameters or guidelines set by the university for this type of violation or the cumulative conduct record of the responding party.
- (b) Title IX appellate review officer (hereinafter referred to appellate review officer). Upon receipt of a request for appeal, the Title IX coordinator will designate a Title IX appellate review officer as follows:

- (i) Appeals where the respondent is a student, the appellate officer will be either the vice-president for student affairs or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.
  - (ii) Appeals where the respondent is a faculty member or employee, the appellate officer will be either the chief human resources officer or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.
  - (iii) The appellate officer cannot be the investigator, Title IX coordinator, or the person who acted as the decision-maker regarding the determination of responsibility/policy violation, or dismissal.
- (c) Appeal procedures:
- (i) Generally, within five (5) business days after receipt of the request for appeal by the appellate review officer, the appellate review officer will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal
  - (ii) If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the parties will be notified, and the finding and sanction or responsive action/remedies will stand. The decision not to accept an appeal request is final and is not subject to further appeal.
  - (iii) If the appeal request is timely and meets the ground for appeal, the Title IX coordinator will notify the parties that the appeal has been accepted and will notify the non-appealing party that they may file a response within three (3) business days from notification.
  - (iv) The appellate review officer will then review the issues presented in the appeal and any response(s).



- (v) The standard on appeal is whether there is relevant evidence/information such that a reasonable person would support the decision(s).
  - (vi) The appellate review officer can take one of the following actions:
    - (1) Affirm the original findings;
    - (2) Remand the case to the original investigators or hearing panel for consideration of new evidence or to remedy a procedural irregularity;
    - (3) Remand the case to a new investigator in a case of bias. The appellate review officer, may order a new investigation with a new investigator or hearing panel; or
    - (4) Administratively alter the finding if bias, procedural irregularity or new evidence, unknown or unavailable during the original investigation, substantially affected the original finding, and the associated sanctions or responsive action.
  - (vii) Decisions rendered by the appellate review officer or actions taken following the decisions appellate review officer's decision are final and not subject to further appeal.
  - (viii) Cases that are sent back to the investigator or hearing panel are not eligible for a second appeal.
- (G) Article VI. Academic integrity violation procedures.
- (1) General.
    - (a) Academic honesty is essential to the educational process and serves to protect the integrity of the university community. Therefore, all members of the university

community have a responsibility for maintaining high standards of honesty and ethical practice. Cheating, plagiarism, and other forms of academic dishonesty constitute a serious violation of university policy, as outlined in paragraph (D) of this policy. Students should consult with the faculty member if they are not sure what may constitute a violation of the academic integrity policy.

- (b) Students suspected of violations of the academic integrity policy may be charged with a violation of university policy under the student conduct standards as outlined in paragraph (D)(1) of this policy. Cases of alleged violations of the academic integrity policy shall be resolved as outlined below.
- (c) The process outlined below is the only approved process by which faculty members can address alleged violations of the academic integrity policy. Failure to follow this process or use of any process other than this will result in nullification of any charges against the student and nullification of any sanctions levied against the student. If, following nullification of the charges and sanctions, the faculty member refuses to rectify the impacted grades or assignments, the student has the right to file a grievance against the faculty member. Any internal college, departmental, or program processes used to address alleged violations of policy or concerns about student conduct are secondary to the processes outlined herein.

(2) Academic integrity conference.

- (a) After the faculty member has gathered evidence of a possible violation, they shall notify the student within forty-eight hours in writing, via university email, of the allegations and invite the student to participate in an academic integrity conference. The faculty member and student may hold the conference without written notification. This academic integrity conference shall occur within five university working days of the written notification to the student.

- (b) The academic integrity conference is the first step in this process, and serves to provide the student with the opportunity to discuss the allegations made by the faculty member. During this meeting, the student should have the opportunity to address the allegations, and to review all relevant information and documentation to the allegations.

In situations where the course is taught primarily online and/or where the student is unable to physically present for the academic integrity conference, the meeting may be conducted via email, phone, or skype, as appropriate. The faculty member may consult with the judicial chair of the academic grievance subcommittee or the office of student conduct for direction in such situations.

- (c) If, after meeting with the student, the faculty member determines that no violation of the academic integrity policy occurred and/or the student is not responsible for a violation of the academic integrity policy, the faculty member can dismiss the charges by not filling out the academic integrity form.
- (d) If the faculty member concludes that the student is responsible for a violation of the academic integrity policy, the faculty member shall select an appropriate sanction, as outlined in paragraph (F)(3) of this policy, and will complete the academic integrity form. While the student may sign the form immediately, they have up to five university working days to do so. The student has the option to accept the charge but contest the sanction, or they can agree to both the charge and sanction.
- (e) If the student signs the academic integrity form, acknowledging responsibility for the alleged violation and accepting the sanction, the decision is final and there is no appeal process.
  - (i) The student will return the form to the faculty member. The faculty member will sign the form, and will submit copies of any documentation or statements with the academic integrity form.

- (ii) The faculty member will forward the form to the departmental chairperson for their signature, acknowledging the case has been brought to their attention. The chairperson has the option to submit a written statement to be included with the academic integrity form.
  - (iii) The chairperson will then forward the form and all documents to the dean for their signature, acknowledging the case has been brought to their attention. The dean has the option to submit a written statement to be included with the academic integrity form.
  - (iv) The dean will then forward the form and all documents to the office of student conduct to be placed in the student's file.
  - (v) The dean of graduate studies will be notified and provided a copy of the form and all documents for cases involving graduate students.
  - (vi) No further action is required unless the recommended sanction includes program removal, suspension, or expulsion. In cases where one of these sanctions is recommended, the case will be forwarded to the judicial chair of the academic grievance subcommittee for review.
- (3) Failure to appear, respond or sign.
- (a) If the student fails to respond to the faculty member's request for an academic integrity conference, or fails to attend an academic integrity conference within five university working days of notice by the faculty member, the following will occur:
    - (i) The faculty member will complete and sign the academic integrity form without the student's signature. They will then submit the form along

with copies of any documentation or statements to the chairperson for their signature, acknowledging the case has been brought to their attention. The chairperson has the option to submit a written statement to be included with the form.

- (ii) The chairperson will then forward the form and all documents to the dean for their signature, acknowledging the case has been brought to their attention. The dean has the option to submit a written statement to be included with the form.
  - (iii) The dean will then forward the form and all documents to the office of student conduct to be placed in the student's file. The office of student conduct will then forward the academic integrity form and all documents to the judicial chair of the academic grievance subcommittee for further action.
  - (iv) The dean of the college of graduate studies will be notified and provided a copy of the form and all documents for cases involving graduate students.
- (b) If the student declines to accept responsibility for the charges and/or declines to accept the sanctions selected by the faculty member, the faculty member should complete the form as outlined above.
- (4) Academic grievance subcommittee referrals.
- (a) If the student declines to accept responsibility for the charges, and/or declines to accept the sanctions selected by the faculty member, the case will be referred to the office of student conduct and forwarded to the judicial chair to initiate a hearing before the academic grievance subcommittee.
  - (b) Regardless of whether the academic integrity form is signed, in cases where program removal, suspension, or expulsion is recommended by the faculty member, the case

will be referred to the office of student conduct and forwarded to the judicial chair to initiate a hearing before the academic grievance subcommittee. A representative from the office of student conduct must be present at all such hearings to serve in an advisory capacity.

- (5) Academic grievance subcommittee structure.
- (a) Judicial chair. Associate provost for academic administration or designee appointed by the provost.
  - (b) Faculty members are appointed by the academic senate and serve a two-year term. One faculty member shall be selected from each of the six colleges. At least three of these appointees will have graduate faculty status. In cases involving graduate matters, only graduate faculty will be appointed. Six faculty members with graduate faculty status will be appointed by graduate council to hear cases involving graduate students.
  - (c) Undergraduate student members are appointed by the ~~associate vice president for student experience~~vice president for student affairs and serve a two-year term. In addition, six graduate students (preferably one from each college) will be appointed by the graduate council to hear cases involving graduate students.
    - (i) Students must complete an application available through the office of student conduct.
    - (ii) One undergraduate student member is selected from each of the six colleges.
    - (iii) Students must have a minimum GPA of 2.5 for undergraduate students and a 3.0 for graduate students.
    - (iv) Students must not have a previous student conduct record.

- (v) Students should be sophomore status or above.
- (6) Academic grievance subcommittee hearing procedures.
- (a) In cases where the student failed to respond to a request from the faculty member for an academic integrity conference, cases where the student failed to return the signed academic integrity form to the faculty member within the given timeframe, cases wherein the student disputes the charges or sanctions, or in cases when the faculty member recommends program removal, suspension, or expulsion, a hearing by the academic grievance subcommittee is initiated.
  - (b) Within five university working days of receiving the academic integrity form and any supporting documentation of evidence from the faculty member, the judicial chair shall contact the student involved and request a statement and any documentation or evidence they would like to have considered in the hearing. The student will have five university working days to submit these items to the judicial chair.
  - (c) Within two university working days of receiving the statement and evidence, the judicial chair shall distribute copies of the academic integrity form and any documentation or evidence produced by the student and faculty member to the academic grievance subcommittee members, the student, faculty member, department chairperson, and appropriate dean. The academic integrity form, course syllabus (submitted by the faculty member, student, or both), and any documentation or evidence produced by the student, faculty member, chairperson, or dean compose the academic integrity packet.
  - (d) A hearing date, time, and location for the academic grievance subcommittee hearing will be established by the judicial chair. Academic grievance subcommittee members shall have a minimum of three university working days to review all written materials in the academic integrity packet. The hearing notice shall be sent to the parties

directly involved in the grievance procedure, excluding advisors and witnesses. Parties directly involved include:

- (i) Faculty/student. The party who files the academic integrity form and the party who is alleged to have violated the academic integrity policy. If either party cannot or refuses to attend the hearing, they may provide written statements to be submitted for evidence. Faculty members are permitted to have a substitute who will exercise all the rights and responsibilities of the absent faculty member.
- (ii) Department chairperson. The chairperson of the department in which the faculty member resides. The chairperson's attendance is optional. If the chairperson is in attendance they will be brought in to speak with the hearing panel after the presentation of information by the faculty member and student and without the faculty member or student present. The chairperson's role in the hearing is to provide information on any knowledge they have of the case as well as to provide insight into and clarify any questions regarding the particular culture of the department or expectations of students in the department.
- (iii) Dean. The dean of the college in which the faculty member's department is housed. The dean's attendance is optional. In addition, the dean of graduate studies has the option to attend in cases that involve graduate students and graduate faculty members. If the dean is in attendance, they will be brought in to speak with the hearing panel after the presentation of information by the faculty member and student and without the faculty member or student present. The dean's role in the hearing is to provide information on any knowledge they have of the case as well as to provide insight into and clarify any questions regarding the particular culture of the department or expectations of students in the department.



- (iv) Academic grievance subcommittee hearing panel members. Derived from the membership of the student academic grievance subcommittee of the academic senate. At minimum, each hearing panel consists of three faculty members, three undergraduate students, and the judicial chair. In hearings involving allegations against a graduate student, graduate college representatives will form the hearing panel. The hearing panel conducts the formal hearing and renders a decision. No member of a hearing panel will hear a case directly involving themselves.
- (v) Advisors. The student and the faculty member may each avail themselves of the services of an advisor throughout the academic integrity process. An advisor may be drawn from within or outside the university community. Advisors may not present testimony or speak on behalf of the party whom they are advising. They are permitted, however, to give notes or whisper instructions/advice to the party whom they are advising. Examples of advisors include a parent, attorney, clergy, other faculty member, or coach. The advisor may not be the chairperson or dean for the college in which the faculty member or student is housed. In situations where a graduate assistant is considered the instructor of record and is the party who submitted the academic integrity form, the chairperson may serve as an advisor to the graduate assistant and is permitted to stay throughout the hearing.
- In cases in which the student is a dully enrolled high school and university student (through the Youngstown early college or the college credit plus program), the student may have both a parent and a secondary advisor present for the hearing.
- (vi) Witness(es). Witnesses who have something to add to the hearing either in support of the faculty member or student are permitted. While the number

of witnesses is not limited, the number of witnesses that present repetitive testimony may be limited at the discretion of the judicial chair.

- (e) If the student or faculty member is unable to be physically present for the hearing, then both the faculty member and student will be made available for the hearing through the same electronic means in order to provide equal treatment to all parties. This may include either teleconference or skype, as deemed appropriate by the judicial chair.

(7) Rights of hearing parties.

- (a) The following rights are guaranteed to the student and the faculty member:
  - (i) The right to be present.
  - (ii) The right to be accompanied by an advisor of their choice.
  - (iii) The right to speak in support of their argument.
  - (iv) The right to bring witnesses in support of their case.
  - (v) The right to present any relevant information directly supporting their written items in the academic integrity packet, including oral testimony.
  - (vi) The right to refute information presented.
  - (vii) The right to consult with the judicial chair or the office of student conduct regarding the hearing, their testimony or the presentation of any testimony in support of their case.
- (b) The judicial chair has the right to:
  - (i) Limit the amount of time testimony is presented by any given individual;

- (ii) Remove disruptive individuals from the room;
  - (iii) Ensure that only the members of the hearing panel, student, and faculty member are present in the room;
  - (iv) Ensure that all witnesses remain outside the hearing room and are brought in and dismissed after their testimony is presented;
  - (v) Extend the timeline for the hearing process.
- (8) Deliberation and findings.
- (a) The hearing panel shall meet in closed session to review the information presented and reach a decision. The hearing panel shall vote using secret ballots tallied by the judicial chair. The judicial chair will only vote in circumstances of a tie among the hearing panel members.
  - (b) If the hearing panel determines that the student is responsible for a violation of the academic integrity policy, the hearing panel may consider previously resolved cases (on file with the office of student conduct) involving the student when assigning an appropriate sanction. The judicial chair will present such information to the hearing panel only after a determination of responsibility on the case in question has been reached.

The standard of proof utilized in all university student conduct proceedings shall be a preponderance of evidence. Preponderance of the evidence is known as the balance of probabilities, met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than fifty per cent chance that the proposition is true.
  - (c) Both parties shall be informed of the hearing panel's decision in writing within three university working days. This statement shall be prepared and signed by the judicial chair and forwarded to the office of student conduct,

graduate school dean when appropriate, provost and all parties directly involved in the hearing, except advisors and witnesses.

- (i) Notice of the hearing panel's decision ends the academic grievance subcommittee's involvement in the disposition of the case.
- (ii) A file of all pertinent documents for all academic integrity hearings shall be kept by the office of the provost and the office of student conduct.
- (iii) Any change of grade as a result of the hearing panel's decision should be made by the faculty member and signed by the respective chairperson and/or dean within five university working days. If the faculty member, chairperson and/or dean refuse to sign the grade change form, then the provost will do so.

(9) Appeals.

- (a) Only students may appeal the decision of the academic grievance subcommittee regarding for cases involving alleged violations of the academic integrity policy. The appeal can only be based on procedural violations and must be submitted within five university working days from the date on which the student was notified of the hearing panel's decision. The request for an appeal is submitted in writing to the judicial chair.
- (b) The judicial chair will forward the written appeal to the academic senate executive committee within two university working days.
  - (i) If the academic senate executive committee determines that no procedural violations occurred or that any procedural violations were minor and did not affect the original hearing panel's decision, the original hearing panel's decision is upheld and the case is closed.

- (ii) If the academic senate executive committee determines that procedural violations may have occurred and were potentially substantive enough to have affected the hearing panel's decision, the case will be referred to a three-person appellate hearing panel consisting of one student and two faculty members. This appellate hearing will take place within twelve university working days of receipt of the written appeal.
- (c) Appellate hearing panel.
  - (i) No member of the appellate hearing panel will hear a case directly affecting themselves.
  - (ii) Prior to the appellate hearing, members of the appellate hearing panel shall review all relevant documents.
  - (iii) The chair of the appellate hearing panel shall inform both parties of the decision as soon as reasonably possible. A written statement of the decision shall be prepared and signed by the chair of the appellate hearing panel, forwarded to the student, faculty member, office of student conduct, and office of the provost within five university working days of the decision via university email.
  - (iv) A file of all pertinent documents for all appeals shall be kept by the office of student conduct and/or the office of the provost.
  - (v) The decision reached by the appellate hearing panel is final and may not be appealed.
- (d) At the discretion of the chair of the appellate hearing panel, the timeline under the appeal process may be extended.
- (e) If the appeal results in a grade change, the grade change form should be completed by the faculty member and

signed by the respective chairperson and/or dean within three university working days. If the faculty member, chairperson, and/or dean refuse to sign the grade change form, then the provost will do so.

- (10) Sanctions. A list of possible sanctions and guide to selecting sanctions is available in the appendices. Sanctions for violations of the academic integrity policy may include, but are limited to, the following:
  - (a) Issue an official warning.
  - (b) Lowering the grade on the exam, paper or assignment in question.
  - (c) Lowering the final grade for the course.
  - (d) Requesting additional action from the academic grievance subcommittee, including removal from a course, removal from an academic program, university suspension, or expulsion.
  - (e) Other sanctions as deemed appropriate by the faculty member. The faculty member may consult with the judicial chair, office of student conduct, chairperson or dean regarding appropriate sanctions.
  
- (11) Role of the student conduct administrator (“SCA”). The student conduct administrator or designee has the following responsibilities with regards to all cases involving alleged violations of the academic integrity policy.
  - (a) To create/maintain a student conduct file containing the completed academic integrity form and supporting documents.
  - (b) To expunge all records as outlined in this policy.
  - (c) In cases where the academic integrity form is completed by all parties, they will acknowledge receipt of this form by emailing the student, faculty member, chairperson, and dean with a letter that details the resolution of the case.

- (d) In cases where the student has already been found responsible for a previous academic integrity violation, any additional violation will result in a review of all cases by the office of student conduct for possible additional charges and sanctioning.

(GH) Article VI. Section 3345.22 of the Revised Code, the “1219 hearing” process.

- (1) Background. Disruptive behavior and the “1219” procedure. The Ohio campus disruption act, also known as Ohio House Bill 1219, is codified in sections 3345.22 and 3345.23 of the Revised Code. The purpose of the law is to protect university students, faculty, staff, and other members of the campus community from crimes of violence committed in the vicinity of the university or upon people or property at the university.

A “1219 hearing” is appropriate when a student is arrested for a crime of violence committed on or near the university. If a student is convicted of an offense of violence that occurred on or near the university, the student will be automatically suspended pursuant to section 345.23 of the Revised Code. The purpose of the “1219 hearing” is to remove students from campus who may be a threat to the safety and security of the student body or campus community.

- (2) Definition of a “crime of violence.” There are over thirty crimes of violence considered violations of the “1219” law, including but not limited to the following: arson, assault, burglary, domestic violence, discharged firearm, felonious assault, gross sexual imposition, inciting to violence, inducing panic, intimidation, kidnapping, menacing, murder, rape, riot, robbery, sexual battery, and voluntary manslaughter.
- (3) Jurisdiction of the “1219 hearing.”
  - (a) If a student is arrested for a crime of violence referenced in division (D) of section 3345.23 of the Revised Code, they may be temporarily suspended from the university

according to ~~“The Student Code of Conduct”~~ “The Student Code of Conduct”,” which is referred to as an interim suspension. This suspension will last during the process of the “1219 hearing” and continue until the student meets with the office of student conduct. The results of the “1219 hearing” discussed below does not alter the student’s status under an interim suspension.

- (b) A “1219 hearing,” which is distinctly separate from a conduct conference or a student conduct board hearing, will be held shortly after a student’s arrest for a crime of violence. The hearing can be continued for good cause. The purpose of the “1219 hearing” is to determine by a preponderance of the evidence whether the student committed an offense of violence.
- (c) If the referee, as appointed by the university (office of the general counsel), finds that the student did commit an offense of violence on or near the university, the referee will then determine if the student should be under strict probation or suspended from the university pending the outcome of the criminal case. However, as noted above, if the student is under an interim suspension, the student will remain suspended, even if they only receive strict probation from the referee, until the conclusion of the student conduct process administered by the office of student conduct.
- (d) Following the “1219 hearing,” the criminal case outcome will determine the student’s status under section 345.23 of the Revised Code. If the student is convicted of an offense of violence in the criminal case, the student will be suspended from the university for at least one year.
- (e) Upon acquittal, or upon any final judicial determination not resulting in conviction of an offense of violence, the “1219” suspension automatically terminates and the student in question shall be reinstated and the record of the “1219” suspension expunged from the person’s university record. The criminal process and “1219 hearing” are separate. The outcome of the “1219 hearing” has no bearing on the criminal case.



- (f) When a student is found not guilty, they may return to school, but upon conclusion of the “1219 hearing” and possibly while the criminal case is still underway, the university may, and in nearly all cases, will initiate the student conduct process. The student may also be under the restriction of an interim suspension. Unless the student is not under an interim suspension or has been found responsible of a violation of “~~The Student Code of Conduct~~”“The Student Code of Conduct”,” the student would be permitted to return to school.
  - (g) If the student is found guilty at the criminal trial for an offense of violence on or near the university, they will be suspended from Youngstown state university for the period of one year. The student will receive a written notice of the suspension from the office of student conduct. The student must receive approval from the board of trustees to be permitted to return to the university. This one-year suspension will still be imposed even if the student is found not responsible for a violation of “~~The Student Code of Conduct~~”“The Student Code of Conduct”.”
- (4) The “1219 hearing” process. The “1219 hearing” will be an adversary proceeding. Unlike a student conduct hearing, a “1219 hearing” will be conducted by a referee appointed by the university. A university attorney will present the evidence at the hearing on behalf of the university. The student has the right to:
- (a) Be represented by an attorney.
  - (b) To cross-examine witnesses called by the state (the university).
  - (c) Call upon his/her own witnesses.
  - (d) To present evidence.
  - (e) To give a statement (but not required to do so). If the student does not appear at the hearing, the student will be suspended. In the absence of a waiver of the right against

compulsory self-incrimination, the testimony of a student whose suspension is being considered, given at the hearing, shall not subsequently be used in any criminal proceeding against the student.

- (5) Burden of proof. Preponderance of the evidence is the standard use for all “1219 hearings.” Preponderance of the evidence is known as the balance of probabilities met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than fifty per cent chance that the proposition is true. The referee must find that the student committed the offense by a preponderance of the evidence.

(H1) Article VII. Parental/guardian notification policy. Youngstown state university is committed to an educational environment that promotes the safety, responsible decision-making, and social and intellectual development of all students. Furthermore, the university is concerned with taking a proactive approach in regards to students who may be experiencing problems with alcohol or other drugs. It is the policy of Youngstown state university to notify parents of students under twenty-one years of age if such students have been found responsible for violating institutional policies regarding alcohol or other drugs, in an effort to create a positive support network for students.

- (1) Parameters.

- (a) This policy will be applied in situations where students under the age of twenty-one have been found responsible for a violation of university policies regarding drugs or alcohol.
- (b) The office of student conduct shall be responsible for administering all procedures of the parental/guardian notification policy.

- (2) Procedures.

- (a) Parents/guardians shall be notified when the underage student is found responsible for a violation of the drug or alcohol policies.

- (b) The ~~associate vice president for student experience~~vice president for student affairs, or designee, may make an exception to the parental/guardian notification policy if in their judgment it is determined that harm would come to the student as a result of parental/ guardian notification.
  - (c) The notification will be provided in writing from the office of student conduct and will be mailed to the student's home address.
  - (d) The notification letter will inform parents or guardians that their student has been found responsible for a violation of an alcohol or drug policy. Included with the letter will be answers to frequently asked questions. Parents or guardians will be encouraged to discuss the incident with the student.
  - (e) The office of student conduct will be responsible for responding to questions from parents/guardians. If a parent or guardian is interested in reviewing their student's conduct file, the student generally must sign a waiver to release this information. There are exceptions to this that will be determined on a case by case basis.
- (I) Article VIII. Interpretation and revisions. Any question of interpretation or application regarding ~~“The Student Code of Conduct”~~“The Student Code of Conduct” shall be referred to the student conduct administrator for final determination.

~~“The Student Code of Conduct”~~“The Student Code of Conduct” shall be reviewed every three years under the direction of the student conduct administrator. Any member of the university community may recommend a change to ~~“The Student Code of Conduct”~~“The Student Code of Conduct” to the ~~associate vice president for student experience~~vice president for student affairs. The ~~associate vice president for student experience~~vice president for student affairs shall distribute the recommendation to the appropriate areas and gather feedback. If the change is endorsed by the ~~associate vice president for student experience~~vice president for student affairs, the change shall be presented to the board of trustees for adoption.

(JK) Glossary of Terms when used in “~~The Student Code of Conduct~~The Student Code of Conduct”.”

- (1) The term “due process” is an assurance that all accused students will receive notice of charges, notice of the evidence to be used against them, and the opportunity to participate in a hearing prior to the deprivation of any educational property interest.
- (~~2~~) The term “academic grievance subcommittee” is a group of university students and faculty selected and trained to adjudicate hearings wherein a student has allegedly violated the academic integrity policy for the university. Each hearing has a hearing panel consisting of at least six members from the academic grievance subcommittee
- (~~23~~) The term “appellate hearing panel” shall mean any person or persons authorized on a case-by-case basis by the student conduct administrator to consider a request for appeal from a student conduct body’s determination that a student has violated “~~The Student Code of Conduct~~”“The Student Code of Conduct” or from the sanctions imposed by the student conduct body.
- (~~34~~) The terms “can,” “may,” or “should” specify a discretionary provision of “~~The Student Code of Conduct~~”“The Student Code of Conduct”.”
- (~~45~~) The term “complainant” shall mean any person who submits a referral alleging that a student violated “~~The Student Code of Conduct~~”“The Student Code of Conduct”.”
- (~~56~~) The term “deputy conduct officer” shall mean a university official authorized on a case-by-case basis by the student conduct administrator to serve as a charging administrator to review complaints, determine responsibility, and impose sanctions upon students found to have violated “~~The Student Code of Conduct~~”“The Student Code of Conduct”.”
- (~~67~~) The term “faculty member” shall mean any person employed by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its

faculty. In certain situations, a person may be both “student” and “faculty member.” One’s status in a particular situation shall be determined by the relevant circumstances.

- (~~7~~8) The terms “file” or “records” mean information relating to a current or former student which is stored in a fashion that facilitates recovery of that information by reference to the individual in whatever form or medium such gathering of information is created, kept, or maintained.
- (~~8~~9) The term “function” shall mean all student activities or events occurring at the university or sponsored by registered student organizations, groups, or members of the academic community.
- (~~9~~10) The term “group” shall mean a number of students who are associated with each other and who have not complied with university requirements for registration as an organization.
- (~~10~~11) The terms “hearing panel” or “hearing panel members” shall mean individuals who have been selected or assigned to adjudicate a hearing. These individuals are selected from a trained body, including the student conduct board and the academic grievance subcommittee.
- (~~11~~12) The term “hearing panel advisor” shall mean the student conduct administrator, or designee, or appointee. The hearing panel advisor has responsibility for ensuring that policies and procedures within this document are adhered to within any student conduct process. The hearing panel advisor may be involved in any part of the student conduct process, and may provide input or answers, or otherwise answer questions asked by any parties.
- (~~12~~13) The term “may” is used in the permissive sense.
- (~~13~~14) The term “member of the university community” shall include any person who is a student, faculty member, university official, any other person employed by the university, or any person lawfully present on university premises.

- (~~14~~15) The term “organization” shall mean a university-registered student organization which as complied with formal requirements of official registration.
- (~~15~~16) The term “policy” shall be defined as the written regulations of the university as found in, but not limited to, “~~The Student Code of Conduct~~”“The Student Code of Conduct”,” “Resident Handbook,” “Penguin Student Handbook,” the university website, undergraduate/graduate catalogs, university policies, and board of trustees policies.
- (~~16~~17) The term “respondent” shall mean any student accused of violating “~~The Student Code of Conduct~~”“The Student Code of Conduct”.”
- (~~17~~18) The terms “shall,” “must,” “will,” or “is required” specify a mandatory requirement of the code.
- (~~18~~19) The term “student” shall include all persons registered for courses, seminars, and workshops at the university, either full-time or part-time, pursuing undergraduate, graduate, professional studies, or continuing education programs. Also included are those individuals accepted for admission or living in the residence halls, whether or not actually enrolled at the university.
- (~~19~~20) The term “student conduct administrator” is the ~~associate vice president for student experience~~vice president for student affairs, or designee, who shall be responsible for the administration of the code and the university student conduct process.
- (~~20~~21) The term “student conduct board” is a group of university students, staff, and faculty selected and trained to adjudicate hearings wherein students have allegedly violated university policy. Each hearing has a hearing panel consisting of three members from the student conduct board.
- (~~21~~22) The term “student conduct body” shall mean student conduct officer, any deputy conduct officer, or any hearing panel of the student conduct board authorized by the student conduct administrator to determine whether a student has violated “~~The Student Code of Conduct~~”“The Student Code of Conduct” and to recommend imposition of sanctions.

- (~~22~~23) The term “student conduct officer” is the associate director of student conduct who is the university official assigned to serve as the primary charging administrator by the student conduct administrator to review complaints, determine responsibility, and impose sanctions upon students found to have violated “~~The Student Code of Conduct~~”“The Student Code of Conduct”.”
- (~~23~~24) The term “student conduct board” is a group of campus students, staff and faculty selected and trained to adjudicate hearings wherein students are alleged to have violated university policy.
- (~~24~~25) The terms “university” or “institution” mean Youngstown state university and collectively those responsible for its operation.
- (~~25~~26) The term “university premises” shall be defined as all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university including adjacent streets, sidewalks, and parking lots.
- (~~26~~27) The term “university official” shall mean any person employed by, appointed to, authorized to act on behalf of or performing administrative or professional work for the university.
- (~~27~~28) The term “university working day” refers to any day of the week excluding Saturdays, Sundays, or official holidays.
- (~~28~~29) The term “weapon” shall have the same meaning as in university policy 3356-7-03 concerning weapons on campus (rule 3356-7-03 of the Administrative Code).
- (~~29~~30) All other terms have their natural meaning unless the context otherwise dictates.

### **3356-8-01.1 “The Student Code of Conduct”.**

Responsible Division/Office:	Student Affairs
Responsible Officer:	VP for Student Affairs
Revision History:	March 1998; December 2010; June 2016; September 2017; September 2020
Board Committee:	Academic Excellence and Student Success
<b>Effective Date:</b>	<b>September 3, 2020</b>
Next Review:	2025

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- (A) Policy statement/preamble. Youngstown state university (“YSU”) is a student-centered institution committed to the education, development, well-being, and success of students of all ages and from all walks in life. In concert with our mission to help students grow intellectually, we strive to foster their personal, social, emotional, and career growth, as well as their capacities for lifelong learning, civic responsibility, and leadership.

As a campus community, we expect all conduct to be rooted in integrity, mutual respect, and civility. We value ethical behavior in scholarly and other endeavors, believe in the dignity and worth of all people, strive to foster an appreciation of, and respect for, differences among the human race, and celebrate the diversity that enriches the university and the world. As a member of a higher education community, students have an obligation to conduct themselves in a manner that is compatible with the university’s purposes as an institution of higher education. Each student is expected to be fully acquainted with all published policies, procedures, and regulations of the university and is held responsible for compliance with them. All members of the university community are expected to assume responsibility for creating an environment conducive to the educational mission and purpose of the university.

The policies and regulations in “The Student Code of Conduct” have been established to ensure a positive educational experience for every student. “The Student Code of Conduct” serves as an official university document that outlines conditions and regulations considered essential to the effective functioning of the university.

The student conduct process at Youngstown state university adheres to procedural due process and is intended to be part of the educational



process at the university. This student conduct process provides a forum for the impartial and expedient resolution of alleged misconduct in the university community and encourages students to live responsibly and be accountable for their actions. The student conduct process is based on the university's commitment to developing integrity, respect, and responsibility among all students.

(B) Article I. Rights and responsibilities.

- (1) Basic rights. The following enumeration of basic rights shall not be construed to deny or disparage other rights and privileges retained by students in their capacity as members of the student body or as citizens of the community at large:
  - (a) The right of free inquiry, expression, and/or assembly.
  - (b) The right to pursue educational goals and appropriate opportunities for learning in the classroom, on campus, and online.
  - (c) The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures.
  - (d) The right to retain ownership of class projects/assignments authored by a student and submitted to fulfill requirements of a course, except as provided by section 3345.14 of the Revised Code.
- (2) Basic responsibilities. Students, as members of the university community, shall have the following responsibilities which are inherent in the basic rights delineated in this paragraph:
  - (a) To maintain standards of academic performance as established by their faculty.
  - (b) To be responsible for acting in such a manner as to ensure other students the basic rights enumerated in this policy.
  - (c) To be responsible for their actions with respect to, and to follow, all university regulations and policies.

- (d) To be responsible for their actions with respect to provisions of local, state, and federal law.
  - (e) To conduct themselves in a manner which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the university community are respected.
  - (f) To have in their possession a valid university identification card when on university premises.
  - (g) To be responsible for adhering to the university policy 3356-7-20, "Drug-free environment" (rule 3356-7-20 of the Administrative Code).
  - (h) To ensure adherence to all university board of trustees' policies that apply to students.
- (C) Article II. Student conduct authority. The president has delegated the authority for the university student conduct system to the vice president for student affairs. The vice president for student affairs, or designee, serves as the student conduct administrator responsible for the administration and operation of "The Student Code of Conduct" and the student conduct process. Members of the university seeking formal disciplinary action for alleged student misconduct should make referrals to the office of student conduct.

