



MEETING MINUTES
BOARD OF TRUSTEES
YOUNGSTOWN STATE UNIVERSITY

June 3, 2021
Regular Quarterly Meeting
(Kilcawley Center)

I - ROLL CALL/ATTENDANCE

Pursuant to notice duly given, the Board of Trustees of Youngstown State University convened at 10 a.m. June 3, 2021, in the Chestnut Room of Kilcawley Center and through the Cisco WebEx video application.

Members present in Kilcawley Center were Charles T. George, James E. "Ted" Roberts, J.D., John R Jakubek, Joseph J. Kerola, Helen Lafferty, Galatiani G. Lopuchovsky, Anita A. Hackstedde, M.D., Michael A. Peterson, Allen Ryan, Molly S. Seals, Eric Spiegel, Victoria M. Woods.

Members Present (Remote): Capri S. Cafaro.

Guests Present: Jeffery Allen, Sean Barron, Joy Polkabila Byers, Heather Chunn, Ron Cole, Amy Cossentino, Holly Jacobs, Paul McFadden, Neal McNally, Elaine Ruse, Mike Sherman, David Sipusic, Provost Brien Smith, Nicole Kent Strollo, President Jim Tressel, Sharyn Zembower.

II - PROOF OF NOTICE OF MEETING

Pursuant to Article II, Section 2, of the board's Bylaws; notice of the regular meeting was timely provided to each of the trustees, the student trustees, the national/global trustee and to the president, as well as publicly noticed on the Board of Trustees website and to the news media.

III - DISPOSITION OF MINUTES FOR PREVIOUS MEETINGS

Draft copies of the minutes of the board's meetings held March 3, 2021, and April 28, 2021, were 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.

IV - REPORT OF THE PRESIDENT OF THE UNIVERSITY

President Jim Tressel recognized and thanked students, faculty, staff, administration and trustees, as well as state, county and city health departments and government representatives, for their work, innovation and support over the last 15 months facing extraordinary challenges caused by COVID-19. Noting that he is finishing his seventh year as president of YSU, Tressel said he and YSU are fortunate to have a great Board of Trustees, which constantly challenges the administration to do greater things and which encourages and allows the administration to listen to students and their needs. He thanked the YSU Foundation for its continued fund-raising successes, and noted the university's progress in graduation rates, strategic planning and development of the new Excellence Training Center. "We have really gone after it for the last 15 months for sure, and I know everyone associated with YSU is excited about what the Fall is going to look like," he added.

V - REPORTS OF THE COMMITTEES OF THE BOARD

In accordance with the board's practice, and in the absence of objection, the committees' recommended resolutions will be considered for adoption by unanimous consent.

ACADEMIC EXCELLENCE AND STUDENT SUCCESS COMMITTEE

1. Due to the pandemic, events to celebrate the annual YSU Heritage Awards recipients were postponed in 2020 and again in 2021, so the board took time at its meeting to recognize the honorees. The annual awards are among the greatest honors bestowed by the university.

- **Patricia Bleidt**, whose career included stints as assistant dean of Student Affairs, retired in 1995. In a letter read at the board meeting, Bleidt acknowledged colleagues and support staff. She said her most endearing memories, however, are the bonds she made with so many wonderful students.
- **Joan L. Boyd**, retired professor of Health Professions, thanked family and colleagues, specifically mentioning the late John Yemma, dean of the YSU Bitonte College of Health and Human Services. In a video played during the board meeting, she also said she hopes she serves as an inspiration to others, especially women and people of color. She noted that she and her husband have established a scholarship.
- **Theresa "Teri" Riley**, professor of Economics whose career at YSU also included work in faculty relations and the provost's office, was remembered posthumously in a video by her husband, Tod Porter, retired chair of Economics. He recalled their meeting as teaching assistants at Syracuse University, Teri's passion and talent for teaching, her commitment serving on university committees and her balanced approach when she became an administrator. He joked that he often says his greatest contribution to YSU was listening to Teri vent after coming home from work. "You have no idea how much I wish I could have that job back," he said.
- **James J. Scanlon**, YSU provost from 1993 to 2001, said in a letter read by Smith that he was honored and humbled to accept the award.

Chairperson Hackstedde noted that the Academic Excellence and Student Success Committee was recommending five resolutions for adoption by the board.

2. Resolution to Modify Student Residence Status for Tuition Purposes Policy 3356-8-03 YR 2021 -70

3. Resolution to Modify Authority to Establish and Enforce a Student Code of Conduct Policy 3356-08-01 YR 2021 - 71

4. Resolution to Modify Recognition, Publication, and Support of Employee Degrees Policy 3356-7-24 YR 2021 - 72

5. Resolution to Approve List of Candidates to be Considered for Honorary Degrees Policy 3356-10-05 YR 2021 - 73

6. Resolution to Modify "The Student Code of Conduct" Policy 3356-8-01.1 YR 2021 - 74

There being no objection thereto, the chairperson declared the resolutions adopted by general consent.

The above resolutions and exhibits follow.



**RESOLUTION TO MODIFY STUDENT RESIDENCE STATUS FOR
TUITION PURPOSES, POLICY 3356-8-03**

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 Student Residence Status for Tuition Purposes 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 Student Residence Status for Tuition Purposes, policy number 3356-8-03, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

**Board of Trustees Meeting
June 4, 2021
YR 2021- 70**

3356-8-03 - Exhibit A

3356-8-03 Student residency status for tuition purposes.

Responsible Division/Office: Student Affairs/Student Enrollment and Business Services

Responsible Officer:

Associate Vice President, Student Enrollment and Business Services

Revision History: March 1999; March 2007; March 2011; September 2016; June 2021

Board Committee: Academic Excellence and Student Success

Effective Date: June 3, 2021

Next Review: 2026

- (A) Policy statement. The university has developed a system of identifying student residency for purpose of state subsidy and tuition surcharge consistent with rules of the Ohio department of higher education which comply with provisions of section 3333.31 of the Revised Code and rule 3333-1-10 of the Administrative Code.
- (B) Parameter. The purpose of the Ohio department of higher education rules, to determine student residency for the purpose of state subsidy and tuition surcharge for undergraduate and graduate students, is to exclude those persons entering the state for the primary purpose of receiving the benefit of a state-supported education.
- (C) Procedures.
 - (1) Residency for the purpose of assessing tuition and fee charges is determined at the time of admission or readmission to the university and cannot be retroactive.
 - (2) Students immediately identified as Ohio residents for tuition purposes will include: dependents of parent(s)/guardian(s) who have resided in Ohio for at least the twelve consecutive months preceding enrollment and have supported the student; active duty military, national guard, reserve, honorably discharged veterans, and the spouse or dependent of a veteran, who are domiciled in

Ohio as of the first day of the semester; graduates of Ohio high schools who are domiciled in Ohio as of the first day of the semester; and those independent applicants who have resided in Ohio for at least the twelve consecutive months preceding enrollment and have demonstrated that they have supported themselves during that time. With documentation as required by the Ohio department of high education, various other student categories may also be considered for Ohio residency status.

- (3) Students having cause to question their residency status may present documentation supporting their position to the residency officer in the office of undergraduate admissions. Those students providing appropriate documentation may be determined to qualify as Ohio residents.
- (4) Students who disagree with a residency decision may file a residency decision appeal form and submit documentation to the office of undergraduate admissions. This form and supporting documents will be forwarded to the residency appeals board for review.
- (5) The residency appeals board is the final appeal authority and its decision is final.
- (6) Information regarding residency status and the residence classification board is available in the office of undergraduate admissions.

3356-8-03 Student residency status for tuition purposes.

~~Previous Policy Number: 8003.01~~
Responsible Division/Office: ~~Undergraduate Admissions~~Student Affairs/Student Enrollment and Business Services

Responsible Officer: ~~Associate Vice President for Enrollment Planning and Management~~Associate Vice President, Student Enrollment and Business Services

Revision History: March 1999; March 2007; March 2011; September 2016; June 2021

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

Effective Date: ~~September 15, 2016~~ June 3, 2021

Next Review: ~~2021~~2026

- (A) Policy statement. The university ~~will develop~~has developed a system of identifying student residency for purpose of state subsidy and tuition surcharge consistent with rules of the Ohio department of higher education which comply with provisions of section 3333.31 of the Revised Code and rule 3333-1-10 of the Administrative Code.
- (B) Parameter. The purpose of the Ohio department of higher education rules, to determine student residency for the purpose of state subsidy and tuition surcharge for undergraduate and graduate students, is to exclude those persons entering the state for the primary purpose of receiving the benefit of a state-supported education.
- (C) Procedures.
- (1) Residency for the purpose of assessing tuition and fee charges is determined at the time of admission or readmission to the university and cannot be retroactive.
 - (2) Students immediately identified as Ohio residents for tuition purposes will include: dependents of parent(s)/guardian(s) who have resided in Ohio for at least the twelve consecutive months preceding enrollment and have supported the student; active duty

military, national guard, reserve, honorably discharged veterans, and the spouse or dependent of a veteran, who are domiciled in Ohio as of the first day of the semester; graduates of Ohio high schools who are domiciled in Ohio as of the first day of the semester; and those independent applicants who have resided in Ohio for at least the twelve consecutive months preceding enrollment and have demonstrated that they have supported themselves during that time. With documentation as required by the Ohio department of high education, various other student categories may also be considered for Ohio residency status.

- (3) Students having cause to question their residency status may present documentation supporting their position to the residency officer in the office of undergraduate admissions. Those students providing appropriate documentation may be determined to qualify as Ohio residents.
- (4) Students ~~continuing to question their residency status who disagree with a residency decision~~ may file a ~~written appeal with the residence classification board of the university~~ residency decision appeal form and submit documentation to the office of undergraduate admissions. This form and supporting documents will be forwarded to the residency appeals board for review.
- (5) ~~The residence classification board~~ The residency appeals board is the final appeal authority and its decision is final.
- (6) Information regarding residency status and the residence classification board is available in the office of undergraduate admissions.



**RESOLUTION TO MODIFY AUTHORITY TO ESTABLISH AND ENFORCE
A STUDENT CODE OF CONDUCT, POLICY 3356-8-01**

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 Authority to Establish and Enforce a 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 Authority to Establish and Enforce a Student Code of Conduct, policy number 3356-8-01, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

**Board of Trustees Meeting
June 4, 2021
YR 2021- 71**

3356-8-01 - Exhibit A

3356-8-01 Authority to establish and enforce a student code of conduct.

Responsible Division/Office: Student Affairs
Responsible Officer: Dean of Students and Ombudsperson
Revision History: February 1998; March 2007; December 2011;
June 2016; June 2021
Board Committee: Academic Excellence and Student Success
Effective Date: June 3, 2021
Next Review: 2026

- (A) Policy statement. The board of trustees delegates its authority and responsibility for student conduct to the president. Youngstown state university is committed to an educational environment which encourages the safety, fair treatment, and intellectual and social development of all students. On behalf of the president, the dean of students and ombudsperson establishes and enforces regulations regarding student conduct.
- (B) Definition. “The Student Code of Conduct” is the official university document outlining student rights, responsibilities, and regulations regarding academic dishonesty, due process, and disciplinary procedures. The intent of “The Student Code of Conduct” is to inform the university community of these rights, responsibilities, and expectations.
- (C) Parameter. The dean of students and ombudsperson, or designee, is responsible for establishing and enforcing all procedures and regulations pertaining to student rights, responsibilities, and conduct as outlined in “The Student Code of Conduct.” In the case of an actual or perceived conflict of interest in the execution of duties arising from the dual role of dean of students and ombudsperson, the dean of students will designate the associate vice president for student enrollment and business services or the associate vice president for student experience to act on their behalf.
- (D) Procedures.
- (1) “The Student Code of Conduct” is distributed to new students during orientation and is available on the Youngstown state

university website at: <https://ysu.edu/student-conduct/code-conduct>.

- (2) Individual students and student organizations are expected to be familiar with and follow the regulations outlined in “The Student Code of Conduct” and will be subject to disciplinary action if one or more of the regulations are violated.
- (3) Complaints of student misconduct may be filed by contacting the office of community standards and student conduct. Complaints of academic dishonesty may be filed in the office of the provost and vice president for academic affairs.
- (4) “The Student Code of Conduct” is reviewed periodically and distributed widely among the campus community at least every five years. Any member of the university community may recommend a change in “The Student Code of Conduct” through the dean of students and ombudsperson, or designee.

3356-8-01 Authority to establish and enforce a student code of conduct.

~~Previous Policy Number: 8001.01~~
Responsible Division/Office: ~~Student Experience~~ Student Affairs
Responsible Officer: ~~Associate Vice President for Student Experience~~ Dean of Students and Ombudsperson
Revision History: February 1998; March 2007; December 2011; June 2016, ~~April 2021~~; June 2021
Board Committee: Academic Excellence and Student Affairs Success
Effective Date: ~~June 15, 2016~~ June 3, 2021
Next Review: ~~2021~~ 2026

- (A) Policy statement. The board of trustees delegates its authority and responsibility for student conduct to the president. Youngstown state university is committed to an educational environment which encourages the safety, fair treatment, and intellectual and social development of all students. On behalf of the president, the ~~associate vice president for student experience dean of students and ombudsperson~~ establishes and enforces regulations regarding student conduct.
- (B) Definition. “The Student Code of Conduct” ~~”; A Handbook of Student Rights, Responsibilities, and Conduct” (“The Student Code of Conduct”)~~ is the official university document outlining student rights, responsibilities, ~~and and conduct~~; regulations regarding academic dishonesty, ~~campus student organizations and student media organizations~~; due process, ~~and disciplinary procedures. disciplinary and academic grievance procedures; and procedures regarding student complaints of discrimination, harassment and sexual assault.~~ The intent of “The Student Code of Conduct” is to inform the university community of these rights, responsibilities, and expectations.
- (C) Parameter. The ~~associate vice president for student experience dean of students and ombudsperson, or designee,~~ is responsible for establishing and enforcing all procedures and regulations pertaining to student rights, responsibilities, and conduct as outlined in “The Student Code of Conduct.” ~~with the exception of academic grievances. Academic grievance procedures are the responsibility of the office of the provost/vice president for academic affairs. In the case of an actual or perceived conflict of interest in the execution of duties arising from the~~

dual role of dean of students and ombudsperson, the dean of students will designate the associate vice president for student enrollment and business services or the associate vice president for student experience to act on their behalf.

(D) Procedures.

- (1) “The Student Code of Conduct” is distributed to new students during orientation and is available ~~in the offices of the associate vice president for student experience and~~ on the Youngstown state university website at:- <https://ysu.edu/student-conduct/code-conduct>~~http://ems.ysu.edu/administrative-offices/student-conduct/welcome-student-conduct.~~
- (2) Individual students and student organizations are expected to be familiar with and follow the regulations outlined in “The Student Code of Conduct” and will be subject to disciplinary action if one or more of the regulations are violated.
- (3) Complaints of student misconduct may be filed ~~at by contacting the office of the associate director of student conduct~~the office of community standards and student conduct. Complaints of academic dishonesty ~~and academic grievances~~ may be filed in the office of the provost and vice president for academic affairs.
- (4) “The Student Code of Conduct” is reviewed periodically and distributed widely among the campus community at least every five years. Any member of the university community may recommend a change in “The “Student Code of Conduct” through the ~~associate vice president for student experience~~dean of students and ombudsperson, or designee.



**RESOLUTION TO MODIFY RECOGNITION, PUBLICATION, AND
SUPPORT OF EMPLOYEE DEGREES, POLICY 3356-7-24**

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 Recognition, Publication, and Support of Employee Degrees 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 Recognition, Publication, and Support of Employee Degrees, policy number 3356-7-24, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

**Board of Trustees Meeting
June 4, 2021
YR 2021- 72**

3356-7-24 - Exhibit A

3356-7-24 Recognition, publication, and support of employee degrees.

Responsible Division/Office: Academic Affairs
Responsible Officer: Provost and Vice President for Academic Affairs
Revision History: October 1998; June 2010; March 2016; June 2021
Board Committee: Academic Excellence and Student Success
Effective Date: June 3, 2021
Next Review: 2026

- (A) Policy statement. The university recognizes only credits and degrees awarded by regionally accredited or other U.S. department of education-approved post-secondary institutions in the United States or by equivalent foreign institutions.
- (B) Purpose. These procedures are designed to help assure that the university employs qualified individuals, to assure that employees' qualifications are accurately presented to the public, and to ensure that university-supported employee study toward degrees is undertaken at accredited institutions in appropriate fields. Employees covered by collective bargaining may also refer to their respective labor agreements.
- (C) Definitions.
- (1) Accredited postsecondary institutions: Those institutions identified by one of the seven regional institutional accrediting agencies or other appropriate professional organizations recognized by the U.S. department of education as meeting certain academic standards and expectations. A database of such institutions is available on the website of the council for higher education accreditation ("CHEA").
 - (2) Equivalent foreign institutions: Institutions, typically recognized by a national ministry of education or an appropriate agency of the provincial (or state) government approved by the provost/vice president for academic affairs. In determining whether a foreign institution is equivalent, the provost/vice president for academic affairs may appoint a committee to make a recommendation or

consult the regional accrediting agencies and other organizations, such as the American association of collegiate registrars and admissions officers (“AACRAO”).

(D) Procedures.

(1) Verification of credentials.

- (a) The academic department chairperson or department/unit supervisor forwarding recommendations for employment for which a degree is required must include an official transcript of the candidate’s academic preparation. The transcript must show a pattern of academic preparation appropriate to the position for which employment is recommended.
- (b) Upon receipt, the dean/executive director will review the recommendation for employment and supporting materials. If appropriate, these materials will be forwarded to the applicable vice president for approval.
- (c) Upon approval of an appointment, the applicable vice president will forward the official transcript and supporting materials to the office of human resources.
- (d) The office of human resources will verify that the transcript is from an accredited post-secondary institution or equivalent foreign institution. Upon verification, a letter of appointment and related information will be initiated.
- (e) The office of human resources will maintain the official record of the degrees held by each employee. The record will be changed only by request of the applicable vice president upon receipt of an official transcript from an accredited postsecondary institution or equivalent foreign institution.
- (f) Only those degrees officially recorded by the office of human resources may be listed for any employee in any university publication.

- (g) When listing degrees and degree-granting institutions:
 - (i) Names of institutions shall be listed as they were at the time the degree was earned.
 - (ii) Degrees from foreign institutions shall appear in untranslated form.
 - (iii) Degrees shall appear as worded on the official transcript or diploma.

- (2) Application for support to complete an advance degree.
 - (a) In advance of making application, employees interested in receiving support to pursue further education must consult with the department chairperson/director regarding the intended field of study and institution they expect to attend. The office of human resources will verify that the employee is eligible for benefits and that the program of study will be pursued at an accredited postsecondary institution or equivalent foreign institution and is in a field appropriate to the employee's teaching assignment or area of responsibility. Exceptions may be granted under certain circumstances, e.g., an employee retraining for a different teaching field or area of responsibility.
 - (b) If there is agreement regarding the institution and field of study, the employee will submit a written proposal to the department chairperson/director identifying the institution and the field of study.
 - (c) The department chairperson/director will forward the employee plan to the dean/executive director for review. If appropriate, the plan is then forwarded to the applicable vice president for approval.
 - (d) The employee has a responsibility to keep the department chairperson/director apprised of progress being made toward the completion of the plan.

- (e) Upon completion of the plan and the attainment of a degree, the employee must submit an official transcript verifying the degree to the office of human resources, which maintains the official record of degrees for employees.

3356-7-24 Recognition, publication, and support of employee degrees.

~~Previous Policy Number: 7010.01~~
Responsible Division/Office: Academic Affairs
Responsible Officer: Provost and Vice President for Academic Affairs
Revision History: October 1998; June 2010; March 2016; June 2021
Board Committee: Academic ~~Quality and~~Excellence and Student Success
Effective Date: ~~March 16, 2016~~June 3, 2021
Next Review: ~~2021~~2026

- (A) Policy statement. The university recognizes only credits and degrees awarded by regionally accredited or other U.S. department of education-approved post-secondary institutions in the United States or by equivalent foreign institutions.
- (B) Purpose. These procedures are designed to help assure that the university employs qualified individuals, to assure that employees' qualifications are accurately presented to the public, and to ensure that university-supported employee study toward degrees is undertaken at accredited institutions in appropriate fields. Employees covered by collective bargaining may also refer to their respective labor agreements.
- (C) Definitions.
- (1) Accredited postsecondary institutions: Those institutions identified by one of the seven regional institutional accrediting agencies or other appropriate professional organizations recognized by the U.S. department of education as meeting certain academic standards and expectations. A database of such institutions is available on the website of the council for higher education accreditation ("CHEA").
- (2) Equivalent foreign institutions: Institutions, typically recognized by a national ministry of education or an appropriate agency of the provincial (or state) government approved by the provost/vice president for academic affairs. In determining whether a foreign institution is equivalent, the provost/vice president for academic

affairs may appoint a committee to make a recommendation or consult the regional accrediting agencies and other organizations, such as the American association of collegiate registrars and admissions officers (“AACRAO”).

(D) Procedures.

(1) Verification of credentials.

- (a) The academic department chairperson or department/unit supervisor forwarding recommendations for employment for which a degree is required must include an official transcript of the candidate’s academic preparation. The transcript must show a pattern of academic preparation appropriate to the position for which employment is recommended.
- (b) Upon receipt, the dean/executive director will review the recommendation for employment and supporting materials. If appropriate, these materials will be forwarded to the applicable vice president for approval.
- (c) Upon approval of an appointment, the applicable vice president will forward the official transcript and supporting materials to the office of human resources.
- (d) The office of human resources will verify that the transcript is from an accredited post-secondary institution or equivalent foreign institution. Upon verification, a letter of appointment and related information will be initiated.
- (e) The office of human resources will maintain the official record of the degrees held by each employee. The record will be changed only by request of the applicable vice president upon receipt of an official transcript from an accredited postsecondary institution or equivalent foreign institution.
- (f) Only those degrees officially recorded by the office of human resources may be listed for any employee in any university publication.

- (g) When listing degrees and degree-granting institutions:
 - (i) Names of institutions shall be listed as they were at the time the degree was earned.
 - (ii) Degrees from foreign institutions shall appear in untranslated form.
 - (iii) Degrees shall appear as worded on the official transcript or diploma.
- (2) Application for support to complete an advance degree.
 - (a) In advance of making application, employees interested in receiving support to pursue further education must consult with the department chairperson/director regarding the intended field of study and institution they expect to attend. The office of human resources will verify that the employee is eligible for benefits and that the program of study will be pursued at an accredited postsecondary institution or equivalent foreign institution and is in a field appropriate to the employee's teaching assignment or area of responsibility. Exceptions may be granted under certain circumstances, e.g., an employee retraining for a different teaching field or area of responsibility.
 - (b) If there is agreement regarding the institution and field of study, the employee will submit a written proposal to the department chairperson/director identifying the institution and the field of study.
 - (c) The department chairperson/director will forward the employee plan to the dean/executive director for review. If appropriate, the plan is then forwarded to the applicable vice president for approval.
 - (d) The employee has a responsibility to keep the department chairperson/director apprised of progress being made toward the completion of the plan.

- (e) Upon completion of the plan and the attainment of a degree, the employee must submit an official transcript verifying the degree to the office of human resources, which maintains the official record of degrees for employees.



**RESOLUTION TO AUTHORIZE
RECOMMENDATION OF CANDIDATES
FOR HONORARY DEGREES**

WHEREAS, the *Policies of the Board of Trustees* provide for the recommendation of candidates for honorary degrees for the next academic year who are reviewed and recommended by the Senate Executive Committee, the Provost/Vice President for Academic Affairs, and the President of the University;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize that the selection for honorary degrees in the 2021-2022 academic year be granted from the candidates listed in the roster attached hereto.

2021-2022 Honorary Degree/Commencement Speaker Recommendations

Academics Events Committee, Academic Senate

Dr. Amy Acton - Liberty Native, was appointed director of health for the Ohio Department of Health (ODH) by Governor Mike DeWine and served through the state's initial response to the Covid-19 virus. A licensed physician in preventive medicine with a master's degree in public health, Dr. Acton has more than 30 years of experience in medical practice, government and community service, healthcare policy and advocacy, academic and nonprofit administration, consulting, teaching, and data analysis.

Dr. Patty Bode - A Youngstown native, artist, & educator who has gained national and international recognition for her work addressing civil rights in education. Dr. Bode has presented extensively on diversity, equity & inclusion.

Mr. Cornel Bogdan, YSU Alumnus, is a health & wellness advocate & educator. As a radio personality & businessman, he has engaged in community outreach and philanthropy across the Valley.

Stephanie Dabney – Grew up in Youngstown and trained at Ballet Western Reserve before going on to be prima ballerina with Dance Theatre of Harlem from 1979 through 1994. She was the first African American ballerina to perform the title role in Firebird. She has performed at the Kennedy Center in DC and was featured in the Opening Ceremony of the 1984 Summer Olympics. Following a battle with HIV, Ms. Dabney was able to transition to a career in education. She recently visited YSU as part of the Pipino series.

Bob DiPiero - this country music songwriter is an alum from the Dana School of Music. He has written 15 US number one hits and several Top 20 singles for Tim McGraw, The Oak Ridge Boys, Reba McEntire, Vince Gill, Faith Hill, and many others. He holds a number of industry awards, was a 2007 inductee to the Nashville Songwriters Hall of Fame and has a star on the Nashville Walk of Fame.

Dave Grohl, native of Warren OH, is an American musician, singer, songwriter, and documentary filmmaker. He was the drummer for rock band Nirvana and founded the band Foo Fighters, for whom he is the singer, guitarist, and primary songwriter. He has a long history of advocacy and philanthropy, using his platform to speak against drug misuse, including work on anti-drug films and documentaries, and also to advocate for the promotion of civil rights for LGBTQ people.

Mr. William Kennedy (YSU graduate (B.E. Chemical Engineering, 1985). The president of Redex Industries, Mr. Kennedy has a record of public service, including development of products for cancer patients. He has demonstrated continued advocacy & contributions to YSU, including tours of manufacturing facility for engineering students & serving on Chemical Engineering Program Industrial Advisory Board.

Rex Lee - Warren native, born to immigrant Korean parents. He has gone on to star in numerous series, including *Entourage*, *Suburgatory*, and *Young & Hungry*.

Melissa O'Connor graduated with Bachelor of Science degree in Biology and Bachelor of Applied Science degree in Forensic Science in August 2012 from Youngstown State University. After achieving her masters and engaging in cutting-edge research, Ms. O'Connor took on a position as a forensic scientist with the Philadelphia police dept. While there, she has engaged in community outreach with grade-school children, created science webinars, and represented her new city as Miss Philadelphia in 2020.

Austin Pendleton - Warren native, is an American actor, playwright, theatre director and instructor. He is a Tony Award nominee and the recipient of Drama Desk and Obie Awards. His 6-decade spanning career also includes work in film, television, and new media.

Marc Routh - This theatrical producer, entrepreneur, and professor from Girard cut his teeth at the Youngstown Playhouse before going on to success on Broadway and London's West End. He was the producer for such notable, award-winning hits as the original Broadway productions of *The Band's Visit*, *Amelie*, and *Anastasia*. These shows are only part of his extensive and successful resume. Mr. Routh holds two Tony Awards, and is the founder of Broadway Asia and the R/F/B/V group.

Aliyah Sabree is a judge at the 36th District Court in Detroit, MI and presides over the twelve-member traffic/criminal division. Prior to her current position, this YSU alumna has an extensive record of service to Wayne County and Detroit, including time as an Associate General Counsel for the Detroit Water and Sewerage Department, the Mayor's Liaison to the City Council, the Attorney Advisor to the Detroit Board of Police Commissioners and time as an Assistant Prosecuting Attorney in the Special Operations Division for the Wayne County Prosecutor's Office.

Mel Watkins, Born in Memphis but raised in Youngstown, was the first African-American editor of NYTimes book review. He has a notable career as an author, historian, and essayist. Some of his notable books include *Stepin Fetchit: The Life and Times of Lincoln Perry*; *Dancing with Strangers*, a Literary Guild Selection; and the highly acclaimed *On the Real Side: A History of African American Comedy*.

Kelly Ziccardi is an engineer at Honda of America Mfg., Inc. (HAM), and currently serves as a New Model Project Leader in the New Model Department at Honda's Marysville Auto Plant (MAP). Born and raised in Ohio, Ziccardi grew up in Mineral Ridge and attended Youngstown State University on a valedictorian scholarship. She was named Youngstown State University's Engineering Woman of the Year for the graduating class of 2007, based on scholarship, service, and engineering achievement.



**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 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.

**Board of Trustees Meeting
June 4, 2021
YR 2021- 74**

3356-8-01.1 - Exhibit A

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

Responsible Division/Office:	Student Affairs/Dean of Students
Responsible Officer:	Dean of Students and Ombudsperson
Revision History:	March 1998; December 2010; June 2016; September 2017; September 2020; June 2021
Board Committee:	Academic Excellence and Student Success
Effective Date:	June 3, 2021
Next Review:	2026

- (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 dean of students and ombudsperson (hereinafter referred to as the dean of students). The dean of students, 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 community standards and 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 assistant dean of students for community standards, advocacy, and conduct (hereinafter referred to as the assistant dean of students). 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 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 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.
 - (v) University conduct action may be carried out prior to, simultaneously with, or following civil or criminal proceedings.
 - (vi) 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.
- (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 dean of students or designee, in consultation with the associate vice president for student experience. The policies and regulations that apply to student groups/organizations are outlined in the “Penguin Student Handbook,” which houses all 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 dean of students, 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 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. See also university policy 3356-4-21 "Campus free speech"(rule 3356-4-21 of the Administrative Code) for harassment that is severe, pervasive, and objectively offensive).

- (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 student conduct process.
 - (f) Unwelcome or unreasonable behavior that harasses or intimidates a member of a student conduct body, participants, or witnesses prior to, during or after a student

conduct proceeding, and is sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person) viewpoint.

- (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 obstructs teaching, research, administration, or university activities or functions.
- (7) Drugs.
- (a) Use, possession, manufacturing, or distribution of marijuana, 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. Doing any act causing, forcing, soliciting, or coercing another, including the victim, to do any of the following for the

purposes of initiating, admitting, or affiliating an individual into or with an organization, continuing, or enhancing an individual's membership or status in an organization, or perpetuating or furthering a tradition or ritual of an organization:

- (a) Violate federal or state criminal law;
 - (b) Consume any food, liquid, alcoholic liquid, drug of abuse, or other substance which subjects the victim to a substantial risk of emotional or physical harm;
 - (c) Cause a substantial risk of emotional harm to another.
 - (d) Hazing does not include either of the following:
 - (i) Reasonable and customary organizational training, contests, competitions, or events;
 - (ii) Lawful expressive activity that is protected under the First Amendment to the United States Constitution, Section 11 of Article I of the Ohio Constitution, or sections 3345.0211 through 3345.0214 of the Revised Code.
- (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 unwelcome or unreasonable messages that harass or intimidate individuals or groups that are sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person) viewpoint.
 - (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., quid pro quo). An individual does not have to submit to the conduct for quid pro quo sexual harassment to occur.
 - (b) Unwelcome conduct determined by the reasonable person's standard to be so severe and pervasive 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. See university policy 3356-2-05 “Title IX sexual harassment policy” for definitions of consent, coercion, force, and incapacitation.

- (ii) Fondling. The touching of the private body parts of another person for sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their 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 is 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 their 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) 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. 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.
- (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 3356-2-05 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 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 community standards and 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.

- (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 the 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, and if the case does not warrant suspension or expulsion, 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 conference 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, or denies the sanction(s), the conduct officer will refer the case for a student conduct board hearing. If the case warrants suspension/expulsion, the case will automatically be referred for a student conduct board hearing.

- (d) Complainants, or harmed parties in a case, are also scheduled for a conduct conference with the conduct officer assigned to review the allegation. This meeting occurs prior to the respondent's conduct conference and serves to provide the complainant with the opportunity to discuss the allegations that led to the referral. The complainant 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 respondent should the charges be substantiated. The complainant 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; and
 - (iii) Statement of rights and responsibilities.
- (e) If a respondent accepts responsibility for the charges and agrees to the sanctions issued by the conduct officer, the complainant will be notified in writing of the outcome of the respondent's conduct conference. If the respondent denies responsibility for one or more of the charges, or denies the sanction(s), the complainant will be invited to participate in a student conduct board hearing. If the case warrants suspension/expulsion, the case will automatically be referred for a student conduct board hearing, for which the complainant will receive notice.
- (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 the respondent is found responsible for the charge(s). All hearings are closed to the public, except for 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 a combination of trained faculty, staff, and students. Each student conduct board hearing will have a

faculty/staff 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, if 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 will remain present 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 paragraph 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, complainant, and respondent will then present any relevant witnesses or documentary information. The conduct officer, complainant and respondent will each, in turn, have the opportunity to ask questions regarding the information presented.
 - (vi) The complainant and respondent, in turn, will have the opportunity to cross-examine one another. If the complainant and respondent have mutual no-contact orders against one another, questions for opposing parties will be submitted to the hearing panel chair in writing.
 - (vii) The conduct officer will have an opportunity to make a summary statement including any sanctioning recommendations.
 - (viii) 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).
 - (iv) Written notification of the decision will be sent to the complainant and respondent 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 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 community standards and student conduct to communicate directly with the advisor. The advisor may not

actively participate in the student conduct process on behalf of the student.