The student conduct administrator shall determine the composition of student conduct bodies and appellate hearing panels.

The student conduct administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are consistent with provisions of "The Student Code of Conduct." The student conduct officer shall be the associate director for student conduct. The student conduct administrator may also appoint one or more deputy conduct officers to review reports of violations of "The Student Code of Conduct" and to conduct investigations. Deputy conduct officers shall be under the supervision of the student conduct officer and/or the student conduct administrator.

- (1) Jurisdiction of "The Student Code of Conduct".

- (a) “The Student Code of Conduct” shall apply to conduct which adversely affects the university community or interferes with the pursuit of its mission or educational objectives and programs whether it occurs on university premises, at university sponsored activities, or on non-university premises. It is important to note that a student and/or group/organization will be subject to the university student conduct process where the conduct has occurred on non-university premises when the conduct adversely affects the university community or interferes with the pursuit of its mission or educational objectives and programs.
  - (b) Students shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). “The Student Code of Conduct” shall apply to a student’s conduct even if the student withdraws from the university while an investigation into alleged of misconduct is pending.
  - (c) An incident which results in a charge under “The Student Code of Conduct” may also lead to a proceeding outside of the university for a violation of local, state, or federal law. In these instances, university proceedings are not subject to challenge based on concurrent criminal or civil proceedings or that such proceeding has been or will be dismissed, reduced, withdrawn, resolved, or settled. The university will cooperate, to the extent permitted by law, with law enforcement and other agencies in the enforcement of all laws. In all cases, hearings within the university will be held according to the student conduct procedures set forth in in this policy. Since the university student conduct process is educational in nature, differing judgments may result.
- (2) Campus student organizations. Registered student organizations may exist for any appropriate purpose that does not conflict with

university policies and regulations or with local, state, and/or federal laws. The development of policies and guidelines for student organizations is the responsibility of the vice president for student affairs, or designee. The policies and regulations that apply to student groups/organizations are outlined in the “Penguin Student Handbook,” which houses all of the student organization policies. Student groups/organizations that violate any of the student organization policies may be charged with violating “The Student Code of Conduct” and be subject to the student conduct procedures set forth in this policy.

- (3) Student conduct authority.
  - (a) The enforcement of regulations, policies, and guidelines that apply to students, student organizations/groups are within the jurisdiction of the vice president for student affairs, or designee.
  - (b) Any internal college, departmental, or program processes used to address alleged violations of policy or concerns about student conduct are secondary to the processes outlined herein.
  - (c) Student groups and registered student organizations may be charged with violations of “The Student Code of Conduct” in the following circumstances:
    - (i) An organization is responsible for its actions and shall be held responsible when the organization fails to comply with the university’s student organization policies, and/or university policies or regulations.
    - (ii) An organization is responsible for its actions and shall be held responsible when the organization fails to comply with city, state, or federal law.
    - (iii) A student group (as defined in the glossary of terms section of this policy) or registered student organization and its officers may be held collectively or individually responsible for violations of “The Student Code of Conduct”.

- (D) Article III. Student conduct standards/prohibited conduct. The student conduct process aspires to develop and maintain conduct standards in support of character, civility, and community. This section of “The Student Code of Conduct” provides a set of expectations regarding student conduct in support of the university community.

A student or student group/organization may be charged with violating any student conduct standard. In cases where a violation is committed by a member of a student group/organization, the entire group/organization may be held responsible in addition to the student when those members of the group/organization not directly involved participate in the activity by encouraging, witnessing, or condoning the act in any manner. The following behavior is subject to disciplinary action under “The Student Code of Conduct”:

- (1) Academic integrity. Violations of academic integrity include:
- (a) Plagiarism, which includes the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgement, the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials, or the misrepresentation of another person’s work as one’s own.
  - (b) The use of any unauthorized assistance or tools:
    - (i) In taking quizzes, tests, assignments, or examinations;
    - (ii) When completing assignments, solving problems, or carrying out other assignments as detailed in the course syllabus or in other instructions by the instructor.
  - (c) The acquisition, without permission, of tests or other academic material belonging to a member of the university faculty or staff.
  - (d) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

- (e) Inappropriate collaboration, including working together on assignments or projects to an extent not permitted by the instructor.
  - (f) Multiple submissions of the same work, including submitting the same or parts of the same assignment for multiple classes without permission from the instructor.
  - (g) Fabrication of data, including presenting fictitious data relating to experiments, changing of data obtained from sources, and citing non-existent sources.
  - (h) Bribes, threats, or intimidation, including exchange of payment for assignments or parts of assignments, and threats to entice others to engage in violations of the academic integrity policy.
  - (i) Impersonation, pretending to be another person in the completion of a quiz, exam, or other assignment.
  - (j) Altering or destroying the work of others unless given permission.
  - (k) Lying in order to obtain an academic advantage, which includes falsification of documents or other information used to request makeup work.
  - (l) Assisting another person in any of the behaviors mentioned above is itself academic dishonesty.
  - (m) Asking others to engage in any of the behavior described above is academic dishonesty;
  - (n) Attempting to engage in any of the above behaviors is academic dishonesty.
- (2) Alcohol.
- (a) Use or possession of alcoholic beverages, except as permitted by law and university policy.
  - (b) Public intoxication.

- (c) Manufacturing or distribution of alcoholic beverages to any person under twenty-one years of age except as permitted by law.
- (3) Bullying and harassment. Unwelcome or unreasonable behavior that harasses or intimidates people, either as individuals or as a group, and is sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person) viewpoint. Bullying and harassing behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. See university policy 3356-2-03, "Discrimination/ harassment" (rule 3356-2-03 of the Administrative Code) for prohibited conduct based on an individual's sex, race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran/military status, or any other basis protected by law.
  - (4) Complicity. Allowing or enabling a violation to occur, failing to report a violation, or concealing, condoning, supporting or encouraging a violation or an attempted violation.
  - (5) Student conduct system.
    - (a) Failure to obey the summons of a student conduct body or university official to appear for a meeting or hearing as part of the student conduct process.
    - (b) Falsification, distortion, or misrepresentation of information before a student conduct body.
    - (c) Institution of a student conduct proceeding knowingly without cause.
    - (d) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
    - (e) Attempting to influence the impartiality of a member of a student conduct body prior to and/or during the course of the student conduct process.

- (f) Harassment (verbal or physical) and/or intimidation of a member of a student conduct body, participants, or witnesses prior to during or after a student conduct proceeding.
  - (g) Failure to comply with the sanction(s) imposed by a student conduct body.
  - (h) Influencing or attempting to influence another person to commit an abuse of the student conduct system.
  - (i) Disruption or interference with the orderly conduct of a student conduct proceeding.
- (6) Disorderly conduct. Conduct which is disorderly, lewd, or indecent; a breach of peace; obstructs teaching, research, administration, or university activities or functions.
- (7) Drugs.
- (a) Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances in either refined or crude form, including the use of drug-related paraphernalia.
  - (b) The misuse of materials as an intoxicant.
  - (c) Use of prescription drugs in any way other than as prescribed. Distribution of prescription drugs to anyone other than the person to whom they are prescribed.
- (8) Failure to comply. Failure to comply with directions and/or oral or written instructions which are given by any university official, student, faculty member, or staff who is acting in an official university capacity and/or failure to identify oneself to these persons when requested to do so.
- (9) Financial obligations. Failure to meet all financial obligations to the university.
- (10) Gambling. Gambling or wagering of any form except as expressly permitted by law and/or university policy.



- (11) Hazing. An act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
- (12) Information technology. Theft or other abuse of information technology and resources, including, but not limited to:
  - (a) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
  - (b) Unauthorized transfer of a file.
  - (c) Unauthorized use of another individual's identification and password.
  - (d) Use of computing facilities and resources to interfere with the work of another student, faculty member, or university official.
  - (e) Use of computing facilities and resources to send obscene or abusive messages.
  - (f) Use of computing facilities and resources to interfere with the normal operation of the university computing system originating from an on-campus or off-campus source.
  - (g) Use of computing facilities and resources in violation of copyright laws.
  - (h) Any violation of the university policy 3356-4-09, "Acceptable use of university technology resources" (rule 3356-4-09 of the Administrative Code).
- (13) Dishonesty.
  - (a) Furnishing false information to any university official, faculty member, or office.

- (b) Forgery, alteration, or misuse of any university document, record, credit card, or instrument of identification.
  - (c) Tampering with the election of any university recognized student organization.
  - (d) Deliberately misleading or intentionally failing to maintain correct address and telephone information with the registrar.
  - (e) Misrepresenting enrollment status and/or achievement at the university to non-university officials and/or on non-university documents.
- (14) Obstruction of traffic. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.
- (15) Endangering behavior.
- (a) Intentionally, knowingly, or recklessly causing physical harm to another person or their property or engaging in conduct which threatens or causes a reasonable apprehension of harm to the health, safety, life, or property of a person, including one's self.
  - (b) Entering false fire alarms, bomb threats, or tampering with fire extinguishers, alarms, smoke detectors, or other safety equipment.
- (16) Property damage. Any action which damages or could reasonably damage property of the university, or property of a member of the university community, or other personal or public property on or off campus, or acts of vandalism even if this behavior does not cause damage.
- (17) Published university policies. Violation of published university policies, rules, or regulations, including those available electronically on the university website.

- (18) Sexual harassment. Conduct on the basis of sex that satisfies one or more of the following categories:
- (a) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e. quod pro quo). An individual does not have to submit to the conduct in order for quid pro quo sexual harassment to occur.
  - (b) Unwelcome conduct determined by the reasonable person standard, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e. hostile environment).
  - (c) Sexual assault as defined in the Clery Act (which includes rape, fondling, incest or statutory rape, as defined below).
    - (i) Rape (except statutory rape). The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - (ii) Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
    - (iii) Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - (iv) Statutory rape. Sexual intercourse with a person who is under the statutory age of consent.
  - (d) Dating violence, domestic violence or stalking pursuant to the Violence Against Women Act (also defined below).
    - (i) Dating violence. Violence committed by a person who is or has been in a social relationship of a

romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- (ii) Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - (iii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
- (e) Sexual misconduct. Conduct of a sexual nature that is nonconsensual or is carried out through force, threat or coercion. Sexual misconduct includes but not limited to sexual exploitation and voyeurism.
- (i) Sexual exploitation. Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, nonconsensual video or audiotaping of sexual activity, permitting others to

secretly observe or record consensual activity or engaging in voyeurism.

- (ii) Voyeurism. Voyeurism occurs when a person, for the purposes of sexual arousal or gratification sexual purposes, surreptitiously invades the privacy of another. Voyeurism can occur in person or through recording or electronic means.
- (f) Consent. An action which is which is defined as positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent is the equal approval, given freely, willingly, and knowingly, of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. A person may be incapable of giving consent due to physical incapacitation, physical or mental disability, threat or force, coercion, the influence of drugs or alcohol or age. Silence or lack of resistance cannot be the sole factor in determining one has received consent.
- (i) Coercion. Intimidation, physical, or psychological threat, or pressure used to force another to engage in sexual acts. Coercion is unreasonable pressure for sexual activity.
  - (ii) Force. The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
  - (iii) Incapacitation. Inability to evaluate, understand, or control conduct because an individual is unconscious, asleep, intoxicated or under the influence of other drugs, or for any other reason, physically, mentally, or legally unable to communicate or grant consent. Incapacitation does

not correlate to a specific blood alcohol content (“BAC”) and could be the result of drug use.

- (g) Sex offenses. See Chapter 2907. of the Revised Code which defines sex offenses under Ohio law.
- (19) Theft. Attempted or actual theft, including possession of stolen property.
- (20) Unauthorized entry.
  - (a) Unauthorized entry to or use of university premises, including access to residential spaces other than one’s own assigned space.
  - (b) Unauthorized possession, duplication, or use of keys to any university premises.
- (21) Unauthorized recording.
  - (a) Unauthorized use of electronic or other devices to make an audio or video record or photograph of any person while on university premises without their prior knowledge or without their effective consent when such a recording or photograph is likely to cause injury or distress, except as otherwise permitted by law.
  - (b) Unauthorized distribution or dissemination of an audio or video recording or photograph of any person without their prior knowledge or consent, even if the recording or photograph originally had been produced with the person’s consent, when such a recording or photograph is likely to cause injury or distress, except as otherwise permitted by law.
- (22) Violation of law.
  - (a) Behavior which would constitute a violation of federal, state, or local law that adversely affects the university community or interferes with the university’s mission or its educational objectives and programs.

- (b) Since the university student conduct process is educational in nature and differing judgements may result between university action and outside legal action, the university, in its sole discretion, may pursue student conduct action and impose sanctions against a student for a violation of law:
    - (i) Regardless of where the behavior occurs;
    - (ii) When a student is charged with a violation of law but not with any other violation of “The Student Code of Conduct”;
    - (iii) When a student is charged with a violation of law which is also a violation of “The Student Code of Conduct”;
    - (iv) While the student is also subject to criminal proceedings, arrest and/or prosecution or civil litigation.
  - (c) University conduct action may be carried out prior to, simultaneously with, or following civil or criminal proceedings.
  - (d) The university will cooperate, to the extent permitted by law, with law enforcement and other agencies in the enforcement of all laws and will not request or agree to special consideration for an individual because of that individual’s status as a student.
- (23) Weapons. Illegal or unauthorized possession of firearms, fireworks, explosives, other weapons, or dangerous chemicals on university premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.
- (24) Sexual harassment as defined in Title IX of the Education Amendments of 1972 as set forth in university Title IX sexual harassment policy. See rule 3356-02-05 of the Administrative Code and university policy 3356-2-05 “Title IX sexual harassment policy”. Students, faculty, employees, volunteers, third parties,

campus visitors and other individuals should refer to the Title IX policy referenced above for processes and procedures under Title IX). The complaint, adjudication, resolution and appeal process for an allegation of a Title IX violation as well as possible sanctions is delineated in university policy 3356-2-05 Title IX sexual harassment policy.

(E) Article IV. Student conduct procedures.

- (1) General. This overview gives a general idea of how the university's campus student conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, while consistency in similar situations is a priority, these procedures are flexible, and are not exactly the same in every situation.
  - (a) These proceedings are administrative procedures and do not follow the specific steps, methods, or standards of proof of evidence used in civil or criminal courts.
  - (b) Any member of the university community may report alleged violations of "The Student Code of Conduct" by a student or a student group/organization. The report shall be prepared in writing and directed to the office of student conduct. A report of a violation of "The Student Code of Conduct" shall be submitted as soon as possible after the incident occurs but not later than thirty days following the university becoming aware of an incident. Exceptions to this limitation period will be reviewed by the student conduct administrator and may be granted in their discretion.
  - (c) The student conduct officer shall review reports of violation(s) and may initiate investigations of possible violation(s) of "The Student Code of Conduct" to determine if the charges have merit. In reviewing the reports, the student conduct officer will determine whether the alleged violation(s) may be resolved through a conduct conference or a conduct hearing. Students or student groups/organizations that might be subject to university suspension or expulsion shall automatically be provided a student conduct board hearing. Additionally, students alleged to have violated the University's sexual misconduct



policy will automatically be provided a student conduct board hearing. Sexual misconduct incidents are investigated by the Title IX office, with findings forwarded to the office of student conduct for adjudication.

- (d) The standard of proof utilized in all university student conduct proceedings shall be a preponderance of evidence. Preponderance of the evidence is known as the balance of probabilities, met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than fifty per cent chance that the proposition is true.

(2) Student conduct conference.

- (a) Any student, student group, or student organization (hereinafter referred to as the respondent) who has been charged with an alleged violation of the student conduct standards of “The Student Code of Conduct” will first be scheduled for a conduct conference with the conduct officer assigned to review the allegation. The respondent will be notified in writing via their official university email address, of the date, time, and location of the conduct conference. Written notification will include:
  - (i) The specific charges pending against the respondent;
  - (ii) A brief summary of the referral;
  - (iii) Statement of rights and responsibilities; and
  - (iv) If applicable, a statement notifying the respondent that the alleged conduct is significant enough that they may face suspension or expulsion if the charge is substantiated.
- (b) The conduct conference is the first step in student conduct process and serves to provide the respondent with the opportunity to discuss the allegations that led to the referral. The respondent will receive more information

regarding the process, clarification of their rights and options, the ability to inspect and review all relevant information as well as a range of potential sanctions(s) for the violation(s) in question should the charges be substantiated. After a discussion regarding the incident and review of relevant information, the respondent will have an opportunity to accept or deny responsibility for the charge(s).

- (c) If the respondent accepts responsibility for the charge(s), the conduct officer will sanction the respondent as part of the conduct conference. The respondent will be asked to sign a conduct agreement which will outline all of the sanctions offered to the respondent. While the student may sign the agreement immediately, they have up to three university working days to do so. The respondent has the option to accept the charge(s) but contest the sanction(s) or agree to both the charge(s) and sanction(s). Once the agreement is signed, the decision is final and there is no appeal process. If the respondent denies responsibility for one or more of the charges, the conduct officer will refer the case for a student conduct board hearing.

(3) Student conduct board hearing.

- (a) The purpose of a hearing is to provide an equitable forum for the review of the available information regarding an alleged incident of misconduct. The student conduct board hearing panel will decide by the preponderance of evidence whether or not the respondent is found responsible for the charge(s). All hearings are closed to the public, with the exception of the complainant, respondent, advisors for the complainant and/or respondent, witnesses, hearing panel, hearing panel advisor, and the conduct officer. All parties directly participating in the hearing (the respondent, complainant, advisors, and conduct officer) may remain present the entire time, excluding deliberations.
- (b) Student conduct board hearing panels consist of three members of the student conduct board. Hearing panels are comprised of trained faculty, staff, and students. Each

student conduct board hearing will have a hearing panel chair. The chair is responsible for keeping the proceedings moving forward.

- (c) If the respondent or complainant fails to appear at a scheduled student conduct board hearing and the absence is not excused, the hearing may proceed in their absence or may be rescheduled at the discretion of the chair. Additionally, In the event that the complainant, respondent, or witnesses are unable to attend the hearing in-person, video technology may be used to enable participants to simultaneously see/hear each other. Video technology may also be used if the complainant or respondent prefers to participate in the hearing from a different room than the opposing party
- (d) Each student conduct board hearing panel will have a hearing panel advisor. The role of the hearing panel advisor is to ensure the student conduct process is adhered to and to answer procedural questions posed by any party during the hearing. The hearing panel advisor will also keep the proceedings focused on issues relevant to the specific allegations. The hearing panel advisor may be summoned by the hearing panel during deliberations to answer questions and provide guidance as necessary.

(4) Hearing procedures.

- (a) Guidelines.
  - (i) The chair will explain the rights and responsibilities of the respondent and the complainant.
  - (ii) The chair and hearing panel advisor are responsible for assuring that these rights as well as the process described in this section are adhered to during the hearing.
  - (iii) The respondent or the complainant may ask for the removal of a hearing panel member by providing written or verbal evidence of bias. The charge of

bias is made to the chair who will determine whether it is valid. If the charge of bias is against the chair, the hearing panel advisor will decide whether it is valid. If bias is found, or is unable to be determined, the hearing will be rescheduled.

- (iv) The conduct officer may ask questions of any party at any time throughout the hearing.
  - (v) The chair and hearing panel advisor are responsible for determining the relevancy of questions asked during a hearing and may deem certain questions irrelevant and not allow them to be answered. The chair must explain to the party proposing questions any decision to exclude a question as not relevant.
  - (vi) The chair may exclude persons from the hearing if they are disruptive or postpone the hearing because of disruptive behavior by participants or observers.
- (b) Introduction.
- (i) Each party in the room will introduce themselves and explain their role in the hearing.
  - (ii) The chair will then explain the process and procedures for the hearing.
  - (iii) All witnesses will then be dismissed from the room.
- (c) Presentation of information.
- (i) Following the introduction, the chair will present the respondent with the charges against them. The respondent will respond to each charge by acknowledging that they are responsible for the charge or by denying responsibility for the charge.
  - (ii) The conduct officer will explain why the case was referred for a hearing and will provide a detailed

summary of the incident and any subsequent investigation undertaken.

- (iii) If there is a complainant, they will then have an opportunity to provide the hearing panel with a summary of their role and perspective on the incident.
- (iv) The hearing panel will then ask the respondent to describe their involvement in the matter at hand as it pertains to the charges being considered in the hearing.
- (v) The conduct officer will then present any relevant witnesses or documentary information. The respondent and complainant will each in turn have the opportunity to ask questions regarding the information presented by the conduct officer to this point.
- (vi) The respondent will then present any relevant witnesses or documentary information to the hearing panel. The hearing panel and the conduct officer will each in turn have the opportunity to ask questions regarding the information presented by the respondent to this point.
- (vii) The respondent and complainant, in turn, will have the opportunity to cross-examine one another.
- (viii) The conduct officer will have an opportunity to make a summary statement including any sanctioning recommendations.
- (ix) The complainant will have an opportunity to make a summary statement including any sanctioning recommendations.
- (x) The respondent will have an opportunity to make a summary statement including any sanctioning recommendations.

- (d) Deliberation and finding.
  - (i) The hearing panel will go into closed session to determine by the preponderance of evidence whether the respondent will be found responsible for the charge(s) pending in this matter. Student conduct hearing panels determine findings by majority vote.
  - (ii) If the respondent is found responsible for a violation of one or more of the pending charges, the hearing panel will proceed to sanctioning. At this time, the hearing panel will be presented with any relevant information pertaining to the respondent's prior student conduct cases and sanctions.
  - (iii) The hearing will reconvene for the announcement of the findings and any subsequent sanction(s). In student conduct board hearings, the sanction(s) are recommended to the vice president for student affairs or designee, who will make the final decision. While normally the recommendation will be the sanction imposed, the vice president for student affairs or designee may impose a different sanction.
  - (iv) Written notification of the decision will be sent to the respondent and complainant simultaneously via their official university email addresses.
- (5) Student rights and responsibilities. The following rights and responsibilities apply to those involved in a matter being addressed by the student conduct process, in an effort to uphold due process.
  - (a) Rights of respondent. All respondents in the student conduct process have the following rights:
    - (i) Written notice of the charge(s) made against them and the basis of the allegation that led to the charge(s).

- (ii) In matters that could result in a sanction of suspension or expulsion, the above-mentioned notification will alert the respondent to the possible severity of the outcome.
- (iii) The right to an advisor. It is the respondent's responsibility to communicate all necessary information regarding the student conduct process and proceedings with the advisor, unless the respondent signs an authorization for the release of information, thus allowing the office of student conduct to communicate directly with the advisor.
- (iv) To request reasonable accommodations due to disability. See paragraph (E)(6) of this policy, "Reasonable accommodation for students with disabilities."
- (v) To make a request for a change of date for a student conduct proceeding, so long as the request is made no less than forty-eight hours in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within three university working days of the initially scheduled proceeding.
- (vi) Reasonable access to inspect and review their own case file, which includes all information that would be used during the student conduct process, including hearing audio/video, to the extent permitted by confidentiality laws.
- (vii) Explanation of the resolution options available to them through the student conduct process.
- (viii) To be presumed not responsible for an alleged violation until found in violation by a preponderance of the evidence.
- (ix) To speak or not speak on their own behalf.

- (x) The opportunity to respond to information used as part of the decision-making process.
  - (xi) To deny responsibility for the charge(s) facing them and request that the case be referred to a student conduct board hearing.
  - (xii) To question any witness who participates as part of a hearing.
  - (xiii) The right to appeal.
  - (xiv) To waive any of the above stated rights provided that the waiver is made freely and in writing.
- (b) Rights of the complainant. All complainants in the conduct process have the following rights:
- (i) To pursue criminal or civil charges where a legal case exists (without university assistance).
  - (ii) Explanation of the resolution options available to them through the conduct process.
  - (iii) To be free from harassment and intimidation from respondents and others as they engage in this process.
  - (iv) The right to an advisor. It is the complainant's responsibility to communicate all necessary information regarding the student conduct process and proceedings with the advisor, unless the complainant signs an authorization for the release of information, thus allowing the office of student conduct to communicate directly with the advisor.
  - (v) Reasonable access to inspect and review their own case file, which includes all information that would be used during the student conduct process, including hearing audio/video, to the extent permitted by confidentiality laws.



- (vi) To request reasonable accommodations due to disability. See paragraph (E)(6) of this policy, “Reasonable accommodation for students with disabilities.”
  - (vii) To make a request for a change of date for a student conduct proceeding, so long as the request is made no less than forty-eight hours in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within three university working days of the initially scheduled proceeding.
  - (viii) To provide information for consideration during the conduct process, and to know the results of the process to the extent allowed under federal laws and university policies.
  - (ix) The opportunity to appear at any hearing that may take place in order to provide relevant information.
  - (x) The opportunity to submit a written impact statement for use in a hearing, even if the complainant chooses not to attend the hearing.
- (c) Responsibilities of respondents, complainants, and witnesses. All respondents, complainants, and witnesses in the conduct process have the following responsibilities:
- (i) To be honest and forthright in all information they provide during the student conduct process. Presenting false and misleading information during this process is a violation of student conduct standards as outlined in this policy.
  - (ii) To attend all scheduled meetings, conferences, or hearings, unless alternate arrangements are made in advance.
  - (iii) To refrain from disruption of the hearing process. Disruption of this process is a violation of this

policy. See paragraph (D) of this policy, “Student conduct standards/ prohibited conduct.”

- (iv) Respondents have the responsibility to prepare and present their entire case as well as secure the presence of any witnesses who will speak on their behalf.
- (6) Reasonable accommodation for students with disabilities. Any student with a disability involved in the student conduct process has the right to request reasonable accommodation in order to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to the center for student progress (“CSP”) disability services. Students do not have to disclose information about the complaint or charge to CSP disability services to request reasonable accommodation, except to the extent that it may assist in the determination of reasonable accommodations.

Accommodations are determined on an individual basis by CSP disabilities services staff and implemented in consultation with the office of student conduct. Examples of reasonable accommodation include sign language interpretation, real-time communication access during hearings, large print documents, extended time to review documents, or assistance with transcribing questions during interviews or hearings.

- (7) Sanctions. If the student or student group/organization is found responsible for a violation of a policy, sanctions will be issued in accordance with the office of student conduct’s sanctioning rubric. The Student Conduct Administrator may adjust recommended sanctions on a case-by-case basis, as appropriate.
- A conduct sanction imposed or other action taken by any Student Conduct Body shall become effective upon written notification to the respondent. The notification will be sent to the respondent’s official University email account. In cases involving a student group/organization, notification will be sent to the official University email account for the President or student group/organization leader.

The decision of a Student Conduct Body may be appealed, as outlined in ARTICLE IV. I. of this document. If the respondent files a request for appeal, and if the appeal is denied, the sanction shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the respondent.

- (a) The following sanctions may be imposed upon any student who has been found responsible for a violation of “The Student Code of Conduct”. Sanctions are typically issued in a progressive fashion; however, each situation differs; and many factors, including the severity of a violation and the impact of the violation on the campus community will be taken into consideration in determining sanctioning.
  - (i) Warning. A written notification statement that the student is violating or has violated “The Student Code of Conduct”. Continuation or repetition of inappropriate conduct may be cause for increased sanctioning.
  - (ii) Conduct probation. Notice in writing that the violation of “The Student Code of Conduct” is serious and that any subsequent violation(s) of university regulations may result in imposition of additional restrictions or conditions, suspension or expulsion.
  - (iii) Conduct probation with restrictions. Notice in writing that the violation of university regulations is a serious and that any subsequent violation(s) of “The Student Code of Conduct” may result in suspension or expulsion. In addition, an order preventing the student from holding university elective office, student employment, participating in any intercollegiate activity or sport, participating in any university sponsored program/organization, or representing the university in any other manner will be attached to this sanction.

- (iv) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.
- (v) Educational sanctions. Other sanctions may be imposed instead of, or in addition to, those specified above. These may include community service, educational assignments, referrals to Student Outreach & Support and other campus offices, or other similar sanctions designed to assist the respondent in reflecting upon their behavior and the impact of their behavior on self or others.
- (vi) Deferred suspension. Separation of the student from the university and/or residence halls is deferred for a specified period of time. If the student is found in violation of any subsequent violations of “The Student Code of Conduct”, the suspension takes effect immediately and may not be appealed.
- (vii) Residence hall probation. Notice in writing that the violation of “The Student Code of Conduct” is serious and that any subsequent violation of University regulations and/or Resident Handbook policies may result in imposition of additional restrictions or conditions, residence hall suspension, or residence hall expulsion.
- (viii) Guest restriction. Residence hall students are restricted from signing in to other residential communities as guests into for a designated period of time.
- (ix) Host restriction. Residence hall students are restricted from hosting other guests for a designated period of time.
- (x) Relocation. Requiring a student to move to another floor, residence hall, or apartment as a result of community disruption.

- (xi) Deferred residence hall suspension. Separation of the student from the residence halls is deferred for a specified period of time. If the student is found responsible for any subsequent violations of “The Student Code of Conduct”, Residence Hall Suspension takes effect immediately and may not be appealed.
- (xii) Residence hall suspension. Separation of the student from the residence halls for a specified period of time after which time the student is eligible to return. During the suspension period, the student is prohibited from accessing any university housing facilities. This may include residential dining facilities.
- (xiii) University suspension. Separation of the student from the university for a specified period of time after which time the student is eligible to return. During the suspension period, the student does not have access to the university and is prohibited from participating in any academic or other university activities. This may include residential dining facilities. A university suspension is noted on an addendum attached to a student’s transcript.
- (xiv) Residence hall expulsion. Permanent separation of the student from the residence halls. An expulsion denies the student access to all university housing facilities on a permanent basis. This may include residential dining facilities.
- (xv) University expulsion. Permanent separation of the student from the university. An expulsion denies the student access to the university, including any campus facilities, any campus programs or activities, and any class sessions on a permanent basis. A university expulsion is permanently noted on a student’s transcript.

- (xvi) Revocation of admission and/or degree. Revocation of admission to or awarding of a degree from the university for fraud, misrepresentation, or other violation of university standards in obtaining the degree, or for serious violations committed by a student prior to graduation.
  - (xvii) Withholding degree. Withholding the awarding of a degree otherwise earned until the completion of the process set forth in “The Student Code of Conduct”, including the completion of all sanctions imposed, if any.
  - (xviii) Fines. Fines for violations of “The Student Code of Conduct” will be assessed and charged to the student’s account. A list of fines for all violations will be determined at the discretion of the vice president for student affairs, who will submit a list of the fines structure to the university board of trustees for approval on an annual basis. The fines structure must be included as a part of “The Student Code of Conduct” when published and presented to students.
  - (xix) No contact order. The student is restricted from making contact in any verbal, written, electronic, or physical manner with a designated individual. If a student is found in violation of the no-contact order, they may be subject to arrest and removed from campus.
  - (xx) Parental notification. Student Conduct staff will coordinate the parental notification in cases of alcohol or drug use when the student’s behavior demonstrates a risk of harm to self or others or any violation of law involving a controlled substance.
- (b) More than one of the sanctions listed above may be imposed for any single violation.
  - (c) The following sanctions may be imposed upon student groups/organizations:

- (i) Those sanctions as outlined in paragraph (E)(7) of this policy.
    - (ii) Deactivation. Loss of all privileges, including university recognition, for a specified period of time.
  - (d) In each case in which a student conduct body determines that a student or student group/organization has violated “The Student Code of Conduct,” the sanction(s) shall be determined and imposed by the same student conduct body. The student conduct administrator shall be responsible for ensuring that sanctions imposed by hearing panels and conduct officers are consistent with the violation and sanctions imposed for similar violations in other similar cases.
- (8) Interim measures. In certain circumstances, the vice president for student affairs may impose an interim measure prior to a student conduct board hearing or conduct conference. This includes university or residence hall suspension.
- (a) Interim measures may be imposed only:
    - (i) To ensure the safety and well-being of members of the university community or to preserve university property;
    - (ii) To ensure the respondent’s own physical or emotional safety and well-being;
    - (iii) If the respondent poses a threat of disruption or interference with the normal operations of the university; or
    - (iv) If the respondent is charged with the commission of a criminal offense as defined in section 2901.01 of the Revised Code.
  - (b) In the event that an interim measure is imposed, the student or student group/organization will be notified either in

person or by regular U.S. or certified mail of the cause for the interim measure. The respondent will also be notified via their official university email address. The interim measure becomes effective immediately upon notification. A hearing panel will convene as expeditiously as possible to review the case. The hearing will follow the procedures outlined in paragraph (E)(4) of this policy and may proceed before, during, or after any criminal proceedings.

- (c) In the case of an interim suspension, the student or student group/organization shall be denied access to all housing facilities and/or to the campus (including classes) and/or all other university activities or privileges for which the student or student group/organization might otherwise be eligible, unless determined otherwise by the student conduct administrator.

(9) Appeals.