- (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 two university working days in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within five 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. The advisor may not actively participate in the student conduct process on behalf of the student.
 - (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 two university working days in advance of the initially scheduled proceeding. Rescheduled

proceedings will generally occur within five 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 to provide relevant information.
 - (x) The opportunity to submit a written or recorded impact statement for use in a hearing, even if the complainant chooses not to attend the hearing.
 - (xi) To question any witness who participates as part of a hearing.
 - (xii) The right to appeal.
- (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 the case of witnesses) or notice is provided in advance (in the case of complainants and respondents).
 - (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) Complainants and 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 to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to accessibility services. Students do not have to disclose information about the complaint or charge 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 accessibility services staff and implemented in consultation with the office of community standards and 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 community standards and 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 paragraph (E)(9) of this policy. 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 loss of good standing. Notice in writing that the violation of university regulations is 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 and 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) Residential probation. Issued to students living in university-owned or university-sponsored housing. 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/lease policies may result in imposition of additional restrictions or conditions, residential suspension, or residential expulsion.
- (vii) Guest restriction. Issued to students living in university-owned or university-sponsored housing. Residential students are restricted from signing in to other residential communities as guests for a designated period.
- (viii) Host restriction. Issued to students living in university-owned or university-sponsored housing. Residential students are restricted from hosting other guests for a designated period.
- (ix) Relocation. Issued to students living in university-owned or university-sponsored housing. Requiring a student to move to another floor, residence hall, or apartment because of community disruption.
- (x) Deferred residential suspension. Issued to students living in university-owned or university-sponsored housing. Separation of the student from the residential community is deferred for a specified period. If the student is found responsible for any subsequent violations of “The Student Code of

Conduct,” residential suspension is automatically issued as a sanction.

- (xi) Residential suspension. Issued to students living in university-owned or university-sponsored housing. Separation of the student from the residence halls for a specified period 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.
- (xii) University suspension. Separation of the student from the university for a specified period 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 during the period of suspension.
- (xiii) Residential expulsion. Issued to students living in university-owned or university-sponsored housing. Permanent separation of the student from the residential community. An expulsion denies the student access to all university housing facilities on a permanent basis. This may include residential dining facilities.
- (xiv) 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.
- (xv) 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.

- (xvi) 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.
 - (xvii) 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 dean of students, or designee, 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.
 - (xviii) No-contact order. The student is restricted from making contact in any verbal, written, electronic, third-party, 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. No-contact orders are always issued mutually to involved parties.
 - (xix) Parental/guardian notification. The office of community standards and student conduct staff will coordinate parental/guardian notification in cases of alcohol use or drug use when the student is under 21 years of age, their behavior demonstrates a risk of harm to self or others, or constitutes a violation of law involving a controlled substance.
- (b) More than one of the sanctions listed in paragraph (E)(7) of this policy 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.
 - (d) 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 dean of students, or designee, may impose an interim measure prior to a student conduct board hearing or conduct conference. This includes university or residential 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 physical 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 submitted via electronic form to the office of community standards and 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 live 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 may be reviewed electronically via secure link sent by the office of community standards and student conduct.
- (g) 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 to the office of

community standards and student conduct, 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 will review the appeal to determine whether one of the grounds listed in this policy has been met.
 - (j) If an appellate hearing panel 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, if new information, sufficient to alter a decision or other relevant facts not presented in the original hearing, becomes available, because such information and/or facts were not known by the appellant at the time of the original hearing.
 - (ii) Uphold the original decision.
 - (iii) Alter the findings/sanctions issued by the original hearing panel.
 - (k) If the appellate hearing panel 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 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. This may be a deputy conduct officer, as described above.

- (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 investigate 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) Student conduct records shall be expunged seven years after final disposition of the case, excluding students who were sanctioned with residential suspension, residential 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 immediate removal of all files contained in their student conduct records if the following conditions are met:
 - (i) The violation(s) was determined to not have threatened or endangered the health or safety of any person, including sexual misconduct
 - (ii) University or residential suspension and/or expulsion or revocation or withholding of a degree were not issued as sanctions
 - (iii) All sanction requirements, including associated probationary periods, have been completed

- (i) An online petition form is completed and submitted to the office of community standards and student conduct

The student may appeal a negative response of the student conduct officer to the student conduct administrator.

- (b) Records regarding university suspension or university expulsion of a student group/organization shall be kept indefinitely.
 - (c) All material gathered from a substantiated conduct case (residential, 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, or 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 community standards and 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 community standards and student conduct may 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 twenty-one 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 community standards and 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 community standards and 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 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 division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury.

Students found responsible for violations of the serious misconduct policy will face, at minimum, a sanction of 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 dean of students, or designee, for permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on 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 dean of students, or designee, 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) Time frame. The process outlined below is expected to occur within ninety 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, email, in person, by telephone or electronically at 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 paragraph (F)(10) of this policy.
 - (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 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 calendar days prior to any hearing. Either party can submit a written response to the investigator during these ten 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 loss of good standing, restitution, educational sanctions, residential suspension, university suspension, residential expulsion, university expulsion, revocation of admission and/ or degree, withholding degree, and fines.
 - (ii) 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 division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury. Students found responsible for violations of the serious misconduct policy will face, at minimum, a sanction of 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 dean of students, or designee, for

permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on 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 dean of students, or designee, for permission to participate in extracurricular activities and employment.

- (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 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 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 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:
- (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 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 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 in this paragraph.
- (c) The process outlined in this paragraph 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 two university working days 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 video conference, as appropriate. The faculty member may consult with the judicial chair of the academic grievance subcommittee or the office of community standards and 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 community standards and 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 community standards and student conduct to be placed in the student's file. The office of community standards and 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 in this paragraph.
- (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 community standards and 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 community standards and

student conduct and forwarded to the judicial chair to initiate a hearing before the academic grievance subcommittee. A representative from the office of community standards and 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 dean of students, or designee, and may serve up to three years on the subcommittee. 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 community standards and student conduct.
 - (ii) At least 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, or designee, 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 office of community standards and student conduct.
 - (c) Within two university working days of receiving the statement and evidence, the judicial chair, or designee, 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 hearing packet.
 - (d) A hearing date, time, and location for the academic grievance subcommittee hearing will be established by the judicial chair, or designee. Academic grievance subcommittee members shall have a minimum of three university working days to review all written materials in

the academic integrity hearing 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 or recorded 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 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 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/guardian, 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/guardian 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 to provide equal treatment to all parties. This may include either teleconference or video conferencing platforms, 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 community standards and 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 community standards and 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 community standards and student conduct, the graduate school dean when appropriate, the 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 community standards and 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, the office of community standards and 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 community standards and 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. Sanctions for violations of the academic integrity policy may include, but are limited to, the following:
- (a) Issuing 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, the office of community standards and 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 community standards and 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 near 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 community standards and student conduct. The results of the “1219 hearing” discussed in this paragraph 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 previously noted, 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 community standards and 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. If the student is not under an interim suspension or has been found not 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 community standards and 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 their 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 used 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, 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 community standards and 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 dean of students, 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 because of parental/guardian notification.
 - (c) The notification will be provided in writing from the office of community standards and 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 community standards and 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 Student Code of Conduct” to the dean of students, or designee. The dean of students, or designee, shall distribute the recommendation to the appropriate areas and gather feedback. If the change is endorsed by the dean of students, or designee, 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 party harmed by the actions of a student who allegedly 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 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 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 as 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,” 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 enrolled at the university.
- (20) The term “student conduct administrator” is the dean of students, 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 assistant dean of students for community standards, advocacy, and 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 terms “university” or “institution” mean Youngstown state university and collectively those responsible for its operation.
- (25) 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) 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) The term “university working day” refers to any day of the week excluding Saturdays, Sundays, or official holidays.
- (28) 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) 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 <u>Student Affairs/Dean of Students</u>
Responsible Officer:	Dean of Students and Ombudsperson <u>VP for Student Affairs</u>
Revision History:	March 1998; December 2010; June 2016; September 2017; September 2020; <u>June 2021</u>
Board Committee:	Academic Excellence and Student Success
Effective Date:	September 3, 2020 <u>June 3, 2021</u>
Next Review:	2025 <u>2026</u>

- (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~~ dean of students and ombudsperson (hereinafter referred to as the dean of students). ~~—The dean of students 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 community standards and 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 assistant dean of students for community standards, advocacy, and conduct (hereinafter referred to as the assistant dean of students) ~~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 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:

~~Since the university student conduct process is educational in nature, differing judgments may result.~~

- (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.
 - (v) University conduct action may be carried out prior to, simultaneously with, or following civil or criminal proceedings.
 - (vi) 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.
- (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 dean of students or designee, in consultation with the vice president for student affairs~~associate vice president for student experience, 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~~dean of students, 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. See also university policy 3356-4-21 "Campus free speech" (rule 3356-4-21 of the Administrative Code) for "campus free speech policy" for harassment that is severe, pervasive, and objectively offensive).
- (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~~during the student conduct process.
 - (f) Unwelcome or unreasonable behavior that harasses or intimidates a member of a student conduct body, participants, or witnesses prior to, during or after a student conduct proceeding, and is sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person) viewpoint.~~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. Doing any act causing, forcing, soliciting, or coercing another, including the victim, to do any of the following for the purposes of initiating, admitting, or affiliating an individual into or with an organization, continuing, or enhancing an individual's membership or status in an organization, or perpetuating or furthering a tradition or ritual of an organization:
 - (a) Violate federal or state criminal law;
 - (b) Consume any food, liquid, alcoholic liquid, drug of abuse, or other substance which subjects the victim to a substantial risk of emotional or physical harm;
 - (c) Cause a substantial risk of emotional harm to another.
 - (d) Hazing does not include either of the following:
 - (i) Reasonable and customary organizational training, contests, competitions, or events;
 - (ii) Lawful expressive activity that is protected under the First Amendment to the United States Constitution, Section 11 of Article I of the Ohio Constitution, or sections 3345.0211 through 3345.0214 of the Revised Code.

~~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 unwelcome or unreasonable messages that harass or intimidate individuals or groups that are sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person) viewpoint. ~~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., quid pro quo). An individual does not have to submit to the conduct ~~in order for~~ quid pro quo sexual harassment to occur.
 - (b) Unwelcomed conduct determined by the reasonable person's standard to be so severe, ~~and~~ 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. See university policy 3356-2-05 "Title IX sexual harassment policy" on sexual harassment for definitions of consent, coercion, force, and incapacitation.
 - (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~~ their age or because of ~~his/her~~ their 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 is 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/their 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 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)~~(f) 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.~~

~~(e) — 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 3356-2-05 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~~ 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~~ the office of community standards and 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 the 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, and if the case does not warrant suspension or expulsion, the respondent will have an opportunity to accept or deny responsibility for the charge(s).
- (c) _____
- (e) — 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 conference 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, or denies the sanction(s), the conduct officer will refer the case for a student conduct board hearing. If the case warrants suspension/expulsion, the case will automatically be referred for a student conduct board hearing.
- (d) Complainants, or harmed parties in a case, are also scheduled for a conduct conference with the conduct officer

assigned to review the allegation. This meeting occurs prior to the respondent's conduct conference and serves to provide the complainant with the opportunity to discuss the allegations that led to the referral. The complainant 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 respondent should the charges be substantiated. The complainant 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; and
- (iii) Statement of rights and responsibilities.

(e) If a respondent accepts responsibility for the charges and agrees to the sanctions issued by the conduct officer, the complainant will be notified in writing of the outcome of the respondent's conduct conference. If the respondent denies responsibility for one or more of the charges, or denies the sanction(s), the complainant will be invited to participate in a student conduct board hearing. If the case warrants suspension/expulsion, the case will automatically be referred for a student conduct board hearing, for which the complainant will receive notice.

(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~~ whether the respondent is found responsible for the charge(s). All hearings are closed to the public, ~~with the exception of~~ except for 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 a combination of trained faculty, staff, and students. Each student conduct board hearing will have a faculty/staff 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 if~~ 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 will remain present~~ 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 paragraph 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, complainant, and respondent will then present any relevant witnesses or documentary information. The conduct officer, respondent and complainant and respondent 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)~~(vi) The ~~respondent and complainant~~complainant and respondent, in turn, will have the opportunity to cross-examine one

another. If the complainant and respondent have mutual no--contact orders against one another, questions for opposing parties will be submitted to the hearing panel chair in writing.

~~(viii)~~(vii)——The conduct officer will have an opportunity to make a summary statement including any sanctioning recommendations.

~~(ix)~~(viii)——The complainant will have an opportunity to make a summary statement including any sanctioning recommendations.

~~(x)~~(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 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) ~~(iv)~~ Written notification of the decision will be sent to the ~~respondent and complainant~~complainant and respondent 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~~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~~the office of community standards and student conduct to communicate directly with the advisor. ~~The advisor may not actively participate in the student conduct process on behalf of the student.~~

(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~~^{two} ~~university~~ working days in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within ~~three~~^{five} 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. The advisor may not actively participate in the student conduct process on behalf of the student.
 - (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~~ two university working days in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within ~~three-five~~ three-five 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 or recorded impact statement for use in a hearing, even if the complainant chooses not to attend the hearing.
- (xi) To question any witness who participates as part of a hearing.
- (xii) The right to appeal.

- (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 the case of witnesses) or notice is provided in advance (in the case of complainants and respondents).
 - (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~~Complainants and 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~~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~~accessibility 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~~accessibility -services staff and implemented in consultation with ~~the office of student conduct~~the office of community standards and 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~~the office of community standards and 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 paragraph (E)(9) of this policy. 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~~ loss of good standing.** Notice in writing that the violation of university regulations is 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 and 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)~~(vi) _____ ——— ~~Residence hall~~Residential probation. Issued to students living in university-owned or university-sponsored housing. —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/lease -policies may result in imposition of additional restrictions or conditions, ~~residence hall~~residential suspension, or ~~residence hall~~residential expulsion.

~~(viii)~~(vii) _____ ——— Guest restriction. ~~Residence hall~~Issued to students living in university-owned or university-sponsored housing. Residential students are restricted from signing in to other residential communities as guests for a designated ~~period of time~~period.

~~(ix)~~(viii) _____ ——— Host restriction. ~~Residence hall~~Issued to students living in university-owned or university-sponsored housing. Residential students are restricted from hosting other guests for a designated ~~period of time~~period.

~~(x)~~(ix) ————Relocation. Issued to students living in university-owned or university-sponsored housing. Requiring a student to move to another floor, residence hall, or apartment ~~as a result of~~because of community disruption.

~~(xi)~~(x) ————Deferred ~~residence hall~~residential suspension. Issued to students living in university-owned or university-sponsored housing. Separation of the student from the ~~residence halls~~residential community is deferred for a specified ~~period of~~timeperiod. ~~—If the student is found responsible for any subsequent violations of “The Student Code of Conduct,”~~ ~~residence hall~~residential suspension ~~takes effect immediately and may not be appealed.~~is automatically issued as a sanction.

~~(xii)~~(xi) ————~~Residence hall~~Residential suspension. Issued to students living in university-owned or university-sponsored housing. Separation of the student from the residence halls for a specified ~~period of~~timeperiod 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)~~(xii) ————University suspension. Separation of the student from the university for a specified ~~period of~~timeperiod 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 during the period of suspension.

~~(xiv)~~(xiii) ————~~Residence hall~~Residential expulsion. Issued to students living in university-owned or

university-sponsored housing. —Permanent separation of the student from the ~~residence halls~~residential community. An expulsion denies the student access to all university housing facilities on a permanent basis. This may include residential dining facilities.

~~(xv)~~(xiv) _____ 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)~~(xv) _____ 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)~~(xvi) _____ 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)~~(xvii) _____ 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~~dean of students, or designee, 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)~~(xviii) _____ No-contact order. The student is restricted from making contact in any verbal, written, electronic, ~~third-party~~, 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. No-contact orders are always issued mutually to involved parties.

~~(xx)~~(xix) _____ Parental/guardian notification. ~~Student conduct~~CommunityThe office of community -standards and student conduct staff will coordinate ~~the~~ parental/guardian -notification in cases of alcohol use or drug use when the ~~student~~student is under 21 years of age, their t's behavior demonstrates a risk of harm to self or others, or ~~any-constitutes a~~ violation of law involving a controlled substance.

- (b) More than one of the sanctions listed in paragraph (E)(7) of this policy 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~~ timeperiod.
- (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 dean of students, or designee, may~~ impose an interim measure prior to a student conduct board hearing or conduct conference. This includes university or ~~residence hall~~residential 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 physical 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~~ submitted via electronic form to the office of community standards and 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 live 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.~~ may be reviewed electronically via secure link sent by the office of community standards and 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~~ hearing panel. An appellate ~~hearing panel~~ 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 to the office of community standards and student conduct, 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~~ 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~~ 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, if new information, sufficient to alter a decision or other relevant facts not presented in the original hearing, becomes available, because such information and/or facts were not known by the appellant at the time of the original hearing.~~
 - ~~(ii)~~ (ii) ——— Uphold the original decision.
 - (iii) Alter the findings/sanctions issued by the original hearing panel.
 - (k) If the appellate ~~hearing panel~~ 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~~ 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.
This may be a deputy conduct officer, as described above.

- (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~~investigate 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~~residential suspension, residential expulsion, university ~~s~~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 immediate removal of all files contained in their student conduct records if the following conditions are met:
- (i) The violation(s) was determined to not have threatened or endangered the health or safety or any person, including sexual misconduct
- (ii) University or residential suspension and/or expulsion or revocation or withholding of a degree were not issued as sanctions

- (iii) All sanction requirements, including associated probationary periods, have been completed
 - (i) An online petition form is completed and submitted to the office of community standards and student conduct
- _____ The student may appeal a negative response of the student conduct officer to the student conduct administrator.
- (b) Records regarding university ~~expulsion-suspension~~ or university ~~suspension-expulsion~~ of a student group/organization shall be kept indefinitely.
 - (c) All material gathered from a substantiated conduct case (~~residence-hall~~residential, 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, or 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~~CommunityThe office of community standards and 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~~ the office of community standards and student conduct ~~will may~~ 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 twenty-one 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~~ the office of community standards and 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 community standards and student conduct ~~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 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 division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury.

Students found responsible for violations of the serious misconduct policy will face, at minimum, a sanction of 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 dean of students, or designee, for permission to participate in extracurricular activities and employment.

~~Additional parameters will be~~ Students returning from a sanction of suspension will automatically be placed ~~upon students returning from suspension for violations of serious misconduct, including on~~ 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~~ dean of students, or designee, -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) Time frame. The process outlined below is expected to occur within ninety 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, email, in person, by telephone or electronically at 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 paragraph (F)(10) of this policy.
 - (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 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 calendar days prior to any hearing. Either party can submit a written response to the investigator during these ten 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~~ loss of good standing, restitution, educational sanctions, ~~deferred suspension~~, ~~residence hall~~ residential suspension, university suspension, ~~residence hall~~ residential expulsion, university expulsion, revocation of admission and/or degree, withholding degree, and fines.
 - (ii) 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 division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury. Students found responsible for violations of the serious

misconduct policy will face, at minimum, a sanction of 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 dean of students, or designee, for permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on 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 dean of students, or designee, for permission to participate in extracurricular activities and employment. 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 division (A) of section 2923.11 of the Revised Code, 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 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 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 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:
- (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 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 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 in this paragraph.
 - (c) The process outlined in this paragraph 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~~^{two} university working days~~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 video conference, as appropriate. The faculty member may consult with the judicial chair of the academic grievance subcommittee or ~~the office of student conduct~~the office of community standards and 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~~the office of community standards and 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~~the office of community standards and student conduct to be placed in the student's file. ~~The office of student conduct~~Community~~Community~~The office of community standards and 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 in this paragraph.
- (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~~ the office of community standards and 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~~ the office of community standards and 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~~ the office of community standards and 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 ~~v~~ice ~~president for student affairs~~ dean of students, or designee, and ~~serve a two-year term~~ may serve up to three years on the subcommittee. 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~~ the office of community standards and student conduct.
 - (ii) ~~One~~ At least 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, or designee, shall ~~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~~ the office of community standards and student conduct.
- (c) Within two university working days of receiving the statement and evidence, ~~the judicial chair~~ the judicial chair, or designee, -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 hearing packet.
- (d) A hearing date, time, and location for the academic grievance subcommittee hearing will be established by the judicial chair, or designee. Academic grievance subcommittee members shall have a minimum of three university working days to review all written materials in the academic integrity hearing 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 or recorded 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~~ 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~~ 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/guardian, 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/guardian 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~~ video conferencing platforms, 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~~ the office of community standards and 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~~the office of community standards and 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~~the office of community standards and student conduct, the graduate school dean when appropriate, the 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~~ the office of community standards and 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~~the office of community standards and 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~~the office of community standards and 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~~ Issuing 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~~ the office of community standards and 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~~ the office of community standards and 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~~ near 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~~ 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 office of community standards and student conduct. The results of the “1219 hearing” discussed in this paragraph 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 previously noted, 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~~the office of community standards and 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~~If the student is not under an interim suspension or has been found not 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 office of community standards and 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~~their 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 used 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~~Community~~Community~~The office of community standards and 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~~The dean of students, 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~~because of parental/-guardian notification.
 - (c) The notification will be provided in writing from ~~the office of student conduct~~the office of community standards and 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~~Community~~Community~~The office of community standards and 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 Student Code of Conduct” to the ~~vice president for student affairs~~dean of students, or designee. The ~~vice president for student affairs~~dean of students, or designee, shall distribute the recommendation to the appropriate areas and gather feedback. If the change is endorsed by the ~~vice president for student affairs~~dean of students, or designee, 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~~party harmed by the actions of a student who allegedly 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 situations~~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 as 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~~whether actually enrolled at the university.
- (20) The term “student conduct administrator” is the ~~vice president for student affairs,~~ dean of students, 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~~ assistant dean of students for community standards, advocacy, and 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.~~

- ~~(2524)~~ The terms “university” or “institution” mean Youngstown state university and collectively those responsible for its operation.
- ~~(2625)~~ 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.
- ~~(2726)~~ 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.
- ~~(2827)~~ The term “university working day” refers to any day of the week excluding Saturdays, Sundays, or official holidays.
- ~~(2928)~~ 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).
- ~~(3029)~~ All other terms have their natural meaning unless the context otherwise dictates.



Explanation of Modifications to University Policy:

3356-8-01.1 “The Student Code of Conduct”

The policy was modified to use gender neutral pronouns throughout the policy, to update the titles of the responsible division/office, responsible officer, and other university officials; to remove language that does not reflect the current appellate process, to rearrange existing sections of *The Student Code of Conduct* (Code) for clarity, to reference the recently revised 3356-4-21 Campus free speech policy, to apply a consistent definition of “harassment” throughout the Code, to provide two additional business days for holding rescheduled student disciplinary proceedings from three to five business days, and to extend the time of service for undergraduate student conduct board members from two to three years.

Other modifications were made to the policy to describe the complainant conference meetings included in the student conduct process, to clarify the role of advisors in the student conduct process, to enumerate the complainant’s right to question witnesses and to appeal during the student conduct hearing process, to delineate the specific sanctions for serious misconduct, to expand and clarify the definition of “hazing,” to remove deferred suspension from the university as a sanction because of due process concerns, to establish new procedures and criteria for expungement of student conduct records after graduation, and to empower the appellate hearing panel to alter findings and sanctions issued by the original hearing panel.

**Board of Trustees Meeting
June 3, 2021
YR 2021**

End of Academic Affairs and Student Success Committee

INSTITUTIONAL ENGAGEMENT COMMITTEE

Chairperson Hackstedde noted that the Institutional Engagement Committee was recommending two resolutions for adoption by the board:

- **Resolution to Accept WYSU Memberships YR 2021 - 75**
- **Resolution to Accept Gift of Real Estate YR 2021 - 76**

There being no objection thereto, the chairperson declared the resolutions adopted by general consent.

The above resolutions and exhibits follow.

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 A 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.

Resolution to Accept WYSU Memberships - Exhibit A

**University Memberships
Executive Summary
Fiscal Year 2020-2021
July 1, 2020 - March 31, 2021**

Memberships Received	Number of Members	Amount
WYSU-FM	1,073	\$279,236
Total WYSU-FM	1,073	\$279,236
** \$15,782 in Annual Fund Gifts to WYSU are not included in these totals.		

**UNIVERSITY MEMBERSHIPS
EXECUTIVE SUMMARY
Fiscal Year 2019-2020
July 1, 2019-March 31, 2020**

Memberships Received	Number of Members	Amount
WYSU-FM	1,211	\$ 203,759
Total University Members	1,211	\$ 203,759

RESOLUTION TO ACCEPT GIFT OF REAL ESTATE

WHEREAS, Youngstown State University Board of Trustees policy provides that the Board of Trustees may be the recipient of gifts of real estate as determined by the President and as recommended to the Institutional Engagement Committee of the Board of Trustees; and

WHEREAS, the Youngstown State University Foundation owns real estate located within the University's campus as identified on the property map ("Real Estate") attached hereto as Exhibit A; and

WHEREAS, the Youngstown State University Foundation seeks to gift the Real Estate to the Board of Trustees for use by the University; and

WHEREAS, the President recommends that the Board of Trustees accept the gift of Real Estate from the Youngstown State University Foundation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby accept the gift of Real Estate from the Youngstown State University Foundation.

Gift Declaration: Properties to be Gifted from YSU Foundation to YSU

- YSU Foundation to YSU
- YSU Owned
- Other Parcels

W WOOD ST Property

WATT ST Property

Exhibit A



0 100 200 300
Feet



Prepared by:
Youngstown State University
Department of Humanities
Geography and Urban-
Regional Studies Program
Source: Mahoning County
Enterprise GIS files, Auditor
2017 orthophoto
4/27/2021 1:08 PM

UNIVERSITY AFFAIRS COMMITTEE

Chairperson Hackstedde noted that the University Affairs Committee was recommending eight resolutions for adoption by the board:

- **Resolution to Ratify Personnel Actions - Athletics**
- **Resolution to Modify Development and Issuance of University Policies Policy 3356-1-09**
- **Resolution to Modify Discrimination/Harassment Policy, 3356-2-03**
- **Resolution to Modify Title IX Sexual Harassment Policy, 3356-2-05**
- **Resolution to Modify Sensitive Information/Information Security Policy, 3356-4-13**
- **Resolution to Modify and Retitle Supplemental Pay from Externally Funded Grants, Sponsored Programs and Contracts for Faculty and Professional/Administrative Staff Policy, 3356-7-48**
- **Resolution to Authorize Conferral of Emeritus Status for Faculty and Administrators**
- **Resolution to Ratify Personnel Actions**

There being no objection thereto, the chairperson declared the resolutions adopted by general consent.

The above resolutions and exhibits follow.

**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 March 4, 2021, meeting of the Board of Trustees; and

WHEREAS, such personnel actions are in accordance with the 2020-2021 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 A attached hereto.

Resolution to Ratify Personnel Actions - Exhibit A

SUMMARY OF PERSONNEL ACTIONS Athletics Employees 1/16/21 through 4/15/21

Separations – 1

- Professional Administrative Externally Funded – 1

**YOUNGSTOWN STATE UNIVERSITY
ATHLETICS EMPLOYEES
PERSONNEL ACTIONS 1/16/21 THROUGH 4/15/21
SEPARATIONS**

EMPLOYEE NAME	EMPLOYEE TYPE	POSITION TITLE	DEPARTMENT	DATE OF SEPARATON	FTE	SALARY	TYPE OF SEPARATION
Froehlich, Rachel	Externally Funded	Program Manager	Athletic Administration	3/3/2021	1.00	\$ 40,800.00	Resignation



**RESOLUTION TO MODIFY
DEVELOPMENT AND ISSUANCE OF UNIVERSITY POLICIES POLICY,
3356-1-09**

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 Development and Issuance of University Policies 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 Development and Issuance of University Policies, policy number 3356-1-09, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

3356-1-09 - Exhibit A

3356-1-09 Development and issuance of university policies.

Responsible Division/Office: Office of Equal Opportunity and Policy
Development
Responsible Officer: General Counsel
Revision History: June 1997; March 2007; March 2011;
December 2014; June 2021
Board Committee: University Affairs
Effective Date: June 3, 2021
Next Review: 2026

- (A) Policy statement. All university policies and rules fall within a greater hierarchy of laws, statutes and regulations. The Youngstown state university board of trustees has been authorized by the Ohio legislature to do all things necessary for the creation, proper maintenance, and successful continuous operation of the university (section 3356.03 of the Revised Code). As may be appropriate, the board of trustees exercises its governance authority through the issuance of university policies. All university policies shall be developed, approved, and published in accordance with the standards and format set forth in this policy and as required by the Ohio legislative service commission (“LSC”).
- (B) Purpose. To provide a procedure for the development and enactment of university policies in order to maintain accountability and consistency.
- (C) This policy applies to all university divisions, colleges, departments, sections, units, or any other categories within the university and to all individuals within these categories seeking to develop, enact, revise, or review university policies.
- (D) Definitions.
- (1) “University policy” – a written directive or governing principle that is formally approved by the board of trustees, which has broad application throughout the university. Policies connect the university’s goals and mission to individual conduct, fiscal responsibility, and institutional expectations, and support compliance with laws and regulations.

- (2) “Policy statement” – a concise statement of principles, values, and/or intent that provide context for the policy.
 - (3) “Purpose” – a brief explanation of why the policy is needed.
 - (4) “Procedure” – the operational processes required to implement a policy including any required training. A procedure may be included in the policy or an administrative unit or officer may be charged with developing procedures to implement the policy.
 - (5) “Guidelines” – statements which are necessary to clarify and explain the policy (also known as parameters).
 - (6) “Scope” – defines what entities or individuals are covered by a policy.
 - (7) “Responsible division or office” – the university unit charged with the development and administration of a policy and its procedures.
 - (8) “Responsible officer” – the highest-ranking university officer charged with administrative responsibility for a policy that falls within his/her administrative unit, typically a divisional vice president or chief officer.
 - (9) “Board committee” – the committee of the board of trustees with purview over those matters of university operations which are the subject matter of the policy.
 - (10) “Non-significant policy changes” - amendments or corrections to a policy designed to improve the clarity or address errors or omissions of information such as changes to reflect institutional organizational changes, website links, paragraph and outline numbering, and references to new related laws, regulations, rules, executive orders, collective bargaining agreement language, and other policies and procedures.
- (E) Procedure.
- (1) A new university policy or a proposed revision or rescission of an existing policy may be initiated by the division, office or officer

that has responsibility for the policy. (hereinafter, the “policy initiator”).

- (2) The formal submission of a policy to the board of trustees shall originate from the president, a divisional vice president or senior executive, or the board of trustees. However, an appropriate designee may be named to manage the policy through the development, submission, and issuance process.
- (3) Each divisional vice president or senior executive is responsible for ensuring that all existing policies assigned to their division are reviewed on a five-year cycle. A policy may be reviewed or rescinded or a new policy proposed at any time in response to university needs or statutory requirements.
- (4) Proposed revisions to existing policies shall be clearly identified and contrasted with existing language.
- (5) Policy initiators may forward the draft policy to their administrative units for timely review and comment. Comments are to be returned to the policy initiator.
- (6) The policy initiator may utilize any appropriate council, committee, or forum to obtain campus-wide perspective or input.
- (7) Divisional vice-presidents shall review a draft copy of the policy or a policy proposed for revision with the president for timely review and feedback prior to submission to the board of trustees.
- (8) During the review process, the policy initiator may incorporate relevant modifications which are consistent with existing policies and applicable regulations. If the policy is further modified, a draft will again be circulated to the president for final review.
- (9) Prior to submission to the board of trustees, the policy shall be presented to the appropriate board committee for review and comment.
- (10) At the conclusion of the review process and prior to submission to the board of trustees for approval, the policy initiator shall incorporate those proposed revisions which are relevant,

reasonable, and consistent with existing policies and applicable regulations.

- (11) The responsible officer or their designee shall submit the final draft to the board of trustees for approval.
 - (12) The university office responsible for policy development shall monitor and assist the appropriate responsible officer or designee and/or the policy initiator through the development, submission, and issuance process.
 - (13) Following approval by the board of trustees, the policy will be filed with the legislative service commission and posted on the university webpage designated for university policies and rules (see paragraph H of this policy).
- (F) Policy format.
- (1) Policies shall be written, numbered, and submitted for LSC filing in accordance with LSC requirements.
 - (2) All policies shall be submitted for internal review and posting in LSC format and with a header containing the following information:
 - (i) Responsible division/office;
 - (ii) Responsible officer;
 - (iii) Revision history;
 - (iv) Board committee;
 - (v) Effective date; and
 - (vi) Next review.
 - (3) The body of the policy shall conform to the following order and requirements:

- (i) Policy statement (required section);
- (ii) Purpose (required section unless self-evident from the policy title or statement);
- (iii) Scope (required section unless self-evident from the policy title or statement);
- (iv) Procedure (required; however, when an administrative unit/officer is charged with the development of procedures, then this assignment shall be noted);
- (v) Sections or information necessary to ensure comprehension of and compliance with the policy, such as definitions, guidelines, sanctions, reference to applicable regulations and/or university policies.