- (a) The decision or sanction imposed by a student conduct body may be appealed by the respondent or complainant (“the appellant”) within five university working days of notification of the decision. If an appeal is not received within this time frame, the decision reached by the student conduct body will be final.
- (b) Requests for appeals shall be made in writing and shall be emailed or delivered to the office of student conduct. The request for appeal should indicate the grounds on which the decision is being appealed, referencing at least one of the grounds for the appeal (see paragraph (E)(9)(d) of this policy) along with supporting information.
- (c) Once a request for appeal has been submitted and until the appeal decision has been communicated to the appellant, all sanctions except any issued as interim measures, such as interim suspensions, will be held in abeyance.
- (d) Appellate hearings are not a re-hearing of the student conduct case. Except as required to explain the basis of new evidence, an appellate hearing shall be limited to



review of the record of the initial hearing and supporting documents for one or more of the following grounds:

- (i) A claim that the original hearing was conducted in violation of procedural requirements set forth in “The Student Code of Conduct” and to determine whether these violations could have affected the outcome of the hearing.
- (ii) A claim that the decision reached regarding the respondent did not have a reasonable basis for the conclusion reached and that it was not based on proof by a preponderance of the evidence.
- (iii) A claim that the sanction(s) imposed was/were disproportionate and without basis to the violation of “The Student Code of Conduct” for which the respondent was found responsible.
- (iv) A claim that there is new information, sufficient to alter a decision or other relevant facts not presented in the original hearing because such information and/or facts were not known by the appellant at the time of the original hearing.
- (e) The burden of proof rests with the appellant.
- (f) The appellant may, in preparing the request for appeal, have access to records of the case, which must be reviewed in the office of student conduct.
- (g) A request for appeal in a case adjudicated by a conduct officer will be reviewed by the student conduct administrator. A request for appeal in a case adjudicated by a student conduct board hearing panel will be reviewed by an appellate hearing panel. An appellate hearing panel is composed of three members from the student conduct board selected by the student conduct administrator.
- (h) Once a request for appeal has been submitted by the complainant or respondent, the other party shall receive a

copy of the request for appeal and may submit a written response to the request for appeal, which will be considered alongside the request for appeal. Any written response must be submitted within five university working days of notification of the submission of a request for appeal.

- (i) The appellate hearing panel or the student conduct administrator will review the appeal to determine whether one of the grounds listed in this policy has been met.
  - (j) If an appellate hearing panel or student conduct administrator determines that a request for appeal has met one or more of the grounds, the following options are available:
    - (i) Remand the case to the original panel for reconsideration consistent with the granted grounds for appeal.
    - (ii) Uphold the original decision.
  - (k) If the appellate hearing panel or student conduct administrator determines that the request for appeal does not meet one of the grounds, the appeal will be dismissed and the original decision will be upheld.
  - (l) The decision of the appellate hearing panel or student conduct administrator after an appellate review is final.
- (10) Conduct procedures for university housing. Deputy conduct officers have been designated by the student conduct administrator to assist in the review of alleged violations of policy originating within university housing.
- (a) The responsibility for the enforcement of rules and regulations governing student conduct in the residence halls, as outlined in the “Resident Handbook,” is delegated by the student conduct administrator to a conduct officer.
  - (b) Any student, faculty member, or university official may file a written report against any student living in a residence

hall for alleged violations of policy within the residence hall, campus dining facilities, or at any residence hall function.

- (c) Upon receipt of a written report, the conduct officer will conduct an investigation to determine whether there is reasonable cause to believe that a violation of “The Student Code of Conduct” may have occurred. If the conduct officer believes that such a violation did occur they will follow the procedures outlined in paragraph (E)(4) of this policy to address the alleged violation.
- (11) Student conduct record. The student conduct administrator shall maintain all student conduct records of information received and action taken by the respective student conduct bodies.
- (a) Conduct sanctions shall not be made part of the student’s academic record but shall become part of the student’s conduct record. Student conduct records shall be expunged seven years after final disposition of the case, excluding students who were sanctioned with residence hall expulsion, university suspension, university expulsion, or revocation or withholding of a degree which shall be expunged fifteen years after final disposition of the case resulting in such action. Upon graduation, the student may petition the student conduct officer for removal of all files contained in their student conduct records. The student may appeal a negative response of the student conduct officer the student conduct administrator.
  - (b) Records regarding university expulsion or university suspension of a student group/organization shall be kept indefinitely.
  - (c) All material gathered from a substantiated conduct case (residence hall, academic, and other) shall become part of any new case against the same respondent(s) after the new charges have been substantiated.

- (d) Student conduct records are maintained only in the names of respondents found responsible for violations of university policy, local, state or federal law.
- (12) Special procedures. To ensure continued participation of students, faculty, and administration in the student conduct process and to ensure speedy disposition of conduct cases, the president of the university is empowered to develop a subcommittee structure in the event of a large number of student conduct cases. Such subcommittee shall be empowered to hear and adjudicate cases in accordance with the provisions of “The Student Code of Conduct” and shall ensure that all elements of procedural due process delineated in this article are observed.
- (13) Responsible action exemption. The University encourages students to seek immediate medical attention for themselves or others during alcohol and/or drug-related emergencies. When students act as responsible bystanders, the University may choose to resolve alcohol and/or drug violations informally, rather than through the student conduct process. The office of student conduct determines when students are eligible for Responsible Action Exemption on a case-by-case basis. In instances involving possible sexual misconduct, the office of student conduct will seek input from the Title IX office before making a determination. For exemption to be considered, the following must occur:
- (a) Students must directly contact law enforcement, medical personnel, or university staff to request medical assistance.
  - (b) Students must identify themselves and the student(s) of concern to first responders.
  - (c) Students must comply with specific instructions given by responding personnel.

Students exempted from alcohol and/or drug charges will not face formal sanctions, but are required to meet with a Conduct Officer to discuss the incident and learn about campus and community resources. If a student is under 21 years of age at the time of the incident, the Conduct Officer may notify parents or guardians of the exemption.

Documentation of exemptions will be maintained by the office of student conduct as informational records and are not considered part of a student's conduct record. Incident information will not be released by the office of student conduct when contacted for background checks/transfer verifications.

The University reserves the right to deny exemption for any case in which violations are repeated or egregious, including activities related to hazing. Students will only receive one (1) exemption during their tenure at the University.

Members of student organizations that actively seek medical assistance during alcohol and/or drug-related emergencies may be granted exemption from organizational conduct charges. Incidents involving student organization intervention will be considered on a case-by-case basis. The same standards outlined above apply.

- (14) Serious misconduct policy. Serious misconduct is defined as, "any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, any assault that employs the use of a deadly weapon" as defined in Ohio Revised Code 2923.11 (A) or causes serious bodily injury.

Additional parameters will be placed upon students returning from suspension for violations of Serious Misconduct, including conduct probation with loss of good standing for one calendar year, preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. After one year, students may petition the vice president for student affairs for permission to participate in extracurricular activities and employment.

- (F) Article V. Title IX sexual harassment procedures (per University policy 3356-2-05).
- (1) Grievance process.
- (a) Timeframe. The process outlined below is expected to occur within ninety (90) calendar days from the date a complaint is filed. The Title IX coordinator or designee may extend this time period by providing written notice to the parties citing the reason(s) for the extension. The complainant or respondent

may request a temporary delay of the grievance process for good cause by written request to the Title IX coordinator. Good cause includes but is not limited to the absence of party, a party's advisor or a witness, or the accommodation for disabilities.

- (b) Report. Information, however received, alleging sexual harassment as defined in this policy and provided to a person with the authority to initiate corrective action. A report may lead to further action, including the filing of a formal complaint depending on the alleged facts and circumstance.
- (c) Formal complaint. A formal complaint is a verbal or written account which alleges a conduct which could violate this policy and is made to a person with authority to initiate corrective action. A complaint may be submitted by mail, e-mail, in person, by telephone or electronically at [TitleIX@ysu.edu](mailto:TitleIX@ysu.edu).

(2) Notice

- (a) Upon receipt of a formal complaint, the university shall provide the following written notice to the parties who are known: notice of this grievance process, including any informal resolution process; and notice of the allegations of sexual harassment as defined above, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
- (b) If, in the course of an investigation, the university decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the university shall provide notice of the additional allegations to the parties whose identities are known.
- (c) Notice to the university staff listed below, of sexual harassment or allegation of sexual harassment, constitutes actual notice to the university and triggers the university's obligation to respond.
  - (i) Title IX coordinator and deputy Title IX coordinators.

- (ii) Director of equal opportunity and policy development.
  - (iii) Vice-presidents and associate vice-presidents.
  - (iv) Academic deans and chairpersons.
  - (v) Supervisors/managers.
  - (vi) Coaches and assistant coaches.
- (3) Consolidation of formal complaints. The university may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.
- (4) Dismissal of formal complaint. The Title IX coordinator shall dismiss formal complaints that do not meet the following criteria.
  - a. Mandatory dismissal.
    - (i) Would not constitute sexual harassment as defined in this policy even if proved.
    - (ii) The alleged sexual harassment did not occur in the university’s education program or activity.
    - (iii) The alleged conduct did not occur in the United States.
  - (b) Discretionary dismissal.

- (i) Complainant notifies the Title IX coordinator in writing that they would like to withdraw the formal complaint.
    - (ii) The respondent is no longer enrolled or employed by the university.
    - (iii) Specific circumstances prevent the university from gathering sufficient evidence.
  - (c) The dismissal of a formal complaint shall be done simultaneously and in writing to the parties.
  - (d) A dismissal of a formal complaint may be appealed pursuant to section (F) below.
  - (e) A formal complaint which is dismissed pursuant to this policy may be considered under a different university policy, such as policy 3356-2-3 Discrimination/harassment or 3356-7-04 Workplace and off-campus violence, threats, and disruptive behavior, or under the student code of conduct.
- (5) Informal resolution. At any time prior to reaching a determination regarding responsibility, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication
- (a) Both parties' voluntary, written consent to the informal resolution process is necessary. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
  - (b) Informal resolution is not an option for resolving allegations that an employee or faculty member sexually harassed a student.
- (6) Investigation. The Title IX coordinator or designee is responsible for investigating formal complaints which meet the criteria of this policy.



- (a) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the investigator and not on the parties.
- (b) The respondent is not considered responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- (c) The university shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party's voluntary, written consent to do so for a grievance process under this section, or as permitted by law.
- (d) The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the course of the investigation. All parties are free to discuss the allegations under investigation or to gather and present relevant evidence.
- (e) All parties shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice including an attorney. However, the advisor may not speak during any interview or proceedings, with the exception of the cross-examination portion of any hearing.
- (f) Any party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

- (g) Both parties shall receive an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
  - (h) Prior to completion of the investigative report, the investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.
  - (i) The investigator shall make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
  - (j) The investigator shall create an investigative report that fairly summarizes relevant evidence and shall provide a copy, in electronic or hard copy format, to the parties and their advisors at least ten (10) calendar days prior to any hearing. Either party can submit a written response to the investigator during these ten (10) days.
- (7) Hearings. Formal complaints that are not resolved informally or dismissed will result in a live hearing.
- (a) The hearing will be scheduled by the office of student conduct and will be held before a Title IX decision-maker. Where the complainant and respondent are both employees and/or faculty members, the Title IX coordinator will convene the hearing.
  - (b) Live hearings may be conducted with all parties physically present in the same geographic location, or participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

- (c) The decision-maker shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing shall be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- (d) At the request of either party, the hearing may occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- (e) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Parties may not challenge the relevancy determination of the decision-maker, except on appeal.
- (f) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- (g) If a party does not have an advisor present at the live hearing, the university shall provide without fee or charge to that party, an advisor of the university's choice to conduct cross-examination on behalf of that party.
- (h) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) shall not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a

party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- (i) Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.
- (j) Parties are not required to divulge any medical, psychological, or similar privileged records as part of the hearing process.
- (k) The decision-maker shall create an audio recording for a live hearing and an audiovisual recording for a virtual live hearing. Such recording will be available to the parties for inspection and review upon written request to the convener.

(8) Findings.

- (a) The hearing decision-maker shall issue a written determination simultaneously to the parties regarding responsibility/policy violation(s) and sanctions/discipline when responsibility/policy violation is found to have occurred. To reach this determination, the preponderance of the evidence standard (whether it is more likely than not that the alleged conduct occurred) will be used.
- (b) The determination regarding responsibility and sanction(s)/discipline becomes final either on the date that the university provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (c) The written determination shall include:
  - (i) Identification of the allegations potentially constituting sexual harassment;
  - (ii) A description of the procedural steps which were followed starting with the formal complaint and continuing through determination;

- (iii) The finding of facts that support the determination;
  - (iv) A conclusion applying the appropriate definition of the university's policy to the facts;
  - (v) A rationale for the result of each allegation regarding the determination of responsibility;
  - (vi) For respondents who are students, the hearing decision-maker shall consult with the vice-president of student experience or their designee regarding sanctions. For respondents who are employees or faculty members the hearing decision maker shall consult with the chief human resources officer or their designee regarding discipline.
  - (vii) Information regarding whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the complainant. The Title IX coordinator is responsible for effective implementation of any remedies.
  - (viii) The procedures and bases for the complainant and respondent to appeal the determination
- (9) Sanctions/discipline.
- (a) Students.
    - (i) Possible sanctions for student respondents: warning, conduct probation with or without restrictions, restitution, educational sanctions, deferred suspension, residence hall suspension, university suspension, residence hall expulsion, university expulsion, revocation of admission and/or degree, withholding degree, fines. [ELH5]
    - (ii) Students who have been found responsible for serious misconduct and are returning from a sanction of suspension, will be subject to additional parameters including conduct probation with loss of

good standing for one calendar year preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. Serious misconduct is defined as any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, or any assault that employs the use of a deadly weapon as defined in Ohio Revised Code 2923.11(A) or causes serious bodily injury.

- (b) Possible sanctions/discipline for employee or faculty respondents: employment probation, demotion or reassignment, suspension with or without pay for a specific period of time, termination of employment, ineligibility for rehire, and/or other sanctions or remedies as deemed appropriate under the circumstances.
- (10) The appeal process.
- (a) Filing an appeal.
    - (i) Appeals are not a re-hearing of the allegation(s).
    - (ii) Only a complainant or respondent (referred to as party or parties) may request an appeal.
    - (iii) An appeal must be submitted in writing to the Title IX coordinator within five (5) working days from receipt of a decision using the *Title IX Appeal Request Form* and include all supporting material.
    - (iv) A party may appeal the determination regarding responsibility, sanctions/discipline and/or the university's dismissal of a formal complaint or any allegations therein.
    - (v) There are four (4) grounds for appeal:
      - (1) Procedural irregularity that significantly impacted the outcome of the matter (for example material deviation from established procedures). The appeal request must cite

specific procedures and how they were in error; and/or

- (2) New evidence that was not reasonably available at the time the original decision was made that could have affected the outcome. A summary of this new evidence and its potential impact must be included in the request. (Note: failure to participate or provide information during an investigation or hearing, even based on concern over a pending criminal or civil proceeding, does not make information “unavailable during the original investigation or hearing); and/or
  - (3) The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The appeal must cite specific examples of how the bias affected the outcome.
  - (4) The discipline/sanction(s) imposed are substantially outside the parameters or guidelines set by the university for this type of violation or the cumulative conduct record of the responding party.
- (b) Title IX appellate review officer (hereinafter referred to appellate review officer). Upon receipt of a request for appeal, the Title IX coordinator will designate a Title IX appellate review officer as follows:
- (i) Appeals where the respondent is a student, the appellate officer will be either the vice-president for student affairs or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.

- (ii) Appeals where the respondent is a faculty member or employee, the appellate officer will be either the chief human resources officer or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.
  - (iii) The appellate officer cannot be the investigator, Title IX coordinator, or the person who acted as the decision-maker regarding the determination of responsibility/policy violation, or dismissal.
- (c) Appeal procedures:
- (i) Generally, within five (5) business days after receipt of the request for appeal by the appellate review officer, the appellate review officer will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal
  - (ii) If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the parties will be notified, and the finding and sanction or responsive action/remedies will stand. The decision not to accept an appeal request is final and is not subject to further appeal.
  - (iii) If the appeal request is timely and meets the ground for appeal, the Title IX coordinator will notify the parties that the appeal has been accepted and will notify the non-appealing party that they may file a response within three (3) business days from notification.
  - (iv) The appellate review officer will then review the issues presented in the appeal and any response(s).
  - (v) The standard on appeal is whether there is relevant evidence/information such that a reasonable person would support the decision(s).
  - (vi) The appellate review officer can take one of the following actions:



- (1) Affirm the original findings;
  - (2) Remand the case to the original investigators or hearing panel for consideration of new evidence or to remedy a procedural irregularity;
  - (3) Remand the case to a new investigator in a case of bias. The appellate review officer, may order a new investigation with a new investigator or hearing panel; or
  - (4) Administratively alter the finding if bias, procedural irregularity or new evidence, unknown or unavailable during the original investigation, substantially affected the original finding, and the associated sanctions or responsive action.
- (vii) Decisions rendered by the appellate review officer or actions taken following the decisions appellate review officer's decision are final and not subject to further appeal.
- (viii) Cases that are sent back to the investigator or hearing panel are not eligible for a second appeal.
- (G) Article VI. Academic integrity violation procedures.
- (1) General.
    - (a) Academic honesty is essential to the educational process and serves to protect the integrity of the university community. Therefore, all members of the university community have a responsibility for maintaining high standards of honesty and ethical practice. Cheating, plagiarism, and other forms of academic dishonesty constitute a serious violation of university policy, as outlined in paragraph (D) of this policy. Students should consult with the faculty member if they are not sure what may constitute a violation of the academic integrity policy.

- (b) Students suspected of violations of the academic integrity policy may be charged with a violation of university policy under the student conduct standards as outlined in paragraph (D)(1) of this policy. Cases of alleged violations of the academic integrity policy shall be resolved as outlined below.
- (c) The process outlined below is the only approved process by which faculty members can address alleged violations of the academic integrity policy. Failure to follow this process or use of any process other than this will result in nullification of any charges against the student and nullification of any sanctions levied against the student. If, following nullification of the charges and sanctions, the faculty member refuses to rectify the impacted grades or assignments, the student has the right to file a grievance against the faculty member. Any internal college, departmental, or program processes used to address alleged violations of policy or concerns about student conduct are secondary to the processes outlined herein.

(2) Academic integrity conference.

- (a) After the faculty member has gathered evidence of a possible violation, they shall notify the student within forty-eight hours in writing, via university email, of the allegations and invite the student to participate in an academic integrity conference. The faculty member and student may hold the conference without written notification. This academic integrity conference shall occur within five university working days of the written notification to the student.
- (b) The academic integrity conference is the first step in this process, and serves to provide the student with the opportunity to discuss the allegations made by the faculty member. During this meeting, the student should have the opportunity to address the allegations, and to review all relevant information and documentation to the allegations.

In situations where the course is taught primarily online and/or where the student is unable to physically present for the academic integrity conference, the meeting may be conducted via email, phone, or skype, as appropriate. The faculty member may consult with the judicial chair of the academic grievance subcommittee or the office of student conduct for direction in such situations.

- (c) If, after meeting with the student, the faculty member determines that no violation of the academic integrity policy occurred and/or the student is not responsible for a violation of the academic integrity policy, the faculty member can dismiss the charges by not filling out the academic integrity form.
- (d) If the faculty member concludes that the student is responsible for a violation of the academic integrity policy, the faculty member shall select an appropriate sanction, as outlined in paragraph (F)(3) of this policy, and will complete the academic integrity form. While the student may sign the form immediately, they have up to five university working days to do so. The student has the option to accept the charge but contest the sanction, or they can agree to both the charge and sanction.
- (e) If the student signs the academic integrity form, acknowledging responsibility for the alleged violation and accepting the sanction, the decision is final and there is no appeal process.
  - (i) The student will return the form to the faculty member. The faculty member will sign the form, and will submit copies of any documentation or statements with the academic integrity form.
  - (ii) The faculty member will forward the form to the departmental chairperson for their signature, acknowledging the case has been brought to their attention. The chairperson has the option to submit a written statement to be included with the academic integrity form.

- (iii) The chairperson will then forward the form and all documents to the dean for their signature, acknowledging the case has been brought to their attention. The dean has the option to submit a written statement to be included with the academic integrity form.
  - (iv) The dean will then forward the form and all documents to the office of student conduct to be placed in the student's file.
  - (v) The dean of graduate studies will be notified and provided a copy of the form and all documents for cases involving graduate students.
  - (vi) No further action is required unless the recommended sanction includes program removal, suspension, or expulsion. In cases where one of these sanctions is recommended, the case will be forwarded to the judicial chair of the academic grievance subcommittee for review.
- (3) Failure to appear, respond or sign.
- (a) If the student fails to respond to the faculty member's request for an academic integrity conference, or fails to attend an academic integrity conference within five university working days of notice by the faculty member, the following will occur:
    - (i) The faculty member will complete and sign the academic integrity form without the student's signature. They will then submit the form along with copies of any documentation or statements to the chairperson for their signature, acknowledging the case has been brought to their attention. The chairperson has the option to submit a written statement to be included with the form.

- (ii) The chairperson will then forward the form and all documents to the dean for their signature, acknowledging the case has been brought to their attention. The dean has the option to submit a written statement to be included with the form.
    - (iii) The dean will then forward the form and all documents to the office of student conduct to be placed in the student's file. The office of student conduct will then forward the academic integrity form and all documents to the judicial chair of the academic grievance subcommittee for further action.
    - (iv) The dean of the college of graduate studies will be notified and provided a copy of the form and all documents for cases involving graduate students.
  - (b) If the student declines to accept responsibility for the charges and/or declines to accept the sanctions selected by the faculty member, the faculty member should complete the form as outlined above.
- (4) Academic grievance subcommittee referrals.
- (a) If the student declines to accept responsibility for the charges, and/or declines to accept the sanctions selected by the faculty member, the case will be referred to the office of student conduct and forwarded to the judicial chair to initiate a hearing before the academic grievance subcommittee.
  - (b) Regardless of whether the academic integrity form is signed, in cases where program removal, suspension, or expulsion is recommended by the faculty member, the case will be referred to the office of student conduct and forwarded to the judicial chair to initiate a hearing before the academic grievance subcommittee. A representative from the office of student conduct must be present at all such hearings to serve in an advisory capacity.

- (5) Academic grievance subcommittee structure.
  - (a) Judicial chair. Associate provost for academic administration or designee appointed by the provost.
  - (b) Faculty members are appointed by the academic senate and serve a two-year term. One faculty member shall be selected from each of the six colleges. At least three of these appointees will have graduate faculty status. In cases involving graduate matters, only graduate faculty will be appointed. Six faculty members with graduate faculty status will be appointed by graduate council to hear cases involving graduate students.
  - (c) Undergraduate student members are appointed by the vice president for student affairs and serve a two-year term. In addition, six graduate students (preferably one from each college) will be appointed by the graduate council to hear cases involving graduate students.
    - (i) Students must complete an application available through the office of student conduct.
    - (ii) One undergraduate student member is selected from each of the six colleges.
    - (iii) Students must have a minimum GPA of 2.5 for undergraduate students and a 3.0 for graduate students.
    - (iv) Students must not have a previous student conduct record.
    - (v) Students should be sophomore status or above.
- (6) Academic grievance subcommittee hearing procedures.
  - (a) In cases where the student failed to respond to a request from the faculty member for an academic integrity conference, cases where the student failed to return the signed academic integrity form to the faculty member

within the given timeframe, cases wherein the student disputes the charges or sanctions, or in cases when the faculty member recommends program removal, suspension, or expulsion, a hearing by the academic grievance subcommittee is initiated.

- (b) Within five university working days of receiving the academic integrity form and any supporting documentation of evidence from the faculty member, the judicial chair shall contact the student involved and request a statement and any documentation or evidence they would like to have considered in the hearing. The student will have five university working days to submit these items to the judicial chair.
- (c) Within two university working days of receiving the statement and evidence, the judicial chair shall distribute copies of the academic integrity form and any documentation or evidence produced by the student and faculty member to the academic grievance subcommittee members, the student, faculty member, department chairperson, and appropriate dean. The academic integrity form, course syllabus (submitted by the faculty member, student, or both), and any documentation or evidence produced by the student, faculty member, chairperson, or dean compose the academic integrity packet.
- (d) A hearing date, time, and location for the academic grievance subcommittee hearing will be established by the judicial chair. Academic grievance subcommittee members shall have a minimum of three university working days to review all written materials in the academic integrity packet. The hearing notice shall be sent to the parties directly involved in the grievance procedure, excluding advisors and witnesses. Parties directly involved include:
  - (i) Faculty/student. The party who files the academic integrity form and the party who is alleged to have violated the academic integrity policy. If either party cannot or refuses to attend the hearing, they may provide written statements to be submitted for

evidence. Faculty members are permitted to have a substitute who will exercise all the rights and responsibilities of the absent faculty member.

- (ii) Department chairperson. The chairperson of the department in which the faculty member resides. The chairperson's attendance is optional. If the chairperson is in attendance they will be brought in to speak with the hearing panel after the presentation of information by the faculty member and student and without the faculty member or student present. The chairperson's role in the hearing is to provide information on any knowledge they have of the case as well as to provide insight into and clarify any questions regarding the particular culture of the department or expectations of students in the department.
- (iii) Dean. The dean of the college in which the faculty member's department is housed. The dean's attendance is optional. In addition, the dean of graduate studies has the option to attend in cases that involve graduate students and graduate faculty members. If the dean is in attendance, they will be brought in to speak with the hearing panel after the presentation of information by the faculty member and student and without the faculty member or student present. The dean's role in the hearing is to provide information on any knowledge they have of the case as well as to provide insight into and clarify any questions regarding the particular culture of the department or expectations of students in the department.
- (iv) Academic grievance subcommittee hearing panel members. Derived from the membership of the student academic grievance subcommittee of the academic senate. At minimum, each hearing panel consists of three faculty members, three undergraduate students, and the judicial chair. In hearings involving allegations against a graduate



student, graduate college representatives will form the hearing panel. The hearing panel conducts the formal hearing and renders a decision. No member of a hearing panel will hear a case directly involving themselves.

- (v) **Advisors.** The student and the faculty member may each avail themselves of the services of an advisor throughout the academic integrity process. An advisor may be drawn from within or outside the university community. Advisors may not present testimony or speak on behalf of the party whom they are advising. They are permitted, however, to give notes or whisper instructions/advice to the party whom they are advising. Examples of advisors include a parent, attorney, clergy, other faculty member, or coach. The advisor may not be the chairperson or dean for the college in which the faculty member or student is housed. In situations where a graduate assistant is considered the instructor of record and is the party who submitted the academic integrity form, the chairperson may serve as an advisor to the graduate assistant and is permitted to stay throughout the hearing.

In cases in which the student is a dully enrolled high school and university student (through the Youngstown early college or the college credit plus program), the student may have both a parent and a secondary advisor present for the hearing.

- (vi) **Witness(es).** Witnesses who have something to add to the hearing either in support of the faculty member or student are permitted. While the number of witnesses is not limited, the number of witnesses that present repetitive testimony may be limited at the discretion of the judicial chair.
- (e) If the student or faculty member is unable to be physically present for the hearing, then both the faculty member and student will be made available for the hearing through the same electronic means in order to provide equal treatment

to all parties. This may include either teleconference or skype, as deemed appropriate by the judicial chair.

- (7) Rights of hearing parties.
- (a) The following rights are guaranteed to the student and the faculty member:
- (i) The right to be present.
  - (ii) The right to be accompanied by an advisor of their choice.
  - (iii) The right to speak in support of their argument.
  - (iv) The right to bring witnesses in support of their case.
  - (v) The right to present any relevant information directly supporting their written items in the academic integrity packet, including oral testimony.
  - (vi) The right to refute information presented.
  - (vii) The right to consult with the judicial chair or the office of student conduct regarding the hearing, their testimony or the presentation of any testimony in support of their case.
- (b) The judicial chair has the right to:
- (i) Limit the amount of time testimony is presented by any given individual;
  - (ii) Remove disruptive individuals from the room;
  - (iii) Ensure that only the members of the hearing panel, student, and faculty member are present in the room;

- (iv) Ensure that all witnesses remain outside the hearing room and are brought in and dismissed after their testimony is presented;
  - (v) Extend the timeline for the hearing process.
- (8) Deliberation and findings.
  - (a) The hearing panel shall meet in closed session to review the information presented and reach a decision. The hearing panel shall vote using secret ballots tallied by the judicial chair. The judicial chair will only vote in circumstances of a tie among the hearing panel members.
  - (b) If the hearing panel determines that the student is responsible for a violation of the academic integrity policy, the hearing panel may consider previously resolved cases (on file with the office of student conduct) involving the student when assigning an appropriate sanction. The judicial chair will present such information to the hearing panel only after a determination of responsibility on the case in question has been reached.

The standard of proof utilized in all university student conduct proceedings shall be a preponderance of evidence. Preponderance of the evidence is known as the balance of probabilities, met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than fifty per cent chance that the proposition is true.
  - (c) Both parties shall be informed of the hearing panel's decision in writing within three university working days. This statement shall be prepared and signed by the judicial chair and forwarded to the office of student conduct, graduate school dean when appropriate, provost and all parties directly involved in the hearing, except advisors and witnesses.

- (i) Notice of the hearing panel's decision ends the academic grievance subcommittee's involvement in the disposition of the case.
  - (ii) A file of all pertinent documents for all academic integrity hearings shall be kept by the office of the provost and the office of student conduct.
  - (iii) Any change of grade as a result of the hearing panel's decision should be made by the faculty member and signed by the respective chairperson and/or dean within five university working days. If the faculty member, chairperson and/or dean refuse to sign the grade change form, then the provost will do so.
- (9) Appeals.
- (a) Only students may appeal the decision of the academic grievance subcommittee regarding for cases involving alleged violations of the academic integrity policy. The appeal can only be based on procedural violations and must be submitted within five university working days from the date on which the student was notified of the hearing panel's decision. The request for an appeal is submitted in writing to the judicial chair.
  - (b) The judicial chair will forward the written appeal to the academic senate executive committee within two university working days.
    - (i) If the academic senate executive committee determines that no procedural violations occurred or that any procedural violations were minor and did not affect the original hearing panel's decision, the original hearing panel's decision is upheld and the case is closed.
    - (ii) If the academic senate executive committee determines that procedural violations may have occurred and were potentially substantive enough to

have affected the hearing panel's decision, the case will be referred to a three-person appellate hearing panel consisting of one student and two faculty members. This appellate hearing will take place within twelve university working days of receipt of the written appeal.

- (c) Appellate hearing panel.
  - (i) No member of the appellate hearing panel will hear a case directly affecting themselves.
  - (ii) Prior to the appellate hearing, members of the appellate hearing panel shall review all relevant documents.
  - (iii) The chair of the appellate hearing panel shall inform both parties of the decision as soon as reasonably possible. A written statement of the decision shall be prepared and signed by the chair of the appellate hearing panel, forwarded to the student, faculty member, office of student conduct, and office of the provost within five university working days of the decision via university email.
  - (iv) A file of all pertinent documents for all appeals shall be kept by the office of student conduct and/or the office of the provost.
  - (v) The decision reached by the appellate hearing panel is final and may not be appealed.
- (d) At the discretion of the chair of the appellate hearing panel, the timeline under the appeal process may be extended.
- (e) If the appeal results in a grade change, the grade change form should be completed by the faculty member and signed by the respective chairperson and/or dean within three university working days. If the faculty member, chairperson, and/or dean refuse to sign the grade change form, then the provost will do so.

- (10) Sanctions. A list of possible sanctions and guide to selecting sanctions is available in the appendices. Sanctions for violations of the academic integrity policy may include, but are limited to, the following:
- (a) Issue an official warning.
  - (b) Lowering the grade on the exam, paper or assignment in question.
  - (c) Lowering the final grade for the course.
  - (d) Requesting additional action from the academic grievance subcommittee, including removal from a course, removal from an academic program, university suspension, or expulsion.
  - (e) Other sanctions as deemed appropriate by the faculty member. The faculty member may consult with the judicial chair, office of student conduct, chairperson or dean regarding appropriate sanctions.
- (11) Role of the student conduct administrator (“SCA”). The student conduct administrator or designee has the following responsibilities with regards to all cases involving alleged violations of the academic integrity policy.
- (a) To create/maintain a student conduct file containing the completed academic integrity form and supporting documents.
  - (b) To expunge all records as outlined in this policy.
  - (c) In cases where the academic integrity form is completed by all parties, they will acknowledge receipt of this form by emailing the student, faculty member, chairperson, and dean with a letter that details the resolution of the case.
  - (d) In cases where the student has already been found responsible for a previous academic integrity violation, any additional violation will result in a review of all cases by

the office of student conduct for possible additional charges and sanctioning.

- (H) Article VI. Section 3345.22 of the Revised Code, the “1219 hearing” process.
- (1) Background. Disruptive behavior and the “1219” procedure. The Ohio campus disruption act, also known as Ohio House Bill 1219, is codified in sections 3345.22 and 3345.23 of the Revised Code. The purpose of the law is to protect university students, faculty, staff, and other members of the campus community from crimes of violence committed in the vicinity of the university or upon people or property at the university.  
  