(G) Policy numbering system.

- (1) All Youngstown state university policies are numbered and begin with 3356, which denotes the Revised Code chapter by which the Ohio legislature created the university and the LSC agency number assigned to the university for filing purposes. The agency number (3356) is followed by two numbers, which designate, respectively, the area of administrative responsibility within the university (also known as the LSC chapter number) and the specific policy number. A policy which serves to supplement an original policy shall be assigned the number of the original policy followed by a period (.) and an additional digit (e.g., a supplemental policy to policy 01 would be numbered 01.1).
- (2) For purposes of this policy, the areas of administrative responsibility are assigned the following numbers:
 - (a) Governance (includes bylaws of the board of trustees and process-oriented elements of governing, such as drafting and numbering of university policies) – 01.
 - (b) Equal opportunity – 02.

- (c) Budget and finance – 03.
 - (d) Facilities – 04.
 - (e) Advancement – 05.
 - (f) Intercollegiate athletics – 06.
 - (g) Human resources – 07.
 - (h) Student affairs – 08.
 - (g) Administration and personnel – 09.
 - (h) Academic affairs – 10.
- (H) Posting/publication. The latest version of all university policies shall be posted on a university webpage designated for university policies and rules and shall be listed by policy number, administrative responsibility, and alphabetically by title. The office responsible for policy development shall oversee and maintain the official university policy and rule webpage.
- (I) Conflicts.
- (1) In the event of a conflict between a university policy and a school or departmental administrative or operational policy or rule, the university policy shall take precedence unless the school or department can demonstrate an overriding need for its policy and the use of the conflicting policy is approved by the president. The school or department shall notify the office of equal opportunity and policy development of the conflict and the office of equal opportunity and policy development shall take necessary action to correct the conflict where possible.

3356-1-09 Development and issuance of university policies.

~~Previous Policy Number: 0001.00~~
Responsible Division/Office: Office of Equal Opportunity ~~and~~ Policy
~~Compliance~~ Development
Responsible Officer: General Counsel
Revision History: June 1997; March 2007; March 2011;
December 2014; June 2021
Board Committee: University Affairs
Effective Date: ~~December 16, 2014~~ June 3, 2021
Next Review: ~~2019~~ 2026

- (A) Policy statement. All university policies and rules fall within a greater hierarchy of laws, statutes and regulations. The Youngstown state university board of trustees has been authorized by the Ohio legislature to do all things necessary for the creation, proper maintenance, and successful continuous operation of the university (section 3356.03 of the Revised Code). As may be appropriate, the board of trustees exercises its governance authority through the issuance of university policies. All university policies shall be developed, approved, and published in accordance with the standards and format set forth in this policy and as required by the Ohio legislative service commission (“LSC”).
- (B) Purpose. To provide a procedure for the development and enactment of university policies in order to maintain accountability and consistency.
- (C) This policy applies to all university divisions, colleges, departments, sections, units, or any other categories within the university and to all individuals within these categories seeking to develop, enact, revise, or review university policies.
- (D) Definitions.
 - (1) “University policy” – a written directive or governing principle that is formally approved by the board of trustees, which has broad application throughout the university. Policies connect the university’s goals and mission to individual conduct, fiscal responsibility, and institutional expectations, and support compliance with laws and regulations.

- (2) “Policy statement” – a concise statement of principles, values, and/or intent that provide context for the policy.
- (3) “Purpose” – a brief explanation of why the policy is needed.
- (4) “Procedure” – the operational processes required to implement a policy including any required training. A procedure may be included in the policy or an administrative unit or officer may be charged with developing procedures to implement the policy.
- (5) “Guidelines” – statements which are necessary to clarify and explain the policy (also known as parameters).
- (6) “Scope” – defines what entities or individuals are covered by a policy.
- (7) “Responsible division or office” – the university unit charged with the development and administration of a policy and its procedures.
- (8) “Responsible officer” – the ~~highest ranking~~ highest-ranking university officer charged with administrative responsibility for a policy that falls within his/her administrative unit, typically a divisional vice president or chief officer.
- (9) “Board committee” – the committee of the board of trustees with purview over those matters of university operations which are the subject matter of the policy.
- (10) “Non-significant policy changes” - amendments or corrections to a policy designed to improve the clarity or address errors or omissions of information such as changes to reflect institutional organizational changes, website links, paragraph and outline numbering, and references to new related laws, regulations, rules, executive orders, collective bargaining agreement language, and other policies and procedures.

(E) Procedure.

- (1) A new university policy or a proposed revision or rescission of an existing policy may be initiated by the ~~individual accountable for any department or unit, such as a chairperson, director, executive~~

~~director, senates, councils, and committees~~ division, office or officer that has responsibility for the policy (hereinafter, the “policy initiator”).

- (2) The formal submission of a policy to the board of trustees shall originate from the president, a divisional vice president or senior executive, or the board of trustees. However, an appropriate designee may be named to manage the policy through the development, submission, and issuance process.
- (3) Each divisional vice president or senior executive is responsible for ensuring that all existing policies assigned to ~~his/her~~their division are reviewed on a five-year cycle. A policy may be reviewed or rescinded or a new policy proposed at any time in response to university needs or statutory requirements.
- (4) Proposed revisions to existing policies shall be clearly identified and contrasted with existing language.
- (5) ~~A draft copy of the policy shall first be forwarded to the president, general counsel, the divisional vice presidents, and the responsible officer~~^[CAK1] ~~for timely review and feedback. These individuals~~Policy initiators may ~~also~~ forward the draft policy to their administrative units for timely review and comment. Comments are to be returned to the policy initiator.
- (6) The ~~president~~policy initiator may utilize any appropriate council, committee, or forum to obtain campus-wide perspective or input.
- ~~(7)~~ Divisional vice-presidents shall review a -draft copy of the policy or a policy proposed for revision with the president for timely review and feedback prior to submission to the board of trustees.
- ~~(7)~~(8) During the review process, the policy initiator may incorporate relevant modifications which are consistent with existing policies and applicable regulations. If the policy is further modified, a draft will again be circulated to the president, ~~general counsel, and divisional vice presidents~~ for final review.

- ~~(8)~~(9) Prior to submission to the board of trustees, the policy shall be presented to the appropriate board committee for review and comment.
- ~~(9)~~(10) At the conclusion of the review process and prior to submission to the board of trustees for approval, the policy initiator shall incorporate those proposed revisions which are relevant, reasonable, and consistent with existing policies and applicable regulations.
- ~~(10)~~(11) The responsible officer or ~~his/her~~their designee shall submit the final draft to the board of trustees for approval.
- ~~(11)~~(12) The university office ~~of equal opportunity and responsible for policy compliance or the office with current responsibility for university policies~~development shall monitor and assist the appropriate responsible officer or designee and/or the policy initiator through the development, submission, and issuance process.
- ~~(12)~~(13) Following approval by the board of trustees, the policy will be filed with the legislative service commission and posted on the university webpage designated for university policies and rules (see paragraph H of this policy).

(F) Policy format.

- (1) Policies shall be written, numbered, and submitted for LSC filing in accordance with LSC requirements.
- (2) All policies shall be submitted for internal review and posting in LSC format and with a header containing the following information:
 - (i) Responsible division/office;
 - (ii) Responsible officer;
 - (iii) Revision history;

- (iv) Board committee;
 - (v) Effective date; and
 - (vi) Next review.
- (3) The body of the policy shall conform to the following order and requirements:
- (i) Policy statement (required section);
 - (ii) Purpose (required section unless self-evident from the policy title or statement);
 - (iii) Scope (required section unless self-evident from the policy title or statement);
 - (iv) Procedure (required; however, when an administrative unit/officer is charged with the development of procedures, then this assignment shall be noted);
 - (v) Sections or information necessary to ensure comprehension of and compliance with the policy, such as definitions, guidelines, sanctions, reference to applicable regulations and/or university policies.
- (G) Policy numbering system.
- (1) -All Youngstown state university policies are numbered and begin with 3356, which denotes the Revised Code chapter by which the Ohio legislature created the university and the LSC agency number assigned to the university for filing purposes. The agency number (3356) is followed by two numbers, which designate, respectively, the area of administrative responsibility within the university (also known as the LSC chapter number) and the specific policy number. A policy which serves to supplement an original policy shall be assigned the number of the original policy followed by a period (.) and an additional digit (e.g., a supplemental policy to policy 01 would be numbered 01.1).

- (2) For purposes of this policy, the areas of administrative responsibility are assigned the following numbers:
- (a) Governance (includes bylaws of the board of trustees and process-oriented elements of governing, such as drafting and numbering of university policies) – 01.
 - (b) Equal opportunity ~~and diversity~~ – 02.
 - (c) Budget and finance – 03.
 - (d) Facilities – 04.
 - (e) Advancement – 05.
 - (f) Intercollegiate ~~athletic~~athletics – 06.
 - (g) Human resources – 07.
 - (h) Student affairs – 08.
 - (g) Administration and personnel – 09.
 - (h) Academic affairs – 10.
- (H) Posting/publication.
- ~~(1)~~ — The latest version of all university policies shall be posted on a university webpage designated for university policies and rules and shall be listed by policy number, administrative responsibility, and alphabetically by title. The office ~~of equal opportunity and~~ responsible for policy ~~compliance, or the current equivalent office,~~ development shall oversee and maintain the official university policy and rule webpage.
- ~~(2)~~ — ~~For one year from the effective date of this policy, current and revised university policies shall be cross-referenced with the~~

~~previous internal policy number. New policies shall be numbered pursuant to this policy.~~

(I) Conflicts.

- (1) In the event of a conflict between a university policy and a school or departmental administrative or operational policy or rule, the university policy shall take precedence unless the school or department can demonstrate an overriding need for its policy and the use of the conflicting policy is approved by the president. The school or department shall notify the office of equal opportunity ~~and policy compliance~~ and policy development of the conflict and the office of equal opportunity ~~and policy compliance~~ and policy development shall take necessary action to correct the conflict where possible.



**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

WHEREAS, the Discrimination/Harassment 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 Discrimination/Harassment, policy number 3356-2-03, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

**Board of Trustees Meeting
June 3, 2021
YR 2021- 79**

3356-2-03 - Exhibit A

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; June 2021
Board Committee: University Affairs
Effective Date: June 3, 2021
Next Review: 2026

(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) Speech or conduct protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution is not harassment for purposes of this policy. (See university policy 3356-4-21 Campus free speech.)
- (5) 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; [June 2021](#)
Board Committee: University Affairs
Effective Date: ~~September 3, 2020~~ [June 3, 2021](#)
Next Review: ~~2025~~ [2026](#)

(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) [Speech or conduct protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution is not harassment for purposes of this policy. \(See university policy 3356-4-21 Campus free speech.\)](#)

~~(4)~~(5) 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 MODIFY
TITLE IX SEXUAL HARASSMENT POLICY, 3356-2-05**

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 Title IX Sexual Harassment 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 Title IX Sexual Harassment, policy number 3356-2-05, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

**Board of Trustees Meeting
June 3, 2021
YR 2021- 80**

3356-2-05 - Exhibit A

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; June 2021
Board Committee	University Affairs
Effective Date:	June 3, 2021
Next Review:	2026

- (A) Policy statement. Youngstown state university (“YSU” or “university”) is committed to fostering and maintaining a safe, nondiscriminatory 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:

- (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's 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 in this paragraph).
 - (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 in this paragraph).
 - (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) Speech or conduct protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution is not

harassment for purposes of this policy. (See university policy 3356-4-21 Campus free speech.)

- (3) “Consent.” An action 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.
- (4) “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.
- (5) “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.

- (6) “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.
 - (7) “Faculty member.” An individual who is employed by the university to conduct classroom, research, or teaching activities.
 - (8) “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 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. The university encourages individuals to report any allegations as defined in this policy. A report may be submitted by mail, e-mail, in person, by telephone or electronically at Title IX@ysu.edu.
 - (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, email, 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 in this policy, 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 in this paragraph, 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 paragraph (F) of this rule.
 - (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 paragraph, 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 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 calendar days prior to any hearing.
- (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 loss of good standing, restitution, educational sanctions, residential suspension, university suspension, residential expulsion, university expulsion, revocation of admission and/or degree, withholding degree, and fines.
 - (ii) 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 division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury. Students found responsible for violations of the serious misconduct policy will face, at minimum, a sanction of 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 dean of students for permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on 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 dean of students for permission to participate in extracurricular activities and employment.

- (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 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 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 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 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:
 - (i) 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:
- (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 of the responsibility of university staff to report child abuse as outlined in section 2151.421 of the Revised Code.
 - (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.
 - (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.

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; [June 2021](#)
Board Committee: University Affairs
Effective Date: ~~September 3, 2020~~ [June 3, 2021](#)
Next Review: ~~2025~~ [2026](#)

- (A) Policy statement. Youngstown state university (“YSU” or “university”) is committed to fostering and maintaining a ~~fair and equal~~ [safe, nondiscriminatory](#) 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:

- (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's 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 in this paragraph).
 - (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 in this paragraph).
 - (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) [Speech or conduct protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution is not](#)

[harassment for purposes of this policy. \(See university policy 3356-4-21 Campus free speech.\)](#)

- ~~(2)~~(3) ——— “Consent.” An action 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)~~(4) ——— “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)~~(5) ——— “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)~~(6) ——— “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)~~(7) ——— “Faculty member.” An individual who is employed by the university to conduct classroom, research, or teaching activities.

~~(7)~~(8) ——— “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 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. [The university encourages individuals to report any allegations as defined in this policy. A report may be submitted by mail, e-mail, in person, by telephone or electronically at Title IX@ysu.edu.](#)
- (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, email, in person, by telephone or electronically at [Title IX@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 in this policy, 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 in this paragraph, 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 paragraph (F) of this rule.
 - (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 paragraph, 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 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 calendar days prior to any hearing. ~~Either party can submit a written response to the investigator during these ten 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~~loss of good standing, restitution, educational sanctions, ~~deferred suspension, residence hall~~residential suspension, university suspension, ~~residence hall~~residential expulsion, university expulsion, revocation of admission and/or degree, withholding degree, and 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 division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury.~~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 division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury. Students found responsible for violations of the serious misconduct policy will face, at minimum, a sanction of 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 dean of students for permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on 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 dean of students for permission to participate in extracurricular activities and employment.

- (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 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 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 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 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 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:
 - (i) 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:
- (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 of the responsibility of university staff to report child abuse as outlined in section 2151.421 of the Revised Code.
 - (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.
 - (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 MODIFY
SENSITIVE INFORMATION/INFORMATION SECURITY POLICY,
3356-4-13**

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 Sensitive Information/Information Security 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 Sensitive Information/Information Security, policy number 3356-4-13, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

3356-4-13 - Exhibit A

3356-4-13 Sensitive information/information security.

Responsible Division/Office: Information Technology Services
Responsible Officer: Associate VP and Chief Information Officer
Revision History: March 2009; June 2013; June 2015; June 2021
Board Committee: University Affairs
Effective Date: June 3, 2021
Next Review: 2026

- (A) Policy statement. Youngstown state university (“YSU” or “university”) creates and maintains sensitive information as part of normal operations. Appropriate safeguards and procedures protect the integrity, availability, and confidentiality of sensitive information. All university employees and individuals who have access to sensitive information have a responsibility to properly handle and secure such information.
- (B) Purpose. To establish guidelines for the identification and safeguarding of sensitive information (i.e., information that should not be disclosed within or beyond Youngstown state university without proper authorization and safeguards).
- (C) Scope. This policy applies to university employees (including student employees), customers, volunteers, vendors, contractors, board members, university affiliates, and any others who use or are granted access to university sensitive information.
- (D) Definitions and information classifications (for the purposes of this policy).
 - (1) “Sensitive information.” Information that the university has a legal, regulatory and/or business interest obligation to protect. Sensitive information transcends the medium on which it is stored or communicated and is sensitive regardless of whether it is in verbal, paper, electronic, or any other format.
 - (2) “Personal information.” Highly sensitive information that the university is required to protect often due to governing laws, including the Family Educational Rights and Privacy Act (“FERPA”), the Gramm-Leach-Bliley Act (“GLBA”), the Health

Insurance Portability and Accountability Act (“HIPAA”), and payment card industry data security standard (“PCI DSS”). Compromise of personal information has specific negative consequences and requires that the university take specific actions. This category encompasses information not freely available that can be associated with a particular individual, including:

- (a) Social security number.
 - (b) Credit card numbers.
 - (c) Driver’s license number.
 - (d) Date and place of birth.
- (3) “Confidential information.” Sensitive information having different degrees of sensitivity but still requiring that confidentiality must be maintained. Included is information that must be very closely safeguarded, such as:
- (a) Trade secrets.
 - (b) Employee benefit information.
 - (c) Student information (non-directory).
 - (d) Account passwords/personal identification numbers (“PINS”).
 - (e) Digitized signatures.
 - (f) Encryption keys.
 - (g) Medical records.
- (4) “YSU public information.” Information that has been specifically declared and approved as public by YSU. It includes information such as student directory information to the extent permitted under FERPA or records approved as public by the general counsel’s office in response to a public records request.

(E) Requirements.

- (1) Sensitive information must be physically secured when not attended.
- (2) Sensitive information stored or transmitted electronically must be encrypted.
- (3) Sensitive information cannot be shared with unknown individuals claiming YSU association, who self-identify or reference known YSU individuals to establish their identity unless those references are checked.
- (4) Communication of sensitive information by an employee requires proper procedural safeguards and the written preapproval of the department supervisor/chair and division officer/dean.
- (5) Physical removal of sensitive information from YSU or its facilities requires proper procedural safeguards and the written preapproval of the department supervisor/chair and division officer/dean.
- (6) Storage of YSU-related sensitive information on personally owned electronic devices by an employee requires proper procedural safeguards and the written preapproval of the department supervisor/chair and division officer/dean.
- (7) All YSU employees are required to attend sensitive information and information security training.
- (8) Information technology services is responsible for establishing and maintaining university information security standards, manuals, and trainings.

(F) Procedures.

- (1) Take stock. Assess information in all formats to identify sensitive information. This is a responsibility of all employees having YSU-related information access.

- (2) Scale down. Keep only the information required to perform your job responsibilities and as identified by the YSU records retention procedure. The need to store and/or communicate sensitive information requires written approval using the “Highly Sensitive Information Storage Request” form.
- (3) Lock it. Protect sensitive information in your care through actions including the following:
 - (a) Physically secure the information (e.g., lock physical spaces such as offices, cabinets, desks). Secure computers and other data storage devices with locks.
 - (b) Encrypt the information when it is stored electronically.
 - (c) Use only secured methods for transmitting sensitive information. (Note: email, internet, web and wireless transmissions are not secure for sensitive information by default, but steps can and must be taken to secure these methods of delivery.)
 - (d) Verify the requester’s identity and validity of requests for sensitive information communications.
- (4) Pitch it. Properly dispose of information not required to perform job duties. Proper disposal techniques include shredding or securely erasing electronic files. Note that deleting files electronically and/or simple reformatting of electronic media are not proper disposal techniques.
- (5) Plan ahead. Take positive measures to ensure proper response to potential sensitive information incidents. For example, know and document who has been granted access to what sensitive information. Have appropriate software installed on computers, cell phones, and other devices. Identify appropriate notification paths to pursue if sensitive information is compromised (including the office of the general counsel if personal information is compromised). Use change in responsibilities and resources as an opportunity to begin again at paragraph (F)(1) of this rule as part of continuous quality improvement planning.

3356-4-13 Sensitive information/information security.

~~Previous Policy Number: 4012.01~~

Responsible Division/Office: Information Technology Services

Responsible Officer: Associate VP and Chief ~~Technology~~Information
Officer

Revision History: March 2009; June 2013; June 2015; June 2021

Board Committee: University Affairs

Effective Date: ~~June 17, 2015~~June 3, 2021

Next Review: ~~2020~~2026

- (A) Policy statement. Youngstown state university (“YSU” or “university”) creates and maintains sensitive information as part of normal operations. Appropriate safeguards and procedures protect the integrity, availability, and confidentiality of sensitive information. All university employees and individuals who have access to sensitive information have a responsibility to properly handle and secure such information.
- (B) Purpose. To establish guidelines for the identification and safeguarding of sensitive information (i.e., information that should not be disclosed within or beyond Youngstown state university without proper authorization and safeguards).
- (C) Scope. This policy applies to university employees (including student employees), customers, volunteers, vendors, contractors, board members, university affiliates, and any others who use or are ~~allowed~~granted -access to university sensitive information.
- (D) Definitions and information classifications (for the purposes of this policy).
- (1) “Sensitive information.” Information that the university has a legal, regulatory and/or business interest obligation to protect. Sensitive information transcends the medium on which it is stored or communicated and is sensitive regardless of whether it is in verbal, paper, electronic, or any other format.
- (2) “Personal information.” Highly sensitive information that the university is required to protect often due to governing laws, including the Family Educational Rights and Privacy Act

(“FERPA”), [the](#) Gramm-Leach-Bliley Act (“GLBA”), [the](#) Health Insurance Portability and Accountability Act (“HIPAA”), and payment card industry data security standard (“PCI DSS”). Compromise of personal information has specific negative consequences and requires that the university take specific actions. This category encompasses information not freely available that can be associated with a particular individual, including:

- (a) Social security number.
 - (b) Credit card numbers.
 - (c) Driver’s license number.
 - (d) Date and place of birth.
- (3) “Confidential information.” Sensitive information having different degrees of sensitivity but still requiring that confidentiality must be maintained. Included is information that must be very closely safeguarded, such as:
- (a) Trade secrets.
 - (b) Employee benefit information.
 - (c) Student information (non-directory).
 - (d) Account passwords/personal identification numbers (“PINS”).
 - (e) Digitized signatures.
 - (f) Encryption keys.
 - (g) Medical records.
- (4) “YSU public information.” Information that has been specifically declared and approved as public by YSU. It includes information such as student directory information to the extent permitted under FERPA or records approved as public by the general counsel’s office in response to a public records request.

(E) Requirements.

- (1) Sensitive information must be physically ~~secure~~secured when not attended.
- (2) Sensitive information stored or transmitted electronically must be encrypted.
- (3) Sensitive information cannot be shared with unknown individuals claiming YSU association, who self-identify or reference known YSU individuals to establish their identity unless those references are checked.
- (4) Communication of sensitive information by an employee requires proper procedural safeguards and the written preapproval of the department supervisor/chair and division officer/dean.
- (5) Physical removal of sensitive information from YSU or its facilities requires proper procedural safeguards and the written preapproval of the department supervisor/chair and division officer/dean.
- (6) Storage of YSU-related sensitive information on personally owned electronic devices by an employee requires proper procedural safeguards and the written preapproval of the department supervisor/chair and division officer/dean.
- (7) All YSU employees are required to attend sensitive information and information security training.
- (8) Information technology services is responsible for establishing and maintaining university information security standards, manuals, and trainings.

(F) Procedures.

- (1) Take stock. Assess information in all formats to identify sensitive information. This is a responsibility of all employees having YSU-related information access.
- (2) Scale down. Keep only the information ~~that is needed~~required to perform your job responsibilities and as identified by the YSU records retention procedure. The need to store and/or communicate sensitive information requires written approval using the “Highly Sensitive Information Storage Request” form.
- (3) Lock it. Protect sensitive information in your care through actions including the following:
 - (a) Physically secure the information (e.g., lock physical spaces such as offices, cabinets, desks). Secure computers and other data storage devices with locks.
 - (b) Encrypt the information when it is stored electronically.
 - (c) Use only secured methods for transmitting sensitive information. (Note: email, internet, web and wireless transmissions are not secure for sensitive information by default, but steps can and must be taken to secure these methods of delivery.)
 - (d) Verify the requester’s identity and validity of requests for sensitive information communications.
- (4) Pitch it. Properly dispose of information not ~~needed~~required to perform job duties. Proper disposal techniques include shredding or ~~electronically wiping files~~securely erasing electronic files. Note that deleting files electronically and/or ~~reformatting drives~~simple reformatting of electronic media are not proper disposal techniques.
- (5) Plan ahead. Take positive measures to ensure proper response to potential sensitive information incidents. For example, know and document who has been granted access to what sensitive information. Have appropriate software installed on computers, cell phones, and other devices. Identify appropriate notification paths to pursue if sensitive information is compromised (including

the office of the general counsel if personal information is compromised). Use change in responsibilities and resources as an opportunity to begin again at paragraph ~~(G)(1)~~(F)(1) of this rule as part of continuous quality improvement planning.



**RESOLUTION TO MODIFY AND RETITLE
SUPPLEMENTAL PAY FROM EXTERNALLY FUNDED GRANTS,
SPONSORED PROGRAMS AND CONTRACTS FOR FACULTY AND
PROFESSIONAL/ADMINISTRATIVE STAFF POLICY, 3356-7-48**

WHEREAS, University Policies are being reviewed and re-conceptualized 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;

WHEREAS, the Supplemental Pay from Externally Funded Grants, Sponsored Programs and Contracts for Faculty and Professional/Administrative Staff 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 governing Supplemental Pay from Externally Funded Grants, Sponsored Programs and Contracts for Faculty and Professional/Administrative Staff, policy number 3356-7-48, to be retitled as Supplemental Pay from Externally Funded Grants, Sponsored Agreements and Contracts for Faculty and Professional/Administrative Staff, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.



Explanation of Modifications to University Policy:

3356-7-48 Supplemental pay from externally funded grants, sponsored programs and contracts for faculty and professional/administrative staff.

The policy was modified to align with other institutions of higher education that limit supplemental compensation for incidental work for faculty during the academic year to twenty percent of the institutional base salary (IBS) and for department chairs to twenty percent of the annual salary. In addition, references to the faculty collective bargaining agreement (YSU/YSU-OEA CBA) were removed since this language is no longer in the CBA. Finally, the name of the Responsible Division/Office was updated.

3356-7-49 - Exhibit A

3356-7-48 Supplemental pay from externally funded grants, sponsored agreements and contracts for faculty and professional/administrative staff.

Responsible Division/Office: Office of Research Services
Responsible Officer: Provost and Vice President for Academic Affairs
Revision History: December 2008; December 2015; June 2021
Board Committee: University Affairs
Effective Date: June 3, 2021
Next Review: 2026

- (A) Policy statement. Externally funded grants, sponsored agreements and contracts enable the university and its employees to participate in scholarly, creative activities. In support of these activities, it is necessary and appropriate to have employees perform services above and beyond their normal scope of duties and for those employees to receive pay for additional services.
- (B) Parameters. The sponsors of externally funded grants, sponsored agreements and contracts establish guidelines and compliance requirements to serve their stakeholders and/or taxpayer public interests. All supplemental payment requests from externally funded grants, sponsored agreements and contracts (through the office of research services) must be approved prior to the activities for which compensation is sought. The parameters and criteria defining salary compensation are determined by university policy, collective bargaining agreements, and federal compliance regulations.
- (1) Payment to faculty.
- (a) Per Title 2, C.F.R. 200.400 to 200.431, of the “Uniform Administrative Cost Requirements, Cost Principles, and Audit Requirements for Federal Awards,” charges for work performed on Federal awards by faculty members during the academic year are allowable at the institutional base salary rate (Hereinafter IBS). Charges to Federal awards, irrespective of the basis of computation, will not exceed the

proportionate share of the IBS for that period: see however exceptions in 200.430(h)(1)(ii).

- (b) IBS is defined as the annual compensation paid by an institute of higher education (hereinafter IHE) for an individual's appointment, whether that individual's time is spent on research, instruction, administration, or other activities. IBS excludes any income that an individual earns outside of duties performed for the IHE. Unless there is prior approval by the Federal awarding agency, charges of a faculty member's salary to a Federal award must not exceed the proportionate share of the IBS for the period during which the faculty member worked on the award.
- (c) Youngstown state university ("YSU") accepts the federal definition of "incidental work" as any work in excess of normal for the individual for which supplemental compensation is paid by the institution under institutional policy. Incidental work is paid at the rate as established in the approved budget of the externally funded grant, sponsored agreement or contract and follows the guidelines of the sponsoring agency or sponsor.
- (d) Faculty salary rate structure (for federal and non-federal externally funded grants, sponsored agreements and contracts).
 - (i) During the academic year, funds from externally funded grants, sponsored agreements and contracts are used to provide workload reallocation (reassigned time or supplemental pay). A faculty member may receive supplemental pay for project activities that do not overlap with regular workload assignments or other externally funded project-related activities with appropriate documentation. Further additional compensation can be provided for those activities defined as "incidental work," as described in paragraph (B)(1)(c) of this policy, and shall not exceed twenty percent of the IBS per academic year.

- (ii) During the summer, faculty may receive up to three months of additional salary of their prior academic year's (nine month) IBS, from externally funded grants, sponsored agreements and contracts. Summer supplemental pay may be received dependent upon guidelines of the federal and non-federal sponsoring agencies or sponsors, and may not be received by faculty while on leave from the university. It is the faculty's responsibility to ensure that the total of summer pay of all sources (for teaching hours and research), results in no more than the maximum of three months allowed unless the department chair, dean and provost approve an exception in advance with appropriate documentation.
- (2) Payment to full-time professional/administrative staff.
 - (a) Under most circumstances, full-time professional/administrative staff are not be eligible for supplemental pay since these employees have twelve-month, full-time appointments or salaried positions. Full-time professional/administrative staff cannot request supplemental pay compensation for any function that is part of their job description and duties and are not eligible for additional compensation for externally funded activities, except when those activities may be classified as supplemental and incidental that is unrelated to their current duties, such as filling short-term staffing needs or in support of other unanticipated situations.
 - (b) When supplemental compensation is to be paid, the rate of pay will be based on a prorated or equivalent hourly basis. Compensation is permitted and shall not exceed the lesser of twenty per cent of the annual salary or ten thousand dollars during any fiscal year. The specific duties and timeline on the externally funded grant or contract must be detailed clearly and preapproved.
 - (c) Department chairs.

- (i) During the summer terms, department chairs (having twelve-month appointments) may wish to undertake work on externally funded grants, sponsored agreements and contracts that can generate supplemental pay during the summer terms. Chairs are permitted to receive one month of salary at their respective faculty rate.
 - (ii) During the academic year, chairs may receive supplemental pay for incidental work for project activities during evenings and on weekends with appropriate documentation. Compensation shall not exceed twenty percent of the annual salary per fiscal year.
 - (3) For further information on supplemental pay, see university policy 3356-7-46, “Supplemental Pay for Faculty and Professional/Administrative staff.”
- (C) Procedures.
- (1) Requests to make and/or receive supplemental compensation from an externally funded grant, sponsored agreement or contract must be approved prior to any work being assigned or undertaken. The request for payment must be a justifiable expenditure, as documented in the formal grant budget awarded by the external sponsoring agency or sponsor. In all cases, supplemental compensation to faculty, administrative staff, and department chairs is subject to the approval by their respective dean, unit head, vice president, or the provost. The principal investigator (“PI”) authorizes payment to an employee on a “Grant-Funded Supplemental Pay” form, which must be submitted to the office of research services/director of research services for approval prior to any externally funded grant, sponsored agreement or contract being initiated.
 - (2) Both the PI and the payee attest that the activities for supplemental compensation were performed as described. The PI and payee are expected to document their times spent on federally funded grant activities, as instructed by the office of research services and the office of grants accounting. The university will develop and

maintain the necessary administrative procedures to process and manage supplemental payments.

3356-7-48 Supplemental pay from externally funded grants, sponsored ~~programs~~agreements and contracts for faculty and professional/ administrative staff.

Previous Policy Number: ~~7023.03~~

Responsible Division/Office: Office of Research Services

Responsible Officer: Provost and Vice President for Academic Affairs

Revision History: December 2008; December 2015; June 2021

Board Committee: University Affairs

Effective Date: ~~December 16, 2015~~ June 3, 2021

Next Review: ~~2020~~ 2026

- (A) Policy statement. Externally funded grants, sponsored agreements and contracts enable the university and its employees to participate in scholarly, creative activities. In support of these activities, it is necessary and appropriate to have employees perform services above and beyond their normal scope of duties and for those employees to receive pay for additional services.
- (B) Parameters. The sponsors of externally funded grant~~grants, awards~~ sponsored agreements and contracts establish guidelines and compliance requirements to serve their stakeholders and/or taxpayer public interests. All supplemental payment requests from externally funded grants, sponsored ~~programs~~agreements and contracts (through the office of research services) must be approved prior to the activities for which compensation is sought. The parameters and criteria defining salary compensation are determined by university policy, collective bargaining agreements, and federal compliance regulations.
- (1) Payment to faculty.
- (a) Per Title 2, C.F.R. 200.400 to 200.431, of the “Uniform Administrative Cost Requirements, Cost Principles, and Audit Requirements for Federal Awards,” ~~“Charges~~charges for work performed on Federal awards by faculty members during the academic year are allowable at the ~~IBS~~ [institutional base salary]-rate (hereinafter IBS). ~~Except as noted in paragraph (h)(1)(ii), in no event will charges~~ Charges to Federal awards, irrespective of the basis of

computation, will not exceed the proportionate share of the IBS for that period. ~~This principle applies to all members of faculty at an institution; see however exceptions in 200.430(h)(1)(ii).~~

- (b) ~~IHE~~ -IBS is defined as the annual compensation paid by an ~~IHE~~ ~~[institute of higher education]~~ (hereinafter IHE) for an individual's appointment, whether that individual's time is spent on research, instruction, administration, or other activities. IBS excludes any income that an individual earns outside of duties performed for the IHE. Unless there is prior approval by the Federal awarding agency, charges of a faculty member's salary to a Federal award must not exceed the proportionate share of the IBS for the period during which the faculty member worked on the award.²
- (c) Youngstown state university ("YSU") accepts the federal definition of "incidental work" as any work in excess of normal for the individual for which supplemental compensation is paid by the institution under institutional policy. ~~To be consistent with the faculty collective bargaining agreement between YSU and the Ohio education association (hereinafter referred to as "YSU/YSU-OEA-CBA"), compensation for incidental work is at the equivalent rate as overload pay. "Overload" refers to those activities beyond the standard twenty four workload hours during an academic year that are normally assigned. Based on YSU/YSU-OEA-CBA language, for overload, twelve workload hours are equivalent to the normal workload of a full-time faculty member normally employed for forty hours/week. Incidental work is paid at the rate as established in the approved budget of the externally funded grant, sponsored agreement or contract and follows the guidelines of the sponsoring agency or sponsor.~~
- ~~(b)~~(d) Faculty salary rate structure (for federal and ~~state grants~~ non-federal externally funded grants, sponsored agreements and contracts).

- (i) During the academic year, funds from external externally funded grant grants funds, sponsored agreements and contracts are used to provide workload reallocation (reassigned time or supplemental pay). A faculty member may receive supplemental pay for project activities that do not overlap with regular workload assignments or other ~~grant-externally funded project~~ related activities with appropriate documentation. Further additional compensation can be provided for those activities defined as “incidental work,” as described in paragraph ~~(B)(1)(b)(i)(B)(1)(c)~~ of this policy, and shall ~~be paid at a rate consistent with standard overload pay. “Overload” refers to those activities beyond the standard twenty four workload hours during an academic year that are normally assigned~~ not exceed twenty percent of the IBS per academic year.
- (ii) During the summer, faculty may receive up to three months of additional salary of their prior academic year’s (nine month) IBS, from externally funded grants, sponsored agreements and contracts. Summer supplemental pay may be received dependent upon guidelines of the federal and non-federal sponsoring agencies or sponsors, and may not be received by faculty while on leave from the university. It is the faculty’s responsibility to ensure that the total of summer pay of all sources (for teaching hours and research), results in no more than the maximum of three months allowed unless the department chair, dean and provost approve an exception in advance with appropriate documentation. ~~Dependent upon the guidelines of the federal grant sponsors, faculty may receive up to three months of additional salary. Supplemental pay from externally funded grants, sponsored programs, and contracts may not be received by faculty and professional/administrative staff while on leave from the university. Payments are to be at a rate based upon the individual’s IBS. This rate~~

~~structure may not exceed the university established base salary (according to Title 2, C.F.R. 200, the “Uniform Administrative Cost Requirements, Cost Principals, and Audit Requirements for Federal Awards”). The YSU/YSU OEA CBA specifies a maximum of nine teaching hours to be full-time for summer. For payment purposes in the summer, nine workload hours is considered full-time, with the nine hours being a combination of teaching hours plus research hours (hence, three credit hours is the equivalent of one month during the summer). Any additional compensation is based on the overload rate described in paragraph (B)(1)(a) of this policy for grant project activities with appropriate documentation.~~

~~(c) — Payments from private sources, including businesses. There are no upper salary rate limits on payments received from the private business sector. However, minimum payments may not be less than those charged to federal grants and contracts. During the academic year, sponsor funds will first be used to cover reassigned teaching time. Additional compensation during the academic year or summer will use a minimum of the prorated annual salary or the overload rate. The sponsored program agreement with a company must be preapproved and finalized through the associate vice president for research. Specific duties associated with this compensation cannot be the same or overlap with those funded by an existing, concurrent grant, sponsored program, or contract.~~

(2) Payment to full-time professional/administrative staff.

(a) Under most circumstances, full-time professional/administrative staff are not be eligible for supplemental pay since these employees have twelve-month, full-time appointments or salaried positions. Full-time professional/administrative staff cannot request supplemental pay compensation for any function that is part of their job description and duties and are not eligible for additional compensation for externally funded activities,

except when those activities may be classified as supplemental and incidental that is unrelated to their current duties, such as filling short-term staffing needs or in support of other unanticipated situations.

- (b) When supplemental compensation is to be paid, the rate of pay will be based on a prorated or equivalent hourly basis. Compensation is permitted and shall not exceed the lesser of twenty per cent of the annual salary or ten thousand dollars during any fiscal year. The specific duties and timeline on the externally funded grant or contract must be detailed clearly and preapproved.
- (c) Department chairs.
 - (i) During the summer terms, department chairs (having twelve-month appointments) may wish to undertake ~~grant-funded~~ work on externally funded grants, sponsored agreements and contracts that can generate supplemental pay during the summer terms. Chairs are permitted to receive ~~three workload hours~~ one month of salary at their respective faculty rate.
 - (ii) During the academic year, chairs may receive supplemental pay for incidental work for project activities during evenings and on weekends with appropriate documentation. Compensation shall not exceed twenty percent of the annual salary per fiscal year.
- (3) For further information on supplemental pay, see university policy 3356-7-46, "Supplemental Pay for Faculty and Professional/Administrative staff."
- (C) Procedures.
 - (1) Requests to make and/or receive supplemental compensation from an ~~external~~externally funded grant, sponsored ~~program,~~agreement or contract must be approved prior to any work being assigned or undertaken. The request for payment must be a justifiable

expenditure, as documented in the formal grant budget awarded by the external sponsoring agency or sponsor. In all cases, supplemental compensation to faculty, administrative staff, and department chairs is subject to the approval by their respective dean, unit head, vice president, or the provost. The principal investigator (“PI”) authorizes payment to an employee on a “~~Request for~~ Grant-Funded Supplemental Pay” form, which must be submitted to the ~~associate vice president for research~~ office of research services/director of research services for approval prior to any externally funded grant-work, sponsored agreement or contract being initiated.

- (2) Both the PI and the payee attest that the activities for supplemental compensation were performed as described. The PI and payee are expected to document their times spent on federally funded grant activities, as instructed by the office of research services and the office of grants accounting. The university will develop and maintain the necessary administrative procedures to process and manage supplemental payments.



**RESOLUTION TO AUTHORIZE CONFERRAL OF EMERITUS STATUS
FOR FACULTY AND ADMINISTRATORS**

WHEREAS, the Policies of the Board of Trustees provide for the conferral of emeritus status upon University faculty and professional/administrative staff members upon retirement or death following at least ten years of meritorious service and are recommended by the President of the University; and

WHEREAS, in accordance with University Policy 3356-7-17, Emeritus Status, this resolutions nominates seven recently retired faculty members for Faculty Emeritus Status, and five recently retired administrators for Administrator Emeritus Status, and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize that those faculty and professional/administrative staff members listed in Exhibit List A and Exhibit List B attached hereto respectively, are hereby granted the emeritus title designed thereon.

**FACULTY
RECEIVING EMERITUS STATUS**

(Board of Trustees Meeting, June 3, 2021)

NAME	TITLE	YEARS of SERVICE	STATUS
Frank J. Bosso	Professor Health Professions: Kinesiology and Sport Science	26	Faculty Emeritus
Jolien A. Helsel	Assistant Professor Economics	16	Faculty Emeritus
Daniel J. O'Neill	Professor Communication	52	Faculty Emeritus
David H. Pollack	Associate Professor Mathematics and Statistics	30	Faculty Emeritus
Fred W. Viehe	Professor History	34	Faculty Emeritus
Gary R. Walker	Professor Chemical and Biological Sciences	25	Faculty Emeritus
George T. Yates	Professor Mathematics and Statistics	18	Faculty Emeritus

**ADMINISTRATIVE STAFF
RECEIVING EMERITUS STATUS**

(Board of Trustees Meeting, June 3, 2021)

NAME	TITLE	YEARS of SERVICE	STATUS
Frank Akpadock	Senior Research Associate Center for Urban and Regional Studies	28	Administrator Emeritus
Karen A. Becker	Director, First Year Experience Student Success	23	Administrator Emeritus
Michael A. Hripko	AVP for External Affairs, Government Relations and Economic Development Center for Urban and Regional Studies	10	Administrator Emeritus
Greg K. Moring	Associate Dean CCAC Dean – Cliffe College of Creative Arts	24	Administrator Emeritus
Susan M. Viglione	Risk Management Officer Environmental and Occupational Health and Safety	42	Administrator Emeritus

3356-7-17 Emeritus status.

Responsible Division/Office: Human Resources
Responsible Officer: VP for Legal Affairs and Human Resources
Revision History: November 1997; October 2010; September 2015;
December 2020
Board Committee: University Affairs
Effective Date: December 3, 2020
Next Review: 2025

- (A) Policy statement. The board of trustees of Youngstown state university (university) may confer the title “emeritus” upon university faculty and executive and administrative officers upon retirement or posthumously in recognition of long and meritorious service.
- (B) Definition. The designation “faculty emeritus” or “administrator emeritus” is an honorary title conferred upon the retirement or death of faculty or staff members in recognition of extended meritorious service.
- (C) Procedures.
 - (1) With the exception of the university president, nominations for the conferral of emeritus status will follow the “Emeritus Nomination Guidelines” and utilize the “Emeritus Nomination” form (available on the office of human resources benefits webpage).
 - (2) In the event of retirement or death of the university president, the board of trustees may, in its discretion, confer emeritus status upon the individual.
 - (3) Emeritus status is conferred and presented at the spring meeting of the board of trustees.
 - (4) An individual can only be nominated once for conferral of emeritus status.
 - (5) If emeritus status is conferred, the individual will receive the title of “faculty emeritus” or “administrator emeritus.”

- (D) Eligibility. Nomination of an individual to be considered for the conferral of emeritus status should be based upon the following factors: length of service (typically totaling more than ten years); the overall quality of that service; the contribution to the university; and the service to society beyond the university community.
- (E) Emeritus privileges.
- (1) Those retirees achieving emeritus status are granted the following privileges: full library privileges; email services; university identification card; opportunity to secure parking consistent with current university procedures; and the same educational benefits that are available to currently employed faculty or staff at the time of application. (See university policy 3356-7-31, “Fringe benefits, excluded professional/administrative employees fee remission program.”)
 - (2) Those retirees achieving emeritus status also have the opportunity to: purchase reserved seats to intercollegiate athletic contests and performing arts events; utilize designated recreational facilities and wellness programs; attend certain alumni and university events, e.g., homecoming events, holiday breakfast, commencement, and honors convocation, and join the Youngstown state university retirees’ association.
 - (3) Retirees that attain emeritus status also have the opportunity to select one of two parking options. They may purchase a permit for designated lots or may choose to receive a free parking permit at the discretion of the university based upon availability.
 - (4) Those bargaining unit member retirees achieving emeritus status are granted the benefits in accordance with their collective bargaining agreement as well as any additional benefits provided herein.
- (F) Revocation of emeritus status. Emeritus status may be revoked by the board of trustees at the request of the recipient or for good cause. Good cause includes, but is not limited to, an award based on misleading or deceptive information or for egregious conduct which diminishes the status or reputation of Youngstown state university.

**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 March 4, 2021, meeting of the Board of Trustees; and

WHEREAS, such personnel actions are in accordance with the 2020-2021 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 A attached hereto.

**Board of Trustees Meeting
June 2, 2021
YR 2021- 84**

Resolution to Ratify Personnel Actions - Exhibit A

SUMMARY OF PERSONNEL ACTIONS Professional Administrative and Faculty Employees 1/16/21 through 4/15/21

Appointments – 11

New Positions – 8 *(Notated with an asterisk *)*

- Professional Administrative Staff – 2
- Professional Administrative Excluded – 1
- Professional Administrative Externally Funded – 4
- Faculty – 1

Replacement Positions – 3

- Professional Administrative Staff – 1
- Professional Administrative Excluded – 2

Separations – 8

- Professional Administrative Staff – 4
- Professional Administrative Excluded – 3
- Faculty – 1

Reclassifications/Position Adjustments – 7

- Professional Administrative Staff – 2
- Professional Administrative Excluded – 5

Promotions – 4

- Professional Administrative Staff – 1
- Professional Administrative Excluded – 2
- Professional Administrative Externally Funded – 1

Salary Adjustments – 4

- Professional Administrative Staff – 3
- Professional Administrative Excluded – 1

YOUNGSTOWN STATE UNIVERSITY
PROFESSIONAL ADMINISTRATIVE AND FACULTY
PERSONNEL ACTIONS 1/16/21 THROUGH 4/15/21
APPOINTMENTS

EMPLOYEE NAME	EMPLOYEE TYPE	POSITION TITLE	DEPARTMENT	CONTRACT/ APPOINTMENT DATES	FTE	SALARY
Drennen, Bryan	APAS	Network Engineer	IT Infrastructure Services	4/5/2021	1.00	\$ 73,488.00
Minotti, Armand*	APAS	Assistant Director Marketing	Marketing & Communications	2/16/2021	1.00	\$ 50,000.00
Ware, Johnny*	APAS	Coordinator Student Enrichment and Diversity Programs	Honors College	1/19/2021	1.00	\$ 39,000.00
Korda, Dalton	Excluded	Temporary Coordinator	Housing	3/8/2021	1.00	\$ 39,519.90
Nolasco, Francisco	Excluded	Temporary Academic Advisor 2	Dean Cliffe College of Creative Arts	4/12/2021	1.00	\$ 38,556.00
Pieren, Jennifer*	Excluded	Temporary Program Administrator	Health Professions	3/29/2021	1.00	\$ 65,000.00
Burton, Shawntae*	Externally Funded	Outreach Coordinator ADMETE	Civil Environmental & Chemical Engineering	2/16/2021	1.00	\$ 44,473.00
Ekstrand, Lindsey*	Externally Funded	Manager Workforce Education Programs	Center for Workforce Education & Innovation	4/1/2021	1.00	\$ 80,000.00
Shepas, Richard*	Externally Funded	Director Workforce Development	Center for Workforce Education & Innovation	3/16/2021	1.00	\$ 120,000.00
Stephen, Katie*	Externally Funded	Clinical Counselor	Student Counseling Services	1/19/2021	1.00	\$ 51,000.00
Walter, Phillip*	Faculty	Lecturer	Electrical Engineering	1/18/2021	1.00	\$ 58,000.00
*New Positions						

YOUNGSTOWN STATE UNIVERSITY
PROFESSIONAL ADMINISTRATIVE AND FACULTY
PERSONNEL ACTIONS 1/16/21 THROUGH 4/15/21
SEPARATIONS

EMPLOYEE NAME	EMPLOYEE TYPE	POSITION TITLE	DEPARTMENT	DATE OF SEPARATON	FTE	SALARY	SEPARATION TYPE
Adair, Danielle	APAS	Operations Manager	Kilcawley Center	3/29/2021	1.00	\$ 39,631.08	Resigned
Evans, Nicole	APAS	Coordinator Grant Funds	Controller's Office	4/9/2021	1.00	\$ 49,913.19	Resigned
Hanni, Michael	APAS	Coordinator Student Conduct Residence Life	Housing	2/16/2021	1.00	\$ 40,659.24	Deceased
Hartman, Christopher	APAS	Broadcast Engineer	WYSU - FM	2/15/2021	1.00	\$ 43,467.35	Resigned
Gaffney, David	Excluded	Facilities Engineer	Facilities Maintenance	1/29/2021	1.00	\$ 75,719.70	Resigned
Kralj, Kevin	Excluded	Director Labor Employee Relations	Human Resources	2/28/2021	1.00	\$ 100,444.50	Resigned
Myers, Vaughn	Excluded	Associate Director	Kilcawley Center	2/19/2021	1.00	\$ 54,455.35	Resigned
Walker, Jason	Faculty	Assistant Professor	Rayen School of Engineering - Mechanical Engineering	3/7/2021	1.00	\$ 74,594.00	Resigned

YOUNGSTOWN STATE UNIVERSITY
PROFESSIONAL ADMINISTRATIVE AND FACULTY
PERSONNEL ACTIONS 1/16/21 THROUGH 4/15/21
RECLASSIFICATIONS/POSITION ADJUSTMENTS

EMPLOYEE NAME	EMPLOYEE TYPE	NEW POSITION TITLE/ OLD POSITION TITLE	NEW DEPARTMENT/ OLD DEPARTMENT	CONTRACT/ APPOINTMENT DATES	FTE	NEW SALARY	PREVIOUS SALARY
Kaufman, Alison	APAS	Assistant Director/ Coordinator	Assessment	11/16/2020	1.00	\$ 60,191.00	\$ 53,591.00
Rager, Lexi	APAS	Assistant Director/ Coordinator Student Recruitment & Engagement	Honors College	3/16/2021	1.00	\$ 42,294.00	\$ 40,280.00
Byers, Joy	Excluded	Associate Vice President/ Executive Director	Student Experience/Campus Recreation	2/1/2021	1.00	\$ 101,000.00	\$ 81,946.03
Cole, Ronald	Excluded	Director and Assistant to Board Secretary/Public Information Officer	Marketing & Communications	3/1/2021	1.00	\$ 80,079.26	\$ 74,147.46
Hartup, Mollie	Excluded	Associate Director/Coordinator	Honors College	3/16/2021	1.00	\$ 56,582.45	\$ 51,438.59
Kent-Strollo, Nicole	Excluded	Dean of Students Ombudsperson/ Director Student Outreach Support	Dean of Students/ Student Experience	2/1/2021	1.00	\$ 99,000.00	\$ 58,206.30
Ruse, Elaine	Excluded	Associate Vice President/ Executive Director	Student Enrollment & Business Services/ Student Enrollment Services	2/1/2021	1.00	\$ 129,355.00	\$ 118,555.42

**YOUNGSTOWN STATE UNIVERSITY
PROFESSIONAL ADMINISTRATIVE AND FACULTY
PERSONNEL ACTIONS 1/16/21 THROUGH 4/15/21
PROMOTIONS**

EMPLOYEE NAME	NEW EMPLOYEE TYPE/OLD EMPLOYEE TYPE	NEW POSITION TITLE/ OLD POSITION TITLE	NEW DEPARTMENT/ OLD DEPARTMENT	CONTRACT APPT. DATES	FTE	NEW SALARY	PREVIOUS SALARY
Blandine, Taylor	APAS/ Classified Excluded	Athletic Academic Advisor/Intermittent Academic Support Specialist	Academic Counseling/Student Athlete Affairs Program & Football	3/16/2021	1.00	\$ 40,000.00	\$ 19,510.40
Donaldson, Rosalyn	Excluded	Director ACT Program Manager/ Manager	IT Customer Services	2/16/2021	1.00	\$ 89,500.00	\$ 77,780.10
Fuhrman, Hillary	Excluded	Assistant Provost Teaching Learning/ Interim Director	Institute for Teaching & Learning	3/1/2021	1.00	\$ 89,500.00	\$ 76,191.08
Boerio, Gregory	Externally Funded	Executive Director/ Associate Director	Rich Center for Autism	2/16/2021	1.00	\$ 95,931.00	\$ 85,833.00

**YOUNGSTOWN STATE UNIVERSITY
PROFESSIONAL ADMINISTRATIVE AND FACULTY
PERSONNEL ACTIONS 1/16/21 THROUGH 4/15/21
SALARY ADJUSTMENTS**

EMPLOYEE NAME	EMPLOYEE TYPE	POSITION TITLE	DEPARTMENT	CONTRACT/ APPOINTMENT DATES	NEW FTE	NEW SALARY	OLD FTE	PREVIOUS SALARY
Rager, Lexi	APAS	Coordinator Student Recruitment & Engagement	Honors College	1/16/2021	1.00	\$ 40,280.00	1.00	\$ 39,780.00
Stone Wolbrecht, Tiffany	APAS	Planetarium Lecturer	Ward Beecher Planetarium	3/16/2021	1.00	\$ 41,475.96	0.50	\$ 20,737.98
Wolfgang, Susan	APAS	Coordinator Preclinical TESOL Placement	Student Field Experiences	2/16/2021	0.75	\$ 37,780.29	0.50	\$ 25,186.86
Belgin, Heather	Excluded	Associate Director Alumni Events	Alumni & Events Operations	3/1/2021	1.00	\$ 61,283.42	0.75	\$ 45,962.56

FINANCE AND FACILITIES COMMITTEE

Chairperson Hackstedde noted that the Finance and Facilities Committee was recommending eight resolutions for adoption by the board:

- 1. Resolution to Modify Acceptable Use of University Technology Resources Policy, 3356-4-09**
- 2. Resolution to Modify Posting on Campus Policy, 3356-4-17**
- 3. Resolution to Authorize Acquisition of Real Estate for Campus Improvement**
- 4. Resolution to Exchange Real Estate for Campus Improvement**
- 5. Resolution to Authorize Issuance and Sale of General Receipts Bonds**
- 6. Resolution to Approve Changes to Tuition and Fees for the 2021-22 Academic and Fiscal Year**
- 7. Resolution to Approve the Annual Operating Budget for FY 2022**
- 8. Resolution to Approve Interfund Transfers**

There being no objection thereto, the chairperson declared the resolutions adopted by general consent.

The above resolutions and exhibits follow.



**RESOLUTION TO MODIFY
ACCEPTABLE USE OF UNIVERSITY TECHNOLOGY
RESOURCES POLICY, 3356-4-09**

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 Acceptable Use of University Technology Resources 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 Acceptable Use of University Technology Resources, policy number 3356-4-09, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

**Board of Trustees Meeting
June 3, 2021
YR 2021- 85**

connected to the YSU network.

(C) Parameters.

- (1) Technology resources (computing, digital recordings, networking, data and network services) are provided to the university community in order to fulfill the mission of the university.
- (2) While the university recognizes the importance of academic freedom and freedom of expression, as a public employer, the university also has a responsibility to comply with all federal and state laws and regulations, as well as the obligation to fulfill its mission.
- (3) Use of university-owned technology to access resources other than those supporting the academic, administrative, educational, research and services missions of the university or for more than limited, responsible personal use conforming to this policy is prohibited.
- (4) Technology resources provided by the university are the property of the university. University-owned technology is not intended to supersede the need for technology purchases for personal purposes.
- (5) As the university is a public entity, information in an electronic form may also be subject to disclosure under the Ohio public records act to the same extent as if they existed on paper. All use is subject to the identification of each individual using technology resources (authentication).
- (6) Use of technology is subject to the requirements of legal and ethical behavior and is intended to promote a productive educational and work environment.

(D) User requirements. All users of the university-owned technology resources (computing, digital recordings, networking and data), regardless of affiliation with the university, must:

- (1) Use only those technology resources that they are authorized to use and use them only in the manner and to the extent authorized.

- (2) Protect the confidentiality, integrity and availability of technology resources.
- (3) Comply with all federal, Ohio, and other applicable law as well as applicable regulations, contracts, and licenses.
- (4) Comply with all applicable policies at Youngstown state university (“YSU”).
- (5) Respect the right of other technology users to be free from harassment or intimidation.
- (6) Respect copyrights, intellectual property rights, and ownership of files and passwords.
- (7) Respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected.
- (8) Respect the finite capacity of technology resources and limit use so as not to consume an unreasonable amount of or abuse those resources or to interfere unreasonably with the activity of other users or to disrupt the authorized activities of the university.
- (9) Limit personal use of university technology resources so that such use does not interfere with one’s responsibilities to the university.
- (10) Not attempt to circumvent information technology security systems or the university “IT Security Manual.”
- (11) Not use any radio spectrum space on any YSU-owned or YSU-occupied property, unless it is part of an approved wireless services deployment by the university.
- (12) Not use technology resources for personal commercial purposes or for personal financial or other gain unless specifically approved by the university.
- (13) Not state or imply that they speak on behalf of the university without authorization to do so and not use university trademarks and logos without authorization to do so.

- (E) User responsibilities.
- (1) By accepting employment, being admitted as a student, or asking for any guest technology resource privileges, users implicitly agree to adhere to this policy and agree to adhere to the university “IT Security Manual.”
 - (2) Users are responsible for any activity performed using their usernames and passwords except when account security is compromised by actions beyond the user’s control.
 - (3) Users are responsible for any activity performed on university-owned technology devices assigned to them except when the device is compromised by actions beyond the user’s control.
 - (4) There is no expectation of personal privacy when using university resources. (See paragraph (F) of this rule.)
 - (5) Potential violations regarding use of technology resources should be reported to the appropriate information technology services manager(s) or information security officer.
 - (6) Users are responsible for ensuring that critical data are backed up and available to be restored for systems not administered by information systems technology. This includes critical information contained on technology devices oriented to individual use (e.g., desktops, laptops, smart phones, and similar such devices).
 - (7) Users are responsible for maintaining data in compliance with the university records retention plan.
 - (8) Users are responsible for ensuring that sensitive information to which they have access is guarded against theft. (See rule 3356-4-13 of the Administrative Code for more information.)
 - (9) Personal use of computing resources not otherwise addressed in this policy or these procedures will generally be permitted if such use does not consume a significant amount of resources, does not interfere with the performance of an individual’s job or other university responsibilities, and is otherwise in compliance with university policies.

- (F) No expectation of privacy.
- (1) The university does not routinely monitor specific individual end-user usage of its technology resources. However, the university does routinely monitor technology resource usage in the normal operation and maintenance of the university's computing, network and data resources. This monitoring includes the caching and backing up of data and communications, the logging of activity, the monitoring of general usage patterns, the scanning of systems and networks for anomalies and vulnerabilities, the filtering of malicious traffic, and other activities that are necessary for the rapid and efficient delivery of services. Technology users should be aware that there is no expectation of privacy associated with the use of university technology resources.
 - (2) When authorized by the office of the general counsel, the university may also specifically monitor the activity and accounts of individual end-users of university technology resources, including login sessions, file systems, and communications.
 - (3) When authorized by the appropriate university administrator (president, vice president, or associate vice president reporting to the president), the university may access active end-user accounts, files, or communications used for university business when needed by a supervisor or assigned personnel for university business and the end-user is unavailable. For inactive end-users, such as retirees or terminated employees, the end-user's former supervisor or the individual currently holding the supervisor position may request access. For inactive student end-users the provost may authorize access. For all other inactive end-users, the general counsel may authorize access.
 - (4) The university, in its discretion, may disclose the results of any such general or individual monitoring, including the contents and records of individual communications, to appropriate university personnel, student conduct, or law enforcement agencies and may use those results in appropriate university disciplinary proceedings.
 - (5) Personal computing devices:

- (a) Personal computing devices (laptops, desktops, tablets, cellular phones) are restricted to the campus wireless network or the residence hall network.
 - (b) No personal computing devices will be allowed to connect to the wired campus network (excluding the residence hall network).
 - (c) Personal computing devices must comply with university “IT Security Manual” when using the campus wireless network or other provided university technology resource.
 - (d) Personal computing devices used to conduct university business are subject to public records requests.
 - (e) Personal hubs, routers, switches, or wireless access points are prohibited from being connected to either the university’s wired or wireless network.
- (G) Email. Email is an official means for communication at the university. Students, faculty, and staff are expected to check their official email address on a frequent and consistent basis in order to stay current with university communications.
- (H) Security. The university employs various measures (i.e., the university’s “IT Security Manual”) to protect the security of information technology resources and user accounts; however, users should be aware that the university cannot provide good security without user participation. Users should increase their technology security awareness and fully employ access restrictions for their accounts, including using strong passwords, guarding passwords diligently and changing passwords regularly to help safeguard their use of technology.
- (I) Additional policy ramifications. Users must abide by all applicable restrictions, whether or not they are built into the computing system, network or information resources and whether or not they can be circumvented by technical or other means. Individuals who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those states and countries and the rules and policies of those technology systems and information resources.

(J) Examples of unacceptable use:

- (1) As a further aid to policy compliance, the following non-exhaustive list is provided of activities that are prohibited.
 - (a) Using technology resources to engage in fraud, defamatory, abusive, unethical, indecent, obscene, pornographic and/or unlawful activities is prohibited.
 - (b) Using technology resources to procure, solicit, or transmit material that is in violation of sexual, racial or other harassment or hostile workplace laws is prohibited.
 - (c) Any form of harassment by electronic means (e.g., email, videoconferencing, web access, phone, paging), whether through language, content, frequency or size of messages is prohibited. See university policies Discrimination/harassment 3356-2-03; Title IX sexual harassment policy 3356-2-05; Campus free speech 3356-4-21.
 - (d) Making fraudulent offers of products, items or services using any university technology resource is prohibited.
 - (e) Using technology resources for unauthorized or inappropriate financial gain, unauthorized solicitation, or activities associated with a for-profit business, or engaging in an activity that involves a conflict of interest. (Refer to rules 3356-7-01 and 3356-7-19 of the Administrative Code.)
 - (f) Creating or forwarding chain letters, Ponzi, or other pyramid schemes is prohibited.
 - (g) Broadcasting of unsolicited mail or messages is prohibited. Examples include chain letters, virus hoaxes, spam mail, and other email schemes that may cause excessive network traffic. Sending large numbers of electronic mail messages for official university purposes necessitates following the university's procedures for the electronic distribution of information.

- (h) Sending junk mail or advertising material to individuals who did not specifically request such material (email spam) is prohibited.
- (i) Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including but not limited to, the installation or distribution of pirated or other software products that are not appropriately licensed is prohibited.
- (j) Unauthorized copying and downloading of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music and films and the installation of any copyrighted software for which an active license has not been procured is prohibited.
- (k) Circumventing user authentication or security of any host, network or account is prohibited. This includes, but is not limited to, monitoring by use of keylogging or session logging.
- (l) Revealing your account password to others or allowing use of your account by others is prohibited. This prohibition extends to family, other household members, friends and/or co-workers.
- (m) Attempting to log onto another user's account (secured or otherwise) is prohibited.
- (n) Sending electronic communications in such a way that masks the source or makes it appear to come from another source is prohibited.
- (o) Personal use beyond limited responsible use is prohibited.
- (p) Digital recordings of any sensitive nature, such as manager-employee personnel discussions/interactions or any discussions that entail sensitive or protected data (i.e.

FERPA, HIPAA, etc.) as well as recording of any meeting or conversation without full disclosure that the interaction is being recorded. All recordings become subject to the public records law of Ohio, the policy on Public records 3356-9-07 and the policy on Records management 3356-9-09.

- (2) Exemptions. Individual university staff may be exempted from these restrictions on a case-by-case basis (with written authorization according to the university “IT Security Manual”) in the course of performing legitimate job responsibilities.
 - (3) Passwords. Special procedures exist and must be followed to ensure that accounts for employees are secured with passwords known to only the account holder. Passwords may be changed at the request of the area supervisor and approved by the supervisor’s vice president or the president.
 - (4) Under no circumstances is an employee of Youngstown state university authorized to engage in any activity that is unethical or illegal under local, state or federal law while utilizing university-owned resources.
- (K) Enforcement.
- (1) The office of the chief information officer (CIO) may suspend and/or restrict either an individual’s or a device’s access to the university network resource if:
 - (a) It is deemed necessary to maintain the security or functionality of the network resource.
 - (b) It is deemed necessary to protect the university from potential liability.
 - (c) The account, system, or device is believed to have been either compromised or is in violation of this policy.
 - (2) The office of the CIO must immediately report the enforcement action and the justification for the action to the vice president of student affairs, vice president for finance and administration, or

provost (or their designee), as applicable. The university may permanently suspend all technology access of anyone using the university network resource until due process has been completed by student conduct, employee administrative discipline and/or law enforcement agencies.

3356-4-09 Acceptable use of university technology resources.

~~Previous Policy Number: 4009.01~~

Responsible Division/Office: Information Technology Services

Responsible Officer: VP for Finance and Business Operations

Revision History: August 1999; November 2010; December 2012;
March 2016; [June 2021](#)

Board Committee: Finance and Facilities

Effective Date: ~~March 16, 2016~~ [June 3, 2021](#)

Next Review: ~~2021~~ [2026](#)

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(A) Policy statement. University technology resources are provided to the university community to support its academic and administrative functions in accordance with its teaching, research, and service missions. These resources are intended to be used for the educational and business purposes of the university in compliance with this policy.