A “1219 hearing” is appropriate when a student is arrested for a crime of violence committed on or near the university. If a student is convicted of an offense of violence that occurred on or near the university, the student will be automatically suspended pursuant to section 345.23 of the Revised Code. The purpose of the “1219 hearing” is to remove students from campus who may be a threat to the safety and security of the student body or campus community.
  - (2) Definition of a “crime of violence.” There are over thirty crimes of violence considered violations of the “1219” law, including but not limited to the following: arson, assault, burglary, domestic violence, discharged firearm, felonious assault, gross sexual imposition, inciting to violence, inducing panic, intimidation, kidnapping, menacing, murder, rape, riot, robbery, sexual battery, and voluntary manslaughter.
  - (3) Jurisdiction of the “1219 hearing.”
    - (a) If a student is arrested for a crime of violence referenced in division (D) of section 3345.23 of the Revised Code, they may be temporarily suspended from the university according to “The Student Code of Conduct,” which is referred to as an interim suspension. This suspension will last during the process of the “1219 hearing” and continue until the student meets with the office of student conduct.

The results of the “1219 hearing” discussed below does not alter the student’s status under an interim suspension.

- (b) A “1219 hearing,” which is distinctly separate from a conduct conference or a student conduct board hearing, will be held shortly after a student’s arrest for a crime of violence. The hearing can be continued for good cause. The purpose of the “1219 hearing” is to determine by a preponderance of the evidence whether the student committed an offense of violence.
- (c) If the referee, as appointed by the university (office of the general counsel), finds that the student did commit an offense of violence on or near the university, the referee will then determine if the student should be under strict probation or suspended from the university pending the outcome of the criminal case. However, as noted above, if the student is under an interim suspension, the student will remain suspended, even if they only receive strict probation from the referee, until the conclusion of the student conduct process administered by the office of student conduct.
- (d) Following the “1219 hearing,” the criminal case outcome will determine the student’s status under section 345.23 of the Revised Code. If the student is convicted of an offense of violence in the criminal case, the student will be suspended from the university for at least one year.
- (e) Upon acquittal, or upon any final judicial determination not resulting in conviction of an offense of violence, the “1219” suspension automatically terminates and the student in question shall be reinstated and the record of the “1219” suspension expunged from the person’s university record. The criminal process and “1219 hearing” are separate. The outcome of the “1219 hearing” has no bearing on the criminal case.
- (f) When a student is found not guilty, they may return to school, but upon conclusion of the “1219 hearing” and possibly while the criminal case is still underway, the university may, and in nearly all cases, will initiate the



student conduct process. The student may also be under the restriction of an interim suspension. Unless the student is not under an interim suspension or has been found responsible of a violation of ““The Student Code of Conduct”,” the student would be permitted to return to school.

- (g) If the student is found guilty at the criminal trial for an offense of violence on or near the university, they will be suspended from Youngstown state university for the period of one year. The student will receive a written notice of the suspension from the office of student conduct. The student must receive approval from the board of trustees to be permitted to return to the university. This one-year suspension will still be imposed even if the student is found not responsible for a violation of ““The Student Code of Conduct”.”
- (4) The “1219 hearing” process. The “1219 hearing” will be an adversary proceeding. Unlike a student conduct hearing, a “1219 hearing” will be conducted by a referee appointed by the university. A university attorney will present the evidence at the hearing on behalf of the university. The student has the right to:
- (a) Be represented by an attorney.
  - (b) To cross-examine witnesses called by the state (the university).
  - (c) Call upon his/her own witnesses.
  - (d) To present evidence.
  - (e) To give a statement (but not required to do so). If the student does not appear at the hearing, the student will be suspended. In the absence of a waiver of the right against compulsory self-incrimination, the testimony of a student whose suspension is being considered, given at the hearing, shall not subsequently be used in any criminal proceeding against the student.

- (5) Burden of proof. Preponderance of the evidence is the standard use for all “1219 hearings.” Preponderance of the evidence is known as the balance of probabilities met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than fifty per cent chance that the proposition is true. The referee must find that the student committed the offense by a preponderance of the evidence.
- (I) Article VII. Parental/guardian notification policy. Youngstown state university is committed to an educational environment that promotes the safety, responsible decision-making, and social and intellectual development of all students. Furthermore, the university is concerned with taking a proactive approach in regards to students who may be experiencing problems with alcohol or other drugs. It is the policy of Youngstown state university to notify parents of students under twenty-one years of age if such students have been found responsible for violating institutional policies regarding alcohol or other drugs, in an effort to create a positive support network for students.
    - (1) Parameters.
      - (a) This policy will be applied in situations where students under the age of twenty-one have been found responsible for a violation of university policies regarding drugs or alcohol.
      - (b) The office of student conduct shall be responsible for administering all procedures of the parental/guardian notification policy.
    - (2) Procedures.
      - (a) Parents/guardians shall be notified when the underage student is found responsible for a violation of the drug or alcohol policies.
      - (b) The vice president for student affairs, or designee, may make an exception to the parental/guardian notification policy if in their judgment it is determined that harm would come to the student as a result of parental/ guardian notification.

- (c) The notification will be provided in writing from the office of student conduct and will be mailed to the student's home address.
  - (d) The notification letter will inform parents or guardians that their student has been found responsible for a violation of an alcohol or drug policy. Included with the letter will be answers to frequently asked questions. Parents or guardians will be encouraged to discuss the incident with the student.
  - (e) The office of student conduct will be responsible for responding to questions from parents/guardians. If a parent or guardian is interested in reviewing their student's conduct file, the student generally must sign a waiver to release this information. There are exceptions to this that will be determined on a case by case basis.
- (J) Article VIII. Interpretation and revisions. Any question of interpretation or application regarding "The Student Code of Conduct" shall be referred to the student conduct administrator for final determination.
- "The Student Code of Conduct" shall be reviewed every three years under the direction of the student conduct administrator. Any member of the university community may recommend a change ~~to~~ "The [to](#)" The Student Code of Conduct" to the vice president for student affairs. The vice president for student affairs shall distribute the recommendation to the appropriate areas and gather feedback. If the change is endorsed by the vice president for student affairs, the change shall be presented to the board of trustees for adoption.
- (K) Glossary of Terms when used in "The Student Code of Conduct"
- (1) The term "due process" is an assurance that all accused students will receive notice of charges, notice of the evidence to be used against them, and the opportunity to participate in a hearing prior to the deprivation of any educational property interest.

- (2) The term “academic grievance subcommittee” is a group of university students and faculty selected and trained to adjudicate hearings wherein a student has allegedly violated the academic integrity policy for the university. Each hearing has a hearing panel consisting of at least six members from the academic grievance subcommittee
- (3) The term “appellate hearing panel” shall mean any person or persons authorized on a case-by-case basis by the student conduct administrator to consider a request for appeal from a student conduct body’s determination that a student has violated “The Student Code of Conduct” or from the sanctions imposed by the student conduct body.
- (4) The terms “can,” “may,” or “should” specify a discretionary provision of ““The Student Code of Conduct”
- (5) The term “complainant” shall mean any person who submits a referral alleging that a student violated ““The Student Code of Conduct”
- (6) The term “deputy conduct officer’ shall mean a university official authorized on a case-by-case basis by the student conduct administrator to serve as a charging administrator to review complaints, determine responsibility, and impose sanctions upon students found to have violated ““The Student Code of Conduct”
- (7) The term “faculty member” shall mean any person employed by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty. In certain situations, a person may be both “student” and “faculty member.” One’s status in a particular situation shall be determined by the relevant circumstances.
- (8) The terms “file” or “records” mean information relating to a current or former student which is stored in a fashion that facilitates recovery of that information by reference to the individual in whatever form or medium such gathering of information is created, kept, or maintained.

- (9) The term “function” shall mean all student activities or events occurring at the university or sponsored by registered student organizations, groups, or members of the academic community.
- (10) The term “group” shall mean a number of students who are associated with each other and who have not complied with university requirements for registration as an organization.
- (11) The terms “hearing panel” or “hearing panel members” shall mean individuals who have been selected or assigned to adjudicate a hearing. These individuals are selected from a trained body, including the student conduct board and the academic grievance subcommittee.
- (12) The term “hearing panel advisor” shall mean the student conduct administrator, or designee, or appointee. The hearing panel advisor has responsibility for ensuring that policies and procedures within this document are adhered to within any student conduct process. The hearing panel advisor may be involved in any part of the student conduct process, and may provide input or answers, or otherwise answer questions asked by any parties.
- (13) The term “may” is used in the permissive sense.
- (14) The term “member of the university community” shall include any person who is a student, faculty member, university official, any other person employed by the university, or any person lawfully present on university premises.
- (15) The term “organization” shall mean a university-registered student organization which has complied with formal requirements of official registration.
- (16) The term “policy” shall be defined as the written regulations of the university as found in, but not limited to, ““The Student Code of Conduct”,” “Resident Handbook,” “Penguin Student Handbook,” the university website, undergraduate/graduate catalogs, university policies, and board of trustees policies.
- (17) The term “respondent” shall mean any student accused of violating ““The Student Code of Conduct”.”

- (18) The terms “shall,” “must,” “will,” or “is required” specify a mandatory requirement of the code.
- (19) The term “student” shall include all persons registered for courses, seminars, and workshops at the university, either full-time or part-time, pursuing undergraduate, graduate, professional studies, or continuing education programs. Also included are those individuals accepted for admission or living in the residence halls, whether or not actually enrolled at the university.
- (20) The term “student conduct administrator” is the vice president for student affairs, or designee, who shall be responsible for the administration of the code and the university student conduct process.
- (21) The term “student conduct board” is a group of university students, staff, and faculty selected and trained to adjudicate hearings wherein students have allegedly violated university policy. Each hearing has a hearing panel consisting of three members from the student conduct board.
- (22) The term “student conduct body” shall mean student conduct officer, any deputy conduct officer, or any hearing panel of the student conduct board authorized by the student conduct administrator to determine whether a student has violated “The Student Code of Conduct” and to recommend imposition of sanctions.
- (23) The term “student conduct officer” is the associate director of student conduct who is the university official assigned to serve as the primary charging administrator by the student conduct administrator to review complaints, determine responsibility, and impose sanctions upon students found to have violated “The Student Code of Conduct”
- (24) The term “student conduct board” is a group of campus students, staff and faculty selected and trained to adjudicate hearings wherein students are alleged to have violated university policy.

- (25) The terms “university” or “institution” mean Youngstown state university and collectively those responsible for its operation.
- (26) The term “university premises” shall be defined as all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university including adjacent streets, sidewalks, and parking lots.
- (27) The term “university official” shall mean any person employed by, appointed to, authorized to act on behalf of or performing administrative or professional work for the university.
- (28) The term “university working day” refers to any day of the week excluding Saturdays, Sundays, or official holidays.
- (29) The term “weapon” shall have the same meaning as in university policy 3356-7-03 concerning weapons on campus (rule 3356-7-03 of the Administrative Code).
- (30) All other terms have their natural meaning unless the context otherwise dictates.



**YOUNGSTOWN  
STATE  
UNIVERSITY**

**RESOLUTION TO MODIFY  
RESEARCH, GRANTS, AND SPONSORED PROGRAMS,  
POLICY 3356-10-13**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Research, Grants, and Sponsored Programs policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Research, Grants, and Sponsored Programs, policy number 3356-10-13, shown as **Exhibit B** attached hereto. A copy of the policy indicating changes to be made is also attached.

**Board of Trustees Meeting  
September 3, 2020  
YR2021-**

**Agenda Item H.1.d**



**3356-10-13 Research, grants, and sponsored programs.**

Responsible Division/Office: Office of Research [Services](#)  
Responsible Officer: Provost and Vice President for Academic Affairs  
Revision History: July 1999; December 2009; June 2014;  
March 2016; December 2017; [September 2020](#)  
Board Committee: ~~Student Affairs~~ [Academic Excellence and Student  
Success](#)  
**Effective Date:** ~~December 7, 2017~~ [September 3, 2020](#)  
Next Review: ~~2022~~ [2025](#)

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- (A) Policy statement. Believing that the quality of education and public service is grounded in scholarship, the university seeks to encourage and support research and scholarly and professional activity that strengthen its educational and service mission.
- (B) Definitions.
- (1) “Sponsored programs” are activities, including research, teaching, training or service programs, substantially funded by agencies external to the university and which require program technical, administrative, and fiscal accountability.
  - (2) “Grants, contracts, and cooperative agreements” are legal instruments governing the administration of sponsored programs.
  - (3) “Research” is legally defined as “... a systematic investigation, including research development, testing, and evaluation designed to develop or contribute to generalizable knowledge...” [45 CFR 46.102(d)]. It includes internally and/or externally sponsored research, or unfunded research, conducted by authorized faculty or staff.
- (C) Parameters.
- (1) The university, as an entity of state government, is legally authorized to serve as fiscal agent for sponsored programs

undertaken with institutional approval by faculty and staff who may be designated as principal investigators (for research projects) or project directors (on other activities).

- (2) University employees or students may not undertake sponsored programs involving university resources unless institutionally authorized to do so.
  - (3) The president, provost/vice president for academic affairs, ~~associate vice president for research~~, and director of research services are specifically designated to serve as institutional officials with the authority to approve sponsored program proposals and agreements.
  - (4) Upon recommendation of the provost and ~~associate vice president for research~~, the president may designate additional institutional officials as authorized to approve sponsored program proposals and agreements.
  - (5) The ~~associate vice president for research~~ provost and the director of research services ~~is~~ are the university officials having primary authority to oversee the appropriate conduct of sponsored program activities, systems, and services.
  - (6) The university research council is charged with assisting the ~~associate vice president for research~~ provost and the director of research services in stimulating sponsored program activity.
  - (7) All documents, reports, and/or other publications created under university auspices, notwithstanding the source of support, must appropriately acknowledge the university.
- (D) Procedures.
- (1) All sponsored programs are initiated by submission of a written proposal, including ~~a properly completed~~ the proper completion of the Youngstown state university proposal routing ~~form~~ process, identifying the nature of the research or other activity, an estimate of the time needed to complete it, and a full costing of all resources needed to support the project.

- (a) Faculty proposals are ~~forwarded~~ electronically routed by the principal investigator/project director to the department chair(s) and dean(s) of the academic unit(s) involved in the anticipated project. Following their review and approval, the proposal is ~~submitted~~ electronically routed to the director of research services for review and submission clearance and the director of grants accounting prior to approval by an authorized institutional official (usually the director of research services ~~or and associate vice president for research~~ provost).
  - (b) Proposals from other areas of the university must be forwarded to the appropriate supervisor and the provost/ vice president for academic affairs or other appropriate associate vice president prior to transmittal to the office of research services, followed by the office of grants accounting and approval by an authorized institutional official.
- (2) All sponsored program applications and award agreements must be reviewed by the director of research services and approved by an authorized institutional official (either the director of research services ~~or and associate vice president for research~~ provost) before individuals can accept an award or begin any work.
- (3) Information on research policies, grants and sponsored programs is available from the office of research services in the following formats:
- (a) The office of research services webpage.
  - (b) Grant development workshops offered by the office of research services each semester.
  - (c) Personal meetings with the director or staff members of the office of research services.
- (4) Other information on faculty research and related considerations is available in the collective bargaining agreement between Youngstown state university and Youngstown state university chapter of the Ohio education association.

**3356-10-13 Research, grants, and sponsored programs.**

Responsible Division/Office: Office of Research Services  
Responsible Officer: Provost and Vice President for Academic Affairs  
Revision History: July 1999; December 2009; June 2014;  
March 2016; December 2017; September 2020  
Board Committee: Academic Excellence and Student Success  
**Effective Date: September 3, 2020**  
Next Review: 2025

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(A) Policy statement. Believing that the quality of education and public service is grounded in scholarship, the university seeks to encourage and support research and scholarly and professional activity that strengthen its educational and service mission.

(B) Definitions.

- (1) “Sponsored programs” are activities, including research, teaching, training or service programs, substantially funded by agencies external to the university and which require program technical, administrative, and fiscal accountability.
- (2) “Grants, contracts, and cooperative agreements” are legal instruments governing the administration of sponsored programs.
- (3) “Research” is legally defined as “... a systematic investigation, including research development, testing, and evaluation designed to develop or contribute to generalizable knowledge...” [45 CFR 46.102(d)]. It includes internally and/or externally sponsored research, or unfunded research, conducted by authorized faculty or staff.

(C) Parameters.

- (1) The university, as an entity of state government, is legally authorized to serve as fiscal agent for sponsored programs undertaken with institutional approval by faculty and staff who

may be designated as principal investigators (for research projects) or project directors (on other activities).

- (2) University employees or students may not undertake sponsored programs involving university resources unless institutionally authorized to do so.
- (3) The president, provost/vice president for academic affairs, and director of research services are specifically designated to serve as institutional officials with the authority to approve sponsored program proposals and agreements.
- (4) Upon recommendation of the provost and the president may designate additional institutional officials as authorized to approve sponsored program proposals and agreements.
- (5) The provost and the director of research services are the university officials having primary authority to oversee the appropriate conduct of sponsored program activities, systems, and services.
- (6) The university research council is charged with assisting the provost and the director of research services in stimulating sponsored program activity.
- (7) All documents, reports, and/or other publications created under university auspices, notwithstanding the source of support, must appropriately acknowledge the university.

(D) Procedures.

- (1) All sponsored programs are initiated by submission of a written proposal, including the proper completion of the Youngstown state university proposal routing process, identifying the nature of the research or other activity, an estimate of the time needed to complete it, and a full costing of all resources needed to support the project.
  - (a) Faculty proposals are electronically routed by the principal investigator/project director to the department chair(s) and dean(s) of the academic unit(s) involved in the anticipated project. Following their review and approval, the proposal

is electronically routed to the director of research services for review and submission clearance and the director of grants accounting prior to approval by an authorized institutional official (usually the director of research services and provost).

- (b) Proposals from other areas of the university must be forwarded to the appropriate supervisor and the provost/ vice president for academic affairs or other appropriate associate vice president prior to transmittal to the office of research services, followed by the office of grants accounting and approval by an authorized institutional official.
- (2) All sponsored program applications and award agreements must be reviewed by the director of research services and approved by an authorized institutional official (either the director of research services and provost) before individuals can accept an award or begin any work.
  - (3) Information on research policies, grants and sponsored programs is available from the office of research services in the following formats:
    - (a) The [office of research services](#) webpage.
    - (b) Grant development workshops offered by the [office of research services](#) each semester.
    - (c) Personal meetings with the director or staff members of the [office of research services](#).
  - (4) Other information on faculty research and related considerations is available in the [collective bargaining agreement](#) between Youngstown state university and Youngstown state university chapter of the Ohio education association.



**RESOLUTION TO MODIFY COST-SHARING AND OVERMATCHING ON  
EXTERNAL GRANTS AND CONTRACTS, POLICY 3356-10-13.1**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Cost-sharing and Overmatching on External Grants and Contracts policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Cost-sharing and Overmatching on External Grants and Contracts, policy number 3356-10-13.1, shown as **Exhibit C** attached hereto. A copy of the policy indicating changes to be made is also attached.

**3356-10-13.1 Cost-sharing and overmatching on external grants and contracts.**

~~Previous Policy Number: 1013.02~~

Responsible Division/Office: Office of Research [Services](#)

Responsible Officer: Provost and VP for Academic Affairs

Revision History: September 2003; June 2010; September 2015;  
[September 2020](#)

Board Committee: Academic ~~Quality~~ [Excellence](#) and Student Success

**Effective Date:** ~~September 24, 2015~~ [September 3, 2020](#)

Next Review: ~~2020~~ [2025](#)

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- (A) Policy statement. Cost-sharing or matching is a frequent requirement on externally sponsored grants and contracts. The Youngstown state university (“university”) match is permitted to meet the minimum requirements of the funding agency, and overmatching is prohibited unless written justification is provided to document that such overmatch benefits the university.
- (B) Parameter. Requests for proposals (“RFP”) from external sponsors frequently require cost-sharing or matching funds from the university as part of the budgetary grant request. The percentage of matching funds, when required, is typically set by the agency and appears in the grant application guidelines. However, on occasion, university principal investigators or project directors cite additional matching funds (overmatching) on grant submissions when additional matching funds are neither required nor necessary. For audit purposes, tracking of additional matching funds adds complexity to the agency and the university, and the university cannot then use these additional funds elsewhere as match on other projects.
- (C) Procedures.
  - (1) As part of the formal grant submission process at the university (see university policy 3356-10-13, “Research, grants, and sponsored programs”), clearance of the submission of an external grant application requires prior approval by department chairs, college deans, [and](#) the director of ~~grants and sponsored programs~~



research services, and the provost ~~associate vice president for research.~~

- (2) A typical match on an application for support submitted to an external agency would not include more than a fifty per cent match from the university. In addition, such matching funds provided by the institution would normally include equipment, supplies, or the cost of personnel reassign time. This approach enables full recovery of indirect costs from the funding agencies.
- (3) University faculty and staff who intend to submit a grant proposal to an external funding agency must provide a written justification for including any overmatch in the preliminary budget. Prior to external proposal submission, the justification must be submitted and approved by the ~~to the~~ director of ~~grants and sponsored programs~~ research services and approved by the provost ~~associate vice president for research.~~

### **3356-10-13.1 Cost-sharing and overmatching on external grants and contracts.**

Responsible Division/Office: Office of Research Services  
Responsible Officer: Provost and VP for Academic Affairs  
Revision History: September 2003; June 2010; September 2015;  
September 2020  
Board Committee: Academic Excellence and Student Success  
**Effective Date: September 3, 2020**  
Next Review: 2025

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- (A) Policy statement. Cost-sharing or matching is a frequent requirement on externally sponsored grants and contracts. The Youngstown state university ("university") match is permitted to meet the minimum requirements of the funding agency, and overmatching is prohibited unless written justification is provided to document that such overmatch benefits the university.
- (B) Parameter. Requests for proposals ("RFP") from external sponsors frequently require cost-sharing or matching funds from the university as part of the budgetary grant request. The percentage of matching funds, when required, is typically set by the agency and appears in the grant application guidelines. However, on occasion, university principal investigators or project directors cite additional matching funds (overmatching) on grant submissions when additional matching funds are neither required nor necessary. For audit purposes, tracking of additional matching funds adds complexity to the agency and the university, and the university cannot then use these additional funds elsewhere as match on other projects.
- (C) Procedures.
- (1) As part of the formal grant submission process at the university (see university policy 3356-10-13, "Research, grants, and sponsored programs"), clearance of the submission of an external grant application requires prior approval by department chairs, college deans, and the director of research services, and the provost.

- (2) A typical match on an application for support submitted to an external agency would not include more than a fifty per cent match from the university. In addition, such matching funds provided by the institution would normally include equipment, supplies, or the cost of personnel reassign time. This approach enables full recovery of indirect costs from the funding agencies.
- (3) University faculty and staff who intend to submit a grant proposal to an external funding agency must provide a written justification for including any overmatch in the preliminary budget. Prior to external proposal submission, the justification must be submitted and approved by the director of research services and approved by the provost.



**RESOLUTION TO MODIFY PAYMENT OF INDIRECT COSTS ON EXTERNAL GRANTS AND CONTRACTS, POLICY 3356-10-13.2**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Payment of Indirect Costs on External Grants and Contracts policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Payment of Indirect Costs on External Grants and Contracts, policy number 3356-10-13.2, shown as **Exhibit D** attached hereto. A copy of the policy indicating changes to be made is also attached.

**Board of Trustees Meeting  
September 3, 2020  
YR2021-**

**Agenda Item H.1.f**

**3356-10-13.2 Payment of indirect costs on external grants and contracts.**

~~Previous Policy Number:~~ ~~1013.03~~  
Responsible Division/Office: Office of Research [Services](#)  
Responsible Officer: Provost and VP for Academic Affairs  
Revision History: September 2003; June 2010; September 2015;  
[September 2020](#)  
Board Committee: Academic ~~Quality~~ [Excellence](#) and Student Affairs  
**Effective Date:** ~~September 24, 2015~~ [September 3, 2020](#)  
Next Review: ~~2020~~ [2025](#)

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- (A) Policy statement. Externally sponsored grants and contracts typically pay for both direct costs and indirect costs. All funding organizations must pay indirect costs at the prevailing authorized rate for Youngstown state university (“university”) based on the federally-negotiated rate. In case of waiver or reduction, indirect costs shall be included as part of institutional match on the grant project.
- (B) Parameter. Sponsored programs and grant projects have budgets depicting the actual costs, including both direct and indirect costs. Indirect costs, or facilities and administrative (“F&A”) costs, have been deemed as real and allowable in federally sponsored programs and are paid at a federally negotiated rate with the U.S. department of health and human services. In some cases, the allowable percentage of indirect costs is reduced by the federal, state or local agency.
- (C) Procedures.
- (1) As part of the formal grant submission process at the university (see university policy 3356-10-13, “Research, grants, and sponsored programs”), waiver or reduction of indirect costs on grant proposals submitted to external sponsors requires prior approval by department chairs, college deans, [and](#) the director of ~~grants and sponsored programs~~ [research services](#), the ~~provost-associate provost for research~~, [and](#) [or](#) the authorized institutional official.
- (2) The author of the grant proposal is expected to develop a budget for the proposal that accounts for the full payment of indirect costs,

unless specifically disallowed by a funding organization. Exceptions may be requested only when directed by the solicitation. No general exemption of payment of indirect costs is provided to for-profit companies.

- (3) University faculty and staff who intend to submit a grant proposal to an external funding agency must provide a written justification for reduced indirect costs. If indirect costs are waived or reduced, indirect costs shown in the budget shall be included as part of the institutional match.
- (4) Prior to proposal submission externally, the written justification for waived or reduced indirect costs must be submitted to and approved by the director of ~~grants and sponsored programs~~ research services and approved by the provost, ~~and approved by the associate vice president for research,~~ or the authorized institutional official. This process will be included in university grant submission procedures.

### **3356-10-13.2 Payment of indirect costs on external grants and contracts.**

Responsible Division/Office: Office of Research Services  
Responsible Officer: Provost and VP for Academic Affairs  
Revision History: September 2003; June 2010; September 2015;  
September 2020  
Board Committee: Academic Excellence and Student Affairs  
**Effective Date: September 3, 2020**  
Next Review: 2025

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- (A) Policy statement. Externally sponsored grants and contracts typically pay for both direct costs and indirect costs. All funding organizations must pay indirect costs at the prevailing authorized rate for Youngstown state university ("university") based on the federally-negotiated rate. In case of waiver or reduction, indirect costs shall be included as part of institutional match on the grant project.
- (B) Parameter. Sponsored programs and grant projects have budgets depicting the actual costs, including both direct and indirect costs. Indirect costs, or facilities and administrative ("F&A") costs, have been deemed as real and allowable in federally sponsored programs and are paid at a federally negotiated rate with the U.S. department of health and human services. In some cases, the allowable percentage of indirect costs is reduced by the federal, state or local agency.
- (C) Procedures.
  - (1) As part of the formal grant submission process at the university (see university policy 3356-10-13, "Research, grants, and sponsored programs"), waiver or reduction of indirect costs on grant proposals submitted to external sponsors requires prior approval by department chairs, college deans, and the director of research services, the provost, or the authorized institutional official.
  - (2) The author of the grant proposal is expected to develop a budget for the proposal that accounts for the full payment of indirect costs, unless specifically disallowed by a funding organization. Exceptions may be requested only when directed by the

solicitation. No general exemption of payment of indirect costs is provided to for-profit companies.

- (3) University faculty and staff who intend to submit a grant proposal to an external funding agency must provide a written justification for reduced indirect costs. If indirect costs are waived or reduced, indirect costs shown in the budget shall be included as part of the institutional match.
- (4) Prior to proposal submission externally, the written justification for waived or reduced indirect costs must be submitted to and approved by the director of research services and approved by the provost, or the authorized institutional official. This process will be included in university grant submission procedures.



**RESOLUTION TO MODIFY DISPOSITION OF RESIDUAL FUNDS FROM  
EXTERNAL GRANTS AND CONTRACTS, POLICY 3356-10-13.3**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Disposition of Residual Funds from External Grants and Contracts policy has been reviewed and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Disposition of Residual Funds from External Grants and Contracts, policy number 3356-10-13.2, shown as **Exhibit E** attached hereto. A copy of the policy indicating changes to be made is also attached.

**3356-10-13.3 Disposition of residual funds from external grants and contracts.**

~~Previous Policy Number: 1013.04~~

Responsible Division/Office: Office of Research Services

Responsible Officer: Provost and VP for Academic Affairs

Revision History: April 2006; June 2010; September 2015;  
September 2020

Board Committee: Academic ~~Quality~~ Excellence and Student Success

**Effective Date:** ~~September 24, 2015~~ September 3, 2020

Next Review: ~~2020~~ 2025

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- (A) Policy statement. Residual funds from external grants and contracts will be deposited in an account of the office of the dean(s) of the college(s) or head of unit/division from which the original proposal emanated, provided that the policies of the external agency permit such a disposition of unused funds.
- (B) Purpose. The intent of this policy is to ensure that all research grant/contract and other sponsored program funds received by Youngstown state university (“university”) are delegated to the general purpose for which the grant/contract was intended. Furthermore, because the university has limited ability to reward faculty and staff for seeking external funds, use of such residual funds to support research or other scholarly and service activities intended by the external agency and sought by faculty/staff will provide an additional discretionary resource to the colleges and/or other units/divisions as an incentive to seek additional external resources.
- (C) Definitions.
- (1) “Agency” is any external organization, whether governmental or private, that awards a grant/contract or other sponsored program to the university. It does not include legislated funds for which no competitive application was made by the university.
  - (2) “College(s) and/or other units/divisions” include those academic colleges or other major departments/units (not in an academic

college and usually supervised at an executive director or higher level) that prepared the original application for external funding to the funding agency.

- (3) “General purpose for which the grant was intended” means that residual funds will be used to support research/scholarship, instruction, and/or service with the most general interpretation. It does not mean that the expenditure of funds will be used only for the specific purpose originally cited as a deliverable in the grant award.

(D) Procedures.

- (1) At the conclusion of an external grant or contract award from an agency, after all accounts have been reconciled, remaining funds will be transferred to an account in the office of the dean(s) of the college(s) and/or the head of the nonacademic department/division that originally submitted the funding proposal.
- (2) Grants/contracts made on a fixed price basis will not require additional agency verification that funds do not need to be returned. In other cases where agency guidelines are unclear as to disposition of residual funds, written approval for disposition from the agency will be needed and obtained by the principal investigator/project director. Approval in written or electronic form is acceptable evidence of agency approval. The principle investigator shall forward documentation to the office of [research services](#).
- (3) Disposition of residual funds from completed/closed grant/contract or sponsored program accounts will be completed by the office of grants ~~and contracts~~ accounting within ninety days of grant closeout.
- (4) If the project was collaborative between/among several college(s) and/or other units/divisions, the disposition of funds will be prorated according to the overall budget distribution as specified in the original/modified grant application. The office of [research services](#) will determine the allocation for such distribution to the participating college(s) and/or other units/divisions with the approval of the [director of research services and provost associate](#)

~~provost~~ for research when informed by the office of grants accounting that residual funds are available for distribution.

- (5) Use of residual funds by the college(s) and/or department/division is discretionary to the dean (or nonacademic department/unit head), but will normally support research, scholarship, education/training, and/or service. Deans (or nonacademic department/unit heads) are encouraged to seek the advice of those individuals whose grant funds have contributed to the sponsored program/grant that generated the residual funds. Any dispute as to the appropriate use of such funds shall be decided by the [director of research services and the provost](#)~~associate vice president for research~~. Funds shall be held in a restricted account.

### **3356-10-13.3 Disposition of residual funds from external grants and contracts.**

Responsible Division/Office: Office of Research Services  
Responsible Officer: Provost and VP for Academic Affairs  
Revision History: April 2006; June 2010; September 2015;  
September 2020  
Board Committee: Academic Excellence and Student Success  
**Effective Date: September 3, 2020**  
Next Review: 2025

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- (A) Policy statement. Residual funds from external grants and contracts will be deposited in an account of the office of the dean(s) of the college(s) or head of unit/division from which the original proposal emanated, provided that the policies of the external agency permit such a disposition of unused funds.
- (B) Purpose. The intent of this policy is to ensure that all research grant/contract and other sponsored program funds received by Youngstown state university ("university") are delegated to the general purpose for which the grant/contract was intended. Furthermore, because the university has limited ability to reward faculty and staff for seeking external funds, use of such residual funds to support research or other scholarly and service activities intended by the external agency and sought by faculty/staff will provide an additional discretionary resource to the colleges and/or other units/divisions as an incentive to seek additional external resources.
- (C) Definitions.
- (1) "Agency" is any external organization, whether governmental or private, that awards a grant/contract or other sponsored program to the university. It does not include legislated funds for which no competitive application was made by the university.
  - (2) "College(s) and/or other units/divisions" include those academic colleges or other major departments/units (not in an academic college and usually supervised at an executive director or higher

level) that prepared the original application for external funding to the funding agency.

- (3) "General purpose for which the grant was intended" means that residual funds will be used to support research/scholarship, instruction, and/or service with the most general interpretation. It does not mean that the expenditure of funds will be used only for the specific purpose originally cited as a deliverable in the grant award.

(D) Procedures.

- (1) At the conclusion of an external grant or contract award from an agency, after all accounts have been reconciled, remaining funds will be transferred to an account in the office of the dean(s) of the college(s) and/or the head of the nonacademic department/division that originally submitted the funding proposal.
- (2) Grants/contracts made on a fixed price basis will not require additional agency verification that funds do not need to be returned. In other cases where agency guidelines are unclear as to disposition of residual funds, written approval for disposition from the agency will be needed and obtained by the principal investigator/project director. Approval in written or electronic form is acceptable evidence of agency approval. The principal investigator shall forward documentation to the office of research services.
- (3) Disposition of residual funds from completed/closed grant/contract or sponsored program accounts will be completed by the office of grants accounting within ninety days of grant closeout.
- (4) If the project was collaborative between/among several college(s) and/or other units/divisions, the disposition of funds will be prorated according to the overall budget distribution as specified in the original/modified grant application. The office of research services will determine the allocation for such distribution to the participating college(s) and/or other units/divisions with the approval of the director of research services and provost for research when informed by the office of grants accounting that residual funds are available for distribution.