(B) Scope. This policy applies to all users and uses of university-owned technology resources (including those acquired through grant processes) as well as to any non-YSU and/or remote technology devices while

connected to the YSU network.

(C) Parameters.

- (1) Technology resources (computing, [digital recordings](#), networking, data and network services) are provided to the university community in order to fulfill the mission of the university.
- (2) While the university recognizes the importance of academic freedom and freedom of expression, as a public employer, the university also has a responsibility to comply with all federal and state laws and regulations, as well as the obligation to fulfill its mission.
- (3) Use of university-owned technology to access resources other than those supporting the academic, administrative, educational, research and services missions of the university or for more than limited, responsible personal use conforming to this policy is prohibited.
- (4) Technology resources provided by the university are the property of the university. University-owned technology is not intended to supersede the need for technology purchases for personal purposes.
- (5) As the university is a public entity, information in an electronic form may also be subject to disclosure under the Ohio public records act to the same extent as if they existed on paper. All use is subject to the identification of each individual using technology resources (authentication).
- (6) Use of technology is subject to the requirements of legal and ethical behavior and is intended to promote a productive educational and work environment.

(D) User requirements. All users of the university-owned technology resources (computing, [digital recordings](#), networking and data), regardless of affiliation with the university, must:

- (1) Use only those technology resources that they are authorized to use and use them only in the manner and to the extent authorized.

- (2) Protect the confidentiality, integrity and availability of technology resources.
- (3) Comply with all federal, Ohio, and other applicable law as well as applicable regulations, contracts, and licenses.
- (4) Comply with all applicable policies at Youngstown state university (“YSU”).
- (5) Respect the right of other technology users to be free from harassment or intimidation.
- (6) Respect copyrights, intellectual property rights, and ownership of files and passwords.
- (7) Respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected.
- (8) Respect the finite capacity of technology resources and limit use so as not to consume an unreasonable amount of or abuse those resources or to interfere unreasonably with the activity of other users or to disrupt the authorized activities of the university.
- (9) Limit personal use of university technology resources so that such use does not interfere with one’s responsibilities to the university.
- (10) Not attempt to circumvent information technology security systems or the university “IT Security Manual.”
- (11) Not use any radio spectrum space on any YSU-owned or YSU-occupied property, unless it is part of an approved wireless services deployment by the university.
- (12) Not use technology resources for personal commercial purposes or for personal financial or other gain unless specifically approved by the university.
- (13) Not state or imply that they speak on behalf of the university without authorization to do so and not use university trademarks and logos without authorization to do so.

- (E) User responsibilities.
- (1) By accepting employment, being admitted as a student, or asking for any guest technology resource privileges, users implicitly agree to adhere to this policy and agree to adhere to the university “IT Security Manual.”
 - (2) Users are responsible for any activity performed using their usernames and passwords except when account security is compromised by actions beyond the user’s control.
 - (3) Users are responsible for any activity performed on university-owned technology devices assigned to them except when the device is compromised by actions beyond the user’s control.
 - (4) There is no expectation of personal privacy when using university resources. (See paragraph [E\(F\)](#) of this rule.)
 - (5) Potential violations regarding use of technology resources should be reported to the appropriate information technology services manager(s) or information security officer.
 - (6) Users are responsible for ensuring that critical data are backed up and available to be restored for systems not administered by information systems technology. This includes critical information contained on technology devices oriented to individual use (e.g., desktops, laptops, smart phones, and similar such devices).
 - (7) Users are responsible for maintaining data in compliance with the university records retention plan.
 - (8) Users are responsible for ensuring that sensitive information to which they have access is guarded against theft. (See rule 3356-4-13 of the Administrative Code for more information.)
 - (9) Personal use of computing resources not otherwise addressed in this policy or these procedures will generally be permitted if such use does not consume a significant amount of resources, does not interfere with the performance of an individual’s job or other university responsibilities, and is otherwise in compliance with university policies.

- (F) No expectation of privacy.
- (1) The university does not routinely monitor specific individual end-user usage of its technology resources. However, the university does routinely monitor technology resource usage in the normal operation and maintenance of the university's computing, network and data resources. This monitoring includes the caching and backing up of data and communications, the logging of activity, the monitoring of general usage patterns, the scanning of systems and networks for anomalies and vulnerabilities, the filtering of malicious traffic, and other activities that are necessary for the rapid and efficient delivery of services. Technology users should be aware that there is no expectation of privacy associated with the use of university technology resources.
 - (2) When authorized by the office of the general counsel, the university may also specifically monitor the activity and accounts of individual end-users of university technology resources, including login sessions, file systems, and communications.
 - (3) When authorized by the appropriate university administrator (president, vice president, or associate vice president reporting to the president), the university may access active end-user accounts, files, or communications used for university business when needed by a supervisor or assigned personnel for university business and the end-user is unavailable. For inactive end-users, such as retirees or terminated employees, the end-user's former supervisor or the individual currently holding the supervisor position may request access. For inactive student end-users the provost may authorize access. For all other inactive end-users, the general counsel may authorize access.
 - (4) The university, in its discretion, may disclose the results of any such general or individual monitoring, including the contents and records of individual communications, to appropriate university personnel, student conduct, or law enforcement agencies and may use those results in appropriate university disciplinary proceedings.
 - (5) Personal computing devices:

- (a) Personal computing devices (laptops, desktops, tablets, cellular phones) are restricted to the campus wireless network or the residence hall network.
 - (b) No personal computing devices will be allowed to connect to the wired campus network (excluding the residence hall network).
 - (c) Personal computing devices must comply with university “IT Security Manual” when using the campus wireless network or other provided university technology resource.
 - (d) Personal computing devices used to conduct university business are subject to public records requests.
 - (e) Personal hubs, routers, switches, or wireless access points are prohibited from being connected to either the university’s wired or wireless network.
- (G) Email. Email is an official means for communication at the university. Students, faculty, and staff are expected to check their official email address on a frequent and consistent basis in order to stay current with university communications.
- (H) Security. The university employs various measures (i.e., the university’s “IT Security Manual”) to protect the security of information technology resources and user accounts; however, users should be aware that the university cannot provide good security without user participation. Users should increase their technology security awareness and fully employ access restrictions for their accounts, including using strong passwords, guarding passwords diligently and changing passwords regularly to help safeguard their use of technology.
- (I) Additional policy ramifications. Users must abide by all applicable restrictions, whether or not they are built into the computing system, network or information resources and whether or not they can be circumvented by technical or other means. Individuals who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those states and countries and the rules and policies of those technology systems and information resources.

(J) Examples of unacceptable use:

- (1) As a further aid to policy compliance, the following non-exhaustive list is provided of activities that are prohibited.
 - (a) Using technology resources to engage in fraud, defamatory, abusive, unethical, indecent, obscene, pornographic and/or unlawful activities is prohibited.
 - (b) Using technology resources to procure, solicit, or transmit material that is in violation of sexual, racial or other harassment or hostile workplace laws is prohibited.
 - (c) Any form of harassment by electronic means (e.g., email, [videoconferencing](#), web access, phone, paging), whether through language, content, frequency or size of messages is prohibited. [See university policies Discrimination/harassment 3356-2-03; Title IX sexual harassment policy 3356-2-05; Campus free speech 3356-4-21.](#)
 - (d) Making fraudulent offers of products, items or services using any university technology resource is prohibited.
 - (e) Using technology resources for unauthorized or inappropriate financial gain, unauthorized solicitation, or activities associated with a for-profit business, or engaging in an activity that involves a conflict of interest. (Refer to rules 3356-7-01 and 3356-7-19 of the Administrative Code.)
 - (f) Creating or forwarding chain letters, Ponzi, or other pyramid schemes is prohibited.
 - (g) Broadcasting of unsolicited mail or messages is prohibited. Examples include chain letters, virus hoaxes, spam mail, and other email schemes that may cause excessive network traffic. Sending large numbers of electronic mail messages for official university purposes necessitates following the university's procedures for the electronic distribution of information.

- (h) Sending junk mail or advertising material to individuals who did not specifically request such material (email spam) is prohibited.
- (i) Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including but not limited to, the installation or distribution of pirated or other software products that are not appropriately licensed is prohibited.
- (j) Unauthorized copying and downloading of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music and films and the installation of any copyrighted software for which an active license has not been procured is prohibited.
- (k) Circumventing user authentication or security of any host, network or account is prohibited. This includes, but is not limited to, monitoring by use of keylogging or session logging.
- (l) Revealing your account password to others or allowing use of your account by others is prohibited. This prohibition extends to family, other household members, friends and/or co-workers.
- (m) Attempting to log onto another user's account (secured or otherwise) is prohibited.
- (n) Sending electronic communications in such a way that masks the source or makes it appear to come from another source is prohibited.
- (o) Personal use beyond limited responsible use is prohibited.
- (p) Digital recordings of any sensitive nature, such as; manager-employee personnel discussions/interactions or any discussions that entail sensitive or protected data (i.e.

FERPA, HIPAA, etc.) as well as recording of any meeting or conversation without full disclosure that the interaction is being recorded. All recordings become subject to the public records law of Ohio, the policy on Public records 3356-9-07 and the policy on Records management 3356-9-09.

- (2) Exemptions. Individual university staff may be exempted from these restrictions on a case-by-case basis (with written authorization according to the university “IT Security Manual”) in the course of performing legitimate job responsibilities.
 - (3) Passwords. Special procedures exist and must be followed to ensure that accounts for employees are secured with passwords known to only the account holder. Passwords may be changed at the request of the area supervisor and approved by the supervisor’s vice president or the president.
 - (4) Under no circumstances is an employee of Youngstown state university authorized to engage in any activity that is unethical or illegal under local, state or federal law while utilizing university-owned resources.
- (K) Enforcement.
- (1) The office of the ~~chief technology officer~~ chief information officer (CIO) may suspend and/or restrict either an individual’s or a device’s access to the university network resource if:
 - (a) It is deemed necessary to maintain the security or functionality of the network resource.
 - (b) It is deemed necessary to protect the university from potential liability.
 - (c) The account, system, or device is believed to have been either compromised or is in violation of this policy.
 - (2) The office of the ~~chief technology officer~~ CIO must immediately report the enforcement action and the justification for the action to the vice president of student affairs, vice president for finance and

administration, or provost (or their designee), as applicable. The university may permanently suspend all technology access of anyone using the university network resource until due process has been completed by student conduct, employee administrative discipline and/or law enforcement agencies.



**RESOLUTION TO MODIFY
POSTING ON CAMPUS POLICY, 3356-4-17**

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

WHEREAS, the Posting on Campus 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 Posting on Campus, policy number 3356-4-17, shown as Exhibit A attached hereto. A copy of the policy indicating changes to be made is also attached.

3356-4-17 - Exhibit A

3356-4-17 Posting on campus.

Responsible Division/Office:	Facilities Maintenance and Support Services and Student Affairs
Responsible Officer:	VP for Finance and Business Operations
Revision History:	September 2012; June 2017; June 2021
Board Committee:	Finance and Facilities
Effective Date:	June 3, 2021
Next Review:	2026

- (A) Policy statement. Youngstown state university (“university”) board of trustees recognizes the use of designated posting areas as an important means of communication within the university community. In order to insure the sustainability, functionality, and aesthetics of the university, physical plant postings and other printed materials must be displayed in appropriate locations in accordance with this policy. The university acknowledges that a policy of this nature may not anticipate every possible issue that may arise with respect to posting on campus. As a result, the university reserves the right to impose reasonable restrictions and/or requirements with respect to time, place, and manner for display or posting activities. These restrictions may be in addition to, or in lieu of, those set forth in this policy.
- (B) Procedures. To provide guidelines and procedures by which the university community can share and promote campus news, information, ideas, programs, and events while also maintaining the overall aesthetic appearance of the campus and ensuring appropriate use of available space.
- (C) Scope. This policy applies to the availability and use of university bulletin boards, message boards, display cases, and facilities for the posting of materials, including but not limited to flyers, posters, poster boards, and leaflets.
- (D) General parameters.
- (1) Materials may only be displayed on bulletin boards, message, display cases, or other locations specifically identified for the display of such materials.

- (2) Printed materials must be affixed in a manner appropriate to the surface being utilized.
 - (3) Materials displayed for special occasions, such as red and white day, must not damage surfaces and must be carefully removed in a timely manner.
 - (4) Damage caused by improper posting and/or the cost of removal will be charged to the division, department, office, program, unit, activity, individual, or organization responsible for displaying the printed material.
 - (5) Materials advertising an event must be removed following the event.
 - (6) In order to provide abundant and fair access to audiences, materials may be removed after an advertised event has occurred and/or fourteen days after the original posting date.
 - (7) Courtesy and respect for the freedom of expression by others dictates that postings are not to be marked on, destroyed, or removed. Anyone discovered defacing postings will be subject to applicable sanctions and/or disciplinary action and could be subject to criminal charges.
- (E) Facilities operated by the Office of Student Experience: Kilcawley center, the Andrews student recreation and wellness center, university residence and dining halls, and university courtyard apartments.
- (1) Postings at the university courtyard apartments are monitored by the apartment manager. All other postings are monitored by the office of student experience.
 - (2) Bulletin boards are available for postings for official university events or activities; events or activities sponsored or co-sponsored by a recognized university student organization, university department, program or office; for the exchange of information and ideas; and for events or activities sponsored by an individual or non-university group which may benefit or interest the campus community.

- (3) Upon approval of the office of student activities, the hallways or concourses of Kilcawley center may be made available to display poster boards for the same purposes.
 - (4) Postings must include a removal date no later than fourteen days after the original posting date.
 - (5) Any individual or group may post on community boards, but university event boards are reserved for use by campus departments or registered student organizations only.
 - (6) The office of student experience may impose additional time, place, and manner restrictions regarding postings, including but not limited to size, acceptable materials, and the time/date and/or duration of posting.
- (F) Academic, administrative, and administrative buildings.
- (1) Bulletin boards, message boards, display cases and other locations designated for the specific use of a division, department, office, program, or unit are available only for that specific use and shall be monitored by that division, department, office, program, or unit in accordance with applicable university policies and state and federal law.
 - (2) Each division, department, office, program, or unit may formulate additional procedures for posting material within its own confines.
- (G) Prohibited postings. The placement of posters, flyers, signs, or other similar materials on any permanent university structures, including but not limited to buildings, walls, windows, doors, elevators, traffic signs, light poles, fences, emergency call boxes, trees, or brick, glass or painted surfaces or any other area not specifically designated by the university as appropriate for posting is prohibited.
- (H) Disclaimer. Youngstown state university disclaims all responsibility for the contents of material postings at the university. Anyone posting on campus must be aware of current laws regarding libel, defamation, obscenity, and fair labor relations or other applicable laws. Postings promoting the sale or consumption of alcohol will not be permitted; however, postings promoting alcohol awareness and responsible decision

making are permitted.

- (I) **Violations.** Postings not meeting the standards of this policy will be removed. Violations of this policy or any specific building posting policy may result in the loss of posting privileges and/or facilities use privileges, disciplinary and/or educational sanctions appropriate to the circumstances. University employees violating this policy may be subject to disciplinary action by the university.
- (J) **Expressive activity.** Individuals/groups wishing to engage in the free and orderly exchange of ideas on campus by utilizing generally accessible outdoor areas should consult university policy 3356-4-21 Campus free speech.
- (K) **Commercial solicitation.** Individuals/groups wishing to access the campus for purposes of commercial solicitation or advertising should consult university policy 3356-7-19 Access to campus for purposes of commercial solicitation or advertising.

3356-4-17 Posting on campus.

Responsible Division/Office: Facilities Maintenance and Support Services and
~~Division of Student Experience~~ [Student Affairs](#)
Responsible Officer: VP for Finance and Business Operations
Revision History: September 2012; June 2017; [June 2021](#)
Board Committee: Finance and Facilities
Effective Date: ~~June 14, 2017~~ [June 3, 2021](#)
Next Review: ~~2022~~ [2026](#)

- (A) Policy statement. Youngstown state university (“university”) board of trustees recognizes the use of designated posting areas as an important means of communication within the university community. In order to insure the sustainability, functionality, and aesthetics of the university, physical plant postings and other printed materials must be displayed in appropriate locations in accordance with this policy. The university acknowledges that a policy of this nature may not anticipate every possible issue that may arise with respect to posting on campus. As a result, the university reserves the right to impose reasonable restrictions and/or requirements with respect to time, place, and manner for display or posting activities. These restrictions may be in addition to, or in lieu of, those set forth in this policy.
- (B) Procedures. To provide guidelines and procedures by which the university community can share and promote campus news, information, ideas, programs, and events while also maintaining the overall aesthetic appearance of the campus and ensuring appropriate use of available space.
- (C) Scope. This policy applies to the availability and use of university bulletin boards, message boards, display cases, and facilities for the posting of materials, including but not limited to flyers, posters, poster boards, and leaflets.
- (D) General parameters.
- (1) Materials may only be displayed on bulletin boards, message, display cases, or other locations specifically identified for the display of such materials.

- (2) Printed materials must be affixed in a manner appropriate to the surface being utilized.
 - (3) Materials displayed for special occasions, such as red and white day, must not damage surfaces and must be carefully removed in a timely manner.
 - (4) Damage caused by improper posting and/or the cost of removal will be charged to the division, department, office, program, unit, activity, individual, or organization responsible for displaying the printed material.
 - (5) Materials advertising an event must be removed following the event.
 - (6) ~~Material that is dated or time stamped for removal must~~In order to provide abundant and fair access to audiences, materials may be removed~~accordingly and/or on a scheduled basis~~after an advertised event has occurred and/or fourteen days after the original posting date.
 - (7) Courtesy and respect for the freedom of expression by others dictates that postings are not to be marked on, destroyed, or removed. Anyone discovered defacing postings will be subject to applicable sanctions and/or disciplinary action and could be subject to criminal charges.
- (E) Facilities operated by the Office of Student Experience: Kilcawley center and, the Andrews student recreation and wellness center, university residence and dining halls, and university courtyard apartments.
- (1) ~~Postings are monitored and approved through~~Postings at the university courtyard apartments are monitored by the apartment manager. All other postings are monitored by the office of student experience.
 - (2) Bulletin boards are available for postings for official university events or activities; events or activities sponsored or co-sponsored by a recognized university student organization, university department, program or office; for the exchange of ~~student~~ information and ideas; and for events or activities

sponsored by an individual or non-university group which may benefit or interest the campus community.

- (3) Upon approval of the office of student activities, the hallways or concourses of Kilcawley center may be made available to display poster boards for the same purposes.
- (4) Postings ~~and poster boards must clearly provide information or promote the publicized activity, contain the name and contact information of the sponsor, sponsoring group, student organization department, office, unit, individual or group, and be stamped by the office monitoring the bulletin board with an expiration and/or removal date~~ must include a removal date no later than fourteen days after the original posting date.
- (5) Any individual or group may post on community boards, but university event boards are reserved for use by campus departments or registered student organizations only.
- ~~(5)~~(6) The office of student experience may impose additional time, place, and manner restrictions regarding postings, including but not limited to size, acceptable materials, and the time/date and/or duration of posting.
- ~~(F) University residence halls, university courtyard apartments, and dining halls:~~
 - ~~(1) Postings at residence halls and dining halls are monitored and approved through the office of housing and residence life. Postings at the university's courtyard apartments are monitored and approved by the apartment manager.~~
 - ~~(2) Postings by departments, student organizations, and individuals in any area of these buildings are not allowed without prior approval.~~
- ~~(G)~~(F) Academic, administrative, and administrative buildings.
 - (1) Bulletin boards, message boards, display cases and other locations designated for the specific use of a division, department, office, program, or unit are available only for that specific use and shall be monitored by that division, department, office, program, or unit in accordance with applicable university policies and state and

federal law.

- (2) Each division, department, office, program, or unit may formulate additional procedures for posting material within its own confines.

~~(H)~~(G) ——— Prohibited postings. The placement of posters, flyers, signs, or other similar materials on any permanent university structures, including but not limited to buildings, walls, windows, doors, elevators, traffic signs, light poles, fences, emergency call boxes, trees, or brick, glass or painted surfaces or any other area not specifically designated by the university as appropriate for posting is prohibited.

~~(H)~~(H) ——— Disclaimer. Youngstown state university disclaims all responsibility for the contents of material postings at the university. Anyone posting on campus must be aware of current laws regarding libel, defamation, obscenity, and fair labor relations or other applicable laws. Postings promoting the sale or consumption of alcohol will not be permitted; however, postings promoting alcohol awareness and responsible decision making are permitted.

~~(H)~~(I) ——— Violations. Postings not meeting the standards of this policy will be removed. Violations of this policy or any specific building posting policy may result in the loss of posting privileges and/or facilities use privileges, disciplinary and/or educational sanctions appropriate to the circumstances. University employees violating this policy may be subject to disciplinary action by the university.

~~(K)~~(J) ——— Expressive activity. Individuals/groups wishing to engage in the free and orderly exchange of ideas on campus by utilizing generally accessible outdoor areas should consult ~~rule~~university policy 3356-4-21 ~~of the Administrative Code (corresponding university policy 3356-4-21 can be found on the "University Policies" webpage)~~Campus free speech.

~~(L)~~(K) ——— Commercial solicitation. Individuals/groups wishing to access the campus for purposes of commercial solicitation or advertising should consult ~~rule~~university policy 3356-7-19 ~~of the Administrative Code (corresponding university policy 3356-7-19 can be found on the "University Policies" webpage)~~Access to campus for purposes of commercial solicitation or advertising.



**RESOLUTION TO AUTHORIZE ACQUISITION OF REAL ESTATE
FOR CAMPUS IMPROVEMENT**

WHEREAS, Youngstown State University (the “University”) has identified an area surrounding the campus which it seeks to acquire property for the benefit of the University; and

WHEREAS, the University has communicated with owners of property located at 317 West Commerce Street (“Commerce Property”), 150 West Rayen Avenue (“Rayen Property”), and 234 Fifth Avenue (“Fifth Avenue Property”), which are identified on the property map attached hereto as Exhibit A; and

WHEREAS, the Commerce Property is an .214-acre surface parking lot that contains approximately 32 parking spaces; and

WHEREAS, the Commerce Property is located directly across West Commerce Street from the University’s Excellence Training Center (“ETC”); and

WHEREAS, the Commerce Property will be used to provide additional nearby parking for staff, visitors and guests of the ETC; and

WHEREAS, the Rayen Property is an approximately 9,661 square foot warehouse building that was constructed in 1957 and is situated on .4614 acres; and

WHEREAS, the Rayen Property is bordered to the east, west and north by property owned by the University; and

WHEREAS, acquisition of the Rayen Property increases the University’s land assemblage in the block of Lincoln Avenue, Elm Street, Rayen Avenue and Hazel Street; and

WHEREAS, the Rayen Property may be used for future University development; and

WHEREAS, the Fifth Avenue Property is an approximately 2,940 square foot building that is situated on .345 acres; and

WHEREAS, the Fifth Avenue Property is located in close proximity to several other University properties; and

WHEREAS, the Fifth Avenue Property may be used for future University development; and

WHEREAS, it is in the best interest of the University to acquire the Commerce Property, the Rayen Property, and the Fifth Avenue Property.

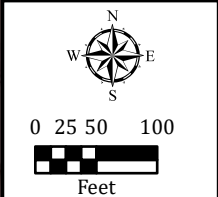
NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize the University to acquire the Commerce Property, Rayen Property, and Fifth Avenue Property at a purchase price not to exceed appraised value as determined by an appraisal obtained by the University, and subject to approval by the Controlling Board of the State of Ohio.

**Board of Trustees Meeting
June 3, 2021
YR 2021- 87**



Exhibit A

- Commerce Properties
- Rayen Properties
- Fifth Avenue Properties
- YSU-Owned Property
- Other Property



Prepared by:
 Youngstown State University
 Department of Humanities
 Geography and Urban-
 Regional Studies Program
 Source: Mahoning County
 Enterprise
 Mahoning Co
 5/20/202



**RESOLUTION TO EXCHANGE REAL ESTATE
FOR CAMPUS IMPROVEMENT**

WHEREAS, Youngstown State University (the “University”) has identified an area surrounding the campus which it seeks to acquire property needed for the benefit of the University; and

WHEREAS, the Butler Institute of American Art (the “Butler”) is situated adjacent to the University and has a long history of collaborating with the University on community projects, educational programs, research and teaching; and

WHEREAS, in 2000, the Butler constructed an approximately 19,000 square foot south wing addition known as the Beecher Center, which is a unique, state-of-the-art venue for teaching, researching, producing, distributing and exhibiting art through electronic and technology-oriented media; and

WHEREAS, the Beecher Center was constructed in collaboration with the University through a \$3.25 million dollar appropriation from the State of Ohio, and a 15-year Joint Use Agreement entered into between the Butler and the University which provided the University with access to the Beecher Center for classes, research, exhibitions, workshops, seminars, symposia, lecture series, continuing education programs and other related activities; and

WHEREAS, a portion of the Beecher Center was constructed on land owned by the University, and the Butler is planning to construct an additional expansion to the Beecher Center on land owned by the University (collectively the “University Property”), as identified on the property map attached hereto as Exhibit A; and

WHEREAS, the Butler is requesting that the University transfer the University Property to the Butler; and

WHEREAS, the University is interested in acquiring land owned by the Butler that consists of portions of parcel numbers 53-004-0-088.00-0, 53-004-0-089.01-0 and 53-004-0-091.01-0 (“Butler Property”), as identified on the attached property map; and

WHEREAS, the Butler Property includes 11 parking spaces that are frequently utilized by the University; and

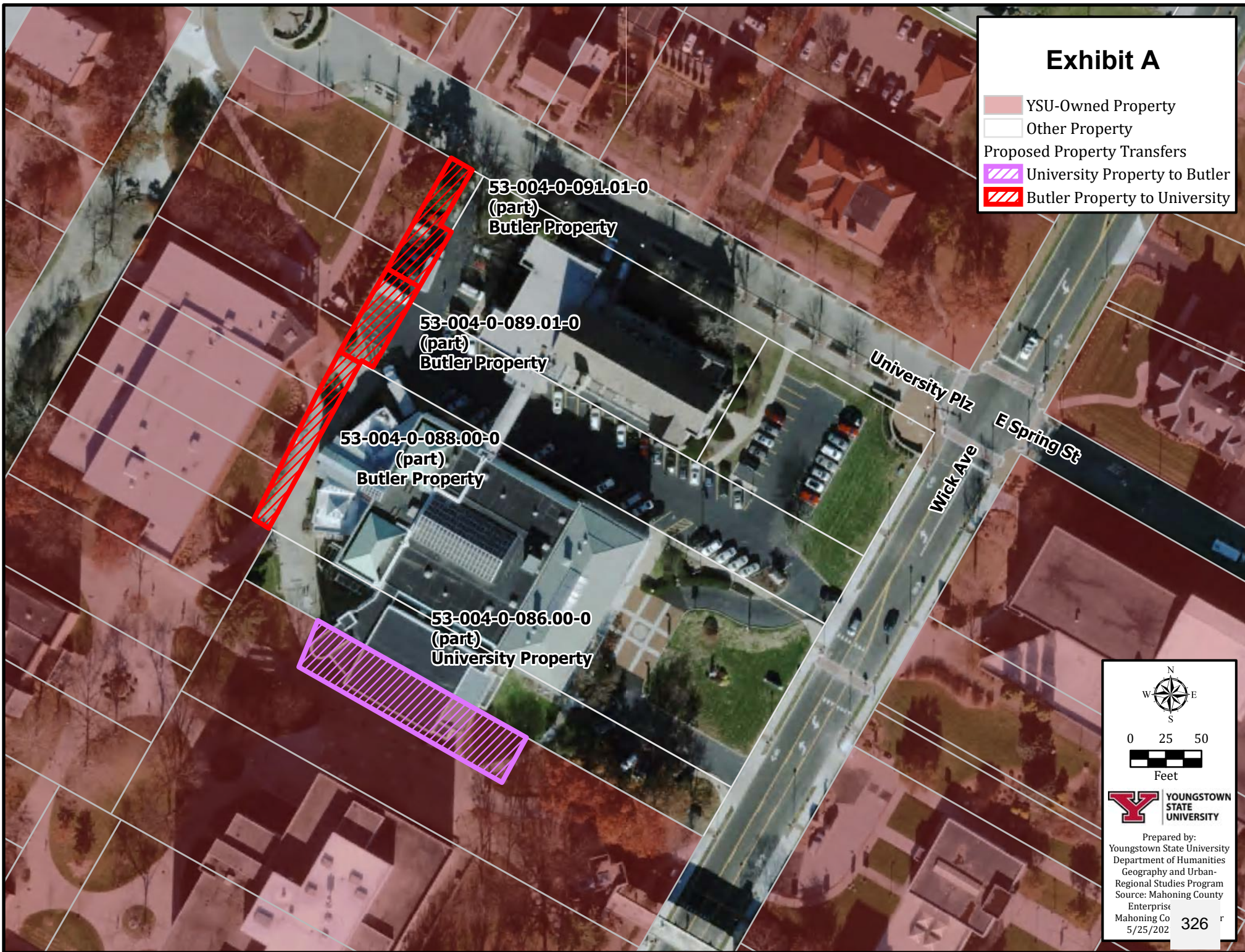
WHEREAS, the University Property and the Butler Property are similar in land size; and

WHEREAS, in the interest of being a good neighbor, the University seeks to exchange the University Property with the Butler for the Butler Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby authorize the University to exchange the University Property with the Butler for the Butler Property, subject to any necessary approvals of the State of Ohio.

Exhibit A

- YSU-Owned Property
- Other Property
- Proposed Property Transfers
 - University Property to Butler
 - Butler Property to University



0 25 50
Feet

YOUNGSTOWN STATE UNIVERSITY

Prepared by:
Youngstown State University
Department of Humanities
Geography and Urban-
Regional Studies Program
Source: Mahoning County
Enterprise
Mahoning Co
5/25/202

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**RESOLUTION TO AUTHORIZE THE ISSUANCE AND
SALE OF GENERAL RECEIPTS BONDS OF
YOUNGSTOWN STATE UNIVERSITY, APPROVING A
SUPPLEMENTAL TRUST INDENTURE AND
AUTHORIZING RELATED MATTERS**

WHEREAS, on February 6, 2009, the Board of Trustees of Youngstown State University (the “Board”) adopted a resolution (the “General Bond Resolution”) providing for the adoption of an Amended and Restated Trust Indenture dated as of March 1, 2009, which has been supplemented and amended by the First Supplemental Trust Indenture dated as of February 1, 2010, the Second Supplemental Trust Indenture dated as of July 1, 2011 and the Third Supplemental Trust Indenture dated as of December 1, 2016 (collectively, the “Trust Indenture”), and which provides for the issuance from time to time of Obligations of Youngstown State University (the “University”) including its General Receipts Bonds, with each issuance to be authorized by a Series Resolution adopted by the Board; and

WHEREAS, the General Bond Resolution was adopted and the Trust Indenture was authorized by the Board pursuant to Sections 3345.11 and 3345.12 of the Ohio Revised Code, enacted by the General Assembly of Ohio under authority of the Constitution of Ohio, particularly Section 2i of Article VIII thereof, which authorizes the University to issue its obligations to fund and refund the costs of certain capital facilities, defined as “auxiliary facilities,” “education facilities” and “housing and dining facilities” in Section 3345.12 of the Revised Code and called “University Facilities” in this Resolution; and

WHEREAS, the University issued its \$25,335,000 General Receipts Bonds (Taxable Build America Bonds – Direct Payment), Series 2010 Bonds (the “Series 2010 Bonds”) to provide funds to (i) pay costs associated with facilities planning for the University’s College of Science, Technology, Engineering and Mathematics, (ii) convert the vacated college of business building for use as laboratory, office and classroom space, (iii) renovate and improve the Kilcawley Center, (iv) reconfigure and replace on-campus parking facilities, (v) begin construction on the Watson and Tressel Training Site Center, which houses a full suite of athletic training facilities, (vi) relocate certain existing outdoor athletic facilities and (vii) pay costs of issuance of the Series 2010 Bonds (the “Series 2010 Project”).

WHEREAS, the University issued its \$18,660,000 General Receipts Bonds, Series 2011 dated July 20, 2011 (the “Series 2011 Bonds”) to provide funding to (i) pay costs associated with acquiring the University Courtyard Apartments and related improvements thereto, and (ii) pay costs of issuance of the Series 2011 Bonds (the “Series 2011 Project” and, together with the Series 2010 Project, the “Prior Projects”).