- (5) Use of residual funds by the college(s) and/or department/division is discretionary to the dean (or nonacademic department/unit head), but will normally support research, scholarship; education/training, and/or service. Deans (or nonacademic department/unit heads) are encouraged to seek the advice of those individuals whose grant funds have contributed to the sponsored program/grant that generated the residual funds. Any dispute as to the appropriate use of such funds shall be decided by the director of research services and the provost. Funds shall be held in a restricted account.

# **Institutional Engagement Committee**

## **Main Agenda**





## RESOLUTION TO ACCEPT WYSU MEMBERSHIPS

**WHEREAS**, Board policy provides that the President shall compile a list of memberships to the University for each meeting of the Board of Trustees and present the list accompanied by his recommendation for action by the Board; and

**WHEREAS**, the President has reported that the memberships as listed in **Exhibit F** attached hereto are being held pending acceptance and he recommends their acceptance;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees does hereby accept these memberships on behalf of Youngstown State University and requests that the President acknowledge the acceptance of these memberships.

Board of Trustees Meeting  
September 3, 2020  
YR 2021-

Agenda Item H.2.a

**UNIVERSITY MEMBERSHIPS  
EXECUTIVE SUMMARY  
Fiscal Year 2019-2020  
July 1, 2019-June 30, 2020**

<b>Memberships Received</b>	<b>Number of Members</b>	<b>Amount</b>
WYSU-FM	1,325	\$ 233,250
<b>Total University Members</b>	<b>1,325</b>	<b>\$ 233,250</b>

**UNIVERSITY MEMBERSHIPS  
EXECUTIVE SUMMARY  
Fiscal Year 2018-2019  
July 1, 2018-June 30, 2019**

<b>Memberships Received</b>	<b>Number of Members</b>	<b>Amount</b>
WYSU-FM	1,608	\$ 272,602
<b>Total University Members</b>	<b>1,608</b>	<b>\$ 272,602</b>



**RESOLUTION TO APPROVE  
AFFILIATED ORGANIZATIONS POLICY, 3356-05-03**

**WHEREAS**, the Institutional Policies are being reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the Institutional Policy governing Affiliated Organizations, policy number 3356-05-03 of the *University Guidebook*, shown as **Exhibit G** attached hereto. A copy of the policy indicating changes to be made is also attached.

**3356-5-03      Affiliated organizations.**

~~Previous Policy Number: 5003:00~~

Responsible Division/Office: Office of the President

Responsible Officer: President

Revision History: March 2010; March 2015; September 2020

Board Committee: Institution                      Engagement

**Effective Date:** March 11, 2015 September 3, 2020

Next Review: 2025

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- (A) Policy statement. The university recognizes the value that affiliated organizations can provide in helping the university to achieve its goals and adopts this policy to ensure that organizations affiliated with the university conduct their operations in accordance with university-approved standards and practices.
- (B) Purpose. To provide standards and practices for the selection, operation, and continued existence of an affiliated organization.
- (C) Scope. This policy applies to nonprofit corporations and organizations which are affiliated with the university and exist solely for the benefit and support of the university, whether or not they have been created by the university.
- (D) "Affiliated organization." An entity that has a legal existence separate from the university and which is formed and operated to support or complement the mission of the university and:
  - (1) Is controlled or strongly influenced by the university;
  - (2) Receives financial support from the university; or
  - (3) Utilizes university resources, name, or identity.
- (E) Parameters. Each affiliate's relationship with the university will be formalized in a memorandum of agreement. The memorandum of agreement will be governed by the following principles:

- (1) The creation and activities of affiliates must promote, sponsor, or complement university operations or mission.
- (2) Affiliates shall provide for at least one university representative on its governing board.
- (3) Affiliates must use sound fiscal and accounting procedures.
- (4) Affiliates must be managed in a manner consistent with their own enabling documents and the university's purpose, mission, and procedures.
- (5) Affiliates must adhere to high ethical and conflict of interest standards.
- (6) The university's relationship with an affiliate is not necessarily intended to be perpetual.

**3356-5-03      Affiliated organizations.**

Responsible Division/Office:    Office of the President  
Responsible Officer:            President  
Revision History:                March 2010; March 2015; September 2020  
Board Committee:                Institution Engagement  
**Effective Date:**                **September 3, 2020**  
Next Review:                      2025

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- (A) Policy statement. The university recognizes the value that affiliated organizations can provide in helping the university to achieve its goals and adopts this policy to ensure that organizations affiliated with the university conduct their operations in accordance with university-approved standards and practices.
- (B) Purpose. To provide standards and practices for the selection, operation, and continued existence of an affiliated organization.
- (C) Scope. This policy applies to nonprofit corporations and organizations which are affiliated with the university and exist solely for the benefit and support of the university, whether or not they have been created by the university.
- (D) "Affiliated organization." An entity that has a legal existence separate from the university and which is formed and operated to support or complement the mission of the university and:
  - (1) Is controlled or strongly influenced by the university;
  - (2) Receives financial support from the university; or
  - (3) Utilizes university resources, name, or identity.
- (E) Parameters. Each affiliate's relationship with the university will be formalized in a memorandum of agreement. The memorandum of agreement will be governed by the following principles:
  - (1) The creation and activities of affiliates must promote, sponsor, or complement university operations or mission.

- (2) Affiliates shall provide for at least one university representative on its governing board.
- (3) Affiliates must use sound fiscal and accounting procedures.
- (4) Affiliates must be managed in a manner consistent with their own enabling documents and the university's purpose, mission, and procedures.
- (5) Affiliates must adhere to high ethical and conflict of interest standards.
- (6) The university's relationship with an affiliate is not necessarily intended to be perpetual.



# **Finance and Facilities Committee**

## **Main Agenda**



**RESOLUTION TO APPROVE THE FY 2021 OPERATING BUDGET FOR THE  
PAULA AND ANTHONY RICH CENTER FOR AUTISM**

**WHEREAS**, Youngstown State University and the Paula and Anthony Rich Center for Autism formed an agreement in 1997 to establish a center for the study and treatment of autism; and

**WHEREAS**, said agreement was renewed in 2010 and stipulates that the Rich Center shall be funded entirely through external funding sources and shall not be funded by the University's general fund; and

**WHEREAS**, the agreement further stipulates that the Rich Center's annual operating budget shall be approved by the YSU Board of Trustees each year; and

**WHEREAS**, the Rich Center has prepared its FY 2021 operating budget in accordance with applicable University policies and procedures;

**NOW THEREFORE BE IT RESOLVED** that the FY 2021 operating budget for the Paula and Anthony Rich Center for Autism, as presented in **Exhibit H**, is hereby approved.



<b><u>Rich Center for Autism</u></b>	<b>FY 2020 Budget</b>	<b>FY 2021 Budget</b>	<b>Percent Change</b>	<b>Dollar Change</b>
<b>Revenues</b>				
Noncredit Tuition	\$2,097,028	\$1,707,783	-18.6%	(\$389,245)
Cash Gifts	335,896	442,862	31.8%	106,966
Misc. Income	60,000	0	-100.0%	(60,000)
<b>Total Revenues</b>	<b>\$2,492,924</b>	<b>\$2,150,645</b>	<b>-13.7%</b>	<b>(\$342,279)</b>
<b>Expenses</b>				
<b>Personnel</b>				
Full- and Part-time Staff	\$1,390,628	\$1,272,136	-8.5%	(\$118,492)
Temporary Staff	137,731	60,822	-55.8%	(76,909)
Fringe Benefits	531,029	469,172	-11.6%	(61,857)
<b>Total Personnel</b>	<b>\$2,059,388</b>	<b>\$1,802,130</b>	<b>-12.5%</b>	<b>(\$257,258)</b>
<b>Operating Expenses</b>				
Supplies	\$52,184	\$42,700	-18.2%	(\$9,484)
Travel and Related Expenses	13,200	5,200	-60.6%	(8,000)
Information & Communication	19,700	15,505	-21.3%	(4,195)
Facility Maintenance/Repairs	2,700	400	-85.2%	(2,300)
Fees & Services	337,752	255,500	-24.4%	(82,252)
Volunteer Services	0	14,000		14,000
Events & Promotions	2,000	3,710	85.5%	1,710
Miscellaneous / Reserve	6,000	11,500	91.7%	5,500
<b>Total Operating Expenses</b>	<b>\$433,536</b>	<b>\$348,515</b>	<b>-19.6%</b>	<b>(\$85,021)</b>
<b>Total Rich Center Expenses</b>	<b>\$2,492,924</b>	<b>\$2,150,645</b>	<b>-13.7%</b>	<b>(\$342,279)</b>



**YOUNGSTOWN  
STATE  
UNIVERSITY**

**RESOLUTION TO APPROVE  
INTERFUND TRANSFERS**

**WHEREAS**, University Policy Number 3356-3-11.1, Budget Transfers, requires Board of Trustees approval for inter-fund transfers of \$100,000 or more for operating purposes or for any purpose other than a specific capital improvement project, for capital improvements or construction projects of \$500,000 or more, and for transfers out of operating reserves regardless of amount; and

**WHEREAS**, certain accounting and budget adjustments and transfers outside the operating budget are necessary during the course of a fiscal year and at the end of a fiscal year.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the transfer of funds, as detailed in **Exhibit I**.



**YOUNGSTOWN STATE UNIVERSITY**  
**Interfund Transfers Requiring Board Approval**  
**Transfers Outside of the Operating Budget**  
**Requested Transfers for Fourth Quarter 2020 & First Quarter 2021**

FROM	TO	AMOUNT	REASON
<b>Fourth Quarter 2020</b>			
<i>Higher Education Emergency Relief Fund - Institutional Portion (Restricted Fund)</i>	<i>Operating Funds</i>		<i>Transfers totaling \$529,549 for loss of revenue due to COVID-19. Transfer is reflected in year end balances. Cumulative transfers to operating funds for loss of revenue totaled \$3.2 million in FY20.</i>
	General Fund	\$354,865	State Share of Instruction
	Housing Services	\$171,863	Housing and Meal Plan Adjustments
	General Fund	\$2,354	General Fee and Student Health Fee Adjustments
	Parking Services	\$467	Parking/Transport Fee Adjustments
<i>Operating Funds</i>	<i>Operating Carryforward</i>		<i>Transfers totaling \$2,544,240 to close year end balances to the Operating Carryforward Fund.</i>
	General Fund	\$372,954	
	Andrews Rec Center	\$255,590	
	Housing Services	\$1,404,421	
	Athletics	\$118,808	
	Kilcawley Center	(\$321,254)	
	Parking Services	\$713,721	
<b>First Quarter 2020</b>			
<i>Debt Service Reserve Funds</i>	<i>Debt Service Funds</i>		<i>Transfers totaling \$3,848,876 to fund portion of FY21 Debt Service.</i>
General Fund (Unrestricted Plant Fund)	Bond Fund - Series 2010	\$1,526,896	Portion supported by General Fund
General Fund (Unrestricted Plant Fund)	Bond Fund - Series 2016	\$906,640	Portion supported by General Fund
WCBA Gifts (Restricted Plant Fund)	Bond Fund - Series 2016	\$1,297,003	Portion attributed to the WCBA
Vets Center Gifts (Restricted Plant Fund)	Bond Fund - Series 2010	\$118,337	Portion attributed to Vets Center
<i>Other</i>			
WCBA Construction Gifts	WCBA Gifts (Restricted Plant Fund)	\$225,912	Close residual funds to debt service reserve fund

**Agenda Item H.3.b**  
**Exhibit I**



**RESOLUTION TO MODIFY  
BUSINESS-RELATED AND ENTERTAINMENT EXPENSES POLICY,  
3356-3-13**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Business-related and Entertainment Expenses policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Business-related and Entertainment Expenses, policy number 3356-3-13, shown as **Exhibit J** attached hereto. A copy of the policy indicating changes to be made is also attached.

**3356-3-13 Business-related and entertainment expenses.**

~~Previous Policy Number: 3011.01~~  
Responsible Division/Office: Finance and ~~Administration~~ Business Operations  
Responsible Officer: VP for Finance and ~~Administration~~ Business  
-Operations  
Revision History: December 2004; March 2010; March 2015; September 2020  
Board Committee: Finance and Facilities  
**Effective Date:** ~~March 11, 2015~~ September 3, 2020  
Next Review: ~~2020~~ 2025

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- (A) Policy statement. The board of trustees authorizes the establishment of business-related and entertainment expense guidelines for reasonable food, beverage, and incidental costs associated with the conduct of university business.
- (B) Purpose. To establish the manner and extent to which university funds may be expended for business-related activities, entertainment, and hospitality.
- (C) Scope. This policy applies to all university employees.
- (D) Procedures. The university's business-related and entertainment expense guidelines may be accessed at the following web-site: [http://web.yosu.edu/gen/ysu/Forms\\_and\\_Resources\\_m773.html](http://web.yosu.edu/gen/ysu/Forms_and_Resources_m773.html).

**3356-3-13 Business-related and entertainment expenses.**

Responsible Division/Office: Finance and Business Operations  
Responsible Officer: VP for Finance and Business Operations  
Revision History: December 2004; March 2010; March 2015;  
September 2020  
Board Committee: Finance and Facilities  
**Effective Date: September 3, 2020**  
Next Review: 2025

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- (A) Policy statement. The board of trustees authorizes the establishment of business-related and entertainment expense guidelines for reasonable food, beverage, and incidental costs associated with the conduct of university business.
- (B) Purpose. To establish the manner and extent to which university funds may be expended for business-related activities, entertainment, and hospitality.
- (C) Scope. This policy applies to all university employees.
- (D) Procedures. The university's business-related and entertainment expense guidelines may be accessed at the following web-site:  
[http://web.yzu.edu/gen/ysu/Forms\\_and\\_Resources\\_m773.html](http://web.yzu.edu/gen/ysu/Forms_and_Resources_m773.html).





**RESOLUTION TO MODIFY  
MEMBERSHIPS, DUES, CERTIFICATIONS, AND LICENSING FEES  
POLICY, 3356-3-15**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Memberships, Dues, Certifications, and Licensing Fees policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Memberships, Dues, Certifications, and Licensing Fees, policy number 3356-3-15, shown as **Exhibit K** attached hereto. A copy of the policy indicating changes to be made is also attached.

**3356-3-15 Memberships, dues, certifications, and licensing fees.**

~~Previous Policy Number:~~ ~~3013.01~~  
Responsible Division/Office: ~~Finance and Business Operations~~Procurement  
-Services  
Responsible Officer: VP for Finance and Business Operations  
Revision History: December 2010; September 2015;September  
-2020  
Board Committee: Finance and Facilities  
**Effective Date:** ~~September 24, 2015~~September 3, 2020  
Next Review: ~~2020~~2025

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- (A) Policy statement. Memberships, dues, professional certifications or licensing fees are eligible for payment by the university ~~only if~~when there is a clear and direct benefit to the university. ~~Under compelling circumstances only, the president or appropriate vice president may authorize the payment of individual memberships, dues, fees or certifications.~~
- (B) Parameters.
- ~~(1)~~ The direct benefits to the university must outweigh the costs associated with the relevant membership, certification, or fee.[NM1]
- ~~(2)~~ Memberships paid with university funds cannot negatively impact the university's image or mission, or be paid to organizations or for activities with arbitrary or discriminatory membership policies. Acceptable organizations include associations of colleges and universities, professional societies, government-sponsored groups, accrediting organizations, and other organizations related to work being performed. Fraternal and political organizations are specifically excluded, and community/civic organizations are allowable only for executive or development officers whose duties include significant responsibilities to represent the university in the community.
- ~~(3)~~ Memberships should normally be institutional in nature, held in the name of the university, a university department, or functional job title. Professional memberships, dues, licenses or certifications in

the name of an individual are allowable when institutional memberships, etc. are not available or not applicable. Such expenses are eligible for payment by the university under the following criteria:

- ~~(4) Professional memberships, dues, licenses, or certifications in the name of an individual are generally not authorized. Exceptions may be authorized under the following circumstances when an institutional membership is not available and the best interests of the university are served by such membership:~~
- (a) The dues, professional licensing, certification, or testing fees are integrally related to an employee's job duties or essential to the research responsibilities of faculty. Examples include, but are not limited to: engineers, certified public accountant, or radioactive materials licenses, notary fees, and world safety officer memberships;
  - (b) Membership is required for the purchase of a journal;
  - (c) Membership allows a periodical or journal to be purchased at a discounted rate and the expected savings from the discount exceeds the cost of membership;
  - (d) Membership included in a conference registration fee allows for a reduced rate to attend the conference and the savings over the non-member registration fee rate is greater than the cost of individual membership in the organization.
- (354) Written justification must be maintained for memberships, dues, certifications, and licenses paid by the university in the name of an ~~employee~~individual.
- ~~(654)~~ No more than one institutional membership in any organization may be purchased.
- ~~(765)~~ Payments of fees for professional memberships, dues, licenses or certifications shall be charged to the budget of the particular office or department benefitting from the membership are subject to the university's purchasing policy. Procurement services has the

primary responsibility to manage and monitor the purchasing process.

- (~~87~~6) Only the president or his/her designee may authorize written exceptions to this policy.

**3356-3-15 Memberships, dues, certifications, and licensing fees.**

Responsible Division/Office: Procurement Services  
Responsible Officer: VP for Finance and Business Operations  
Revision History: December 2010; September 2015;  
September 2020  
Board Committee: Finance and Facilities  
**Effective Date: September 3, 2020**  
Next Review: 2025

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- (A) Policy statement. Memberships, dues, professional certifications or licensing fees are eligible for payment by the university when there is a clear and direct benefit to the university.
- (B) Parameters.
- (1) Memberships paid with university funds cannot negatively impact the university's image or mission, or be paid to organizations or for activities with arbitrary or discriminatory membership policies. Acceptable organizations include associations of colleges and universities, professional societies, government-sponsored groups, accrediting organizations, and other organizations related to work being performed. Fraternal and political organizations are specifically excluded, and community/civic organizations are allowable only for executive or development officers whose duties include significant responsibilities to represent the university in the community.
  - (2) Professional memberships, dues, licenses or certifications in the name of an individual are allowable when institutional memberships, etc. are not available or not applicable. Such expenses are eligible for payment by the university under the following criteria:
    - (a) The dues, professional licensing, certification, or testing fees are integrally related to an employee's job duties or essential to the research responsibilities of faculty. Examples include, but are not limited to: engineers, certified public accountant, or radioactive materials

licenses, notary fees, and world safety officer memberships;

- (b) Membership is required for the purchase of a journal;
  - (c) Membership allows a periodical or journal to be purchased at a discounted rate and the expected savings from the discount exceeds the cost of membership;
  - (d) Membership included in a conference registration fee allows for a reduced rate to attend the conference and the savings over the non-member registration fee rate is greater than the cost of individual membership in the organization.
- (3) Written justification must be maintained for memberships, dues, certifications, and licenses paid by the university in the name of an individual.
  - (4) No more than one institutional membership in any organization may be purchased.
  - (5) Payments for professional memberships, dues, licenses or certifications are subject to the university's purchasing policy. Procurement services has the primary responsibility to manage and monitor the purchasing process.
  - (6) Only the president or his/her designee may authorize written exceptions to this policy.



**RESOLUTION TO MODIFY  
ELECTRONIC SIGNATURE RULES POLICY, 3356-3-16.1**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the Electronic Signature Rules policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Electronic Signature Rules, policy number 3356-3-16.1, shown as **Exhibit L** attached hereto. A copy of the policy indicating changes to be made is also attached.

**3356-3-16.1 Electronic signature rules.**

~~Previous Policy Number:~~ ~~————~~ ~~New~~

Responsible Division/Office: Finance and ~~Administration~~ Business Operations

Responsible Officer: ~~Vice President~~ VP for Finance and Business

~~————~~ ~~-Operations~~ Administration

Revision History: March 2015; September 2020

Board Committee: Finance and Facilities

~~EFFECTIVE DATE~~ Effective Date: ~~————~~ ~~March~~

~~11, 2015~~ September 3, 2020

Next Review: ~~2020~~ 2025

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- (A) Authority. Division (J) of section 1306.20 of the Revised Code requires Youngstown state university (“university”) to establish rules for the use of electronic signatures.
- (B) Scope. This rule applies to the implementation and utilization of electronic signatures involving the university.
- (C) Definitions.
- (1) “Authentication.” The assurance that the electronic signature is that of the person purporting to sign a record or otherwise conducting an electronic transaction.
  - (2) “Electronic signature.” An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
  - (3) “Electronic record.” A record created, generated, sent, communicated, receive, or stored by electronic means.
  - (4) “Electronic transaction.” The exchange of an electronic record and electronic signature between the university and a person to:
    - (a) Consent to release information;
    - (b) Purchase, sell, or lease goods, services, or construction;



- (c) Transfer funds;
  - (d) Facilitate the submission of an electronic record with an electronic signature required or accepted by the university;  
or
  - (e) Create records formally issued under a signature and upon which the university or any other person will reasonably rely, including but not limited to, formal communication, letters, notices, directives, policies, guidelines, and any other record.
- (5) “Integrity.” The assurance that the electronic record is not modified from what the signatory adopted.
  - (6) “Nonrepudiation.” Proof that the signatory adopted or assented to the electronic record or electronic transaction.
- (D) Electronic signature rules.
- (1) This rule was established pursuant to division (J) of section 1306.20 of the Revised Code.
  - (2) This rule applies to electronic signatures involving the university.
  - (3) This rule shall remain consistent with electronic signature requirements of the Revised Code and applicable federal law.
  - (4) Electronic signatures shall only be used as governed by this rule and any university policy governing electronic signatures involving the university.
  - (5) The university shall provide guidance for implementing and utilizing electronic signatures.
  - (6) To the fullest extent permitted by law, the university recognizes an electronic signature as legally binding and equivalent to handwritten signatures to signify an agreement.
  - (7) The university may designate specific university transactions to be executed by electronic signature.

- (8) The university may, at its discretion, elect to opt out of conducting business electronically with any party or in any transaction for any reason or no reason.
- (9) An electronic signature that does not employ a university-approved authentication method at the time of signature may not be binding on the university.
- (10) All security procedures and technologies shall provide authentication, nonrepudiation, and integrity to the extent that is reasonable for each electronic transaction, as determined by the university's office of information technology.
- (11) When at any time during an electronic transaction the university requires a signature, the university shall require a separate and distinct action on the part of the person conducting the electronic transaction for each signature. The separate and distinct action shall be clearly marked as indicating intent to complete an electronic transaction or electronically sign a record. The separate and distinct action may include a series of keystrokes, a click of a mouse, or other similar actions.
- (12) Electronic signature documentation shall be maintained in accordance with the university record retention schedule and any university policy governing electronic signatures.
- (13) The university shall identify responsibilities of individuals and units regarding electronic signatures.
- (14) University policies and procedures applicable to contracts must be followed. This rule does not grant contracting authority to any individual or expand the authority already granted through university policy or otherwise.
- (15) Individuals shall report any suspect or fraudulent activities related to electronic signatures immediately to any manager or supervisor in the appropriate department, college, or division.

- (16) Employees who falsify electronic signatures or otherwise violate this rule are subject to disciplinary action up to and including termination of employment.
- (17) Students who falsify electronic signatures or otherwise violate this rule are subject to disciplinary action under the university “Code of Student Rights, Responsibilities, and Conduct.”
- (18) Other members of the university community who falsify electronic signatures or otherwise violate this rule are subject to appropriate sanctions, including but not limited to termination of their relationship or affiliation with the university.

### **3356-3-16.1 Electronic signature rules.**

Responsible Division/Office: Finance and Business Operations  
Responsible Officer: VP for Finance and Business Operations  
Revision History: March 2015; September 2020  
Board Committee: Finance and Facilities  
**Effective Date: September 3, 2020**  
Next Review: 2025

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- (A) Authority. Division (J) of section 1306.20 of the Revised Code requires Youngstown state university (“university”) to establish rules for the use of electronic signatures.
- (B) Scope. This rule applies to the implementation and utilization of electronic signatures involving the university.
- (C) Definitions.
- (1) “Authentication.” The assurance that the electronic signature is that of the person purporting to sign a record or otherwise conducting an electronic transaction.
  - (2) “Electronic signature.” An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
  - (3) “Electronic record.” A record created, generated, sent, communicated, receive, or stored by electronic means.
  - (4) “Electronic transaction.” The exchange of an electronic record and electronic signature between the university and a person to:
    - (a) Consent to release information;
    - (b) Purchase, sell, or lease goods, services, or construction;
    - (c) Transfer funds;

- (d) Facilitate the submission of an electronic record with an electronic signature required or accepted by the university;  
or
  - (e) Create records formally issued under a signature and upon which the university or any other person will reasonably rely, including but not limited to, formal communication, letters, notices, directives, policies, guidelines, and any other record.
- (5) “Integrity.” The assurance that the electronic record is not modified from what the signatory adopted.
- (6) “Nonrepudiation.” Proof that the signatory adopted or assented to the electronic record or electronic transaction.
- (D) Electronic signature rules.
- (1) This rule was established pursuant to division (J) of section 1306.20 of the Revised Code.
  - (2) This rule applies to electronic signatures involving the university.
  - (3) This rule shall remain consistent with electronic signature requirements of the Revised Code and applicable federal law.
  - (4) Electronic signatures shall only be used as governed by this rule and any university policy governing electronic signatures involving the university.
  - (5) The university shall provide guidance for implementing and utilizing electronic signatures.
  - (6) To the fullest extent permitted by law, the university recognizes an electronic signature as legally binding and equivalent to handwritten signatures to signify an agreement.
  - (7) The university may designate specific university transactions to be executed by electronic signature.

- (8) The university may, at its discretion, elect to opt out of conducting business electronically with any party or in any transaction for any reason or no reason.
- (9) An electronic signature that does not employ a university-approved authentication method at the time of signature may not be binding on the university.
- (10) All security procedures and technologies shall provide authentication, nonrepudiation, and integrity to the extent that is reasonable for each electronic transaction, as determined by the university's office of information technology.
- (11) When at any time during an electronic transaction the university requires a signature, the university shall require a separate and distinct action on the part of the person conducting the electronic transaction for each signature. The separate and distinct action shall be clearly marked as indicating intent to complete an electronic transaction or electronically sign a record. The separate and distinct action may include a series of keystrokes, a click of a mouse, or other similar actions.
- (12) Electronic signature documentation shall be maintained in accordance with the university record retention schedule and any university policy governing electronic signatures.
- (13) The university shall identify responsibilities of individuals and units regarding electronic signatures.
- (14) University policies and procedures applicable to contracts must be followed. This rule does not grant contracting authority to any individual or expand the authority already granted through university policy or otherwise.
- (15) Individuals shall report any suspect or fraudulent activities related to electronic signatures immediately to any manager or supervisor in the appropriate department, college, or division.
- (16) Employees who falsify electronic signatures or otherwise violate this rule are submit to disciplinary action up to an including termination of employment.

- (17) Students who falsify electronic signatures or otherwise violate this rule are subject to disciplinary action under the university “Code of Student Rights, Responsibilities, and Conduct.”
- (18) Other members of the university community who falsify electronic signatures or otherwise violate this rule are subject to appropriate sanctions, including but not limited to termination of their relationship or affiliation with the university.



**RESOLUTION TO MODIFY  
UNIVERSITY PARKING AND TRANSPORTATION FEES POLICY, 3356-4-06**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**WHEREAS**, the University Parking and Transportation Fees policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy University Parking and Transportation Fees, policy number 3356-4-06, shown as **Exhibit M** attached hereto. A copy of the policy indicating changes to be made is also attached.



**3356-4-06 University parking and transportation fees.**

~~Previous Policy Number: 4006.01~~

Responsible Division/Office: Facilities Maintenance and Support Services

Responsible Officer: VP for Finance and ~~Administration~~Business  
-Operations

Revision History: June 1998; March 2010; March 2015; ~~September~~  
-2020

Board Committee: Finance and Facilities

**BOT Approval Date:** ~~March 11, 2015~~September 3, 2020

Next Review: ~~2020~~2025

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- (A) Policy statement. The university will fund the provision of parking and related transportation services from a variety of sources and permits the use of these services in accordance with established law and university requirements and regulations.
- (B) Purpose. To provide guidelines and procedures on the use and management of university parking facilities, fees, and related transportation services.
- (C) Scope. This policy applies to all individuals operating vehicles on university property and to university parking facilities and related transportation services.
- (D) Parameters. Costs for the provision, construction, and maintenance of parking facilities and related transportation services are funded by income from sources such as fees, parking permits, parking meters, daily and special events parking, fines imposed for violation of parking regulations, and debt secured by bonds. Users of parking and related services must comply with the requirements established pursuant to this policy.
- (E) Procedures.
  - (1) Valid parking permits are required at all times when parking on the Youngstown state university (“YSU”) campus.
  - (2) Student parking permits are available ~~through the transportation fee~~ for each semester:-

- a. Penguin Promise students may obtain a commuter permit or an overnight permit valid in designated lots.
  - b. Non-Penguin Promise students may purchase a permit through the transportation fee. With the exception of completely online instructional methods~~at the start of term.~~  
Sstudents taking six or more credit hours will be assessed a transportation fee and may order a parking permit at no additional charge. Students taking five or less credit hours may~~opt into the transportation fee and order a purchase a semester parking permit at no additional charge or purchase a daily parking permit as needed.~~ opt into the transportation fee and order a semester parking permit for the same cost as the transportation fee, which may appear as a parking permit on student bills.
- (3) Collective bargaining contracts may contain specific parking procedures and fee information.
  - (4) Businesses or other organizations which lease space on campus or which contract with the university for the provision of services may purchase parking permits for their employees. Employees of such companies may purchase parking permits if their employer does not provide them.
  - (5) Trustees of the university, trustees of YSU-affiliated organizations, government officials, outside counsel, and officers of other universities are permitted to park in designated visitor's areas without cost while on business at the university.
  - (6) Individuals on campus for YSU prearranged recruiting events or visits are permitted to park in designated areas without cost while on campus for the scheduled event or visit.
  - (7) Visitors to the university will be charged the current approved rate for parking on campus. Departments may purchase a visitor permit for their guest through parking services.
  - (8) Event parking will be charged the current approved rate for parking on campus. Event sponsors may purchase the parking in advance for their attendees.

- (9) The board of trustees approves parking fees and fines, upon the recommendation of the Finance and Facilities Committee.
- (10) Parking services personnel and university police officers are authorized to issue citations to vehicles parking in violation of parking regulations.
- (11) Parking fees, fines, and regulations may be found in the parking services brochure, the university bulletins, other university publications, and the university website.

**3356-4-06 University parking and transportation fees.**

Responsible Division/Office: Facilities Maintenance and Support Services  
Responsible Officer: VP for Finance and Business  
Operations  
Revision History: June 1998; March 2010; March 2015; September 2020  
Board Committee: Finance and Facilities  
**BOT Approval Date: September 3, 2020**  
Next Review: 2025

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- (A) Policy statement. The university will fund the provision of parking and related transportation services from a variety of sources and permits the use of these services in accordance with established law and university requirements and regulations.
- (B) Purpose. To provide guidelines and procedures on the use and management of university parking facilities, fees, and related transportation services.
- (C) Scope. This policy applies to all individuals operating vehicles on university property and to university parking facilities and related transportation services.
- (D) Parameters. Costs for the provision, construction, and maintenance of parking facilities and related transportation services are funded by income from sources such as fees, parking permits, parking meters, daily and special events parking, fines imposed for violation of parking regulations, and debt secured by bonds. Users of parking and related services must comply with the requirements established pursuant to this policy.
- (E) Procedures.
  - (1) Valid parking permits are required at all times when parking on the Youngstown state university (“YSU”) campus.
  - (2) Student parking permits are available for each semester:
    - a. Penguin Promise students may obtain a commuter permit or an overnight permit valid in designated lots.

- b. Non-Penguin Promise students may purchase a permit through the transportation fee. With the exception of completely online instructional methods, students taking six or more credit hours will be assessed a transportation fee and may order a parking permit at no additional charge. Students taking five or less credit hours may opt into the transportation fee and order a semester parking permit for the same cost as the transportation fee, which may appear as a parking permit on student bills.
- (3) Collective bargaining contracts may contain specific parking procedures and fee information.
  - (4) Businesses or other organizations which lease space on campus or which contract with the university for the provision of services may purchase parking permits for their employees. Employees of such companies may purchase parking permits if their employer does not provide them.
  - (5) Trustees of the university, trustees of YSU-affiliated organizations, government officials, outside counsel, and officers of other universities are permitted to park in designated visitor's areas without cost while on business at the university.
  - (6) Individuals on campus for YSU prearranged recruiting events or visits are permitted to park in designated areas without cost while on campus for the scheduled event or visit.
  - (7) Visitors to the university will be charged the current approved rate for parking on campus. Departments may purchase a visitor permit for their guest through parking services.
  - (8) Event parking will be charged the current approved rate for parking on campus. Event sponsors may purchase the parking in advance for their attendees.
  - (9) The board of trustees approves parking fees and fines, upon the recommendation of the Finance and Facilities Committee.