WHEREAS, the University has determined that it is in its interest to refund all or a portion of the 2010 Bonds and the 2011 Bonds (collectively, the “Prior Bonds”), in a presently anticipated cost of not to exceed \$30,000,000 in aggregate principal amount of Obligations to be designated “General Receipts Bonds, Series 2021,” or such other designation as authorized hereby (the “Series

2021 Bonds”), which may be issued in multiple series, to pay the costs of refunding all or a portion of the Prior Bonds and the costs of issuance of the Series 2021 Bonds; and

WHEREAS, the Board determines that it is in the best interest of the University to provide for flexibility in structuring the Series 2021 Bonds, and therefore, has provided that certain terms of the Series 2021 Bonds shall be determined in the Certificate of Award authorized pursuant to Section 5 hereof; and

WHEREAS, the Board finds that all conditions precedent to the authorization and sale of the Series 2021 Bonds have been or will be met by the time the Series 2021 Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF YOUNGSTOWN STATE UNIVERSITY, as follows:

Section 1. Definitions and Interpretations. Where used in this Resolution, in any supplemental indentures and in the Certificate of Award, and in addition to words and terms defined elsewhere in this Resolution (including its preambles), any supplemental indentures, the General Bond Resolution or the Trust Indenture, the following terms shall have the following meanings:

“Act” means Sections 3345.11 and 3345.12 of the Ohio Revised Code, as the same may be amended, modified, revised, supplemented, or superseded from time to time.

“Bond Purchase Agreement” means the Bond Purchase Agreement with respect to a Series 2021 Bond between the Original Purchaser and the University, to be dated as of its date of execution.

“Certificate of Award” means any Certificate of Award authorized by Section 5 hereof.

“Code” means the Internal Revenue Code of 1986, as amended, the regulations (whether proposed, temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a section of the Code includes that section and such applicable regulations, rulings, announcements, notices, procedures and determinations pertinent to that section.

“Computation Date” means:

- (i) (A) the last day of each Bond Year while the Series 2021 Bonds are outstanding, and (B) the date on which the last Series 2021 Bonds are retired, or
- (ii) such other date or dates elected by the University as may be permitted under the Code for computation of the Rebate Amount.

“Continuing Disclosure Agreement” means the continuing disclosure agreement, certificate or undertaking relating to a Series 2021 Bond executed by the University and the

Trustee, dated no later than the date of delivery of a Series 2021 Bond, as the same may be amended from time to time in accordance with the terms thereof.

“Excess Earnings” means, as of each Computation Date, an amount determined in accordance with Section 148(f) of the Code equal to the sum of (i) plus (ii) where:

(i) is the excess of:

(a) the aggregate amount earned from the Issuance Date on all Nonpurpose Investments in which Gross Proceeds are invested (other than investments attributable to an excess described in this clause (i)), taking into account any gain or loss on the disposition of Nonpurpose Investments, over

(b) the amount which would have been earned if the amount of the Gross Proceeds invested in those Nonpurpose Investments (other than investments attributable to an excess described in this clause (i)) had been invested at a rate equal to the Yield on the Series 2021 Bonds; and

(ii) is any income attributable to the excess described in clause (i), taking into account any gain or loss on the disposition of investments.

“Fiscal Officer” means the Vice President for Finance and Administration of the University or such other person designated by the Vice President for Finance and Administration to act as Fiscal Officer for purposes of this Resolution.

“Fourth Supplemental Trust Indenture” means the Fourth Supplemental Trust Indenture between the University and the Trustee, and any additional Supplemental Trust Indenture necessary with respect to the issuance of a Series 2021 Bond, authorized pursuant to Section 7.01 of the Trust Indenture and this Resolution.

“Gross Proceeds” means (i) Proceeds, (ii) Replacement Proceeds, and (iii) any other money, investments, securities, obligations or other assets that constitute “gross proceeds” for purposes of Section 148(f) of the Code as applied to the Series 2021 Bonds, all until spent.

“Insurer” means any issuer of a municipal bond insurance policy insuring the payment of all or a portion of the Debt Service Charges on the Series 2021 Bonds, as may be approved by the Fiscal Officer pursuant to Section 8 of this Resolution.

“Interest Payment Dates” means the fifteenth day of June and December in each year, commencing December 15, 2021, or such other dates as may be set forth in the Certificate of Award.

“Investment Proceeds” means any amounts actually or constructively received from investing Original Proceeds.

“Investment Property” means (i) “investment property” as defined in Section 148(b)(2) of the Code, including any security (within the meaning of Section 165(g)(2)(A) or (B)) of the Code, any obligation, any annuity contract, and any investment-type property. Investment Property does

not include a Tax-Exempt Bond, except a Tax-Exempt Bond which is a “specified private activity bond” as defined in Section 57(a)(5)(C) of the Code, the interest on which is an item of tax preference for purposes of the alternative minimum tax imposed on individuals and corporations, or (ii) qualified exempt investment, that is, a United States Treasury obligation - Demand Deposit State and Local Government Series.

“Issuance Date” means the date of physical delivery by the University of each Series 2021 Bond authorized hereunder in exchange for the purchase price of the Series 2021 Bonds.

“Issue Price” means the aggregate of the initial offering prices (including accrued interest and original issue discount and/or premium, if any) at which each maturity of a Series 2021 Bond was offered to the public (excluding bond houses, brokers and other intermediaries) and at which price or prices a substantial amount of each maturity of a Series 2021 Bond was sold to the public (other than to bond houses, brokers and other intermediaries).

“Nonpurpose Investments” shall have the meaning ascribed to such term in Section 148 of the Code and shall mean any investment other than a Purpose Investment (which is an investment acquired in order to carry out the governmental purpose of the Series 2021 Bonds).

“Original Proceeds” means Sales Proceeds and Investment Proceeds.

“Original Purchaser” means the purchaser or purchasers of a Series 2021 Bond named in the Bond Purchase Agreement and set forth in the Certificate of Award.

“Proceeds” means any Original Proceeds and any Transferred Proceeds of a Series 2021 Bond.

“Purpose Investment” means an investment acquired in order to carry out the governmental purpose of the Series 2021 Bonds, which is to provide funding for the acquisition of the Project, and any necessary related improvements thereto, and to pay a portion of the costs associated with such issuance.

“Regular Record Date” means the fifteenth day of the calendar month next preceding an Interest Payment Date.

“Rebate Amount” means the amount of Excess Earnings (excluding any amount earned on a Bona Fide Debt Service Fund) computed as of the most recent prior Computation Date in accordance with the requirements of Section 148(f) of the Code.

“Refunded Bonds” means those Prior Bonds designated as such in a Certificate of Award.

“Sales Proceeds” means the portion of the Issue Price received by the University upon the sale of a Series 2021 Bond (including any underwriter’s discount withheld from the Issue Price).

“Securities Depository” means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Series 2021 Bonds” means the several series of General Receipts Bonds and any bond anticipation notes or other debt obligations of the University authorized by this Resolution and issued pursuant to this Resolution and the Certificate of Award.

“Series 2021 Resolution” or “this Resolution” means this Resolution authorizing the issuance and sale of the Series 2021 Bonds.

“Special Record Date” means the date established by the Trustee in connection with the payment of any overdue interest on any Bond pursuant to Section 4(e)(ii) of this Resolution.

“Tax-Exempt Bond” means any obligation, or issue of obligations, the interest on which is, or is intended to be, excluded from gross income for federal income tax purposes within the meaning of Section 150 of the Code, and includes any investment treated as a “tax-exempt bond” for the applicable purpose of Section 148 of the Code.

“Transferred Proceeds” means any proceeds of a prior issue that become Proceeds of a Series 2021 Bond within the meaning of Treasury Regulations 1.148-9.

“Trustee” means U.S. Bank, National Association, as successor trustee under the Trust Indenture, and its successors and assigns.

“Yield” has the meaning assigned to it for purposes of Section 148 of the Code, and means that discount rate that, when used in computing the present value of all payments of principal and interest to be paid on an obligation, computed on the basis of a 360 day year and semiannual compounding, produces an amount equal to (i) the Issue Price in the case of the Series 2021 Bonds, or (ii) the purchase price for Yield purposes in the case of Investment Property. The Yield on Investment Property in which Proceeds of the Series 2021 Bonds are invested is computed on a basis consistent with the computation of Yield on the Series 2021 Bonds.

The terms “state or local bonds, governmental unit,” “loan,” “private business use,” “net proceeds” and other terms relating to Code provisions used but not defined herein shall have the meanings given to them for purposes of Sections 103, 141, 148 and 150 of the Code unless the context indicates another meaning. References in this section to Sections are, unless otherwise indicated, references to Code sections.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms “hereof,” “herein,” “hereby,” “hereto,” “hereunder,” and similar terms, mean this Resolution, the Fourth Supplemental Trust Indenture and any other indentures supplemental to the Trust Indenture as it now exists or as it may be amended. References to sections, unless otherwise stated, are to sections of this Resolution.

Section 2. Authority and Determinations. This Resolution is adopted pursuant to the General Bond Resolution, the Trust Indenture and the Act; the Prior Projects constitute “auxiliary facilities,” “education facilities” or “housing and dining facilities” as defined by the Act; and the issuance of the Series 2021 Bonds and the refunding of the Refunded Bonds are in the best interests of the University.

Section 3. Authorization, Designation and Purpose of the Series 2021 Bonds. It is hereby declared to be necessary to, and in the best interest of the University to, and the University shall, issue, sell and deliver, as provided and authorized by this Resolution, General Receipts Obligations of the University, in one or more series, which shall be designated “General Receipts Bonds, Series 2021” or such other designation as set forth in the Certificate of Award, in the maximum original aggregate principal amount of not to exceed \$30,000,000 (provided that the original principal amount of each Series 2021 Bond shall be as provided by the related Certificate of Award), for the purpose of paying the costs of refunding the Refunded Bonds and paying costs of issuance of the Series 2021 Bonds. For that purpose, the proceeds from the sale of the Series 2021 Bonds shall be allocated and deposited as provided in Section 6 of this Resolution. The principal amount of each Series 2021 Bond to be issued shall be determined by the Fiscal Officer and specified in a Certificate of Award, provided that the aggregate principal amount of all Bonds outstanding at any time shall not exceed \$30,000,000. The Series 2021 Bonds may be issued in one or more separate series of (i) Fixed Rate Bonds. Any series of the Series 2021 Bonds may be issued in separate series of Tax-Exempt Bonds or taxable Bonds as the Fiscal Officer may determine in a Certificate of Award.

Section 4. Terms and Provisions Applicable to the Series 2021 Bonds.

(a) Form and Numbering. The Series 2021 Bonds shall be issued, unless otherwise subsequently provided in any supplemental indentures entered into pursuant to the Trust Indenture, only in the form of fully registered Series 2021 Bonds, substantially in the form set forth in the Fourth Supplemental Trust Indenture, with such changes as may be necessary to reflect the terms of the Series 2021 Bonds set forth in the Certificate of Award. The Series 2021 Bonds shall be fully registered and numbered as determined by the Fiscal Officer in such manner as to distinguish each Series 2021 Bond from each other Series 2021 Bond, and if necessary, any series from any other series.

Unless otherwise specified in a Certificate of Award, the Series 2021 Bonds shall be initially issued only to a Securities Depository to be held in a book entry system and: (i) the Series 2021 Bonds shall be registered in the name of the Securities Depository or its nominee, as registered owner, and immobilized in the custody of the Securities Depository; and (ii) the Series 2021 Bonds as such shall be transferable or exchangeable in accordance with Section 2.06 of the Trust Indenture, provided, however that so long as a book entry system is used for the Series 2021 Bonds, they may only be transferred to another Securities Depository or to another nominee of a Securities Depository. Notwithstanding Section 2.06 of the Trust Indenture, the University may, and may require the Trustee to, transfer the Series 2021 Bonds from one Securities Depository to another Securities Depository or to a designated registered owner at any time.

(b) Terms.

(i) Denomination and Dates. The Series 2021 Bonds shall be issued in the denomination of not less than \$5,000 and any integral multiple of \$5,000 as set forth in the Fourth Supplemental Trust Indenture, and shall be dated as may be provided in the Certificate of Award. Each Series 2021 Bond shall have only one principal maturity date, except for interim certificates or receipts which may be issued pending preparation of definitive Series 2021 Bonds.

(ii) Interest. The Series 2021 Bonds shall bear interest on the unpaid principal amount thereof from the later of (i) their Issuance Date or (ii) the most recent date to which interest has been paid or provided for, payable on the Interest Payment Dates at the respective rates per annum set forth in the Certificate of Award. With respect to a series of Fixed Rate Bonds, such rate or rates shall in no event produce a net interest cost payable over the life of such Series 2021 Bonds in excess of 3.000%.

(iii) Maturities. The Series 2021 Bonds shall mature on the dates and in the principal amounts as provided in the Certificate of Award, but not later than December 15, 2033.

(iv) Prior Redemption.

(A) The Series 2021 Bonds may be subject to redemption at the option of the University prior to their stated maturities, under the conditions, in the denominations and at the price as provided in the Certificate of Award, provided that at no time shall the redemption price, exclusive of accrued interest, exceed 103%.

(B) The Series 2021 Bonds of one or more maturities may be subject to mandatory redemption pursuant to Mandatory Sinking Fund Requirements by the University at a redemption price equal to 100% of the principal amount redeemed, plus accrued interest to the date of redemption, in the years and in the principal amounts provided in the Certificate of Award.

(v) Additional Terms. The Series 2021 Bonds may be subject to tender, to a remarketing, to a purchase in lieu of redemption, or to such other terms as shall be set forth in the Fourth Supplemental Trust Indenture or Certificate of Award, and as shall be consistent with the General Bond Resolution, this Resolution, and the Trust Indenture, and as shall be not adverse to the best interest of the University, and a determination that such terms are not adverse shall be conclusively evidenced by the execution of such Fourth Supplemental Trust Indenture or Certificate of Award by an authorized official of the University.

(c) Debt Service Charges. Principal shall be payable in each year from the first maturity or mandatory sinking fund payment year to the final maturity year either at stated maturity or pursuant to Mandatory Sinking Fund Requirements as set forth in the Certificate of Award.

(d) Selection of Bonds to Be Redeemed.

(i) If fewer than all of the outstanding Series 2021 Bonds are called for optional or mandatory redemption at one time, the Series 2021 Bonds to be called shall be designated by the Fiscal Officer in his or her sole discretion and the maturities of the Series 2021 Bonds to be called for optional redemption shall be designated by the Fiscal Officer without regard to the order of their maturities. If fewer than all of the outstanding Bonds of one maturity are to be called for redemption, the selection of the Series 2021 Bonds, or portions of those Series 2021 Bonds (in integral multiples of \$5,000), of that maturity to be called for redemption shall be made by lot in the manner provided in the Trust Indenture.

If optional redemption of the Series 2021 Bonds at a redemption price above 100% of the principal amount to be redeemed is to take place on any applicable mandatory sinking fund redemption date, the Series 2021 Bonds to be optionally redeemed shall be selected prior to the selection of the Series 2021 Bonds to be redeemed by mandatory sinking fund redemption.

(ii) Notice of call for redemption of Series 2021 Bonds, setting forth the information provided for in Section 3(d) of the General Bond Resolution, shall be given by the Trustee on behalf of the University. Failure to receive notice by mailing, or any defect in that notice, as to any Series 2021 Bond shall not affect the validity of the proceedings for the redemption of any other Series 2021 Bond.

(e) Places and Manner of Payment and Paying Agents.

(i) The principal of and any redemption premium on Series 2021 Bonds shall be payable when due only to the registered owners, upon presentation and surrender of the Series 2021 Bonds at the designated corporate trust office of the Trustee.

(ii) Interest on any Series 2021 Bond due on each Interest Payment Date shall be payable by check or draft, which the Trustee shall cause to be mailed on the Interest Payment Date to the person who is the registered owner of the Series 2021 Bond (or one or more predecessor Series 2021 Bonds) at the close of business on the Regular Record Date applicable to that Interest Payment Date, at the address then appearing on the Register. If and to any extent, however, that the University shall make neither payment nor provision for payment of interest on any Series 2021 Bond on any Interest Payment Date, that interest shall cease to be payable to the person who was the registered owner of that Series 2021 Bond (or of one or more predecessor Series 2021 Bonds) as of the applicable Regular Record Date; when moneys become available for payment of that interest the Trustee shall, subject to Section 6.06(d) of the Trust Indenture, establish a Special Record Date for the payment of that interest which shall be not more than 15 or fewer than 10 days prior to the date of the proposed payment, and the Trustee shall cause notice of the proposed payment and of the Special Record Date to be mailed to the person who is the registered owner of that Series 2021 Bond on a date not fewer than 10 days prior to the Special Record Date, at the address as then appears on the Register, and thereafter that interest shall be payable to the person who is the registered owner of that Series 2021 Bond (or a predecessor Series 2021 Bond) at the close of business on the Special Record Date.

(iii) Notwithstanding any other provision of this Resolution or any provision of the General Bond Resolution, the Trust Indenture, the Fourth Supplemental Trust Indenture, any supplemental indentures or any Series 2021 Bond to the contrary, with the written approval of the University, the Trustee may enter into an agreement with a Securities Depository, or the nominee of a Securities Depository that is the registered owner of a Series 2021 Bond in the custody of that Securities Depository providing for making all payments to that registered owner of principal of and interest and any premium on that Series 2021 Bond or any portion of that Series 2021 Bond (other than any payment of its entire unpaid principal amount) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Resolution, without prior presentation

or surrender of the Series 2021 Bond, upon any conditions which shall be satisfactory to the Trustee and the University. That payment in any event shall be made to the person who is the registered owner of that Series 2021 Bond on the date that principal and premium is due, or, with respect to the payment of interest, as of the applicable Regular Record Date or Special Record Date or other date agreed upon, as the case may be. The Trustee will furnish a copy of each of those agreements, certified to be correct by an officer of the Trustee, to other authenticating agents and paying agents for Series 2021 Bonds, if any, and to the University. Any payment of principal, premium, or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Resolution and the Agreement.

(iv) Alternate Paying Agents may be designated in the Certificate of Award.

(f) Execution and Authentication. The Series 2021 Bonds shall be executed and authenticated in the manner provided in the Trust Indenture. Alternate Authenticating Agents may be designated by the Fiscal Officer in the Certificate of Award.

Section 5. Sale of the Series 2021 Bonds.

(a) General. Consistent with the provisions of this Resolution, the Fiscal Officer is authorized to determine and to set forth in a Certificate of Award for each series of Series 2021 Bonds issued pursuant to this Resolution:

- (i) that the Series 2021 Bonds shall be issued;
- (ii) the Principal Amount of Series 2021 Bonds to be issued, provided that such amount shall not exceed, in the aggregate, \$30,000,000;
- (iii) the interest rates on the Series 2021 Bonds;
- (iv) the amount of any original issue discount and/or premium on the Series 2021 Bonds;
- (v) the maturities of the Series 2021 Bonds;
- (vi) the optional and mandatory redemption dates, if any, and redemption prices for the Series 2021 Bonds; and
- (vii) the purchase price for the Series 2021 Bonds.

The Series 2021 Bonds shall be sold by the Fiscal Officer to the Original Purchaser on such terms not inconsistent with this Resolution as are provided in the Certificate of Award and the Bond Purchase Agreement.

The Fiscal Officer is authorized and directed to execute the Certificate of Award and the Bond Purchase Agreement, in order to provide for the definitive terms and terms of sale of the Series 2021 Bonds as provided in this Resolution, and to award and provide for sale of the Series 2021 Bonds to the Original Purchaser. The Bond Purchase Agreement shall have such terms as

shall be consistent with this Resolution and not materially adverse to the University, as shall be approved by the Fiscal Officer, and his or her execution of the Bond Purchase Agreement shall constitute conclusive approval of any such changes on behalf of the University and that such changes are not materially adverse to the University. The Certificate of Award shall be incorporated in and form a part of the Fourth Supplemental Trust Indenture and any supplemental indentures authorized under this Resolution.

(b) Official Statement. The Fiscal Officer is authorized and directed, on behalf of the University, and in his or her official capacity, to prepare or cause to be prepared, a preliminary official statement and any necessary supplement thereto relating to the original issuance of the Series 2021 Bonds; to determine, and to certify or otherwise represent, when such preliminary official statement is “deemed final” for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1); and to use and distribute, or authorize the use and distribution of such preliminary official statements and any supplements in connection with the original issuance of each series of Series 2021 Bonds until an official statement is prepared. All actions previously taken by the Fiscal Officer in this regard relating to a preliminary official statement are hereby approved, ratified and confirmed.

The Fiscal Officer is further authorized and directed, on behalf of the University, and in his or her official capacity, to prepare or cause to be prepared an official statement, and any necessary supplements thereto, relating to the original issuance of each Series 2021 Bond; to determine, and to certify or otherwise represent, when such official statement is a final official statement for purposes of Securities and Exchange Commission Rule 15c2-12(b)(3) and (4); to use and distribute, or authorize the use and distribution of such official statement, and any supplements thereto, in connection with the sale of each Series 2021 Bond; and to sign and deliver the official statements.

The Fiscal Officer is further authorized and directed, on behalf of the University, and in his or her official capacity, to sign and deliver such certificates in connection with the accuracy of the preliminary official and the final official statements and any supplements thereto as may, in his or her judgment, be necessary or appropriate.

Section 6. Allocation of Proceeds of the Series 2021 Bonds.

(a) Allocation. All of the proceeds from the sale of the Series 2021 Bonds shall be received and receipted for by the Fiscal Officer or by his or her authorized representative for that purpose, and shall be allocated, deposited and credited as follows, as further set out in the Fourth Supplemental Trust Indenture or Certificate of Award, and such proceeds are hereby appropriated for the purposes of the respective funds and accounts into which such proceeds are deposited:

(i) To the Series 2021 Bonds Account in the Debt Service Fund, any portion of the proceeds representing accrued interest, capitalized interest and premium, if any;

(ii) To the Series 2010 Bond Account of the Debt Service Fund, such amount as set forth in the Fourth Supplemental Indenture or the Certificate of Award as is necessary to defease, redeem and refund the related Series 2010 Bonds that are Refunded Bonds; and

(iii) To the Series 2011 Bond Account of the Debt Service Fund, such amount as set forth in the Fourth Supplemental Indenture or the Certificate of Award as is necessary to defease, redeem and refund the related Series 2011 Bonds that are Refunded Bonds; and

(iv) To the Series 2021 Costs of Issuance Account of the Project Fund to be established by the Fourth Supplemental Indenture, such amount as set forth in the Fourth Supplemental Indenture or the Certificate of Award as is necessary to pay costs associated with the issuance of the Series 2021 Bonds and the defeasance, redemption and refunding of the Refunded Bonds.

(b) Debt Service Reserve. Unless otherwise provided in a Certificate of Award, no provision shall be made for a debt service reserve account with respect to the Series 2021 Bonds, and there shall be no required reserve for the Series 2021 Bonds.

(c) Additional Special Funds and Accounts. The Fiscal Officer is hereby authorized to create such additional Special Funds and Special Accounts in connection with the Series 2021 Bonds and the security therefor and the remarketing thereof as the Fiscal Officer deems necessary. Any such Special Funds and Accounts and the permitted investment thereof shall be described in a Certificate of Award or the Fourth Supplemental Trust Indenture.

Section 7. Tax Covenants; Rebate Fund.

(a) Covenants. The University hereby covenants that:

(i) It will restrict the use of the proceeds of the Series 2021 Bonds in such manner and to such extent, if any, as may be necessary so that the Series 2021 Bonds will not constitute arbitrage bonds under Section 148 of the Code. The Fiscal Officer, or any other officer of the University having responsibility for the issuance of the Series 2021 Bonds, alone or in conjunction with any other officer or employee of or any consultant to the University, shall give an appropriate certificate of the University, for inclusion in the transcript of proceedings for the Series 2021 Bonds, setting forth the reasonable expectations of the University regarding the amount and use of all the proceeds of the Series 2021 Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2021 Bonds.

(ii) It (a) will take or cause to be taken such actions that may be required of it for the interest on the Series 2021 Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or authorize to be taken any actions that would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, (1) apply the proceeds of the Series 2021 Bonds to the governmental purpose of the borrowing, (2) restrict the yield on investment property acquired with those proceeds, (3) make timely rebate payments to the federal government, (4) maintain books and records and make calculations and reports, and (5) refrain from certain uses of those proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Fiscal Officer and other appropriate officers are authorized and directed to take any and all actions, make calculations and rebate payments to the

federal government, and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

(b) **Rebate Fund.** There is hereby created the Series 2021 Bonds Rebate Fund (the “Rebate Fund”), to be in the custody of the Trustee, which shall be continuously invested in Eligible Investments by the Trustee at the oral direction (confirmed in writing) of the Fiscal Officer. The Rebate Fund shall be held, administered and disposed of in accordance with the provisions of the Fourth Supplemental Trust Indenture and any other supplemental indentures relating to the Series 2021 Bonds. Amounts credited to the Rebate Fund are not General Receipts and shall be free and clear of any lien under the Fourth Supplemental Trust Indenture, any supplemental indentures or under the Trust Indenture.

Section 8. Insurance; Other Agreements and Certificates; Optional Redemption of Refunded Bonds. If he or she determines it in the best interest of the University in order to achieve maximum cost savings on the Series 2021 Bonds, the Fiscal Officer may make application for a policy of municipal insurance from the Insurer to insure all or any portion of the Series 2021 Bonds.

The Fiscal Officer is authorized to enter into such agreements and to make such changes to the Fourth Supplemental Trust Indenture and any other supplemental indentures relating to the Series 2021 Bonds and the Bond form as may be required by the Insurer in order to issue said policy.

The Fiscal Officer is further authorized to enter into such agreements, including one or more Refunding Bonds Escrow Agreements, Continuing Disclosure Agreements and Bond Purchase Agreements setting forth the purchase price and terms of sale of the Series 2021 Bonds, and to execute and deliver such certificates as may be required in connection with the issuance, sale and delivery of the Series 2021 Bonds.

The Fiscal Officer or Secretary of the Board shall furnish to the Original Purchaser a true and certified transcript of all proceedings taken with reference to the authorization and issuance of the Series 2021 Bonds along with other information as is necessary or proper with respect to the Series 2021 Bonds.

The Refunded Bonds shall be and hereby are ordered called for optional redemption according to their terms on the first optional redemption date following the delivery of the notice of such redemption at the redemption prices set forth therein. The Fiscal Officer and other appropriate officers and employees of the University are each hereby separately authorized to engage a firm of certified public accountants to verify the sufficiency of the moneys and investments in a Refunded Bonds Escrow Fund and to subscribe for and purchase, or to authorize bond counsel to the University or the Trustee to subscribe for and purchase, such United States Treasury obligations, including such obligations of the State and Local Government Series, as shall be required by such Refunded Bonds Escrow Agreement, and to pay for the services of such accountants and for such obligations with the proceeds of the related Bonds, and any such actions heretofore taken by such officers or the Original Purchaser of the related Bonds or bond counsel in connection with such subscription and purchase are hereby approved, ratified and confirmed.

Section 9. Fourth Supplemental Trust Indenture. The Chairperson of the Board or the President of the University, and the Fiscal Officer, or any one or more of them, are authorized and directed to execute and deliver to the Trustee, in the name of and on behalf of the University, and the Secretary to the Board is authorized and directed to attest, supplemental indentures pursuant to the Trust Indenture, including the Fourth Supplemental Trust Indenture, in connection with the issuance of the Series 2021 Bonds.

**Board of Trustees Meeting
June 3, 2021
YR 2021- 89**



**RESOLUTION TO APPROVE
CHANGES TO TUITION AND FEES FOR THE 2021-22
ACADEMIC AND FISCAL YEAR**

WHEREAS, Ohio law provides that Boards of Trustees of state-assisted institutions of higher education shall supplement state subsidies by income from charges to students, including an “instructional fee” for educational and associated operational support of the institution and a “general fee” for non-instructional services, and that these two fees shall encompass all charges for services assessed uniformly to all enrolled students and shall be identified as "tuition"; and

WHEREAS, Ohio law also provides that each Board may establish special purpose fees, service and housing charges, fines and penalties and that a tuition surcharge shall be paid by all students who are not residents of Ohio; and

WHEREAS, Ohio law provides that the University shall separately identify the Instructional Fee, the General Fee, the Tuition Charge, and the Tuition Surcharge; and

WHEREAS, Ohio law provides that fees charged for instruction shall not be considered to be a price for service but shall be considered to be an integral part of the state government financing program in support of higher education opportunity for students; and

NOW, THEREFORE, BE IT RESOLVED, that unless otherwise noted herein, this Resolution shall replace all previously adopted Resolutions pertaining to tuition, fees and/or other charges; and

BE IT ALSO RESOLVED, that the Board of Trustees of Youngstown State University does hereby declare the “tuition charge” shall be the sum of the Instructional Fee, General Fee, and the Information Services Fee, and does hereby establish the tuition charge and other fees as included in Exhibit A, to become effective for the 2021-22 academic year and shall not exceed what is permitted by the final enacted version of the state of Ohio budget bill for the FY 2022 and FY 2023 biennium, and to remain in effect until changed by the Board of Trustees, except as may be specifically noted otherwise; and

BE IT FURTHER RESOLVED, that the President of Youngstown State University or his designee shall have the authority to approve:

1. Fees for continuing education and noncredit courses, institutes, and workshops offered or coordinated through the Colleges and Office of College Access and Transition;

2. Ticket prices for admission of the public to intercollegiate athletic games and to student music or dramatic productions;
3. Service charges for loans to students;
4. A special fee for programs under contract (e.g., a training program). It shall be understood that such special fees, if authorized, shall provide for all related costs of the program and that the budget for such a fund shall be subject to approval in the same manner as other University operating budgets; and
5. Fees for credit courses offered by the Office of College Access and Transition under contract to established groups as provided for in Resolution YR 2001-03.

In all cases, the revenue generated by such fees and charges shall be expended in conformity with appropriately approved budgets. It shall be understood that: (a) charges for unreturned or damaged equipment checked out to a student shall be established by the cognizant University staff person and the charge shall be sufficient to recover replacement costs and with a charge to cover processing costs; (b) for such charges as noted in (a) above, the approval of neither the President nor the Board of Trustees shall be required; and (c) the President or his designees shall have the authority to designate parking facilities by location or by time which may be utilized either without charge or for a reduced charge.

Fines which are authorized in this resolution may be assessed against nonstudents who are authorized to use University services as well as against students; and the rates detailed in this resolution shall replace the rates in any other resolution in conflict, and it shall continue to be the policy of this Board to review and adopt all fees, service charges, and fines annually in order that students and others are informed as to rates for the coming year and budgets may be finalized. It is understood that charges, fines, penalties, and assessments to students and non-students will not be waived except as specifically authorized by proper authority. Fee waivers authorized by the Chancellor, in accordance with section 381.170 of Am. Sub. H.B. 166 of the 133rd General Assembly, are identified in Exhibit __ and made part herein.

If a student is permitted to withdraw from the University or if a student reduces his or her academic load, a refund of the tuition charge and the nonresident tuition surcharge, where applicable, shall be made in conformity with the following schedule. If the withdrawal is after the prescribed time limits, all tuition and other applicable fees and charges are forfeited. All applicable fees, fines, and penalties due must be paid before the refund is paid. Refund policies for University Housing and Courtyard Apartments shall be set by Student Affairs in accordance with best business practices.

Refund Schedule

<u>Length of Course</u>	<u>100% refund</u>	<u>No refund</u>
More than 8 weeks:	through 14th day of term.	15th day of term and later.
8 weeks or less:	through 7 th day of term.	8 th day of term and later.

Resolution to Approve Changes to Tuition and Fees for the 2021-22 Academic and Fiscal Years - Exhibit A

YOUNGSTOWN STATE UNIVERSITY Summary of Full-Time Bulk-Rate Tuition¹ (See Schedules 2, 3 and 4 for detail)

Schedule 1

	FY 2021 Actual	Proposed	FY 2022 \$ Change	% Change
UNDERGRADUATE				
Continuing students, per semester				
Resident	\$4,206.96	\$4,291.20	\$84.24	2.00%
Non-resident:				
Affordable Tuition Advantage ²	\$4,386.96	\$4,471.20	\$84.24	1.92%
Penguin Promise cohort 4, per semester				
Resident	N/A	\$4,976.40	New	New
Non-resident:				
Affordable Tuition Advantage ²	N/A	\$5,156.40	New	New
<hr/>				
GRADUATE³				
Masters-Level, per semester				
Resident	\$6,195.12	\$6,452.88	\$257.76	4.16%
Non-resident:				
Affordable Tuition Advantage ²	\$6,375.12	\$6,632.88	\$257.76	4.04%
Doctoral-Level, per semester				
Resident	\$6,569.04	\$6,826.80	\$257.76	3.92%
Non-resident:				
Affordable Tuition Advantage ²	\$6,749.04	\$7,006.80	\$257.76	3.82%

1. Rates for specialized programs not included in this presentation.

2. Prior to the 2021-22 academic year, the Affordable Tuition Advantage (ATA) rate was offered to non-resident students from certain nearby/border counties in, Pennsylvania, New York State and West Virginia. Effective fall 2021, the University will assess the ATA surcharge on all non-resident students.

3. Although the graduate bulk-rate band is from 12-18 hours, graduate students are considered full-time for academic purposes at 6 credit hours and above.