- (10) Parking services personnel and university police officers are authorized to issue citations to vehicles parking in violation of parking regulations.
- (11) Parking fees, fines, and regulations may be found in the parking services brochure, the university bulletins, other university publications, and the university website.



**RESOLUTION TO RENEW AND AMEND  
THE AUDIT SUBCOMMITTEE CHARTER**

**WHEREAS**, the Audit Subcommittee Charter (the Charter) defines the subcommittee's purpose, authority, and responsibility; and

**WHEREAS**, the Charter establishes the subcommittee's relationship with the Finance and Facilities Committee of the Board of Trustees, authorizes access to records, personnel, and physical properties relevant to the performance of oversight responsibilities, and defines the structure of the subcommittee; and

**WHEREAS**, the Charter is reviewed and approved by the audit subcommittee at least every third year as part of its oversight of the subcommittee functions; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby renew the Audit Subcommittee Charter, as shown in **Exhibit N** and made part hereof.

Youngstown State University  
Audit Subcommittee Charter

***Purpose***

The primary function of the Audit Subcommittee (the “Subcommittee”) is to assist the Board of Trustees in fulfilling its oversight responsibilities for the institution’s accounting and financial reporting processes and audits by monitoring:

- the integrity of the University’s financial statements,
- the independence, qualifications, and performance of its independent-external and internal auditors,
- the University’s system of internal controls, and
- the University’s compliance with laws, regulations and codes of conduct.

~~Subject to State Auditor’s role and requirements, the Audit Subcommittee will be responsible for the appointment, compensation, retention, oversight and evaluation of the University’s independent external and internal auditors. The Audit Subcommittee shall maintain an effective, open avenue of communication among the independent external auditors, internal auditors, senior management and the Board of Trustees.~~

~~The Subcommittee’s function is one of oversight, and as such it recognizes that management is responsible for preparing the financial statements and that the independent external auditors are responsible for auditing those financial statements.~~

**Resources and Authority**

~~The Subcommittee is empowered to investigate any matter brought to its attention with full access to all books, records, facilities and personnel of the University.~~

The Subcommittee has the authority to retain legal, accounting and other advisors to assist in the performance of its responsibilities. The University shall compensate the independent auditors and advisors employed by the Audit Subcommittee, and provide for associated administrative expenses.

***Structure***

Date Last Reviewed: tbd ~~12-2015~~

**Agenda Item H.3.g  
Exhibit N**



Youngstown State University  
Audit Subcommittee Charter

The Audit Subcommittee is a subcommittee of the Finance & Facilities Committee of the Board of Trustees of Youngstown State University. Board members are appointed by the Governor of the State of Ohio. ~~The Board will seek to ensure financial expertise on the Audit Subcommittee through appointments and training.~~

All members of the Subcommittee must be independent of the University, management and the independent auditor in fact and appearance. Members of the Subcommittee shall be considered independent provided they do not accept any consulting, advisory, or other compensatory fee from the University and are not affiliated persons of the external auditor, management or University. Further, no member of the Audit Subcommittee may concurrently serve on the Investment Subcommittee.

At least one member of the Subcommittee should, if possible, be a “financial expert”. A financial expert is a person who has an understanding of generally accepted accounting principles and financial statements, experience applying such principles, experience preparing or auditing financial statements, experience with internal controls, and an understanding of audit committee functions. The Board will seek to ensure financial expertise on the Audit Subcommittee through appointments and training.

## Meetings

The Audit Subcommittee shall meet at least quarterly and at any other convenient date on an as-needed basis. The Audit Subcommittee may ask members of management or others to attend Audit Subcommittee meetings and provide pertinent information when needed. The Audit Subcommittee shall meet periodically with management, independent external auditors and the ~~independent~~ Internal Auditor.

As part of its responsibility to foster open communication, the Subcommittee shall provide sufficient opportunity for the independent auditors to meet privately with the Committee.

Meeting agendas will be prepared and provided in advance to members along with the appropriate briefing materials. A written summary of each Subcommittee meeting will be prepared. The Subcommittee is to report its findings and recommendations for action to the Finance and Facilities Committee.

Date Last Reviewed: tbd ~~12-2015~~

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Youngstown State University  
Audit Subcommittee Charter

***Functions and Responsibilities***

**Internal Control**

1. Review with management, Internal Audit and independent external auditors the adequacy and effectiveness of the University's policies for assessing and managing risk.
2. Examine internal and ~~external auditors~~ independent auditors' findings of weaknesses and recommendations for the improvement of internal controls. Monitor management's response to and implementation of internal control recommendations.

**Financial Reporting**

1. Review annual financial statements prior to public release and discuss such statements with management and the independent auditors.
2. Discuss any changes in accounting principles, significant judgment areas and significant or complex transactions (including any off-balance sheet structures) that occurred. Consider management's handling of proposed audit adjustments identified by the independent auditors.
3. Consult with auditors and accounting personnel on the integrity of the internal and independent external financial reporting process. Determine if key reporting objectives are being met.

**Independent Auditors**

Subject to State Auditor's role and requirements, the Audit Subcommittee will be responsible for the appointment, compensation, retention, oversight and evaluation of the University's independent auditors.

The Subcommittee's function is one of oversight, as such it recognizes that management is responsible for preparing the financial statements and that the independent auditors are responsible for auditing those financial statements.

1. Serve as the authority to which the independent auditors report.
2. Review, at least annually, all relationships between the independent auditors and the University and assess the independent auditors' independence.
3. Review the audit scope and approach of the independent auditors' examinations and direct the auditors to areas that, in the Audit Subcommittee's opinion, require more attention. Audit engagement letters are to be addressed to the Audit Subcommittee rather than to management.

Date Last Reviewed: tbd ~~12-2015~~

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Youngstown State University  
Audit Subcommittee Charter

4. Discuss with the independent auditors any significant findings, difficulties, disagreements with management, restrictions on scope of the audit, or limitations on information or personnel encountered while performing the audit.
5. Pre-approve all significant audit and permitted non-audit services and related fees to be performed by the University's independent auditors. The Chairperson of the Audit Subcommittee shall have the authority to review and approve all such proposals and shall report back to the full Subcommittee at each meeting.

### **Internal Auditors**

The Audit Subcommittee will be responsible for the appointment, compensation, retention, oversight and evaluation of the University's internal auditors.

1. Review and examine the objectivity, effectiveness and resources of the internal audit function.
2. Concur in the appointment or replacement of the provider of internal audits services.
3. Review the internal audit plan for the current year and review the risk assessment procedures used to identify projects included in the plan.
4. Review the results of internal audit activities and track the progress of the internal audit plan.
5. Ensure there are no unjustified restrictions or limitations on the internal audit function.

### **Compliance**

1. Ensure that appropriate code(s) of conduct/ethics are formalized in writing. Review management's monitoring of compliance therewith, including changes or waivers to the code(s).
2. Review legal and regulatory matters that may have a material impact on the financial statements and the related compliance policies and procedures.
3. Ensure that procedures exist for the receipt, retention and treatment of complaints regarding accounting, internal controls or auditing matters, including procedures for the confidential, anonymous submission by employees of concerns regarding questionable accounting or auditing matters. Periodically review summary reports of such complaints.

### **Other**

Date Last Reviewed: tbd ~~12-2015~~

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Youngstown State University  
Audit Subcommittee Charter

4. ~~Ensure that appropriate code(s) of conduct/ethics are formalized in writing. Review management's monitoring of compliance therewith, including changes or waivers to the code(s).~~

~~Review legal and regulatory matters that may have a material impact on the financial statements and the related compliance policies and procedures.~~

1. ~~Ensure that procedures exist for the receipt, retention and treatment of complaints regarding accounting, internal controls or auditing matters, including procedures for the confidential, anonymous submission by employees of concerns regarding questionable accounting or auditing matters. Periodically review summary reports of such complaints.~~ Review and assess, at least every three years, the Audit Subcommittee's charter, and submit changes to the charter for approval of the Board.

2. The Subcommittee shall review, discuss and assess its own performance as well as its role and responsibilities, seeking input from senior management, the full board and others. Changes in role and/or responsibilities, if any, shall be recommended to the full board for approval.

~~2.3. Recommend~~ Recommend to the Board policies for hiring employees or former employees of the independent auditor.

4. ~~3.~~ Perform other oversight functions as requested by the Board of Trustees.

5. Maintain an effective, open avenue of communication among the independent auditors, internal auditors, senior management and the Board of Trustees.

Date Last Reviewed: ~~tbd~~ 12-2015

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~~12-2015~~ tbd Audit Subcommittee Charter

Youngstown State University  
Audit Subcommittee Charter

## Purpose

The primary function of the Audit Subcommittee (the “Subcommittee”) is to assist the Board of Trustees in fulfilling its oversight responsibilities for the institution’s accounting and financial reporting processes and audits by monitoring:

- the integrity of the University’s financial statements,
- the independence, qualifications, and performance of its independent and internal auditors,
- the University’s system of internal controls, and
- the University’s compliance with laws, regulations and codes of conduct.

## Resources and Authority

The Subcommittee is empowered to investigate any matter brought to its attention with full access to all books, records, facilities and personnel of the University.

The Subcommittee has the authority to retain legal, accounting and other advisors to assist in the performance of its responsibilities. The University shall compensate the independent auditors and advisors employed by the Audit Subcommittee, and provide for associated administrative expenses.

## Structure

The Audit Subcommittee is a subcommittee of the Finance & Facilities Committee of the Board of Trustees of Youngstown State University. Board members are appointed by the Governor of the State of Ohio. All members of the Subcommittee must be independent of the University, management and the independent auditor in fact and appearance. Members of the Subcommittee shall be considered independent provided they do not accept any consulting, advisory, or other compensatory fee from the University and are not affiliated persons of the external auditor, management or University. Further, no member of the Audit Subcommittee may concurrently serve on the Investment Subcommittee.

At least one member of the Subcommittee should, if possible, be a “financial expert”. A financial expert is a person who has an understanding of generally accepted accounting principles and financial statements, experience applying such principles, experience preparing or auditing financial statements, experience with internal controls, and an understanding of audit committee functions. The Board will seek to ensure financial expertise on the Audit Subcommittee through appointments and training.

Date Last Reviewed: tbd

Youngstown State University  
Audit Subcommittee Charter

## Meetings

The Audit Subcommittee shall meet at least quarterly and at any other convenient date on an as-needed basis. The Audit Subcommittee may ask members of management or others to attend Audit Subcommittee meetings and provide pertinent information when needed. The Audit Subcommittee shall meet periodically with management, independent auditors and the Internal Auditor.

As part of its responsibility to foster open communication, the Subcommittee shall provide sufficient opportunity for the independent auditors to meet privately with the Committee.

Meeting agendas will be prepared and provided in advance to members along with the appropriate briefing materials. A written summary of each Subcommittee meeting will be prepared. The Subcommittee is to report its findings and recommendations for action to the Finance and Facilities Committee.

## Functions and Responsibilities

### Internal Control

1. Review with management, Internal Audit and independent auditors the adequacy and effectiveness of the University's policies for assessing and managing risk.
2. Examine internal and independent auditors' findings of weaknesses and recommendations for the improvement of internal controls. Monitor management's response to and implementation of internal control recommendations.

### Financial Reporting

1. Review annual financial statements prior to public release and discuss such statements with management and the independent auditors.
2. Discuss any changes in accounting principles, significant judgment areas and significant or complex transactions (including any off-balance sheet structures) that occurred. Consider management's handling of proposed audit adjustments identified by the independent auditors.
3. Consult with auditors and accounting personnel on the integrity of the internal and independent financial reporting process. Determine if key reporting objectives are being met.

### Independent Auditors

Date Last Reviewed: tbd

Youngstown State University  
Audit Subcommittee Charter

Subject to State Auditor's role and requirements, the Audit Subcommittee will be responsible for the appointment, compensation, retention, oversight and evaluation of the University's independent auditors.

The Subcommittee's function is one of oversight, as such it recognizes that management is responsible for preparing the financial statements and that the independent auditors are responsible for auditing those financial statements.

1. Serve as the authority to which the independent auditors report.
2. Review, at least annually, all relationships between the independent auditors and the University and assess the independent auditors' independence.
3. Review the audit scope and approach of the independent auditors' examinations and direct the auditors to areas that, in the Audit Subcommittee's opinion, require more attention. Audit engagement letters are to be addressed to the Audit Subcommittee rather than to management.
4. Discuss with the independent auditors any significant findings, difficulties, disagreements with management, restrictions on scope of the audit, or limitations on information or personnel encountered while performing the audit.
5. Pre-approve all significant audit and permitted non-audit services and related fees to be performed by the University's independent auditors. The Chairperson of the Audit Subcommittee shall have the authority to review and approve all such proposals and shall report back to the full Subcommittee at each meeting.

#### Internal Auditors

The Audit Subcommittee will be responsible for the appointment, compensation, retention, oversight and evaluation of the University's internal auditors.

1. Review and examine the objectivity, effectiveness and resources of the internal audit function.
2. Concur in the appointment or replacement of the provider of internal audits services.
3. Review the internal audit plan for the current year and review the risk assessment procedures used to identify projects included in the plan.
4. Review the results of internal audit activities and track the progress of the internal audit plan.
5. Ensure there are no unjustified restrictions or limitations on the internal audit function.

#### Compliance

1. Ensure that appropriate code(s) of conduct/ethics are formalized in writing. Review management's monitoring of compliance therewith, including changes or waivers to the code(s).
2. Review legal and regulatory matters that may have a material impact on the financial statements and the related compliance policies and procedures.

Date Last Reviewed: tbd

Youngstown State University  
Audit Subcommittee Charter

3. Ensure that procedures exist for the receipt, retention and treatment of complaints regarding accounting, internal controls or auditing matters, including procedures for the confidential, anonymous submission by employees of concerns regarding questionable accounting or auditing matters. Periodically review summary reports of such complaints.

Other

1. Review and assess, at least every three years, the Audit Subcommittee's charter, and submit changes to the charter for approval of the Board.
2. The Subcommittee shall review, discuss and assess its own performance as well as its role and responsibilities, seeking input from senior management, the full board and others. Changes in role and/or responsibilities, if any, shall be recommended to the full board for approval.
3. Recommend to the Board policies for hiring employees or former employees of the independent auditor.
4. Perform other oversight functions as requested by the Board of Trustees.
5. Maintain an effective, open avenue of communication among the independent auditors, internal auditors, senior management and the Board of Trustees.

Date Last Reviewed: tbd



# **University Affairs Committee**

## **Main Agenda**



**RESOLUTION TO RATIFY  
PERSONNEL ACTIONS**

**WHEREAS**, the *Policies of the Board of Trustees* authorize the President to manage the University, including appointing such employees as are necessary to effectively carry out the operation of the University and any other necessary personnel actions; and

**WHEREAS**, new appointments and other personnel actions have been made subsequent to the June 4, 2020, meeting of the Board of Trustees; and

**WHEREAS**, such personnel actions are in accordance with the 2019-2020 Budget and with University policies 3356-2-02, Equal Opportunity and Affirmative Action Recruitment and Employment; 3356-7-36, Hiring and Selection Process, Contracts and Compensation for Intercollegiate Athletic Coaches; 3356-9-02, Selection and Annual Evaluation of Administrative Officers of the University; and 3356-7-42, Selection of Professional/Administrative Staff;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby ratify and confirm the personnel actions as listed in **Exhibit O** attached hereto.

**SUMMARY OF PERSONNEL ACTIONS**  
**Athletics Employees**  
**4/16/20 through 7/15/20**

**Appointments – 0**

**Separations – 4**

- Professional Administrative Excluded – 3
- Classified – 1

**Layoffs – 9**

**Lack of Funds – 8**

- Professional Administrative Excluded – 8

**Lack of Work to Lack of Funds – 1**

- Professional Administrative Staff – 1

**YOUNGSTOWN STATE UNIVERSITY  
ATHLETICS EMPLOYEES  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
SEPARATIONS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>DATE OF SEPARATON</b>	<b>FTE</b>	<b>SALARY</b>	<b>TYPE OF SEPARATION</b>
Arroyo, Mary	ACE	Account Clerk 2	Athletic Administration	6/12/2020	1.00	\$ 49,712.00	Retired
Jacobs, Elaine	Excluded	Associate Athletic Director	Athletic Administration	7/1/2020	1.00	\$ 76,752.00	Retired
Rademacher, Autumn	Excluded	Assistant Coach Women's Basketball	Basketball - Women's	4/24/2020	1.00	\$ 50,000.00	Resigned
Reeves, Amber	Excluded	Assistant Coach Women's Basketball Director of Operations	Basketball - Women's	5/18/2020	1.00	\$ 35,568.00	Non-Renewal

**YOUNGSTOWN STATE UNIVERSITY  
ATHLETICS EMPLOYEES  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
LAYOFFS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>DATE OF SEPARATON</b>	<b>FTE</b>	<b>SALARY</b>
<b><u>Lack of Funds Layoff</u></b>						
Davis, Shane	Excluded	Assistant Coach, Baseball	Baseball	6/30/2020	1.00	\$24,133.20
Nuzum, Dominique	Excluded	Assistant Coach Softball	Softball	6/30/2020	1.00	\$30,000.00
Penniman, Richard	Excluded	Assistant Coach Track and Field PT	Track - Women's	6/30/2020	0.25	\$6,858.48
Reese, Daniel	Excluded	Assistant Coach Men's Basketball	Basketball - Men's	6/30/2020	1.00	\$51,510.00
Rupe, Eric	Excluded	Assistant Coach Track and Field PT	Track - Men's	6/30/2020	0.25	\$5,915.00
Smith, Rollen	Excluded	Assistant Football Coach - Director Operations	Football	6/30/2020	0.25	\$10,302.00
Townsend, David	Excluded	Assistant Coach Track and Field PT	Track - Women's	6/30/2020	0.50	\$15,393.84
Virtue, Taylor	Excluded	Assistant Coach Volleyball	Volleyball	6/30/2020	1.00	\$30,000.00
<b><u>Lack of Work Layoff to Lack of Funds Layoff</u></b>						
Morelli, Anthony	APAS	Asst to Hd Trainer Sports Info	Sports Information	6/1/2020	0.50	\$ 20,254.26



**RESOLUTION TO MODIFY  
DISCRIMINATION – HARASSMENT POLICY, 3356-2-03**

**WHEREAS**, University Policies are reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Discrimination – Harassment, policy number 3356-2-03, shown as **Exhibit P** attached hereto. A copy of the policy indicating changes to be made is also attached.

**3356-2-03      Discrimination/harassment.**

Responsible Division/Office: Equal Opportunity, Policy Development, and Title IX  
Responsible Officer: Director for Equal Opportunity, Policy Development, and Title IX  
Revision History: June 2009; June 2015; September 2016; September 2019; [September 2020](#)  
Board Committee: University Affairs  
**Effective Date:** **September 53, 201920**  
Next Review: [20245](#)

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(A) Policy statement. Youngstown state university (“university”) does not discriminate on the basis of race, color, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran status or any other basis protected by law in its programs or activities. The university is firmly committed to maintaining a working and learning environment free of discrimination and harassment of any employee, applicant for employment, student, or visitor. The university community seeks to eliminate discrimination and harassment through education and encourages staff, faculty, students, visitors, and volunteers to report concerns or complaints. Prompt corrective measures will be taken to stop discrimination and harassment whenever it occurs.

This policy shall be interpreted and applied consistent with the speech protections of the first amendment of the United States Constitution.

(B) Purpose. The purpose of this policy is to establish expectations for institutional and individual conduct, aid the university community in recognizing and preventing discrimination and harassment, and provide effective reporting and response mechanisms. For purposes of this policy, the university community includes, but is not limited to, all university employees, students, and any other individual visiting or engaging in any university activity or program.

(C) Scope. This policy applies to students, faculty, employees (including student employees), third parties, campus visitors, or other individuals engaged in any university activity or program, regardless of sexual orientation or gender identity, and whether on or off campus. The prohibitions of this policy may, in some instances, be broader in scope than the legal prohibitions of state, federal, or other laws prohibiting discrimination or harassment. A determination that this policy has been violated is not equivalent to a violation of law.

- (D) Definitions. For the purpose of determining whether a particular behavior or course of conduct constitutes discrimination or harassment under this policy, the following definitions shall be used:
- (1) “Discrimination.” Conduct that is based on an individual’s sex (including pregnancy), race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran/military status or any other basis protected by law that:
    - (a) Adversely affects a term or condition of an individual’s employment, education, or participation in a university activity or program; or
    - (b) Is used as the basis for a decision affecting an individual’s employment, education, or participation in a university activity or program; or
    - (c) Is sufficiently severe **and/or** pervasive to a reasonable person that it substantially interferes with an individual’s employment or educational performance or create a working, living, or educational environment that is intimidating, hostile, or abusive.
  - (2) “Harassment.” Conduct, or a course of conduct, that degrades or shows hostility toward an individual or group of individuals **and** is based on sex (including pregnancy), race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran status or any other basis protected by law, and is sufficiently severe **and/or** pervasive to a reasonable person that it:
    - (a) Unreasonably interferes with an individual’s employment or education; or
    - (b) Objectively **createsing** a working, living, or educational environment that is hostile, intimidating, or abusive.
  - (3) “Sexual harassment.” Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and sufficiently severe or pervasive from both a subjective (the complainant’s) and an objective (reasonable person’s) viewpoint when it meets any of the following:
    - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic status, or participation in a university program or activity.



- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or programing decisions affecting the individual.
  - (c) The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an employment, academic, or participation environment that is objectively intimidating, hostile, or abusive.
  - (d) Sexual harassment can be directed at a member of the same or different sex or sexual orientation. Examples of inappropriate conduct which may constitute sexual harassment include but are not limited to:
    - (i) Sexual advances or propositions, either explicit or implied.
    - (ii) Sexually suggestive or sexually degrading innuendo, comments or gestures.
    - (iii) Remarks or inquiries about sexual activity, sexual orientation, or gender identity or expression.
    - (iv) The display or communication of sexually oriented material (including through e-mail or other electronic means).
    - (v) Unwanted touching, hugging, or contacting another's body.
  - (e) [Sexual harassment as defined in Title IX of the Education Amendments of 1972 is set forth in the university Title IX sexual harassment policy. \(See rule 3356-02-05 of the Administrative Code, university policy "Title IX sexual harassment policy." Students, faculty, employees, volunteers, third parties, campus visitors or other individuals should refer to the Title IX policy referred to above for processes and procedures under Title IX\).](#)
- (4) Intimidating, hostile, or abusive environment (collectively referred to as a hostile environment) is a specific form of discrimination and is often contextual and must be based on the circumstances. These circumstances include but are not limited to:
- (a) The frequency of the conduct.
  - (b) The nature and severity of the conduct.

- (c) The relationship between the complainant and the respondent.
  - (d) The location and context in which the alleged conduct occurs.
  - (e) Whether the conduct was physically threatening.
  - (f) Whether the conduct was humiliating.
  - (g) Whether the conduct arose in the context of other discriminatory conduct.
- (E) No supervisor (including a faculty supervisor), manager, or official representative of the university shall directly or indirectly imply or threaten that an applicant, employee, or student's submission to or refusal of sexual advances will positively or negatively affect his or her employment, employment conditions, career development, or academic status. This prohibition includes, but is not limited to, instructors, faculty members, graduate assistants and teaching assistants.
- (F) Employee-student consensual relationships. Relationships that might be appropriate in other contexts may, within a university setting, create the appearance or basis for an abuse of power, conflict of interest, favoritism, or of undue advantage. Many university employees are entrusted with advising and mentoring students, evaluating their work, and recommending students for advancement in employment, programs or academia. The unequal institutional power which is inherent in such a relationship heightens the vulnerability of both the student and employee for possible abuse or coercion and can present real or perceived conflict.
- (1) For purposes of this policy, a consensual intimate or sexual relationship is a relationship of an intimate, dating, and/or sexual nature entered into with the consent of both parties (hereinafter referred to as a relationship for purposes of this policy).
  - (2) This policy applies to employees and individuals, whether paid or unpaid, who teach, coach, evaluate, supervise, advise, control, or influence student employment, academic, or resource opportunities. These individuals include but are not limited to:
    - (a) Faculty, lecturers, and instructors (including visiting faculty/instructors),
    - (b) Graduate students,

- (c) Teaching assistants,
  - (d) Academic advisors,
  - (e) Coaches,
  - (f) Residence hall professional staff.
- (3) Intimate relationships with students. Because of the elevated risk and the potential exposure of the university and employees to liability for violation of laws against sexual harassment and discrimination and in order to maintain an environment as free as possible from conflicts of interest and favoritism, no employee/individual as defined in this rule shall enter into a relationship with a Youngstown state university student, including but not limited to undergraduate, graduate, part-time, or full-time, regardless of whether or not there is a direct supervisory or evaluative relationship between them. Should a relationship predate either admission or employment with the university, the individuals involved in the relationship shall inform his/her immediate supervisor and dean and alternate supervisory or academic arrangements shall be made. This prohibition does not apply to married couples; however, rule 3356-7-01 of the Administrative Code regarding conflicts of interest should be consulted. (Corresponding university policy 3356-7-01 can be found on the [“University Policies”](#) webpage.)
- (G) Duty of managers and supervisors to act. Any supervisor, including executive and administrative officers, chairs, executive directors/directors, or faculty supervisor who becomes aware of information that would lead a reasonable person to believe that harassment and/or discrimination has or is occurring shall notify the office of equal opportunity and policy development (“EOPD”) and/or human resources promptly but no later than five working days after becoming aware of the information. The office of human resources shall promptly notify EOPD.
- (H) Complaint procedures.
- (1) The university encourages all persons who believe they have experienced or witnessed discrimination or harassment to promptly file a complaint with EOPD. A complaint may be formal or informal. However, a complaint alleging a violation of this policy must be filed within three hundred days of the behavior or the last incident at issue. Delays in filing or reporting may make it more difficult for the university to conduct an investigation.
  - (2) An individual also has the right to file a complaint with external agencies, including, but not limited to, the Ohio civil rights commission, the equal

employment opportunity commission and/or the department of education. Utilizing the university's internal complaint procedure does not extend the deadline for filing a complaint with the external agencies. However, it is recommended that the complainant first exhaust the internal complaint procedures by promptly reporting the complaint.

- (3) The university may assume the role of a complainant and pursue a complaint either informally or formally when it obtains information that would lead a reasonable person to believe that this policy has been violated. In these instances, the university may take any action it deems appropriate, including informing the alleged perpetrator of the complaint and pursuing an investigation even in cases where an alleged victim of harassment or discrimination is reluctant to proceed. The alleged victim will be notified in advance when such action is necessary.
  - (4) Complaint investigations will follow the procedures set forth in the university's "Guidelines for Initiating and Investigating Complaints of Discrimination and Harassment." These guidelines may be obtained from EOPD.
  - (5) Information related to a report of discrimination and/or harassment will only be shared with those university employees who need to know in order to assist in the review, investigation, or resolution of a complaint. The university will make every reasonable effort to conduct all proceedings in a manner that will protect the privacy of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.
- (I) Interim measures. During the course of an investigation, it may be necessary and advisable for the university to take appropriate interim measures that are reasonably available to alleviate the conduct which is the basis of a complaint. These interim measures may include, but are not limited to, separating the parties, placing limitations on contact between the parties, or making alternative academic, living or workplace arrangements. Failure to comply with the terms of interim measures is a violation of this policy and may result in corrective measures, even if the initial complaint is not proven.
  - (J) Non-retaliation. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment or for assisting or participating in an investigation. Persons who believe they are experiencing retaliation for reporting or participating in an investigation of a complaint are strongly encouraged to contact EOPD. Any person found to have retaliated against another for

- reporting, participating, or cooperating in an investigation will be in violation of this policy and will be subject to corrective measures and/ or sanctions independent of the merits of the original complaint.
- (K) Corrective measures.
- (1) When it has been determined that discrimination, harassment, or retaliation has occurred, steps will be taken to ensure that the prohibited behavior is stopped. Corrective measures and/or sanctions will be imposed consistent with the severity of the offense, applicable university procedures, and collective bargaining agreements. Corrective measures may include sanctions and/or discipline up to and including termination for employees and expulsion for students. In the event that a record of such sanctions will become a part of an employee's personnel records, prior notice will be given to the employee.
  - (2) Sanctions may also be imposed on any individual with a duty to act under this policy and associated procedures, who fails to respond in a manner consistent with this policy to a complaint or reasonable information of discrimination, harassment, or retaliation.
  - (3) To the extent possible under applicable law and policies, a complainant will be informed of the corrective measures taken.
- (L) False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know, or reasonably should know, to be untrue or false. Sanctions may be imposed on individuals who make false accusations of discrimination or harassment. Failure to prove a claim of discrimination or harassment is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.
- (M) Use of discrimination and harassment allegations in employment actions or academic status decisions. When making decisions affecting an individual's employment or academic status, allegations of discrimination and harassment may be considered only if they have been addressed through this policy or procedure, a court of law, or other administrative proceeding such as a student conduct hearing for a student accused of a policy violation. Whenever such an allegation is discussed as part of a determinant in the terms and conditions of an employment or academic status, the affected party should be given notice.
- (N) Policy and procedure administration. The office of equal opportunity and policy compliance is responsible for the administration of this policy and the associated procedures. However, all university employees, staff, and students play a role in preventing and reporting discrimination and harassment.

(O) Educational goals and objectives.

- (1) It is the goal of the university to prevent and eliminate discrimination and/or harassment and to foster an environment of respect for all individuals. In furtherance of these goals, every employee shall complete programs and/or training as directed by the office of human resources and/or the office of equal opportunity and policy compliance. The office of human resources, in conjunction with the office of equal opportunity and policy compliance, shall provide information, programs, and/or training to meet the following goals:
  - (a) Provide information about the university's policies relating to discrimination and harassment and the corresponding procedures and reporting mechanisms.
  - (b) Include information regarding this policy in orientation materials for new faculty, staff, students, and volunteers.
  - (c) Notify persons of inappropriate conduct and encourage appropriate behavior when interacting with others.
  - (d) Inform the university community about the problems caused by discrimination and harassment and the unacceptability and illegality of discrimination and harassment.
  - (e) Address issues of discrimination and harassment from a multicultural perspective.
- (2) A statement regarding discrimination and harassment will appear in the university bulletins (graduate and undergraduate), on the webpage of the office of equal opportunity and policy development, and relevant portions shall be referenced in "The Student Code of Conduct."

(P) Information, assistance, and counseling.

- (1) Individuals may seek general information, anonymously or otherwise, regarding this policy by contacting any of the following offices/units. However, general inquiries with these offices/units will not be considered a report to the university and will not result in action under this policy.
  - (a) The equal opportunity, policy development, and Title IX office.
  - (b) The center for student progress/office of disability services.
  - (c) Housing and residence life.

- (d) Office of human resources.
  - (e) Intercollegiate athletics.
  - (f) Office of student affairs through the ombudsperson.
- (2) A student may seek counseling or support services on campus from the university student counseling services during regular business hours (330-941-3737). Employees may contact the office of human resources for information on available counseling services. Information shared within the context of counseling services is considered confidential to the extent permitted by state and federal law.
- (3) An individual who seeks information, assistance, or counseling may still utilize this policy to file a complaint.
- (4) For information on sexual misconduct including sexual assault, dating violence, domestic violence, stalking, or any other conduct of a sexual nature that is carried out without consent or through force, threat, intimidation or coercion, please see rule 3356-2-3.1 of the Administrative Code. (Corresponding university policy 3356-2-3.1 can be found on the “[University Policies](#)” webpage.)

**3356-2-03      Discrimination/harassment.**

Responsible Division/Office: Equal Opportunity, Policy Development, and Title IX  
Responsible Officer: Director for Equal Opportunity, Policy Development, and Title IX  
Revision History: June 2009; June 2015; September 2016; September 2019; September 2020  
Board Committee: University Affairs  
**Effective Date: September 3, 2020**  
Next Review: 2025

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(A) Policy statement. Youngstown state university (“university”) does not discriminate on the basis of race, color, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran status or any other basis protected by law in its programs or activities. The university is firmly committed to maintaining a working and learning environment free of discrimination and harassment of any employee, applicant for employment, student, or visitor. The university community seeks to eliminate discrimination and harassment through education and encourages staff, faculty, students, visitors, and volunteers to report concerns or complaints. Prompt corrective measures will be taken to stop discrimination and harassment whenever it occurs.

This policy shall be interpreted and applied consistent with the speech protections of the first amendment of the United States Constitution.

(B) Purpose. The purpose of this policy is to establish expectations for institutional and individual conduct, aid the university community in recognizing and preventing discrimination and harassment, and provide effective reporting and response mechanisms. For purposes of this policy, the university community includes, but is not limited to, all university employees, students, and any other individual visiting or engaging in any university activity or program.

(C) Scope. This policy applies to students, faculty, employees (including student employees), third parties, campus visitors, or other individuals engaged in any university activity or program, regardless of sexual orientation or gender identity, and whether on or off campus. The prohibitions of this policy may, in some instances, be broader in scope than the legal prohibitions of state, federal, or other laws prohibiting discrimination or harassment. A determination that this policy has been violated is not equivalent to a violation of law.



- (D) Definitions. For the purpose of determining whether a particular behavior or course of conduct constitutes discrimination or harassment under this policy, the following definitions shall be used:
- (1) “Discrimination.” Conduct that is based on an individual’s sex (including pregnancy), race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran/military status or any other basis protected by law that:
    - (a) Adversely affects a term or condition of an individual’s employment, education, or participation in a university activity or program; or
    - (b) Is used as the basis for a decision affecting an individual’s employment, education, or participation in a university activity or program; or
    - (c) Is sufficiently severe or pervasive to a reasonable person that it substantially interferes with an individual’s employment or educational performance or create a working, living, or educational environment that is intimidating, hostile, or abusive.
  - (2) “Harassment.” Conduct, or a course of conduct, that degrades or shows hostility toward an individual or group of individuals and is based on sex (including pregnancy), race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran status or any other basis protected by law, and is sufficiently severe or pervasive to a reasonable person that it:
    - (a) Unreasonably interferes with an individual’s employment or education; or
    - (b) Objectively creates a working, living, or educational environment that is hostile, intimidating, or abusive.
  - (3) “Sexual harassment.” Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and sufficiently severe or pervasive from both a subjective (the complainant’s) and an objective (reasonable person’s) viewpoint when it meets any of the following:
    - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic status, or participation in a university program or activity.

- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or programing decisions affecting the individual.
  - (c) The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an employment, academic, or participation environment that is objectively intimidating, hostile, or abusive.
  - (d) Sexual harassment can be directed at a member of the same or different sex or sexual orientation. Examples of inappropriate conduct which may constitute sexual harassment include but are not limited to:
    - (i) Sexual advances or propositions, either explicit or implied.
    - (ii) Sexually suggestive or sexually degrading innuendo, comments or gestures.
    - (iii) Remarks or inquiries about sexual activity, sexual orientation, or gender identity or expression.
    - (iv) The display or communication of sexually oriented material (including through e-mail or other electronic means).
    - (v) Unwanted touching, hugging, or contacting another's body.
  - (e) Sexual harassment as defined in Title IX of the Education Amendments of 1972 is set forth in the university Title IX sexual harassment policy. (See rule 3356-02-05 of the Administrative Code, university policy "Title IX sexual harassment policy." Students, faculty, employees, volunteers, third parties, campus visitors or other individuals should refer to the Title IX policy referred to above for processes and procedures under Title IX).
- (4) Intimidating, hostile, or abusive environment (collectively referred to as a hostile environment) is a specific form of discrimination and is often contextual and must be based on the circumstances. These circumstances include but are not limited to:
- (a) The frequency of the conduct.
  - (b) The nature and severity of the conduct.

- (c) The relationship between the complainant and the respondent.
  - (d) The location and context in which the alleged conduct occurs.
  - (e) Whether the conduct was physically threatening.
  - (f) Whether the conduct was humiliating.
  - (g) Whether the conduct arose in the context of other discriminatory conduct.
- (E) No supervisor (including a faculty supervisor), manager, or official representative of the university shall directly or indirectly imply or threaten that an applicant, employee, or student's submission to or refusal of sexual advances will positively or negatively affect his or her employment, employment conditions, career development, or academic status. This prohibition includes, but is not limited to, instructors, faculty members, graduate assistants and teaching assistants.
- (F) Employee-student consensual relationships. Relationships that might be appropriate in other contexts may, within a university setting, create the appearance or basis for an abuse of power, conflict of interest, favoritism, or of undue advantage. Many university employees are entrusted with advising and mentoring students, evaluating their work, and recommending students for advancement in employment, programs or academia. The unequal institutional power which is inherent in such a relationship heightens the vulnerability of both the student and employee for possible abuse or coercion and can present real or perceived conflict.
- (1) For purposes of this policy, a consensual intimate or sexual relationship is a relationship of an intimate, dating, and/or sexual nature entered into with the consent of both parties (hereinafter referred to as a relationship for purposes of this policy).
  - (2) This policy applies to employees and individuals, whether paid or unpaid, who teach, coach, evaluate, supervise, advise, control, or influence student employment, academic, or resource opportunities. These individuals include but are not limited to:
    - (a) Faculty, lecturers, and instructors (including visiting faculty/instructors),
    - (b) Graduate students,

- (c) Teaching assistants,
  - (d) Academic advisors,
  - (e) Coaches,
  - (f) Residence hall professional staff.
- (3) Intimate relationships with students. Because of the elevated risk and the potential exposure of the university and employees to liability for violation of laws against sexual harassment and discrimination and in order to maintain an environment as free as possible from conflicts of interest and favoritism, no employee/individual as defined in this rule shall enter into a relationship with a Youngstown state university student, including but not limited to undergraduate, graduate, part-time, or full-time, regardless of whether or not there is a direct supervisory or evaluative relationship between them. Should a relationship predate either admission or employment with the university, the individuals involved in the relationship shall inform his/her immediate supervisor and dean and alternate supervisory or academic arrangements shall be made. This prohibition does not apply to married couples; however, rule 3356-7-01 of the Administrative Code regarding conflicts of interest should be consulted. (Corresponding university policy 3356-7-01 can be found on the [“University Policies”](#) webpage.)
- (G) Duty of managers and supervisors to act. Any supervisor, including executive and administrative officers, chairs, executive directors/directors, or faculty supervisor who becomes aware of information that would lead a reasonable person to believe that harassment and/or discrimination has or is occurring shall notify the office of equal opportunity and policy development (“EOPD”) and/or human resources promptly but no later than five working days after becoming aware of the information. The office of human resources shall promptly notify EOPD.
- (H) Complaint procedures.
- (1) The university encourages all persons who believe they have experienced or witnessed discrimination or harassment to promptly file a complaint with EOPD. A complaint may be formal or informal. However, a complaint alleging a violation of this policy must be filed within three hundred days of the behavior or the last incident at issue. Delays in filing or reporting may make it more difficult for the university to conduct an investigation.
  - (2) An individual also has the right to file a complaint with external agencies, including, but not limited to, the Ohio civil rights commission, the equal

employment opportunity commission and/or the department of education. Utilizing the university's internal complaint procedure does not extend the deadline for filing a complaint with the external agencies. However, it is recommended that the complainant first exhaust the internal complaint procedures by promptly reporting the complaint.

- (3) The university may assume the role of a complainant and pursue a complaint either informally or formally when it obtains information that would lead a reasonable person to believe that this policy has been violated. In these instances, the university may take any action it deems appropriate, including informing the alleged perpetrator of the complaint and pursuing an investigation even in cases where an alleged victim of harassment or discrimination is reluctant to proceed. The alleged victim will be notified in advance when such action is necessary.
  - (4) Complaint investigations will follow the procedures set forth in the university's "Guidelines for Initiating and Investigating Complaints of Discrimination and Harassment." These guidelines may be obtained from EOPD.
  - (5) Information related to a report of discrimination and/or harassment will only be shared with those university employees who need to know in order to assist in the review, investigation, or resolution of a complaint. The university will make every reasonable effort to conduct all proceedings in a manner that will protect the privacy of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.
- (I) Interim measures. During the course of an investigation, it may be necessary and advisable for the university to take appropriate interim measures that are reasonably available to alleviate the conduct which is the basis of a complaint. These interim measures may include, but are not limited to, separating the parties, placing limitations on contact between the parties, or making alternative academic, living or workplace arrangements. Failure to comply with the terms of interim measures is a violation of this policy and may result in corrective measures, even if the initial complaint is not proven.
  - (J) Non-retaliation. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment or for assisting or participating in an investigation. Persons who believe they are experiencing retaliation for reporting or participating in an investigation of a complaint are strongly encouraged to contact EOPD. Any person found to have retaliated against another for

- reporting, participating, or cooperating in an investigation will be in violation of this policy and will be subject to corrective measures and/ or sanctions independent of the merits of the original complaint.
- (K) Corrective measures.
- (1) When it has been determined that discrimination, harassment, or retaliation has occurred, steps will be taken to ensure that the prohibited behavior is stopped. Corrective measures and/or sanctions will be imposed consistent with the severity of the offense, applicable university procedures, and collective bargaining agreements. Corrective measures may include sanctions and/or discipline up to and including termination for employees and expulsion for students. In the event that a record of such sanctions will become a part of an employee's personnel records, prior notice will be given to the employee.
  - (2) Sanctions may also be imposed on any individual with a duty to act under this policy and associated procedures, who fails to respond in a manner consistent with this policy to a complaint or reasonable information of discrimination, harassment, or retaliation.
  - (3) To the extent possible under applicable law and policies, a complainant will be informed of the corrective measures taken.
- (L) False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know, or reasonably should know, to be untrue or false. Sanctions may be imposed on individuals who make false accusations of discrimination or harassment. Failure to prove a claim of discrimination or harassment is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.
- (M) Use of discrimination and harassment allegations in employment actions or academic status decisions. When making decisions affecting an individual's employment or academic status, allegations of discrimination and harassment may be considered only if they have been addressed through this policy or procedure, a court of law, or other administrative proceeding such as a student conduct hearing for a student accused of a policy violation. Whenever such an allegation is discussed as part of a determinant in the terms and conditions of an employment or academic status, the affected party should be given notice.
- (N) Policy and procedure administration. The office of equal opportunity and policy compliance is responsible for the administration of this policy and the associated procedures. However, all university employees, staff, and students play a role in preventing and reporting discrimination and harassment.

(O) Educational goals and objectives.

- (1) It is the goal of the university to prevent and eliminate discrimination and/or harassment and to foster an environment of respect for all individuals. In furtherance of these goals, every employee shall complete programs and/or training as directed by the office of human resources and/or the office of equal opportunity and policy compliance. The office of human resources, in conjunction with the office of equal opportunity and policy compliance, shall provide information, programs, and/or training to meet the following goals:
  - (a) Provide information about the university's policies relating to discrimination and harassment and the corresponding procedures and reporting mechanisms.
  - (b) Include information regarding this policy in orientation materials for new faculty, staff, students, and volunteers.
  - (c) Notify persons of inappropriate conduct and encourage appropriate behavior when interacting with others.
  - (d) Inform the university community about the problems caused by discrimination and harassment and the unacceptability and illegality of discrimination and harassment.
  - (e) Address issues of discrimination and harassment from a multicultural perspective.
- (2) A statement regarding discrimination and harassment will appear in the university bulletins (graduate and undergraduate), on the webpage of the office of equal opportunity and policy development, and relevant portions shall be referenced in "The Student Code of Conduct."

(P) Information, assistance, and counseling.

- (1) Individuals may seek general information, anonymously or otherwise, regarding this policy by contacting any of the following offices/units. However, general inquiries with these offices/units will not be considered a report to the university and will not result in action under this policy.
  - (a) The equal opportunity, policy development, and Title IX office.
  - (b) The center for student progress/office of disability services.
  - (c) Housing and residence life.

- (d) Office of human resources.
  - (e) Intercollegiate athletics.
  - (f) Office of student affairs through the ombudsperson.
- (2) A student may seek counseling or support services on campus from the university student counseling services during regular business hours (330-941-3737). Employees may contact the office of human resources for information on available counseling services. Information shared within the context of counseling services is considered confidential to the extent permitted by state and federal law.
- (3) An individual who seeks information, assistance, or counseling may still utilize this policy to file a complaint.
- (4) For information on sexual misconduct including sexual assault, dating violence, domestic violence, stalking, or any other conduct of a sexual nature that is carried out without consent or through force, threat, intimidation or coercion, please see rule 3356-2-3.1 of the Administrative Code. (Corresponding university policy 3356-2-3.1 can be found on the “[University Policies](#)” webpage.)





**RESOLUTION TO RESCIND  
SEXUAL MISCONDUCT POLICY, 3356-2-03.1**

**WHEREAS**, University Policies are being reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby rescind the University Policy governing Sexual Misconduct, policy number 3356-2-03.1, shown as **Exhibit Q**, attached hereto.

**RESCINDED 3356-2-03.1 Sexual misconduct policy.**

Responsible Division/Office: Equal Opportunity, Policy Development, and Title IX  
Responsible Officer: Director of Equal Opportunity, Policy Development, and Title IX  
Revision History: March 2015; September 2019  
Board Committee: University Affairs  
**Effective Date: September 5, 2019**  
Minor Revision: February 26, 2020- added Paragraph (D)(3)(d)  
Next Review: 2024

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- (A) Policy statement. Youngstown state university ("YSU" or "university") is committed to fostering and maintaining an environment of tolerance, mutual respect, and concern for all members of the campus community. Consistent with these values and applicable law, including Title IX of the Education Amendments of 1972, the university prohibits and will not tolerate sexual misconduct in any university program or activity. The university will take appropriate steps to eliminate sexual assault and misconduct, prevent its recurrence, and address its effects.
- (B) Purpose. To provide university community with a clearly articulated set of behavioral standards, common understandings of definitions, descriptions of prohibited conduct, relevant information, and reporting options in order to foster a climate free from sexual misconduct.
- (C) Scope. This policy applies to all students, faculty, employees (including student employees), volunteers, and third parties, campus visitors, or other individuals engaged in any university activity or program, regardless of sexual orientation or gender identity, whether on or off campus, and including any location owned, leased, or rented by the university.

For purposes of this policy, an individual is a student when they are registered for courses, seminars, or workshops at the university, either full-time or part-time; pursuing graduate, undergraduate or continuing education courses; accepted for admission; or living in a resident hall, whether or not actually enrolled at the university.

For purposes of this policy, an individual is a faculty member when they are employed by the university to conduct classroom or teaching activities.

For purposes of this policy, an individual is an employee/student employee when they have been hired/employed by the university to perform certain work or services at a specified hourly wage or salary.

**(D) Definitions (for purposes of this policy).**

- (1) "Sexual misconduct." A broad range of behaviors including sexual assault, dating violence, domestic violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual or is carried out through force, threat, intimidation or coercion.**

For purposes of this policy, conduct prohibited under this policy shall generally be referred to as "sexual misconduct."

- (2) "Sexual assault." Any intentional, nonconsensual and/or coerced sexual contact. Physical resistance need not occur to meet the definition of sexual assault.**
- (3) "Sexual harassment." Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint when it meets any of the following:**
- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic status, or participation in a university program or activity.**
  - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or programming decisions affecting the individual.**
  - (c) The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an employment, academic, or participation environment that is objectively intimidating, hostile, or abusive. (See rule 3356-2-03 of the Administrative Code, university policy "Discrimination/harassment.")**

- (d) Sexual harassment can be directed at a member of the same or different sex or sexual orientation. Examples of inappropriate conduct which may constitute sexual harassment include but are not limited to:
  - (i) Sexual advances or propositions, either explicit or implied.
  - (ii) Sexually suggestive or sexually degrading innuendo, comment, or gestures.
  - (iii) Remarks or inquires about sexual activity, sexual orientation, or gender identity or expression.
  - (iv) The display or communication of sexually oriented material (including through email or other electronic means).
  - (v) Unwanted touching, hugging, or contacting another's body.
- (4) "Consent." Sexual activity requires consent, which is defined as positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion or from someone who is unconscious, asleep, or whose judgment is impaired by the use of a drug or alcohol or diminished by an intellectual, mental, or physical condition or disability. Consent can be withdrawn at any time.
- (5) "Coercion." Intimidation, physical, or psychological threat, or pressure used to force another to engage in sexual acts.
- (6) "Stalking." Repeated behaviors or activities whether in person, online, or through any other means which threaten or endanger the safety, physical or mental health, life or property of another, or creates a reasonable fear of such threat or action.
- (7) "Dating violence." Violence or abusive behavior (sexual, physical, or threat of violence) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on a consideration of the length and type of relationship and the frequency of interaction between the persons involved in the relationship.

- (8) "Domestic violence." Violence or abusive behavior (sexual, physical, or threat of violence) used to maintain control or power within a current or former relationship and which is committed by any of the following:
    - (a) A current or former spouse or intimate partner of the victim;
    - (b) A person with whom the victim shares a child in common;
    - (c) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
    - (d) By any other person against an adult or youth victim under the domestic or family violence laws of the state of Ohio (see section 2919.25 of the Revised Code).
  - (9) "Sexual exploitation." Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, nonconsensual video or audiotaping of sexual activity, permitting others to secretly observe or record consensual activity or engaging in voyeurism.
  - (10) "Incapacitation." Inability to evaluate, understand, or control conduct because an individual is unconscious, asleep, intoxicated or under the influence of other drugs, or for any other reason, physically, mentally, or legally unable to communicate or grant consent. Incapacitation does not correlate to a specific blood alcohol content ("BAC") and could be the result of drug use.
  - (11) "Sex offenses." See Chapter 2907. of the Revised Code which defines "sex offenses" under Ohio law.
- (E) Coordination with discrimination/harassment policy. The university recognizes that in certain circumstances harassment/discrimination related to an individual's race, color, national origin, sex, sexual orientation, gender identity and/or expression, disability, age, religion, or veteran/ military status may occur in conjunction with sexual misconduct. Targeting individuals on the basis of these characteristics is a violation of university policy/rule 3356-2-03 of the

Administrative Code. In these circumstances, the university will coordinate its responses and efforts in order to address these issues.

- (F) Privacy versus confidentiality. Privacy and confidentiality have distinct meanings under this policy.
- (1) "Privacy." Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those university employees who need to know in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.
  - (2) "Confidentiality." Confidentiality means that information shared by an individual with a particular campus or community professional cannot be revealed to any other individual without the express permission of the individual. These professionals include medical and mental health providers, ordained clergy, and rape crisis counselors. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.
- (G) Reporting. The university encourages anyone who has experienced sexual misconduct to report the incident to the reporting source of their choice in order to obtain information and support and so the university can respond appropriately. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, crisis counseling, and immediate police response. Additionally, delayed reporting may affect the options available to the individual and the university.
- (I) "Confidential reporting." An individual who desires that the details of an incident be kept confidential may speak with professional licensed counselors who provide mental health counseling on campus. Pastoral or clergy and medical professionals also have legally protected roles involving confidentiality.

Confidential services are available on campus (see paragraph (M)(1) of this rule) at [student counseling services](#) in Kilcawley center, room 2082, phone number 330-941-3737; student health services at [Wick primary care at YSU](#), 330 Wick avenue, phone number 330-740-4660; and through the [employee assistance program](#), phone number 800-227-6007.

- (2) "Responsible employees and mandatory reporting." Under Title IX, the university is required to take immediate and corrective action if a responsible employee knew or in the exercise of reasonable care should have known about sexual misconduct or sex based discrimination or harassment that creates a hostile environment. A responsible employee is an employee who:
- (a) Has the authority to take action to redress the harassment;
  - (b) Has been given the duty to report to appropriate university officials any misconduct by students, employees or third parties; or
  - (c) An individual could reasonably believe has the authority or responsibility to take action.

Employees with supervisory and leadership responsibilities on campus are considered responsible employees and include, but are not limited to, managers, supervisors, directors, assistant/associate directors, faculty members with supervisory or advisory duties over students or employees (including student employees), resident assistants, program coordinators, coaches, deans and department chairs. A responsible employee is considered a mandatory reporter under this policy and when he or she becomes aware of sexual misconduct, must notify the Title IX coordinator promptly but no later than five working days of becoming aware of the information. When a responsible employee is contacted by a student regarding possible sexual misconduct, the responsible employee must inform the student of the responsible employee's reporting requirement.

For purposes of this policy, faculty members who solely provide classroom instruction with no student or employee supervisory or advisory duties are not considered responsible employees under this policy. However, they are strongly encouraged to report an alleged occurrence of sexual misconduct as well.

- (3) Filing a complaint with the university's Title IX coordinator.
- (a) Individuals who believe they have been subjected to, or who reasonably believe sexual misconduct has occurred, should contact the Title IX coordinator for information and/or to file a complaint. The Title IX coordinator, or his/her designee, will make an

assessment of any risk of harm to individuals or to the campus community and will take reasonable steps necessary, including interim protective measures and to provide for the safety of individuals involved and the campus community. Thereafter, the Title IX coordinator, or his/her designee, will conduct an investigation depending on a variety of factors, including but not limited to the reporting individual's wish to pursue an investigation, the risk posed to the individuals involved and the campus community by not proceeding, whether there have been other complaints of sexual misconduct involving the same alleged individual(s), and the nature of the allegation.

- (b) To promote timely and effective review and investigation, complaints of possible sexual misconduct should be made immediately or as soon as reasonably possible. The Title IX coordinator will review a complaint whenever it is made; however, a lapse of time may make it more difficult to gather relevant and reliable information and to address the behavior. Complaints involving potential Title IX violations will follow the Title IX grievance procedures which are available on the university's [Title IX website](#).
- (4) Student conduct process. If the alleged perpetrator of sexual misconduct is a student, an individual may seek resolution through the student conduct process. A report to student life/student conduct (phone number 330-941-4703) can be made regardless of whether or not a criminal complaint is pursued. For a more comprehensive review of the student code of conduct, including timeliness of reporting, please go to the [office of student conduct webpage](#).
  - (5) Law enforcement.
    - (a) Individuals who are victims/survivors of sexual misconduct have the right to make a complaint with local law enforcement and are strongly encouraged to contact the Youngstown state university police department ("university police") in order to receive information and to pursue criminal charges. The university police can be contacted at 330-941-3527 (campus emergencies, dial 911). Reports can also be made to the city of Youngstown police department at 330-747-7911 or 911.



- (b) An individual who does not wish to pursue action within the criminal justice system should still consider making a report to the university police department. The university police can file a report on the details of an incident without revealing the identity of the victim. This allows the university to take steps pursuant to the Clery Act to keep reports.
- (6) The university as reporting party. On some occasions, the university will assume the function of the reporting party. This approach may be taken when sufficient information is provided that allows the university to reach the threshold determination that an individual poses a substantial and likely threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal university functions.
- (7) Anonymous reporting. Although the university encourages victims to talk to someone, the university provides online anonymous reporting options. Individuals may file an anonymous report with the university police at the [YSU police website](#), with the Title IX coordinator at the [Title IX website](#), or by contacting the [office of student conduct](#).
- (H) Interim measures. The Title IX coordinator (phone number 330-941-2216), office of student life (phone number 330-941-3533) and/or the office of human resources (330-941-1322) can assist an individual who has been subjected to sexual misconduct with appropriate interim measures that are reasonably available to alleviate the presence of a hostile environment. These measures can be taken regardless of whether an individual chooses to formally report an incident or crime and can include no-contact orders, changes in housing, work schedules, or assignments and interim suspensions or administrative leaves. Failure to comply with interim measures is a violation of this policy and may result in corrective measures even if the initial report of sexual misconduct is later not proven.
- (I) Non-retaliation. Retaliation against any individual in the university community, either for alleging sexual assault or misconduct or for cooperating in the review or investigation of a complaint, is strictly prohibited by university policy and state and federal law. Anyone who believes he/she has been the victim of retaliation should immediately contact the office of equal opportunity and policy compliance or the office of human resources. Any person found to have retaliated against another for reporting, participation, or cooperation in an investigation will be in violation of this policy and will be subject to corrective measures independent of the merits of the underlying allegation.

- (J) Prevention and education programs. The university shall provide programs and/or training (collectively referred to as "trainings") for employees and students designed to prevent and promote awareness of sexual misconduct. The trainings shall be consistent with applicable legal requirements and university policies. The office of human resources, with oversight from the Title IX coordinator, or his/her designee, shall provide training for employees; and the office of student affairs, with oversight from the Title IX coordinator, or his/her designee, shall provide training for students.
- (K) False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know, or reasonably should know, to be untrue or false. However, failure to prove an allegation is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.
- (L) Consequences of violations of this policy. Any employee or student who violates this policy will be subject to corrective action consistent with university policies and applicable collective bargaining agreements and conduct codes. Corrective action can include termination for employees and expulsion for students. Third parties who violate this policy will be subject to appropriate university action, including but not limited to removal from university property and criminal prosecution.
- (M) Support and assistance.
- (1) On-campus contacts:
- (a) YSU [student counseling services](#), Kilcawley center, room 2082, contact 330-941-3737. [Employee assistance program \(EAP\)](#), contact 800-227-6007.
- (b) Student health services, [Wick primary care at YSU](#), 330 Wick avenue, phone number 330-747-4660.
- (c) [YSU police department](#), contact 330-941-3527 (24-hour line). Campus emergencies, dial 911.
- (e) YSU director of equal opportunity, policy development, and Title IX, Mark Weir, Tod hall, room 301, Youngstown, Ohio 44555; contact 330-941-2216 or 330-941-2340; fax number is 330-941-2394; email address: [mweir@ysu.edu](mailto:mweir@ysu.edu).

- (e) To be escorted to/from vehicle or classes, contact YSU [student security services](#), sponsored by YSU police department, at 330-941-1515.
- (2) Off-campus contacts.
- (a) [Ohio hopes](#), rape crisis and counseling center of Mahoning county, contact 330-782-3936 (twenty-four-hour hotline).
  - (b) Rape, abuse, and incest national network, visit the [RAINN website](#).
  - (c) Mercy health - St. Elizabeth Youngstown hospital, contact 330-746-7211 (twenty-four hour medical services).
- (3) [Title IX website](#). For more information on Title IX and sexual misconduct, please see the university's Title IX website.



**YOUNGSTOWN  
STATE  
UNIVERSITY**

**RESOLUTION TO APPROVE  
TITLE IX SEXUAL HARASSMENT POLICY, 3356-2-05**

**WHEREAS**, University Policies are being reviewed and reconceptualized on an ongoing basis; and

**WHEREAS**, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

**WHEREAS**, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby approve the creation of a University Policy governing Title IX Sexual Harassment, policy number 3356-2-05, shown as **Exhibit R** attached hereto.

**Board of Trustees Meeting  
September 3, 2020  
YR2021-**

**Agenda Item H.4.d**

**NEW 3356-2-05 Title IX sexual harassment policy.**

Responsible Division/Office: Equal Opportunity, Policy Development, and Title IX  
Responsible Officer: Director of Equal Opportunity, Policy Development, and Title IX  
Revision History: September 2020  
Board Committee: University Affairs  
**Effective Date:** September 3, 2020

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- (A) Policy statement. Youngstown state university (“YSU” or “university”) is committed to fostering and maintaining a fair and equal environment for its students and employees consistent with the requirements of Title IX of the Education Amendments of 1972 and title 34 part 106 of the code of federal regulations (“Title IX”). Sexual harassment, including sexual assault, dating violence, domestic violence and stalking is strictly prohibited by this policy. Retaliation against those who report sexual harassment or participate in the process outlined in this policy is prohibited.
- (B) Purpose. To provide the university community with a clearly articulated set of behavioral standards, common understandings of definitions, descriptions of prohibited conduct, relevant information, and reporting options consistent with the requirements of Title IX.
- (C) Scope. This policy applies to all students, faculty, employees (including student employees), volunteers, and third parties, campus visitors, or other individuals engaged in any university activity or program within the United States, regardless of sexual orientation or gender identity

For purposes of this policy a university activity or program is a location, event or circumstance over which the university exercises substantial control over both the respondent and the context in which the alleged sexual harassment occurred; whether on or off-campus.

- (D) Definitions (for purposes of this policy).
  - (1) Sexual harassment. Conduct on the basis of sex that satisfies one or more of the following categories:

**Agenda Item H.4.d  
Exhibit R**

- (a) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo). An individual does not have to submit to the conduct in order for quid pro quo sexual harassment to occur.
- (b) Unwelcome conduct determined by the reasonable person standard, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e. hostile environment).
- (c) Sexual assault as defined in the Clery Act (which includes rape, fondling, incest or statutory rape, as defined below).
  - (i) Rape (except statutory rape). The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - (ii) Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - (iii) Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - (iv) Statutory rape. Sexual intercourse with a person who is under the statutory age of consent.
- (d) Dating violence, domestic violence or stalking pursuant to the Violence Against Women Act (also defined below).
  - (i) Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- (ii) Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - (iii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
- (e) Sexual misconduct. Conduct of a sexual nature that is nonconsensual or is carried out through force, threat or coercion. Sexual misconduct includes but not limited to sexual exploitation and voyeurism.
  - (i) Sexual exploitation. Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, nonconsensual video or audiotaping of sexual activity, permitting others to secretly observe or record consensual activity or engaging in voyeurism.
  - (ii) Voyeurism. Voyeurism occurs when a person, for the purposes of sexual arousal or gratification sexual purposes, surreptitiously invades the privacy of another. Voyeurism can occur in person or through recording or electronic means.
- (2) Consent. An action which is which is defined as positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent is the equal approval, given freely, willingly, and knowingly, of each

participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact. A person may be incapable of giving consent due to physical incapacitation, physical or mental disability, threat or force, coercion, the influence of drugs or alcohol or age. Silence or lack of resistance cannot be the sole factor in determining one has received consent.

- (a) Coercion. Intimidation, physical, or psychological threat, or pressure used to force another to engage in sexual acts. Coercion is unreasonable pressure for sexual activity
  - (b) Force. The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
  - (c) Incapacitation. Inability to evaluate, understand, or control conduct because an individual is unconscious, asleep, intoxicated or under the influence of other drugs, or for any other reason, physically, mentally, or legally unable to communicate or grant consent. Incapacitation does not correlate to a specific blood alcohol content (“BAC”) and could be the result of drug use.
- (3) Complainant. An individual who is alleged to have experienced conduct that could violate this policy. Also referred to as a party for purposes of this policy.
  - (4) Respondent. An individual who has been reported to be the perpetrator of conduct that could violate this policy. A respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made pursuant to the hearing protocol. Also referred to as a party for purposes of this policy.
  - (5) Student. An individual is a student when they are registered for courses, seminars, or workshops at the university, either full-time or part-time; pursuing graduate, undergraduate or continuing education courses; accepted for admission; or living in a resident hall, whether or not actually enrolled at the university.



- (6) Faculty member. An individual who employed by the university to conduct classroom, research, or teaching activities.
  - (7) Employee. An individual is an employee when they have been hired/employed by the university to perform certain work or services at a specified hourly wage or salary. Student employees are employees for purposes of this policy.
- (E) Grievance process.
- (1) Timeframe. The process outlined below is expected to occur within ninety (90) calendar days from the date a complaint is filed. The Title IX coordinator or designee may extend this time period by providing written notice to the parties citing the reason(s) for the extension. The complainant or respondent may request a temporary delay of the grievance process for good cause by written request to the Title IX coordinator. Good cause includes but is not limited to the absence of party, a party's advisor or a witness, or the accommodation for disabilities.
  - (2) Report. Information, however received, alleging sexual harassment as defined in this policy and provided to a person with the authority to initiate corrective action. A report may lead to further action, including the filing of a formal complaint depending on the alleged facts and circumstance.
  - (3) Formal complaint. A formal complaint is a verbal or written account which alleges a conduct which could violate this policy and is made to a person with authority to initiate corrective action. A complaint may be submitted by mail, e-mail, in person, by telephone or electronically at [Title IX@ysu.edu](mailto:TitleIX@ysu.edu).
  - (4) Notice.
    - (a) Upon receipt of a formal complaint, the university shall provide the following written notice to the parties who are known: notice of this grievance process, including any informal resolution process; and notice of the allegations of sexual harassment as defined above, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
    - (b) If, in the course of an investigation, the university decides to investigate allegations about the complainant or respondent that are

not included in the notice provided, the university shall provide notice of the additional allegations to the parties whose identities are known.

- (c) Notice to the university staff listed below, of sexual harassment or allegation of sexual harassment, constitutes actual notice to the university and triggers the university's obligation to respond.
  - (i) Title IX coordinator and deputy Title IX coordinators.
  - (ii) Director of equal opportunity and policy development.
  - (iii) Vice-presidents and associate vice-presidents.
  - (iv) Academic deans and chairpersons.
  - (v) Supervisors/managers.
  - (vi) Coaches and assistant coaches.
- (5) Consolidation of formal complaints. The university may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.
- (6) Dismissal of formal complaint. The Title IX coordinator shall dismiss formal complaints that do not meet the following criteria.
  - (a) Mandatory dismissal.
    - (i) Would not constitute sexual harassment as defined in this policy even if proved.
    - (ii) The alleged sexual harassment did not occur in the university's education program or activity.

- (iii) The alleged conduct did not occur in the United States.
  - (b) Discretionary dismissal.
    - (i) Complainant notifies the Title IX coordinator in writing that they would like to withdraw the formal complaint.
    - (ii) The respondent is no longer enrolled or employed by the university.
    - (iii) Specific circumstances prevent the university from gathering sufficient evidence.
  - (c) The dismissal of a formal complaint shall be done simultaneously and in writing to the parties.
  - (d) A dismissal of a formal complaint may be appealed pursuant to section (F) below.
  - (e) A formal complaint which is dismissed pursuant to this policy may be considered under a different university policy, such as policy 3356-2-3 Discrimination/harassment or 3356-7-04 Workplace and off-campus violence, threats, and disruptive behavior, or under the student code of conduct.
- (7) Informal resolution. At any time prior to reaching a determination regarding responsibility, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.
  - (a) Both parties' voluntary, written consent to the informal resolution process is necessary. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
  - (b) Informal resolution is not an option for resolving allegations that an employee or faculty member sexually harassed a student.
- (8) Investigation. The Title IX coordinator or designee is responsible for investigating formal complaints which meet the criteria of this policy.