YOUNGSTOWN STATE UNIVERSITY
Resident Undergraduate Tuition & Fees
(for non-Penguin Promise students enrolled spring 2018 or earlier)

<u>Fee Description</u>	FY 2021 Actual	FY 2022		
		Proposed	\$ Change	% Change
BULK-RATE TUITION & MANDATORY FEES				
Instructional Fee (per semester, 12-18 credit hours)	\$3,370.92	\$3,438.36	\$67.44	2.00%
General Fee (per semester, 12-18 credit hours)	\$711.24	\$725.52	\$14.28	2.01%
Information Services Fee (per semester, 12-18 credit hours)	\$124.80	\$127.32	\$2.52	2.02%
Full-time tuition & mandatory fees	\$4,206.96	\$4,291.20	\$84.24	2.00%
TUITION & MANDATORY FEES (outside bulk-rate)				
Instructional Fee (per credit hour)	\$280.91	\$286.53	\$5.62	2.00%
General Fee (per credit hour)	\$59.27	\$60.46	\$1.19	2.01%
Information Services Fee (per credit hour)	\$10.40	\$10.61	\$0.21	2.02%

YOUNGSTOWN STATE UNIVERSITY
Resident Undergraduate Tuition & Fees
Penguin Promise Tuition Guarantee

BULK-RATE TUITION & MANDATORY FEES	Cohort 4*	Change from Prior Cohort	
	FY 2022	%	\$
Instructional Fee (per semester, 12-18 credit hours)	\$3,841.08	3.80%	\$140.64
General Fee	\$1,135.32	3.80%	\$41.52
Full-time Penguin Promise tuition	\$4,976.40	3.80%	\$182.16
TUITION & MANDATORY FEES (outside bulk-rate)			
Instructional Fee (per credit hour)	\$320.09	3.80%	\$11.72
General Fee (per credit hour)	\$94.61	3.80%	\$3.46
Penguin Promise tuition per credit hour	\$414.70	3.80%	\$15.18

BULK-RATE TUITION & MANDATORY FEES	Cohort 3	Change from Prior Cohort	
	FY 2021	%	\$
Instructional Fee (per semester, 12-18 credit hours)	\$3,700.44	4.10%	\$145.80
General Fee	\$1,093.80	4.10%	\$43.08
Full-time Penguin Promise tuition	\$4,794.24	4.10%	\$188.88
TUITION & MANDATORY FEES (outside bulk-rate)			
Instructional Fee (per credit hour)	\$308.37	4.10%	\$12.15
General Fee (per credit hour)	\$91.15	4.10%	\$3.59
Penguin Promise tuition per credit hour	\$399.52	4.10%	\$15.74

BULK-RATE TUITION & MANDATORY FEES	Cohort 2	Change from Prior Cohort	
	FY 2020	%	\$
Instructional Fee (per semester, 12-18 credit hours)	\$3,554.64	3.50%	\$120.24
General Fee	\$1,050.72	3.50%	\$35.53
Full-time Penguin Promise tuition	\$4,605.36	3.50%	\$155.77
TUITION & MANDATORY FEES (outside bulk-rate)			
Instructional Fee (per credit hour)	\$296.22	3.50%	\$10.02
General Fee (per credit hour)	\$87.56	3.50%	\$2.96
Penguin Promise tuition per credit hour	\$383.78	3.50%	\$12.98

BULK-RATE TUITION & MANDATORY FEES	Cohort 1	Change from Prior Cohort	
	FY 2019	%	\$
Instructional Fee (per semester, 12-18 credit hours)	\$3,434.40	N/A	(FY19 is first cohort)
General Fee	\$1,015.19	N/A	(FY19 is first cohort)
Full-time Penguin Promise tuition	\$4,449.59	N/A	(FY19 is first cohort)
TUITION & MANDATORY FEES (outside bulk-rate)			
Instructional Fee (per credit hour)	\$286.20	N/A	(FY19 is first cohort)
General Fee (per credit hour)	\$84.60	N/A	(FY19 is first cohort)
Penguin Promise tuition per credit hour	\$370.80	N/A	(FY19 is first cohort)

* Cohort 4 rate set in accordance with Exec. Budget Bill which allows for a 2% adjustment, in addition to an adjustment that is based on the average inflation of the Consumer Price Index (all urban consumers, all items) for the 36-month period ending December 31st pursuant to ORC §3345.48. The CPI inflation for cohort 4 is 1.8%.

YOUNGSTOWN STATE UNIVERSITY
Undergraduate College Fees

Fee Description	FY 2021 Actual	FY 2022		
		Proposed	\$ Change	% Change
COLLEGE FEES				
Beeghly College of Liberal Arts, Social Sciences & Education				
Undergrad with Junior Standing and Above (per credit hour)	\$8.00	\$8.00	\$0.00	0.00%
Undergrad with Junior Standing and Above (bulk rate, 12-18 hours)	\$96.00	\$96.00	\$0.00	0.00%
Bitonte College of Health & Human Services				
Undergrad with Junior Standing and Above (per credit hour)	\$12.50	\$12.50	\$0.00	0.00%
Undergrad with Junior Standing and Above (bulk rate, 12-18 hours)	\$150.00	\$150.00	\$0.00	0.00%
College of Science, Technology, Engineering & Mathematics				
Undergrad with Junior Standing and Above (per credit hour)	\$25.00	\$25.00	\$0.00	0.00%
Undergrad with Junior Standing and Above (bulk rate, 12-18 hours)	\$300.00	\$300.00	\$0.00	0.00%
College of Creative Arts & Communications				
Undergraduates (per credit hour)	\$9.00	\$9.00	\$0.00	0.00%
Undergraduates, (bulk rate, 12-18 hours)	\$108.00	\$108.00	\$0.00	0.00%
Williamson College of Business Administration				
Undergraduates (per credit hour)	\$20.00	\$20.00	\$0.00	0.00%
Undergraduates, (bulk rate, 12-18 hours)	\$240.00	\$240.00	\$0.00	0.00%

YOUNGSTOWN STATE UNIVERSITY
Masters-Level Graduate Tuition & Fees

Fee Description	FY 2021 Actual	FY 2022		
		Proposed	\$ Change	% Change
BULK-RATE TUITION & MANDATORY FEES				
Instructional Fee (per semester, 12-18 credit hours)	\$5,359.08	\$5,359.08	\$0.00	0.00%
General Fee (per semester, 12-18 credit hours)	\$711.24	\$1,093.80	\$382.56	53.79%
Information Services Fee (per semester, 12-18 credit hours)	\$124.80	\$0.00	(\$124.80)	-100.00%
Full-time tuition & mandatory fees	\$6,195.12	\$6,452.88	\$257.76	4.16%
TUITION & MANDATORY FEES (outside bulk-rate)				
Instructional Fee (per credit hour)	\$446.59	\$446.59	\$0.00	0.00%
General Fee (per credit hour)	\$59.27	\$91.15	\$31.88	53.79%
Information Services Fee (per credit hour)	\$10.40	\$0.00	(\$10.40)	-100.00%
ADDITIONAL GRADUATE FEES				
Master of Public Health¹ (per credit hour)	\$610.00	\$621.00	\$11.00	1.80%
Master of Fine Arts¹ (per credit hour)	\$570.00	\$570.00	\$0.00	0.00%
Nurse Anesthetist Program Fee² (per semester)	\$3,011.14	\$3,011.14	\$0.00	0.00%
Graduate Workshops (per credit hour)				
Resident	\$161.42	\$168.13	\$6.72	4.16%
Non-Resident	\$172.14	\$179.31	\$7.16	4.16%

1. The MPH and MFA fees are set by consortia of several Ohio public universities of which YSU is a member. MPH rates apply to related certificate programs.

2. Nurse Anesthetist fee is set by the St. Elizabeth Health Center School for Nurse Anesthetists.

**YOUNGSTOWN STATE UNIVERSITY
Doctoral-Level Graduate Tuition & Fees**

Fee Description	FY 2021	FY 2022		
	Actual	Proposed	\$ Change	% Change
BULK-RATE TUITION & MANDATORY FEES				
Instructional Fee (per semester, 12-18 credit hours)	\$5,733.00	\$5,733.00	\$0.00	0.00%
General Fee (per semester, 12-18 credit hours)	\$711.24	\$1,093.80	\$382.56	53.79%
Information Services Fee (per semester, 12-18 credit hours)	\$124.80	\$0.00	(\$124.80)	-100.00%
Full-time tuition & mandatory fees	\$6,569.04	\$6,826.80	\$257.76	3.92%
TUITION & MANDATORY FEES (outside bulk-rate)				
Instructional Fee (per credit hour)	\$477.75	\$477.75	\$0.00	0.00%
General Fee (per credit hour)	\$59.27	\$91.15	\$31.88	53.79%
Information Services Fee (per credit hour)	\$10.40	\$0.00	(\$10.40)	-100.00%
ADDITIONAL DOCTORAL FEES				
Nurse Anesthetists Program Fee¹ (per semester)	N/A	\$1,746.19	New	New

1. Nurse Anesthetist fee is set by the St. Elizabeth Health Center School for Nurse Anesthetists.

YOUNGSTOWN STATE UNIVERSITY
Accelerated Online Programs¹

Fee Description	AY 2021	AY 2022		
	Actual	Proposed	\$ Change	% Change
Master of Business Administration				
In-state	\$13,500.00	\$13,500.00	\$0.00	0.0%
Non-resident	\$13,650.00	\$13,650.00	\$0.00	0.0%
Master of Science in Education				
In-state	\$12,450.00	\$12,450.00	\$0.00	0.0%
Non-resident	\$12,600.00	\$12,600.00	\$0.00	0.0%
Master of Science in Education, Educational Administration with Principal Licensure				
In-state	\$14,940.00	\$14,940.00	\$0.00	0.0%
Non-resident	\$15,120.00	\$15,120.00	\$0.00	0.0%
Doctor of Education, Education Leadership				
In-state	N/A	\$24,900.00		New
Non-resident	N/A	\$25,200.00		New
Registered Nurse to Bachelor of Science in Nursing²				
In-state	\$9,800.00	\$8,820.00	(\$980.00)	-10.0%
Non-resident	\$9,940.00	\$8,960.00	(\$980.00)	-9.9%
Master of Family Nurse Practitioner				
In-state	\$24,242.00	\$24,242.00	\$0.00	0.0%
Non-resident	\$24,472.00	\$24,472.00	\$0.00	0.0%
Master of Adult Gerontology Acute Care				
In-state	\$23,715.00	\$23,715.00	\$0.00	0.0%
Non-resident	\$23,940.00	\$23,940.00	\$0.00	0.0%
Adult Gerontology Acute Care Post Masters Certificate				
In-state	\$19,499.00	\$19,499.00	\$0.00	0.0%
Non-resident	\$19,684.00	\$19,684.00	\$0.00	0.0%
Family Nurse Practitioner Post Masters Certificate				
In-state	\$19,499.00	\$19,499.00	\$0.00	0.0%
Non-resident	\$19,684.00	\$19,684.00	\$0.00	0.0%
Advanced placement FNP Certificate				
In-state (per credit)	\$527.00	\$527.00	\$0.00	0.0%
Non-resident (per credit)	\$532.00	\$532.00	\$0.00	0.0%
Advanced placement AGAC Certificate				
In-state (per credit)	\$527.00	\$527.00	\$0.00	0.0%
Non-resident (per credit)	\$532.00	\$532.00	\$0.00	0.0%
Educational Leadership Certificate				
In-state (per credit)	N/A	\$415.00		New
Non-resident (per credit)	N/A	\$420.00		New
Preceptor Technology Fee, per credit hour³				
	N/A	\$4.00		New

1. Accelerated Online Programs are offered through YSU's agreement with Academic Partnerships. Rates are based on academic year, which begins summer or fall semester, depending on program curriculum. Unless otherwise noted, these amounts represent total program charges to enrolled students. The number of required credit hours varies by program.

2. Up to 19 additional general education credits may be required at \$350 per credit hour.

3. Fee applicable to programs that require specialized preceptor software, including Nurse Practitioner and Adult Gerontology programs.

**YOUNGSTOWN STATE UNIVERSITY
Non-Resident Tuition Surcharge**

Schedule 4

	FY 2021 Actual	FY 2022		
		Proposed	\$ Change	%Change
UNDERGRADUATE				
Affordable Tuition Advantage¹				
Part-time (per credit, 1-11 credits)	\$15.00	\$15.00	\$0.00	0.00%
Full-time (per semester, within bulk)	\$180.00	\$180.00	\$0.00	0.00%
Credits in excess of bulk (per credit)	\$15.00	\$15.00	\$0.00	0.00%
Non-Regional				
Part-time (per credit, 1-11 credits)	\$250.00	N/A	N/A	N/A
Full-time (per semester, within bulk)	\$3,000.00	N/A	N/A	N/A
Credits in excess of bulk (per credit)	\$250.00	N/A	N/A	N/A
GRADUATE²				
Affordable Tuition Advantage¹				
Below bulk-rate (per credit, 1-11 credits)	\$15.00	\$15.00	\$0.00	0.00%
Within bulk-rate (per semester)	\$180.00	\$180.00	\$0.00	0.00%
Credits in excess of bulk (per credit)	\$15.00	\$15.00	\$0.00	0.00%
Non-Regional				
Below bulk-rate (per credit, 1-11 credits)	\$250.00	N/A	N/A	N/A
Within bulk-rate (per semester)	\$3,000.00	N/A	N/A	N/A
Credits in excess of bulk (per credit)	\$250.00	N/A	N/A	N/A
If undergraduate degree conferred by an Ohio institution				
Below bulk-rate (per credit, 1-11 credits)	\$5.00	\$5.00	\$0.00	0.00%
Within bulk-rate (per semester)	\$60.00	\$60.00	\$0.00	0.00%
Credits in excess of bulk (per credit)	\$5.00	\$5.00	\$0.00	0.00%
Special Programs				
Master of Public Health				
Below bulk-rate (per credit, 1-11 credits)	\$5.00	\$5.00	\$0.00	0.00%
Within bulk-rate (per semester)	\$60.00	\$60.00	\$0.00	0.00%
Credits in excess of bulk (per credit)	\$5.00	\$5.00	\$0.00	0.00%
Master of Fine Arts				
Below bulk-rate (per credit, 1-11 credits)	\$5.00	\$5.00	\$0.00	0.00%
Within bulk-rate (per semester)	\$60.00	\$60.00	\$0.00	0.00%
Credits in excess of bulk (per credit)	\$5.00	\$5.00	\$0.00	0.00%
Accelerated Online Programs				
Undergraduate and Graduate				
Below bulk-rate (per credit, 1-11 credits)	\$5.00	\$5.00	\$0.00	0.00%
Within bulk-rate (per semester)	\$60.00	\$60.00	\$0.00	0.00%
Credits in excess of bulk (per credit)	\$5.00	\$5.00	\$0.00	0.00%

1. Prior to the 2021-22 academic year, the Affordable Tuition Advantage (ATA) rate was offered to non-resident students from certain nearby/border counties in, Pennsylvania, New York State and West Virginia. Effective fall 2021, the University will assess the ATA surcharge on all non-resident students.

2. Although the graduate bulk-rate band is 12-18 hours, graduate students are full-time for academic purposes at 6 credit hours and above.

YOUNGSTOWN STATE UNIVERSITY
Distance Education Program Fees

Fee Description	FY 2021	FY 2022		
	Actual	Proposed	\$ Change	% Change
UNDERGRADUATE, continuing students, non-Penguin Promise				
BULK-RATE TUITION & MANDATORY FEES				
Instructional Fee (per semester, 12-18 credit hours)	\$3,304.80	\$3,438.36	\$133.56	4.04%
Information Services Fee (per semester, 12-18 credit hours)	\$122.40	\$127.32	\$4.92	4.02%
Full-time tuition & mandatory fees	\$3,427.20	\$3,565.68	\$138.48	4.04%
TUITION & MANDATORY FEES (outside bulk-rate)				
Instructional Fee (per credit hour, 1-11 hours)	\$275.40	\$286.53	\$11.13	4.04%
Information Services Fee (per credit hour)	\$10.20	\$10.61	\$0.41	4.02%
GRADUATE				
BULK-RATE TUITION & MANDATORY FEES				
Instructional Fee (per semester, 12-18 credit hours)	\$5,359.08	\$5,359.08	\$0.00	0.00%
Information Services Fee (per semester, 12-18 credit hours)	\$122.40	\$127.32	\$4.92	4.02%
Full-time tuition & mandatory fees	\$5,481.48	\$5,486.40	\$4.92	0.09%
TUITION & MANDATORY FEES (outside bulk-rate)				
Instructional Fee (per credit hour, 1-11 hours)	\$446.59	\$446.59	\$0.00	0.00%
Information Services Fee (per credit hour)	\$10.20	\$10.61	\$0.41	4.02%
WEB-BASED PROGRAM				
Per Web-Based Course	\$100.00	\$100.00	\$0.00	0.00%

YOUNGSTOWN STATE UNIVERSITY
Housing Charges FY2022

Fee Description	FY2021 Actual	FY 2022		
		Proposed	\$ Change	% Change
Room & Board (per academic year) fall 2021 cohort	N/A	\$9,775.00	New	New
<i>Room</i>	N/A	\$5,730.00	New	New
<i>Board (12 meals plan)</i>	N/A	\$4,045.00	New	New
Room & Board (per academic year) fall 2019 & 2020 cohort	\$9,700.00	\$9,700.00	\$0.00	0.00%
<i>Room</i>	\$5,772.00	\$5,655.00	(\$117.00)	-2.03%
<i>Board (12 meals plan)</i>	\$3,928.00	\$4,045.00	\$117.00	2.98%
Room & Board (per academic year) fall 2018 Cohort & Continuing Students	\$9,400.00	\$9,400.00	\$0.00	0.00%
<i>Room</i>	\$5,472.00	\$5,355.00	(\$117.00)	-2.14%
<i>Board (12 or 8 meal plans)</i>	\$3,928.00	\$4,045.00	\$117.00	2.98%
Residence Hall Application Fee (academic year and/or summer)	\$35.00	\$35.00	\$0.00	0.00%
Residence Hall Pre-Payment	\$250.00	\$250.00	\$0.00	0.00%
Single Room Upcharge (per semester)	\$1,440.00	\$1,440.00	\$0.00	0.00%
*Reduced COVID Rate	\$500.00	\$500.00	\$0.00	0.00%
Weller House small one-bedroom apartment (per month, room only)	\$600.00	\$600.00	\$0.00	0.00%
Weller House large one-bedroom apartment (per month, room only)	\$650.00	\$650.00	\$0.00	0.00%
Weller House small two-bedroom apartment (per month, room only)	\$750.00	\$750.00	\$0.00	0.00%
Weller House large two-bedroom apartment (per month, room only)	\$800.00	\$800.00	\$0.00	0.00%
Weller House three-bedroom apartment (per month, room only)	\$900.00	\$900.00	\$0.00	0.00%
Expanded Housing Rate (over-occupied rooms)	\$4,100.00	\$4,100.00	\$0.00	0.00%
Student Housing During Academic Break				
Nightly room rate (no meals)	\$27.00	\$27.00	\$0.00	0.00%
Flat fee room rate for winter break (no meals)	\$250.00	\$250.00	\$0.00	0.00%
Cancellation Fee				
After April 1 and before June 15 (academic year)	\$250.00	\$250.00	\$0.00	0.00%
After June 15 and before August 1 (academic year) or after December 15 and before move-in day (spring only)	\$300.00	\$300.00	\$0.00	0.00%
After August 1 and before move-in day (academic year/fall only)	\$350.00	\$350.00	\$0.00	0.00%
Summer				
Room and Board (per week, meals included)	\$340.00	\$340.00	\$0.00	0.00%
Summer Event Housing Rates				
Rooms with community bathrooms (per night)	\$40.00	\$40.00	\$0.00	0.00%
Rooms with private or semi-private bathrooms (per night)	\$60.00	\$60.00	\$0.00	0.00%
Apartment-style housing (weekly rates only)				
One-bedroom apartment	\$150.00	\$150.00	\$0.00	0.00%
Two-bedroom apartment	\$200.00	\$200.00	\$0.00	0.00%
Three-bedroom apartment	\$225.00	\$225.00	\$0.00	0.00%
Linens (for rent, per set)	\$25.00	\$25.00	\$0.00	0.00%
Bed adjustment fee (per bed)	\$10.00	\$10.00	\$0.00	0.00%
Additional staffing (per night, all groups with minors, or as requested by others)	\$120.00	\$120.00	\$0.00	0.00%
Late check-in or check-out fee (per hour)	\$50.00	\$50.00	\$0.00	0.00%

**YOUNGSTOWN STATE UNIVERSITY
University Courtyard Apartments**

Fee Description	FY 2021 Actual	FY 2022		
		Proposed	\$ Change	% Change
Monthly Rates				
1 bed / 1 bath room	\$835.00	\$835.00	\$0.00	0.00%
2 bed / 2 bath room	\$710.00	\$710.00	\$0.00	0.00%
4 bed / 2 bath room	\$620.00	\$620.00	\$0.00	0.00%
Annual 12-Month Lease Rates				
1 bed / 1 bath room	\$10,020.00	\$10,020.00	\$0.00	0.00%
2 bed / 2 bath room	\$8,520.00	\$8,520.00	\$0.00	0.00%
4 bed / 2 bath room	\$7,440.00	\$7,440.00	\$0.00	0.00%

*Expanded room rates apply to rooms that have been converted to additional beds to allow for increased occupancy (when demand exceeds supply).

YOUNGSTOWN STATE UNIVERSITY
Other Fees, Charges and Fines

Schedule 7

Fee Description	FY 2021 Actual	FY 2022 Proposed	Change
ACT Test Fee	\$55.00	\$55.00	\$0.00
Career Services Fee, for continuing non-Penguin Promise Students			
Level 1 - Mandatory, Freshman and Sophomores (per credit hour)	\$1.75	\$1.75	\$0.00
Level 2 - Mandatory, Junior and Senior (per credit hour)	\$2.75	\$2.75	\$0.00
Check Replacement Fee	\$25.00	\$25.00	\$0.00
Child Preschool Lab Fee (per semester)	\$150.00	\$150.00	\$0.00
College Level Examination Program Test Fee (CLEP)	\$25.00	\$25.00	\$0.00
College Credit Plus per credit (<i>rates set by State of Ohio and subject to change</i>):			
In high school instruction by high school teacher	\$41.64	\$41.64	\$0.00
Online instruction by YSU faculty	\$83.28	\$83.28	\$0.00
On-campus instruction by YSU faculty	\$166.55	\$166.55	\$0.00
College Over Sixty Registration Fee	\$5.00	\$5.00	\$0.00
Computer-based Placement Re-Test Fee (per test)	\$20.00	\$20.00	\$0.00
Course Book, e-Book, and instructional materials	Variable	Variable	
Course Fees (per course) (name change in FY20, formerly Lab & Materials fees)			
Course Fee Level 1	\$35.00	\$35.00	\$0.00
Course Fee Level 2	\$50.00	\$50.00	\$0.00
Course Fee Level 3	\$65.00	\$65.00	\$0.00
Course Fee Level 4 (gross anatomy)	\$300.00	\$300.00	\$0.00
Course Fee Level 7	\$20.00	\$20.00	\$0.00
Course Fee Level 8	\$85.00	\$85.00	\$0.00
Course Fee Level 9	\$25.00	\$25.00	\$0.00
Course Fee Level 10 (nursing clinical)	\$200.00	\$200.00	\$0.00
Course Fee Level 11 (Co-Op)	\$350.00	\$350.00	\$0.00
Course Fee Level 12	\$300.00	\$300.00	\$0.00
Course Fee Level 13	\$100.00	\$100.00	\$0.00
Student Success (name change in FY 2021, formerly First Year Experience)	\$35.00	\$35.00	\$0.00
Credit by Examination (per credit)	\$20.00	\$20.00	\$0.00
Credit Card Convenience Fee (student accounts only)	2.85%	2.85%	\$0.00
Deferred Payment Fee (for employers)	\$50.00	\$50.00	\$0.00
Duplicate Diploma Fee	\$40.00	\$40.00	\$0.00
Equipment, Materials & Damage Replacement Fee	<i>Replacement value</i>		
Federal Background Check	\$28.00	\$28.00	\$0.00
Fingerprinting Web Check Fee (per occurrence)	\$37.00	\$37.00	\$0.00
Graduate Accelerated Program Fee	\$50.00	\$50.00	\$0.00
Graduate Student Application Fee	\$45.00	\$45.00	\$0.00
Graduation Fee	\$65.00	\$65.00	\$0.00
Health Center fee (pass-through to Mercy Health), mandatory flat fee	\$34.00	\$34.00	\$0.00
Honors College Fee (per semester)	\$25.00	\$25.00	\$0.00
Installment Plan Fee (maximum)	\$50.00	\$50.00	\$0.00
International Fees:			
International Student Program Fee (per semester, non-AP, non-online)	\$75.00	\$75.00	\$0.00
International Student Credential Evaluation Fee-Graduate	\$45.00	\$45.00	\$0.00
International Student Health Insurance (pass-through, set by insurance carrier)	Variable	Variable	\$0.00
International Student Transportation Fee	\$40.00	\$40.00	\$0.00
International Student Storage Fee	\$5.00	\$5.00	\$0.00
International Student Activities Fee	Variable	Variable	N/A
Placement & Supervision for Overseas Student Teaching	Variable	Variable	N/A
Internal Revenue Service / 1098T Fee (IRS penalty for incorrect name/SSN match)	\$100.00	\$100.00	\$0.00

YOUNGSTOWN STATE UNIVERSITY
Other Fees, Charges and Fines

Schedule 7

Fee Description	FY 2021 Actual	FY 2022 Proposed	Change
Jump Start (rates apply only to initial summer semester and select courses):			
One 1-credit lab	\$200.00	N/A program suspended	
One 3-credit course	\$500.00	N/A program suspended	
One 4-credit course	\$650.00	N/A program suspended	
One 5-credit course	\$850.00	N/A program suspended	
Late Graduation Application Fee (after 3rd week)	\$38.50	\$38.50	\$0.00
Late Payment Fee	\$50.00	\$50.00	\$0.00
Library Fines:			
Replacement Processing Fee	\$10.00	\$10.00	\$0.00
Overdue InterLibrary Loan Material (per day)	\$0.05	\$0.05	\$0.00
Overdue Maag/Depository Material (per day)	\$0.10	\$0.10	\$0.00
Overdue OhioLINK Material (per day)	\$0.50	\$0.50	\$0.00
Overdue Closed Reserve Material Daily Rental (per day)	\$0.55	\$0.55	\$0.00
Overdue Closed Reserve Material Hourly Rental (per hour)	\$0.55	\$0.55	\$0.00
Library Material Replacement Fee	Market Value	Market Value	\$0.00
Library Study Carrel Rental	\$25.00	\$25.00	\$0.00
OhioLINK Material Replacement Fee	\$110.00	\$110.00	\$0.00
SearchOhio (OhioLINK partner) Overdue fine (per day)	\$0.50	\$0.50	\$0.00
SearchOhio (OhioLINK partner) Material Replacement Fee	\$25.00	\$25.00	\$0.00
MAT Test Fee	\$90.00	\$90.00	\$0.00
NCAA Permissible Expenses	Variable	Variable	N/A
Ohio Attorney General Payment / Collections Fee	Variable	Variable	\$0.00
Parking & Transportation Fees			
Transportation Fees, Non-Penguin Promise Undergrad. Students, per semester:			
Fall & Spring terms, mandatory for students enrolled in 6 or more credits	\$115.00	\$115.00	\$0.00
Fall & Spring terms, optional permit for students enrolled in less than 6 credits	\$115.00	\$115.00	\$0.00
Summer term, mandatory for students enrolled in 6 or more credits	\$58.00	\$58.00	\$0.00
Summer term, optional permit for students enrolled in less than 6 credits	\$58.00	\$58.00	\$0.00
Parking Permit Fees, Penguin Promise/Graduate/Doctoral Students:			
Optional commuter permit, per semester	\$45.00	\$45.00	\$0.00
Optional overnight permit, per semester	\$90.00	\$90.00	\$0.00
Parking Permit Fees, Other Miscellaneous:			
Employees, per semester	\$85.00	\$85.00	\$0.00
Contract employees, per semester, Fall & Spring	\$160.00	\$160.00	\$0.00
Contract employees, Summer term	\$103.00	\$103.00	\$0.00
Control Card Replacement	\$5.00	\$5.00	\$0.00
Visitors, Daily/Special Event (per day)	\$5.00	\$5.00	\$0.00
Visitors, Weekly/Special Event (per week)	\$18.00	\$18.00	\$0.00
Parking Violations:			
Class I (minor violation, 1st offense)	\$25.00	\$25.00	\$0.00
Class I (minor violation, 2nd offense)	\$30.00	\$30.00	\$0.00
Class I (minor violation, 3rd offense)	\$35.00	\$35.00	\$0.00
Class II (major violations)	\$100.00	\$100.00	\$0.00
Class III (legal violations)	\$250.00	\$250.00	\$0.00
PC Data Recovery Service Fee	\$100.00	\$100.00	\$0.00
PC Remediation Service Fee	\$75.00	\$75.00	\$0.00
Peace Officers Training Academy	\$300.00	\$300.00	\$0.00
Photo I.D. Replacement Charge	\$25.00	\$25.00	\$0.00
Physical Therapy Doctoral Acceptance Deposit	\$500.00	\$500.00	\$0.00
Proficiency Examination (per course)	\$45.00	\$45.00	\$0.00
Program Fees:			
Bachelor of Arts in Telecommunications Studies (per course)	\$35.00	\$35.00	\$0.00
Bachelor of Fine Arts - Studio Art Program (per credit course)	\$29.00	\$29.00	\$0.00

YOUNGSTOWN STATE UNIVERSITY
Other Fees, Charges and Fines

Schedule 7

Fee Description	FY 2021 Actual	FY 2022 Proposed	Change
Bachelor of Science in Engineering (per student-per semester)	\$50.00	\$50.00	\$0.00
Master of Business Administration (per credit hour)	\$50.00	\$50.00	\$0.00
Master of Accountancy (per credit hour)	N/A	\$50.00	New
Applied / Performance Music (per credit hour course)	\$75.00	\$75.00	\$0.00
Reading Tutoring Fee	\$38.00	\$38.00	\$0.00
Returned Check or Credit Card Fee	\$30.00	\$30.00	\$0.00
Rich Autism Center Pre-School Program (per week)	\$125.00	\$125.00	\$0.00
Student Code of Conduct Fines for Violations:			
Failure to attend conduct hearing	\$25.00	\$25.00	\$0.00
Failure to complete disciplinary sanction	\$25.00	\$25.00	\$0.00
Restitution for lost/stolen/damaged property	\$50.00	\$50.00	\$0.00
Alcohol abuse violation - 1st offense	\$75.00	\$75.00	\$0.00
Alcohol abuse violation - 2nd offense	\$125.00	\$125.00	\$0.00
Alcohol abuse violation - 3rd+ offense	\$175.00	\$175.00	\$0.00
Drug/controlled substance abuse violation - 1st offense	\$100.00	\$100.00	\$0.00
Drug/controlled substance abuse violation - 2nd offense	\$150.00	\$150.00	\$0.00
Drug/controlled substance abuse violation - 3rd+ offense	\$250.00	\$250.00	\$0.00
Violation for violent or threatening behavior	\$150.00	\$150.00	\$0.00
Violation for theft	\$150.00	\$150.00	\$0.00
Violation for weapons	\$150.00	\$150.00	\$0.00
Violation for drugs sales or distribution	\$250.00	\$250.00	\$0.00
Other violations	up to \$250	up to \$250	\$0.00
Student Locker Rental (per year)	\$25.00	\$25.00	\$0.00
Study Abroad Fees:			
Individual Study Abroad	\$75.00	\$75.00	\$0.00
Faculty-led Study Abroad (various, based on actual travel costs)	Variable	Variable	N/A
Technology Equipment Loaner Fee	\$50.00	\$50.00	\$0.00
Thesis Binding Fee	\$25.00	\$25.00	\$0.00
Transcript Fee	\$6.00	\$6.00	\$0.00
Transcript Rush Fee (same-day processing)	\$12.00	\$12.00	\$0.00
Transcript Rush Fee (overnight express)	\$35.00	\$35.00	\$0.00
Undergraduate Application Fee (first time applicant)	\$45.00	\$45.00	\$0.00
Web-based course fee (for students not in a web-based program)	\$100.00	\$100.00	\$0.00
Youngstown Early College (per credit hour)	\$114.21	\$118.55	\$4.34

YOUNGSTOWN STATE UNIVERSITY
Fee Waivers

Section 381.170 of Am. Sub. House Bill 166 of the 133rd GA, states in part:

“The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor [of the Ohio Department of Higher Education].”