- (a) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the investigator and not on the parties.
- (b) The respondent is not considered responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- (c) The university shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party's voluntary, written consent to do so for a grievance process under this section, or as permitted by law.
- (d) The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the course of the investigation. All parties are free to discuss the allegations under investigation or to gather and present relevant evidence.
- (e) All parties shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice including an attorney. However, the advisor may not speak during any interview or proceedings, with the exception of the cross-examination portion of any hearing.
- (f) Any party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- (g) Both parties shall receive an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

- (h) Prior to completion of the investigative report, the investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.
  - (i) The investigator shall make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
  - (j) The investigator shall create an investigative report that fairly summarizes relevant evidence and shall provide a copy, in electronic or hard copy format, to the parties and their advisors at least ten (10) calendar days prior to any hearing. Either party can submit a written response to the investigator during these ten (10) days.
- (9) Hearings. Formal complaints that are not resolved informally or dismissed will result in a live hearing.
- (a) The hearing will be scheduled by the office of student conduct and will be held before a Title IX decision-maker. Where the complainant and respondent are both employees and/or faculty members, the Title IX coordinator will convene the hearing.
  - (b) Live hearings may be conducted with all parties physically present in the same geographic location, or participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
  - (c) The decision-maker shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing shall be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
  - (d) At the request of either party, the hearing may occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

- (e) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Parties may not challenge the relevancy determination of the decision-maker, except on appeal.
  - (f) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
  - (g) If a party does not have an advisor present at the live hearing, the university shall provide without fee or charge to that party, an advisor of the university's choice to conduct cross-examination on behalf of that party.
  - (h) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) shall not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
  - (i) Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.
  - (j) Parties are not required to divulge any medical, psychological, or similar privileged records as part of the hearing process.
  - (k) The hearing convener shall create an audio recording for a live hearing and an audiovisual recording for a virtual live hearing. Such recording will be available to the parties for inspection and review upon written request to the convener.
- (10) Findings.

- (a) The hearing decision-maker shall issue a written determination simultaneously to the parties regarding responsibility/policy violation(s) and sanctions/discipline when responsibility/policy violation is found to have occurred. To reach this determination, the preponderance of the evidence standard (whether it is more likely than not that the alleged conduct occurred) will be used.
- (b) The determination regarding responsibility and sanction(s)/discipline becomes final either on the date that the university provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (c) The written determination shall include:
  - (i) Identification of the allegations potentially constituting sexual harassment;
  - (ii) A description of the procedural steps which were followed starting with the formal complaint and continuing through determination;
  - (iii) The finding of facts that support the determination;
  - (iv) A conclusion applying the appropriate definition of the university's policy to the facts;
  - (v) A rationale for the result of each allegation regarding the determination of responsibility;
  - (vi) For respondents who are students, the hearing decision-maker shall consult with the vice-president of student experience or their designee regarding sanctions. For respondents who are employees or faculty members the hearing decision maker shall consult with the chief human resources officer or their designee regarding discipline.
  - (vii) Information regarding whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the complainant. The

Title IX coordinator is responsible for effective implementation of any remedies.

- (viii) The procedures and bases for the complainant and respondent to appeal the determination.

(11) Sanctions/discipline.

(a) Students.

- (i) Possible sanctions for student respondents: warning, conduct probation with or without restrictions, restitution, educational sanctions, deferred suspension, residence hall suspension, university suspension, residence hall expulsion, university expulsion, revocation of admission and/or degree, withholding degree, fines.
- (ii) Students who have been found responsible for serious misconduct and are returning from a sanction of suspension, will be subject to additional parameters including conduct probation with loss of good standing for one calendar year preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. Serious misconduct is defined as any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, or any assault that employs the use of a deadly weapon as defined in Ohio Revised Code 2923.11(A) or causes serious bodily injury.

- (b) Possible sanctions/discipline for employee or faculty respondents: employment probation, demotion or reassignment, suspension with or without pay for a specific period of time, termination of employment, ineligibility for rehire, and/or other sanctions or remedies as deemed appropriate under the circumstances.

(F) The appeal process.

(1) Filing an appeal.

- (a) Appeals are not a re-hearing of the allegation(s).



- (b) Only a complainant or respondent (referred to as party or parties) may request an appeal.
- (c) An appeal must be submitted in writing to the Title IX coordinator within five (5) working days from receipt of a decision using the *Title IX Appeal Request Form* and include all supporting material.
- (d) A party may appeal the determination regarding responsibility, sanctions/discipline and/or the university's dismissal of a formal complaint or any allegations therein.
- (e) There are four (4) grounds for appeal:
  - (i) Procedural irregularity that significantly impacted the outcome of the matter (for example material deviation from established procedures). The appeal request must cite specific procedures and how they were in error; and/or
  - (ii) New evidence that was not reasonably available at the time the original decision was made that could have affected the outcome. A summary of this new evidence and its potential impact must be included in the request. (Note: failure to participate or provide information during an investigation or hearing, even based on concern over a pending criminal or civil proceeding, does not make information "unavailable during the original investigation or hearing); and/or
  - (iii) The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The appeal must cite specific examples of how the bias affected the outcome.
  - (iv) The discipline/sanction(s) imposed are substantially outside the parameters or guidelines set by the university for this type of violation or the cumulative conduct record of the responding party.

- (2) Title IX appellate review officer (hereinafter referred to as appellate review officer). Upon receipt of a request for appeal, the Title IX coordinator will designate a Title IX appellate review officer as follows:
  - (a) Appeals where the respondent is a student, the appellate officer will be either the vice-president for student affairs or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.
  - (b) Appeals where the respondent is a faculty member or employee, the appellate officer will be either the chief human resources officer or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.
  - (c) The appellate officer cannot be the investigator, Title IX coordinator, or the person who acted as the decision-maker regarding the determination of responsibility/policy violation, or dismissal.
- (3) Appeal procedures:
  - (a) Generally, within five (5) business days after receipt of the request for appeal by the appellate review officer, the appellate review officer will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal.
  - (b) If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the parties will be notified, and the finding and sanction or responsive action/remedies will stand. The decision not to accept an appeal request is final and is not subject to further appeal.
  - (c) If the appeal request is timely and meets the ground for appeal, the Title IX coordinator will notify the parties that the appeal has been accepted and will notify the non-appealing party that they may file a response within three (3) business days from notification.
  - (d) The appellate review officer will then review the issues presented in the appeal and any response(s).

- (e) The standard on appeal is whether there is relevant evidence/information such that a reasonable person would support the decision(s).
  - (f) The appellate review officer can take one of the following actions:
    - (1) Affirm the original findings;
    - (ii) Remand the case to the original investigators or hearing panel for consideration of new evidence or to remedy a procedural irregularity;
    - (iii) Remand the case to a new investigator in a case of bias. The appellate review officer, may order a new investigation with a new investigator or hearing panel; or
    - (iv) Administratively alter the finding if bias, procedural irregularity or new evidence, unknown or unavailable during the original investigation, substantially affected the original finding, and the associated sanctions or responsive action.
  - (g) Decisions rendered by the appellate review officer or actions taken following the decisions appellate review officer's decision are final and not subject to further appeal.
  - (h) Cases that are sent back to the investigator or hearing panel are not eligible for a second appeal.
- (G) When a minor is involved. When a report or formal complaint involves a student who has not yet reached the age of eighteen (18):
- (1) The Title IX coordinator will complete a safety assessment to provide an environment free of harm and to identify the student's legal guardian.
  - (2) The Title IX coordinator or deputy coordinator advises the minor student a of the responsibility of university staff to report child abuse as outlined in Ohio Revised Code section 2151.421.
  - (3) The Title IX coordinator or deputy Title IX coordinator works directly with the guardian in reviewing the university's sexual harassment policy and

protocols, on and off campus resources available to the student, and seeking permission to investigate the report or formal complaint.

- (4) The student and guardian are advised of the university's student records and privacy practices available at <https://ysu.edu/registrar/ferpa> and specifically that the student's records and ability to make decisions transition to the student when they turn eighteen (18).
  - (5) The student and guardian are advised that the Compass Family and Community Services Rape Crisis and Counseling Center of Mahoning County provides confidential and anonymous support for clients, including those who are not yet eighteen.
- (H) Retaliation prohibited. No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Complaints alleging retaliation may be filed according to the grievance procedures in this policy.
- (I) Emergency Actions. The university may remove a student respondent from an education program or activity on an emergency basis after an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. The student respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The university may place an employee respondent on administrative leave during the pendency of the grievance and appeal process.
- (J) Supportive measures. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the university's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

- (K) Confidential resources. An individual who desires that the details of an incident be kept confidential may speak with professional licensed counselors who provide mental health counseling on campus. Pastoral or clergy and medical professionals also have legally protected roles involving confidentiality. A list of confidential resources is available at the university's [Title IX website](#).
- (L) Non-confidential reporting and recordkeeping.
  - (1) Ohio law requires those not in a legally protected role with knowledge of a felony to report it to law enforcement. University personnel, including the Title IX Coordinator, deputy Title IX Coordinators, resident assistants and office of residence life and housing professional staff, are required to notify the university police department of any report of sexual harassment including interpersonal violence.
  - (2) Conduct reported to the university police that may be a Title IX violation will be reported to the Title IX coordinator. A report to the university police or other law enforcement agency does not require the pursuit of criminal charges. Neither the complainant nor the respondent is under any obligation to speak with the law enforcement authorities, even when the conduct is reported to them.
- (M) Conflict of interest. The Title IX coordinator, any investigator, decision-maker, or any person facilitating a process under this policy shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent specifically.
- (N) Miscellaneous
  - (1) Training. Investigations and hearings are designed to provide a prompt, fair, and impartial resolution regarding an alleged violation of this policy disciplinary matter. All Title IX coordinators, investigators, decision-makers, advisors and appellate review officers, and any person who facilitates an informal resolution process are trained using appropriate materials that will not rely on sex stereotypes and will promote impartial, unbiased investigations and adjudications of complaints of Title IX sexual harassment.
  - (2) Prevention and education programs. The university shall provide programs and/or training (collectively referred to as "trainings") for employees and students designed to prevent and promote awareness of sexual harassment.

The trainings shall be consistent with applicable legal requirements and university policies. The office of human resources, with oversight from the Title IX coordinator, or his/her designee, shall provide training for employees; and the office of student affairs, with oversight from the Title IX coordinator, or his/her designee, shall provide training for students. [Title IX website](#). For more information on Title IX and sexual misconduct, please see the university's Title IX website.

- (3) False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know, or reasonably should know, to be untrue or false. However, failure to prove an allegation is not equivalent to a false allegation.



**RESOLUTION TO RATIFY  
PERSONNEL ACTIONS**

**WHEREAS**, the *Policies of the Board of Trustees* authorize the President to manage the University, including appointing such employees as are necessary to effectively carry out the operation of the University and any other necessary personnel actions; and

**WHEREAS**, new appointments and other personnel actions have been made subsequent to the June 4, 2020, meeting of the Board of Trustees; and

**WHEREAS**, such personnel actions are in accordance with the 2019-2020 Budget and with University policies 3356-2-02, Equal Opportunity and Affirmative Action Recruitment and Employment; 3356-9-02, Selection and Annual Evaluation of Administrative Officers of the University; 3356-7-42, Selection of Professional/Administrative Staff; and 3356-7-43, Externally Funded Professional/Administrative Staff;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of Youngstown State University does hereby ratify and confirm the personnel actions as listed in **Exhibit S** attached hereto.

**SUMMARY OF PERSONNEL ACTIONS**  
**Professional Administrative and Faculty Employees**  
**4/16/20 through 7/15/20**

**Appointments – 1**

**Replacement Positions – 1**

- Professional Administrative Excluded – 1

**Separations – 24**

- Professional Administrative Staff – 6
- Professional Administrative Excluded – 3
- Professional Administrative Externally Funded – 2
- Faculty – 13

**Reclassifications/Position Adjustments – 37**

- Professional Administrative Excluded – 2
- Faculty – 35

**Promotions – 3**

- Professional Administrative Staff – 1
- Professional Administrative Excluded – 2

**Salary Adjustments – 1**

- Professional Administrative Externally Funded – 1

**Transfers – 2**

- Professional Administrative Staff – 2

**Layoffs – 25**

**Lack of Work Layoffs – 18**

- Professional Administrative Staff – 17
- Professional Administrative Excluded – 1

**Voluntary Reduction in Force – 3**

- Professional Administrative Staff – 3



**Lack of Work to Lack of Funds Layoff – 2**

- Professional Administrative Staff – 2

**Lack of Funds Layoff – 2**

- Professional Administrative Staff – 2

**Recalls – 4**

- Professional Administrative Staff – 3
- Professional Administrative Excluded – 1

**Summary of Salary Reductions  
as of August 24, 2020 for Fiscal Year 2021**

Classified 10% Salary Reduction (26 Furlough Days)

Total Employees	213
Total Savings	\$977,728.73

APAS 10% Salary Reduction (26 Furlough Days)

Total Employees	155
Total Savings	\$772,014.88

P/A Excluded 2-15% Salary Reduction

Total Employees	113
Total Savings	\$577,816.03

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
APPOINTMENTS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>FTE</b>	<b>SALARY</b>
Allen, Jeffery	Excluded	Dean	Dean Bitonte College of Health & Human Services	7/15/2020	1.00	\$ 157,000.00
<i>*New Positions</i>						

**YOUNGSTOWN STATE UNIVERSITY**  
**PROFESSIONAL ADMINISTRATIVE AND FACULTY**  
**PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20**  
**SEPARATIONS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>DATE OF SEPARATON</b>	<b>FTE</b>	<b>SALARY</b>	<b>TYPE OF SEPARATION</b>
Akpadock, Frank	APAS	Senior Research Associate	Ctr for Urban & Regional Studies	6/27/2020	1.00	\$ 78,607.50	Retired
Becker, Karen	APAS	Director First Year Experience	Student Success	6/30/2020	1.00	\$ 73,144.20	Retired
Glonek, Michael	APAS	Program Developer	Dean - STEM	6/28/2020	1.00	\$ 57,575.66	Retired
Mastran-Czopor, Monica	APAS	Assistant Director	Undergraduate Admissions	5/6/2020	1.00	\$ 45,612.25	Resigned
Nolasco, Francisco	APAS	Academic Advisor 1	Communication	6/30/2020	1.00	\$ 36,720.00	Resigned
Ortiz, Yaitza	APAS	Resolution Analyst	University Bursar	5/29/2020	1.00	\$ 43,268.40	Resigned
Hripko, Michael	Excluded	AVP Ext Rel Govt Aff Econ Dev	Ctr for Urban & Regional Studies	6/30/2020	1.00	\$ 155,040.00	Retired
Moats, Jennifer	Excluded	Manager Accts Pay Travel Services	Procurement Services	4/21/2020	1.00	\$ 58,206.30	Non-Renewal
Viglione, Susan	Excluded	Risk Management Officer	Envir Occupational Health & Safety	6/30/2020	1.00	\$ 75,804.18	Retired
O'Brien, Patrick	Externally Funded	Instruction Specialist 1	Rich Center for Autism	7/5/2020	1.00	\$ 24,293.34	Resigned
Zell, Elizabeth	Externally Funded	Senior Research Scientist Add Mfg	Mechanical & Manufacturing Engineering	5/3/2020	1.00	\$ 64,000.00	Funding Period Ended
Badawy, Rebecca	Faculty	Associate Professor	Management and Marketing	7/15/2020	1.00	\$ 126,662.00	Resigned
Benyo, Deborah	Faculty	Assistant Professor	Biology	5/10/2020	1.00	\$ 57,699.00	Resigned
Cala, Martin	Faculty	Professor	Mechanical Engineering	6/30/2020	1.00	\$ 120,050.38	Retired
Greene, Betty	Faculty	Senior Lecturer	Teacher Education	6/30/2020	1.00	\$ 53,878.10	Resigned
Kromholz, Joseph	Faculty	Lecturer	Dana School of Music	5/10/2020	1.00	\$ 43,589.00	Terminal Year
List, Megan	Faculty	Assistant Professor	Teacher Education	5/10/2020	1.00	\$ 56,774.00	Terminal Year
Mistovich, Joseph	Faculty	Professor and Chair	Health Professions	6/30/2020	1.00	\$ 112,180.16	Retired
Moy, Kin	Faculty	Professor	School of Technology	5/10/2020	1.00	\$ 83,452.10	Retired

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
SEPARATIONS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>DATE OF SEPARATION</b>	<b>FTE</b>	<b>SALARY</b>	<b>TYPE OF SEPARATION</b>
Pollack, David	Faculty	Associate Professor	Mathematics and Statistics	6/30/2020	1.00	\$ 88,147.00	Retired
Rosler, Brenda	Faculty	Lecturer	Teacher Education	5/10/2020	1.00	\$ 41,489.00	Non-Renewal
Shields, Elvin	Faculty	Professor	Mechanical Engineering	6/1/2020	1.00	\$ 107,521.00	Retired
VanDyke, Michelle	Faculty	Lecturer	Kinesiology and Sport Science	6/26/2020	1.00	\$ 42,526.00	Resigned
Womble, Mark	Faculty	Professor	Biology	5/10/2020	1.00	\$ 85,890.17	Retired

**YOUNGSTOWN STATE UNIVERSITY**  
**PROFESSIONAL ADMINISTRATIVE AND FACULTY**  
**PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20**  
**RECLASSIFICATIONS/POSITION ADJUSTMENTS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>NEW POSITION TITLE/ OLD POSITION TITLE</b>	<b>NEW DEPARTMENT/ OLD DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>FTE</b>	<b>NEW SALARY</b>	<b>PREVIOUS SALARY</b>
Berlinski, Claudia	Excluded	Director/Assistant Professor	McDonough Museum/Art	7/1/2020	.50/ 1.00	\$ 35,029.50	\$ 58,979.53
King, Tammy	Excluded	Associate Dean BCHHS/Interim Dean	Dean Bitonte College of Health & Human Services	7/15/2020	1.00	\$ 99,383.24	\$ 114,680.00
Pallante, Martha	Faculty	Professor/Interim Dean	Humanities and Social Sciences/Dean - CLASS	6/29/2020	1.00	\$ 89,113.09	\$ 122,000.00
<b>Department Chair Return to Faculty</b>							
Arslanyilmaz, Abdurrahman	Faculty	Associate Professor/ Associate Professor & Chair	Computer Science, Information & Engineering Technology/ Engineering Technology	7/1/2020	1.00	\$ 85,428.71	\$ 103,111.00
Bonhomme, Brian	Faculty	Professor/ Professor and Chair	Humanities and Social Sciences	7/1/2020	1.00	\$ 83,543.79	\$ 101,225.79
Dick, Jeffrey	Faculty	Professor/ Professor and Chair	Physics, Astronomy, Geology & Env Sciences/ Physics & Astronomy	7/1/2020	1.00	\$ 89,547.10	\$ 107,229.10
Earnhardt, Adam	Faculty	Professor/ Professor and Chair	Communication	7/1/2020	1.00	\$ 82,446.75	\$ 100,128.75
Eunni, Rangamohan	Faculty	Professor/ Professor and Chair	Management and Marketing	7/1/2020	1.00	\$ 133,219.54	\$ 150,901.54
Hu, Ou	Faculty	Professor/ Professor and Chair	Lariccia School of Accounting & Finance	7/1/2020	1.00	\$ 88,481.08	\$ 106,163.08
Marie, Hazel	Faculty	Professor/ Professor and Chair	Rayen School of Engineering	7/1/2020	1.00	\$ 92,937.75	\$ 110,619.75
Mincher, Jeanine	Faculty	Professor/ Professor and Chair	Health Professions	7/1/2020	1.00	\$ 78,474.00	\$ 96,156.00

**YOUNGSTOWN STATE UNIVERSITY**  
**PROFESSIONAL ADMINISTRATIVE AND FACULTY**  
**PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20**  
**RECLASSIFICATIONS/POSITION ADJUSTMENTS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>NEW POSITION TITLE/ OLD POSITION TITLE</b>	<b>NEW DEPARTMENT/ OLD DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>FTE</b>	<b>NEW SALARY</b>	<b>PREVIOUS SALARY</b>
O'Mansky, Matt	Faculty	Associate Professor/ Associate Professor & Chair	Humanities and Social Sciences	7/1/2020	1.00	\$ 72,310.88	\$ 89,992.88
Price, Douglas	Faculty	Associate Professor/ Associate Professor & Chair	Rayen School of Engineering	7/1/2020	1.00	\$ 95,616.86	\$ 113,298.86
Protivnak, Jake	Faculty	Professor/ Professor and Chair	Psychological Sciences & Counseling	7/1/2020	1.00	\$ 83,446.75	\$ 101,128.75
Sarkissian, John	Faculty	Professor/ Professor and Chair	English and World Languages	7/1/2020	1.00	\$ 91,139.55	\$ 108,821.55
Shaklee, Ronald	Faculty	Professor/ Professor and Chair	Humanities and Social Sciences	7/1/2020	1.00	\$ 95,378.95	\$ 113,060.95
Sracic, Paul	Faculty	Professor/ Professor and Chair	Humanities and Social Sciences	7/1/2020	1.00	\$ 90,025.05	\$ 107,707.05
Walker, Gary	Faculty	Professor/ Professor and Chair	Chemical & Biological Sciences	7/1/2020	1.00	\$ 89,140.95	\$ 106,822.95
Woodlock, Peter	Faculty	Professor/ Professor and Chair	Lariccia School of Accounting & Finance	7/1/2020	1.00	\$ 133,045.94	\$ 150,727.94
<b>Department Chair to Acting Department Chair</b>							
Buchanan, Jeffrey	Faculty	Acting Professor & Chair/ Professor and Chair	English and World Languages	7/1/2020	1.00	\$ 103,726.20	\$ 105,226.20
Christiansen Erb, Joy	Faculty	Professor and Chair	Art	7/1/2020	1.00	\$ 96,465.52	\$ 96,465.52
Coldren, Jeffrey	Faculty	Acting Professor & Chair/ Professor and Chair	Psychological Sciences & Counseling/Psychology	7/1/2020	1.00	\$ 109,695.88	\$ 107,195.88
Davis, Dana	Faculty	Acting Associate Professor and Chair/Associate Professor and Chair	Department of Human Services/Social Work	7/1/2020	1.00	\$ 86,372.38	\$ 86,372.38

**YOUNGSTOWN STATE UNIVERSITY**  
**PROFESSIONAL ADMINISTRATIVE AND FACULTY**  
**PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20**  
**RECLASSIFICATIONS/POSITION ADJUSTMENTS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>NEW POSITION TITLE/ OLD POSITION TITLE</b>	<b>NEW DEPARTMENT/ OLD DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>FTE</b>	<b>NEW SALARY</b>	<b>PREVIOUS SALARY</b>
Goldberg, Randall	Faculty	Acting Assoc Professor and Co-Director/ Assoc Professor and Director	School of Performing Arts/Dana School of Music	7/1/2020	1.00	\$ 88,089.63	\$ 88,089.63
Hazy, John	Faculty	Acting Professor & Chair/ Professor and Chair	Department of Criminal Justice and Consumer Sciences/Criminal Justice	7/1/2020	1.00	\$ 103,726.18	\$ 101,226.18
Keillor, Bruce	Faculty	Acting Professor & Chair/ Professor and Chair	Department of Management and Marketing/Marketing	7/1/2020	1.00	\$ 142,934.86	\$ 140,434.86
Lamb, Carol	Faculty	Acting Professor & Director/ Professor and Director	School of Computer Science, Information and Engineering Technology/Engineering Technology	7/1/2020	1.00	\$ 102,628.75	\$ 100,128.75
Landgraff, Nancy	Faculty	Acting Professor & Chair/ Professor and Chair	Graduate Studies in Health Rehabilitation Services/Physical Therapy	7/1/2020	1.00	\$ 132,278.07	\$ 132,278.07
Li, Frank	Faculty	Acting Professor & Director/ Professor and Chair	Rayen School of Engineering	7/1/2020	1.00	\$ 112,689.28	\$ 112,689.28
Matanin, Marcia	Faculty	Professor and Chair	Teacher Education and Leadership Studies/ Teacher Education	7/1/2020	1.00	\$ 112,538.80	\$ 107,538.80
Michaliszyn, Sara	Faculty	Acting Associate Professor and Chair/ Associate Professor and Chair	Department of Health Professions/Kinesiology and Sport Science	7/1/2020	1.00	\$ 93,049.39	\$ 87,049.39



**YOUNGSTOWN STATE UNIVERSITY**  
**PROFESSIONAL ADMINISTRATIVE AND FACULTY**  
**PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20**  
**RECLASSIFICATIONS/POSITION ADJUSTMENTS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>NEW POSITION TITLE/ OLD POSITION TITLE</b>	<b>NEW DEPARTMENT/ OLD DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>FTE</b>	<b>NEW SALARY</b>	<b>PREVIOUS SALARY</b>
Smith, Stephanie	Faculty	Acting Professor & Co-Director/ Professor and Chair	School of Performing Arts/ Theatre and Dance	7/1/2020	1.00	\$ 102,897.06	\$ 102,897.06
Sturru, W. Greg	Faculty	Acting Professor & Chair/ Professor and Chair	Department of Physics, Astronomy, Geology and Env Sciences/Physics and Astronomy	7/1/2020	1.00	\$ 114,421.93	\$ 114,421.93
Tomhave, Alan	Faculty	Acting Associate Professor and Chair/Associate Professor and Chair	Humanities & Social Sciences/Philosophy and Religious Studies	7/1/2020	1.00	\$ 90,589.63	\$ 88,089.63
Wagner, Timothy	Faculty	Acting Professor & Chair/ Professor and Chair	Department of Chemical and Biological Sciences/Chemistry	7/1/2020	1.00	\$ 118,668.57	\$ 113,060.95
<b>Faculty to Department Chair</b>							
Crawford, Amy	Faculty	Professor and Chair/ Professor	Department of Communication	7/1/2020	1.00	\$ 100,617.85	\$ 80,435.85
Schwartz, Jeremy	Faculty	Associate Professor and Acting Director/ Associate Professor	Lariccia School of Accounting and Finance	7/1/2020	1.00	\$ 153,251.00	\$ 133,069.00

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
PROMOTIONS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>NEW POSITION TITLE/ OLD POSITION TITLE</b>	<b>NEW DEPARTMENT/ OLD DEPARTMENT</b>	<b>CONTRACT APPT. DATES</b>	<b>FTE</b>	<b>NEW SALARY</b>	<b>PREVIOUS SALARY</b>
Gaskell, Jessica	APAS	Assistant Director/ Senior Counselor Peng Svc Ctr	First Year Student Services/ Registration & Records	7/16/2020	1.00	\$ 40,500.00	\$ 34,264.00
Carlini, Jayne	Excluded	Executive Assistant to VP/ Administrative Assistant 1	Student Experience/Dean STEM	6/1/2020	0.80	\$ 33,600.00	\$ 31,616.00
Hungerman, Erin	Excluded	Director/Associate Director Student Conduct	Student Experience	7/1/2020	1.00	\$ 64,200.00	\$ 57,000.00

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
SALARY ADJUSTMENTS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>NEW FTE</b>	<b>NEW SALARY</b>	<b>OLD FTE</b>	<b>PREVIOUS SALARY</b>
Smith, Ashley	Externally Funded	School Nurse	Rich Center for Autism	5/1/2020	0.60	\$ 25,560.00	0.80	\$ 34,080.00

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
TRANSFERS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>NEW DEPARTMENT/ OLD DEPARTMENT</b>	<b>CONTRACT/ APPOINTMENT DATES</b>	<b>NEW FTE</b>	<b>NEW SALARY</b>	<b>OLD FTE</b>	<b>PREVIOUS SALARY</b>
Blinn, Shanna	APAS	Academic Advisor 2	Dean Cliffe College of Creative Arts/Dean Education	7/16/2020	1.00	\$ 41,501.00	1.00	\$ 41,501.00
Hartup, Mollie	APAS	Coordinator	Honors College/ Marketing & Communications	4/16/2020	1.00	\$ 49,449.60	1.00	\$ 49,449.60

**YOUNGSTOWN STATE UNIVERSITY**  
**PROFESSIONAL ADMINISTRATIVE AND FACULTY**  
**PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20**  
**LAYOFFS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>DATE OF SEPARATON</b>	<b>FTE</b>	<b>SALARY</b>
<b><u>Lack of Work Layoff</u></b>						
Adair, Danielle	APAS	Operations Manager	Kilcawley Center	6/1/2020 to 7/31/2020	1.00	\$ 38,854.00
Adams, Cameron	APAS	Asst Dir Ops Guest Svcs	Andrews Student Recr & Wellness Ctr	6/1/2020 to 6/28/2020	1.00	\$ 46,967.94
Akers, Wendy	APAS	Costume Shop Specialist	Theatre & Dance	6/1/2020 to 7/31/2020	1.00	\$ 39,147.60
Ault, Robert	APAS	Librarian Serials Microforms	Maag Library	6/1/2020 to 7/31/2020	1.00	\$ 62,030.43
Conroy, Joseph	APAS	Coord Facilities and Programs	Andrews Student Recr & Wellness Ctr	6/1/2020 to 7/31/2020	1.00	\$ 58,609.11
Defibaugh, Brittany	APAS	Coordinator Alumni Engagement	Alumni & Events Operations	6/1/2020 to 7/14/2020	1.00	\$ 39,420.61
DeLucia, Angela	APAS	Assistant to Director	McDonough Museum	6/1/2020 to 7/31/2020	1.00	\$ 39,082.56
Donchess, Ryan	APAS	Coord Media Engrn Tech	Communication	6/1/2020 to 7/31/2020	1.00	\$ 44,089.47
Fitzpatrick, Ryan	APAS	Coordinator Theater Production	Theatre & Dance	6/1/2020 to 7/31/2020	1.00	\$ 44,370.00
Jadun, Mohammad	APAS	EIT Cont Comp Training Specialist	IT Customer Services	6/1/2020 to 7/31/2020	1.00	\$ 47,839.40
Jones, Kelsey	APAS	Coordinator Intl Stud Serv	International Programs Office	6/1/2020 to 7/31/2020	1.00	\$ 40,600.00
Kirkpatrick, Jennifer	APAS	Studio Art Support Specialist	Art	6/1/2020 to 7/31/2020	1.00	\$ 47,441.75
Markowitz, Ronald	APAS	Coordinator Adv Rec	Andrews Student Recr & Wellness Ctr	6/1/2020 to 7/31/2020	1.00	\$ 41,318.24

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
LAYOFFS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>DATE OF SEPARATION</b>	<b>FTE</b>	<b>SALARY</b>
Moore, Rebecca	APAS	Manager Information Literacy	Maag Library	6/1/2020 to 7/31/2020	1.00	\$ 54,580.87
Moorer, Susan	APAS	Development Officer	WYSU-FM	6/1/2020 to 7/31/2020	1.00	\$ 61,869.70
Reardon, Amanda	APAS	Coord. Membership & Marketing	Andrews Student Recr & Wellness Ctr	6/1/2020 to 7/31/2020	1.00	\$ 39,607.00
Sak, Domonique	APAS	Club Sports Camps Coordinator	Club Sports	6/1/2020 to 7/15/2020	1.00	\$ 40,909.14
O'Malley, Molly	Excluded	Associate Director, Equal Opportunity	Human Resources	6/5/2020 to 7/12/2020	1.00	\$ 55,000.00
<b><u>Voluntary Reduction in Force</u></b>						
Clark, Gary	APAS	Coordinator	Office of Research Services	6/1/2020 to 7/31/2020	1.00	\$ 37,087.20
Popadak, John	APAS	Acquisitions Librarian	Maag Library	6/1/2020 to 7/6/2020	1.00	\$ 51,270.19
Stone Wolbrecht, Tiffany	APAS	Planetarium Lecturer	Ward Beecher Planetarium	6/1/2020 to 7/31/2020	1.00	\$ 40,662.70
<b><u>Lack of Work Layoff to Lack of Funds Layoff</u></b>						
Maas, Robyn	APAS	Exhibit Design Production Mgr	McDonough Museum	6/1/2020 to 7/31/2020	1.00	\$ 37,364.49
Phillips, Desja	APAS	Academic Advisor 1	Dean Health & Human Services	6/1/2020 to 7/31/2020	0.50	\$ 16,169.00
<b><u>Lack of Funds Layoff</u></b>						
Goist, Lori	APAS	Coordinator	World Languages and Cultures	6/30/2020	0.50	\$ 23,307.89
Zellers, Chrystyna	APAS	Registered Dietitian	Andrews Student Recr & Wellness Ctr	6/30/2020	0.38	\$ 20,685.60

**YOUNGSTOWN STATE UNIVERSITY  
PROFESSIONAL ADMINISTRATIVE AND FACULTY  
PERSONNEL ACTIONS 4/16/20 THROUGH 7/15/20  
RECALLS**

<b>EMPLOYEE NAME</b>	<b>EMPLOYEE TYPE</b>	<b>POSITION TITLE</b>	<b>DEPARTMENT</b>	<b>DATE OF RECALL</b>	<b>FTE</b>	<b>SALARY</b>
Adams, Cameron	APAS	Asst Dir Ops Guest Svcs	Andrews Student Recr & Wellness Ctr	7/1/2020	1.00	\$ 43,116.57
Defibaugh, Brittany	APAS	Coordinator Alumni Engagement	Alumni & Events Operations	7/15/2020	1.00	\$ 36,188.12
Popadak, John	APAS	Acquisitions Librarian	Maag Library	7/7/2020	1.00	\$ 47,066.03
O'Malley, Molly	Excluded	Associate Director, Equal Opportunity	Human Resources	7/13/2020	1.00	\$ 55,000.00