Each waiver is intended to achieve certain strategic goals, namely growth and stability vis-

Waiver	Fee Waived	Amount Waived per credit hour	Adjusted Rate with Waiver
Reduced Non-Resident Surcharge for graduate students who earned an undergrad degree at an Ohio university.	Non-Resident Surcharge	\$10.00	\$5.00
Distance Education	General Fee	\$60.46	\$0.00
Youngstown Early College	Blended to create special YEC fate	\$239.05	\$118.55
Reduced Non-Resident Surcharge for specialized programs: *Masters of Fine Arts *Masters of Public Health *Accelerated Online Programs	Non-resident Surcharge	\$10.00	\$5.00



**RESOLUTION TO APPROVE
THE ANNUAL OPERATING BUDGET FOR FY 2022**

WHEREAS, the proposed Fiscal Year 2022 Annual Budget has been reviewed by the Finance and Facilities Committee of the Board;

NOW, THEREFORE, BE IT RESOLVED, that the Annual Operating Budget for Youngstown State University's general and auxiliary funds for Fiscal Year 2022, shown on Exhibit A, and as presented to the Finance and Facilities Committee of the Board of Trustees, is hereby approved for the period of July 1, 2021 through June 30, 2022.

Resolution to Approve the Annual Operating Budget for FY 2022 -
Exhibit A



FISCAL YEAR 2022 OPERATING BUDGET

Fiscal Year 2022 Operating Budget



Youngstown State University
Finance & Business Operations
June 2021

University Mission

An Institution of Opportunity: YSU inspires individuals, enhances futures, and enriches lives. As a student-centered university, Youngstown State University's mission is to provide innovative lifelong learning opportunities that will inspire individuals, enhance futures and enrich lives. YSU inspires individuals by cultivating a curiosity for life-long learning; enhances the futures of our students by empowering them to discover, disseminate and apply their knowledge; and enriches the region by fostering collaboration and the advancement of civic, scientific, and technological development. YSU's culture of enrichment flourishes in our diverse, accessible and quality education.

Vision

Youngstown State University is where students thrive in their educational and career pursuits, where scholarship creates innovative solutions, and where community engagement is a cornerstone of collaboration that collectively contribute to the sustainable prosperity of the region and beyond.

Values

We—the faculty, staff, administrators, and students of Youngstown State University—hold the following values essential to achieving the mission and realizing the vision.

Centrality of Students – We put students first, fostering their holistic and lifelong success.

Excellence and Innovation – We bring academic excellence and innovation to learning and life for all stakeholders.

Integrity and Human Dignity – We root all behaviors, decisions and actions in the achievement of integrity, mutual respect, collegiality, equity and inclusion.

Collaboration and Public Engagement – We embrace collaboration and create innovative partnerships to foster sustainability and enrich our university, our culture, and our region.

Board of Trustees

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Introduction

This document represents Youngstown State University's financial operating plan for the fiscal year commencing July 1, 2021. The operating budget plan supports the University's [Plan for Strategic Actions to Take Charge of Our Future](#), adopted by the Board of Trustees in June 2020. The budget herein includes a forecast of revenues that is based on an analysis of future economic conditions and demographic trends. As one of the University's most important administrative tools, this budget serves to support actions for achieving goals associated with the *Plan to Take Charge of Our Future*.

This FY 2022 budget plan is also aligned with [Resolutions](#) adopted by the Board of Trustees that guided and shaped the Plan:

- March 7, 2019 - [Resolution to approve "Taking Charge of Our Future" related to strategic planning](#)
- June 6, 2019 - [Resolution to assure the strategic planning process culminates with an effectiveness framework to implement the plan and thereby to "Take Charge of Our Future"](#)
- September 5, 2019 - [Resolution to "Take Charge of Our Future" for sustainability](#)
- March 4, 2020 - [Resolution related to the strategic allocation, and reallocation and distribution of resources](#)
- April 9, 2020 - [Resolution responding to demographic shifts, a pandemic, and other disruptions to sustain a vibrant future for Youngstown State University: an anchor institution essential to the prosperity of the region](#)

While these Resolutions provided guidance for developing the Plan, they also provide guidance for distributing resources for its successful implementation. In addition, the 2020 Resolutions specifically addressed the sustainability of the future-state of YSU.

The University's budget is presented in a format consistent with standardized definitions and classifications used for the federal Integrated Post-Secondary Data System. With the exception of the Rich Center for Autism and federal COVID relief funds depicted in this document, this budget plan consists exclusively of unrestricted general and auxiliary funds. The unrestricted nature of all revenues used to support the University's general fund and auxiliary budgets allows broad discretion for the strategic allocation and use of resources in accordance with University policies and governmental accounting standards.

Pursuant to Ohio Administrative Code 3356-3-11, this operating budget is hereby submitted to the Board of Trustees for approval, and will thereafter serve as the University's financial governing document for FY 2022. The budget is based on certain assumptions and variables unknown at this time, such as student enrollment and state funding levels. Therefore, the budget may be modified or otherwise adjusted to reflect new information that becomes available during the course of the fiscal year. For this reason, it is important to reiterate that this budget is a financial *plan*.

Executive Budget Summary

Youngstown State University's proposed operating budget for FY 2022 is summarized in the table below, along with comparative information from the prior year's budget.

General Fund	FY 2021 Modified Budget	FY 2022 Proposed Budget	Percent Change	Dollar Change
Revenue:				
Tuition & Fees	\$107,100,866	\$101,783,084	-5.0%	(\$5,317,782)
State Appropriations	40,643,835	44,571,389	9.7%	3,927,554
Other Sources	4,855,299	6,645,527	36.9%	1,790,228
	<u>\$152,600,000</u>	<u>\$153,000,000</u>	<u>0.3%</u>	<u>\$400,000</u>
Expenses:				
Personnel	\$94,248,097	\$98,145,389	4.1%	\$3,897,292
Operations & Transfers	63,989,443	65,455,313	2.3%	1,465,870
Fed. COVID Relief & other adj.	(5,637,540)	(10,600,702)	88.0%	(4,963,162)
	<u>\$152,600,000</u>	<u>\$153,000,000</u>	<u>0.3%</u>	<u>\$400,000</u>
Auxiliary Funds				
Net of Gen. Fund support	\$18,860,698	\$19,612,881	4.0%	\$752,183
Total Operating Budget	<u>\$171,460,698</u>	<u>\$172,612,881</u>	<u>0.7%</u>	<u>\$1,152,183</u>

Major Revenue Assumptions:

1. A 5% decline in full-time equivalent (FTE) student enrollments. This projected decline is largely attributable to declining regional demographics, as well as lingering uncertainty related to the COVID-19 pandemic.
2. A 2% increase in undergraduate tuition rates for continuing students, and a 3.8% increase in undergraduate tuition for incoming students as part of the *Penguin Promise* tuition guarantee program. For Penguin Promise students, this 3.8% adjustment equates to annualized increase of just 0.9% per year over the next four academic years, which is well below the rate of inflation.
3. A reduction in revenue from non-resident surcharges resulting from a planned consolidation of the non-regional surcharge with the regional Affordable Tuition Advantage surcharge.
4. A 9.7% or \$3.9 million increase in State Share of Instruction funding appropriations, based on preliminary estimates provided by the Ohio Department of Higher Education in May 2021.
5. A 37% or \$1.8 million increase in other revenue sources, largely due to the University's ability to capture indirect costs related to the administration of federal COVID relief funds.

Executive Budget Summary (continued)**Major Expense Assumptions:**

1. A 4% increase in personnel costs attributable to the following factors:
 - A 2% salary increase for full-service faculty pursuant to the collective bargaining agreement with the Ohio Education Association;
 - A 1.25% wage increase for civil service hourly staff pursuant to the collective bargaining agreement with the Association of Classified Employees.
 - The cessation of prior year austerity measures that included furloughs for union staff and salary reductions for administrators.
 - A 7% or \$1.8 million increase in employee fringe benefits, driven largely by anticipated increases in costs for employee healthcare insurance.
2. A \$500,000 reserve for strategic investments to pursue University priorities, particularly those focused on student success.
3. A \$1 million transfer from the University's Budget Stabilization Reserve to help balance and stabilize the FY 2022 general fund budget.
4. The ability to utilize one-time federal COVID relief funding to mitigate what would otherwise be a deficit in the general fund budget. This will be accomplished by:
 - Shifting certain eligible expenses from the general fund budget to the federal COVID relief funds; and
 - Recovering revenues lost due to the pandemic, including revenue losses from declining student enrollment.

Major Takeaways:

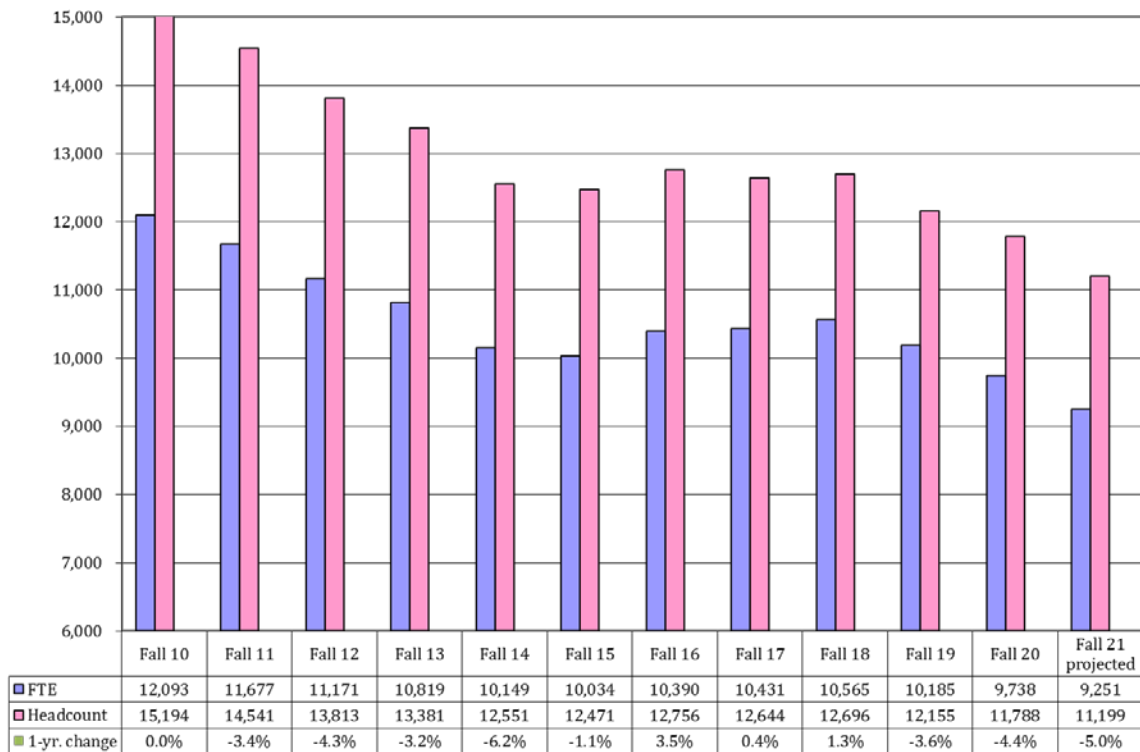
1. The FY 2022 budget is heavily reliant on temporary, one-time funding in the form of federal COVID relief funding that, pursuant to U.S. Department of Education guidelines, will be available only until May 2022.
2. Despite the fact that FY 2022 budget is balanced, a structural operating deficit remains, ranging between \$5 million and \$10 million, and which may be larger depending on actual fall 2021 student enrollment levels.
3. The *Plan to Take Charge of Our Future* will guide the FY 2022 budget plan, including adjustments necessary to maintain a balanced budget, sustain University operations and cover ongoing commitments, including contractual salary increases and rising employee healthcare insurance.

Student Enrollment Levels

For purposes of budget planning, student enrollment is the single most important variable because enrollment drives the University’s two largest income streams: tuition revenue and State Share of Instruction funding.

Over the past several years, the University’s enrollment levels have fluctuated from as high as 15,194 students in fall 2010 to as low as 11,788 last fall 2020. Enrollment levels next fall are again projected to decline, in part due to lingering uncertainty related to the COVID-19 pandemic but largely due to unfavorable regional demographics characterized by a declining number of high school graduates in northeast Ohio and western Pennsylvania.

To arrive at the FY 2022 enrollment projection, variables analyzed include the total number of students who have applied and been admitted; the number of scholarships awarded; the number of resident and non-resident students admitted; and the number of transfer students who have applied and been admitted.



General Fund Revenues

As depicted in the table below, FY 2022 budgeted general fund revenues total \$153 million, an increase of just 0.3% relative to the prior year's budget. Tuition and fee income is expected to decline by \$5.3 million in FY 2022, largely due to a projected 5% decline in student enrollments.

In addition, tuition and fee revenue is projected to decline in FY 2022 in part due to a planned reduction in the non-regional nonresident surcharge. Prior to the 2021-22 academic year, the lower Affordable Tuition Advantage (ATA) surcharge rate was assessed to non-resident students from certain nearby/border counties in, Pennsylvania, New York State and West Virginia. Effective fall 2021, the University will assess the ATA surcharge on *all* non-resident students. This will negatively impact gross revenue by roughly \$3 million but will reduce costs associated with graduate assistantships and scholarships, especially athletic scholarships. Moreover, this change is expected to eventually lead to enrollment growth by enhancing the University's ability to gain market share, especially in central and eastern Pennsylvania.

Other revenue sources are budgeted to increase by nearly 37% or \$1.8 million, mainly due to the University's ability to recover indirect costs related to the administration of federal COVID relief funding. (Indirect cost recoveries are recorded as revenue on the general ledger.)

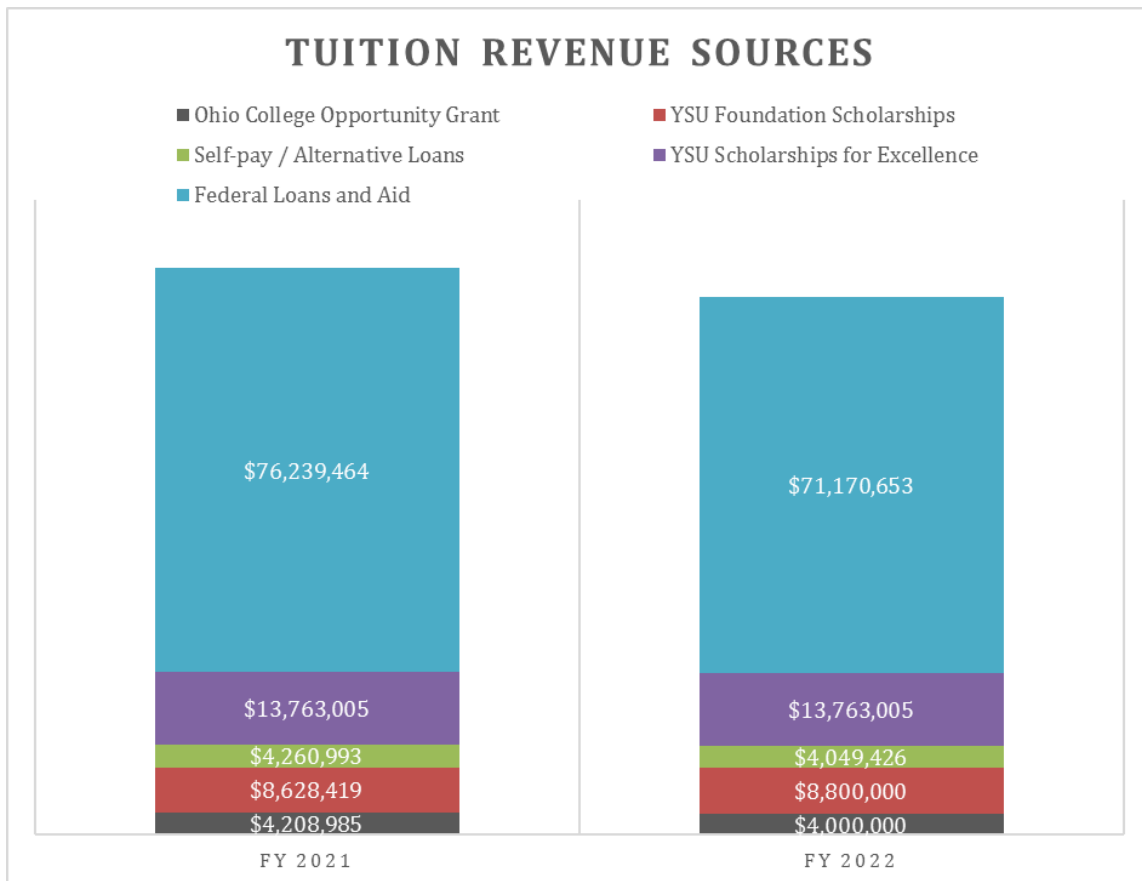
General fund revenues are summarized in the table below. See Appendix A for greater detail.

Source	FY 2021	FY 2022	Percent Change	Dollar Change
	Modified Budget	Proposed Budget		
<i>Tuition, Fees & Other Student Charges</i>				
Instructional & Mandatory Fees	\$92,745,716	\$91,521,002	-1.3%	(\$1,224,714)
Other Tuition, Fees & Charges	14,355,150	10,262,082	-28.5%	(4,093,068)
Total Tuition & Fees	<u>\$107,100,866</u>	<u>\$101,783,084</u>	-5.0%	<u>(\$5,317,782)</u>
<i>State Share of Instruction</i>				
Total State Funding	\$40,643,835	\$44,571,389	9.7%	\$3,927,554
<i>Other Sources</i>				
	\$4,855,299	\$6,645,527	36.9%	\$1,790,228
Total General Fund Revenue	<u>\$152,600,000</u>	<u>\$153,000,000</u>	0.3%	<u>\$400,000</u>

Tuition & Fee Revenues

Tuition and fees account for 67% of annual operating income, by far the University’s largest source of revenue. Totalling approximately \$101 million in annual general fund income, tuition and fees are ostensibly paid by students. However, there are a number of resources available to students to support the cost of attendance, including federal and state aid programs, as well as scholarships provided by both the University and the YSU Foundation.

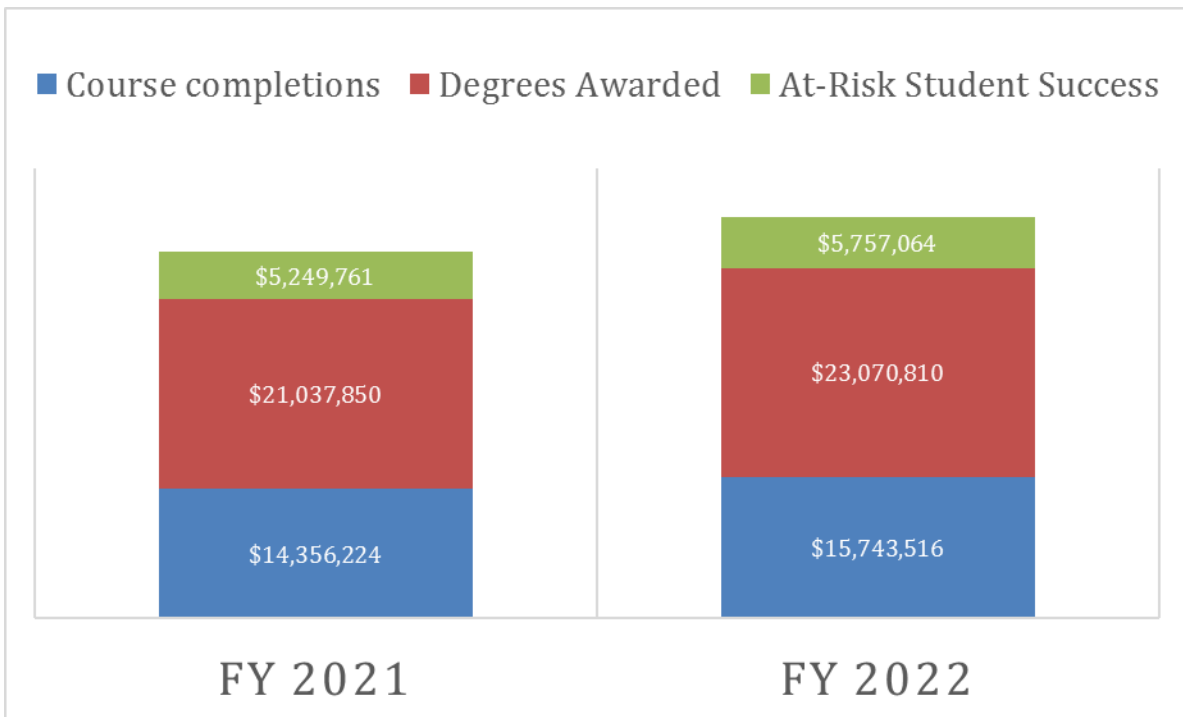
The graph below depicts the estimated sources of tuition and fee revenues for FY 2021 and FY 2022.



At more than \$70 million per year, federal funds represent the largest single resource available to students to help cover the cost of tuition and fees. Federal funds consist primarily of Direct Student Loans and Pell Grants but also include Perkins Loans, Federal Work Study and Supplemental Educational Opportunity Grants. The University’s reliance on these federal funds underscores the importance of compliance with federal student aid regulations, as well as the need to maintain strong relationships with congressional leaders and policymakers in Washington D.C., Columbus and elsewhere. It is also essential to continue to articulate the value of a degree from Youngstown State University, with an emphasis on job-placement and career advancement for YSU graduates.

State Operating Appropriations

The Ohio Department of Higher Education distributes State Share of Instruction (SSI) dollars through a complex formula that is designed to financially reward campuses on the basis of student success. As depicted in the graph below, SSI funding is allocated on the basis of (1) the number of courses successfully completed by students; (2) the number of degrees awarded to students; and (3) success among students who are identified as being at-risk, both academically and socioeconomically. When aggregate SSI levels remain unchanged, YSU's allocation may diminish if student success rates do not keep pace with or improve relative to other Ohio state universities. Typically, SSI funding only increases when the aggregate statewide SSI appropriation is increased through state budget legislation, as will be the case in FY 2022.



As the University's second-largest source of revenue, State Share of Instruction funding is essential to the University's financial wellbeing. Student success not only represents a vital component to YSU's mission, it also serves as the catalyst for millions of dollars in annual state funding. Therefore, it is imperative that student success remains at the forefront of the University's priorities, and that the value of a YSU degree continue to be broadly communicated.

General Fund Expenses

General fund expenses are summarized by functional expense category in the table below. Overall, budgeted expenses in FY 2022 are generally flat at just 0.3% higher than in the prior fiscal year.

	<u>FY 2021</u>	<u>FY 2022</u>	<u>1-Year Flux</u>	
Academic Excellence & Support	\$82,722,564	\$81,048,966	-2.0%	(\$1,673,597)
Student Success & Student Experience	29,046,675	30,925,912	6.5%	1,879,237
Institutional Support	16,888,346	19,447,629	15.2%	2,559,283
Plant Operation & Maintenance	16,802,019	17,418,224	3.7%	616,205
Intercollegiate Athletics	12,950,654	13,835,654	6.8%	885,000
Federal COVID Relief & other adjustments	<i>(5,810,257)</i>	<i>(9,676,384)</i>	<i>Estimated, subject to change</i>	
Total General Fund Allocation	<u>\$152,600,000</u>	<u>\$153,000,000</u>	0.3%	\$400,000

Academic Excellence & Support includes expenses directly associated with classroom instruction, academic administration, curriculum development, and instructional information technology. The 2% reduction in this category is mainly enrollment-driven; the anticipated decline in enrollments will drive down revenue from academic fees (course fees, lab fees, college and program fees), which provide direct funding support for academic colleges and departments.

Student Success & Experience includes expenses that support student admissions, financial aid and scholarships, student services administration, counseling and career guidance, and social and cultural development programming for students. The 6.5% increase in this category is largely the result of the University having invested in new staff positions dedicated to student success, including the addition of 5.0 FTE Student Success Coordinators, and 1.0 FTE mental health counselor.

Institutional Support includes fiscal operations, general administration, executive management, administrative information technology, and public relations. The 15% increase here is the result increased costs for and reliance on information technology, as well as an essential strategic expansion in the University's marketing strategy that includes a \$1.3 million budget augmentation in FY 2022.

Plant Operation & Maintenance (POM) includes building repairs, custodial services, grounds-keeping, and utilities, i.e., electricity, water, and natural gas. The 3.7% increase in FY 2022 is due to inflationary growth in costs for maintenance service agreements and custodial services, as well as new POM costs associated with the new 52,000 square-foot Excellence Training Center.

The amount shown here for Intercollegiate Athletics represents general fund support for the University's athletic programs and does not reflect other revenue earned by the Athletic Department (see Appendix B for detail). The 6.8% increase in FY 2022 is due to rising scholarship costs resulting from the phase-in of three new sports programs (Women's Lacrosse, Men's Swimming, Women's Bowling) and the expansion of Cross Country, which have driven an increase in the number of student athletes from 400 in 2019 to 533 today.

One-time Federal COVID-19 Emergency Relief Funding

As shown in the table on the preceding page, the University anticipates utilizing federal COVID relief funding to mitigate its budget challenges. However, it is important to note that these federal dollars represent interim one-time funding that will expire in May 2022. Moreover, federal guidelines restrict the University's ability to use COVID relief funding and established minimum thresholds that must be disbursed directly to students in the form of financial aid.

To date, the University has been awarded \$64.6 million in special federal funding, primarily in the form of Higher Education Emergency Relief Funds (HEERF) appropriated by Congress through the Coronavirus Aid, Relief, and Economic Security Act (CARES), the Coronavirus Relief & Recovery Supplemental Appropriations Act (CRRSAA) of 2020, and the American Rescue Plan Act (ARP) of 2021.

The following table summarizes the University's federal COVID relief funding. With approximately \$20 million in institutional HEERF funding still available, management is confident that the University will be able to maintain a balanced FY 2022 budget, in part by recovering lost revenues with institutional HEERF dollars, and by shifting eligible expenses from the general fund budget to the restricted HEERF funds. Additionally, updated federal guidelines stipulate that a portion of HEERF funds must be used to "implement evidence-based practices to monitor and suppress coronavirus in accordance with public health guidelines."

Legislation	Program Award	Total Award	FY 2020 Expensed	FY 2021 Expensed*	Cumulative Total Spend*	Available Award Balance
CARES Act	HEERF 1 - Student Aid	\$5,188,231	\$3,200,000	\$1,988,231	\$5,188,231	\$0
CRRSA Act	HEERF 2 - Student Aid	5,188,231	0	5,097,000	5,097,000	91,231
ARP Act	HEERF 3 - Student Aid	15,342,446	0	0	0	15,342,446
CARES Act	HEERF 1 - Institutional Aid	5,188,231	2,845,135	2,322,722	5,167,857	20,374
CRRSA Act	HEERF 2 - Institutional Aid	12,164,951	0	7,419,245	7,419,245	4,745,706
ARP Act	HEERF 3 - Institutional Aid	15,124,854	0	0	0	15,124,854
CARES Act	Coronavirus Relief Fund	3,924,395	1,079,230	2,572,047	3,651,278	273,118
CARES Act	Coronavirus Relief Fund	1,962,223	0	1,962,223	1,962,223	0
CARES Act	Mental Health - CRF	124,202	0	124,202	124,202	0
CARES Act	Mental Health GEER	211,140	0	71,477	71,477	139,663
CARES Act	PBS Emergency Stabilization	75,000	18,457	3,379	21,836	53,164
ARP Act	PBS Stabilization Grant	148,564	0	0	0	148,564
		\$64,642,468	\$7,142,822	\$21,560,526	\$28,703,348	\$35,939,120

*FY 2021 expensed amounts include expenses and encumbrances.

General Fund Expenses by Functional Category

The following table provides additional detail showing the functional activities included in the various expense categories budgeted for FY 2022. Taken together, Academic Excellence/Support and Student Success/Experience comprise 73% of total budgeted expenses in FY 2022, totaling nearly \$112 million.

	<u>FY 2022</u>	<u>% of Total</u>	
Academic Excellence & Support			
General Academic Instruction	\$58,537,405	38.3%	73% of resources are allocated for Academic Excellence and Student Success
Community Education	7,676	0.0%	
Preparatory Remedial Instruction	48,669	0.0%	
Instructional Information Tech	1,124,237	0.7%	
Institutes and Research Centers	107,100	0.1%	
Individual and Project Research	399,961	0.3%	
Community Service	8,569	0.0%	
Public Broadcasting Services	370,619	0.2%	
Library	2,810,952	1.8%	
Museums and Galleries	232,903	0.2%	
Educational Media Services	5,323,041	3.5%	
Academic Support Information Tech	177,269	0.1%	
Ancillary Support	1,278,368	0.8%	
Academic Administration	10,287,548	6.7%	
Academic Personnel Development	153,350	0.1%	
Course and Curriculum Development	181,300	0.1%	
	<u>\$81,048,966</u>	<u>53.0%</u>	
Student Success & Student Experience			
Scholarships	\$14,007,536	9.2%	
Auxiliary Enterprises Student	4,447,664	2.9%	
Social and Cultural Development	2,748,255	1.8%	
Counseling and Career Guidance	2,287,464	1.5%	
Student Service & Financial Aid Administration	1,446,301	0.9%	
Student Admissions	3,028,594	2.0%	
Student Records	2,574,998	1.7%	
Student Health Services	385,100	0.3%	
	<u>\$30,925,912</u>	<u>20.2%</u>	
Institutional Support			
Fiscal Operations	\$1,695,155	1.1%	
General Administration & Exec. Management	8,253,498	5.4%	
Administrative Information Tech	4,684,885	3.1%	
Public Relations & Advertising	4,814,091	3.1%	
	<u>\$19,447,629</u>	<u>12.7%</u>	
Plant Operation & Maintenance			
Building Maintenance	\$5,554,427	3.6%	
Custodial Services	2,595,825	1.7%	
Utilities	4,905,977	3.2%	
Landscape and Grounds Maintenance	914,684	0.6%	
Security and Safety	3,447,310	2.3%	
	<u>\$17,418,224</u>	<u>11.4%</u>	
Intercollegiate Athletics	\$13,835,654	9.0%	
Institution-wide, non-divisional			
Fed. COVID Relief & other one-time adjustments	(\$9,676,384)		
Grand Total General Fund	<u><u>\$153,000,000</u></u>	<u><u>100.0%</u></u>	

General Fund Expenses by Natural Classification

The following table depicts general fund expenses arranged by natural classification. The reduction in faculty personnel expenses is the result of natural attrition and does not include the effects of the Voluntary Separation Incentive Program for which the University is accepting applications through June 15, 2021. The increase in staff expenses is mainly due to the cessation of prior year austerity measures that included staff layoffs, and temporary furloughs for union staff and salary reductions for administrators.

	FY 2021	FY 2022	1-Year Flux	
	Modified	Proposed	%	\$
Personnel				
Full-service faculty	\$29,098,299	\$28,552,324	-1.9%	(\$545,975)
Part-time faculty	6,393,935	6,716,158	5.0%	322,223
Dept. Chairperson Stipends	396,140	404,063	2.0%	7,923
Faculty vacancy reserve	1,698,777	1,487,764	-12.4%	(211,013)
Subtotal - Faculty	\$37,587,151	\$37,160,310	-1.1%	(\$426,841)
Staff	\$28,103,252	\$29,536,145	5.1%	\$1,432,893
Furloughs for union staff*	(676,584)	0		676,584
Tiered salary reductions for excluded staff*	(281,453)	0		281,453
Reductions in Force*	Reflected above	0		
Subtotal - Net Staff	\$27,145,215	\$29,536,145	8.8%	\$2,390,930
Temporary Staff and Student Wages	4,469,122	4,621,270	3.4%	152,148
Fringe Benefits	25,046,609	26,827,664	7.1%	1,781,055
Total Personnel	\$94,248,097	\$98,145,389	4.1%	\$3,897,292
Operating Expenses				
Supplies	\$1,572,411	\$1,635,147	4.0%	\$62,736
Business-Related Expenses and Travel	1,155,161	1,242,187	7.5%	87,026
Dues and Memberships	280,670	292,979	4.4%	12,309
Public Relations & Communications	923,774	2,330,905	152.3%	1,407,131
Repairs and Maintenance	3,015,363	3,552,356	17.8%	536,993
Utilities	4,575,782	4,710,241	2.9%	134,459
Library Acquisitions	1,092,445	1,092,445	0.0%	0
Equipment	348,041	344,661	-1.0%	(3,380)
Contracted Fees & Services	4,241,391	6,998,670	65.0%	2,757,279
Chargebacks Campus Security	(39,089)	(39,089)	0.0%	0
Revenue Sharing	489,042	489,042	0.0%	0
Miscellaneous	341,610	341,064	-0.2%	(546)
Bad Debt	400,000	400,000	0.0%	0
Rentals Non Facilities	272,770	64,817	-76.2%	(207,953)
Scholarships & Awards	13,763,005	13,763,005	0.0%	0
Plan for Strategic Actions	423,536	500,000	18.1%	76,464
Match Funds & Reserve Accounts	2,341,572	1,939,409	-17.2%	(402,163)
	\$35,197,484	\$39,657,839	12.7%	\$4,460,355
Transfers				
Transfers to Academic Colleges for operations	\$6,255,526	\$4,928,321	-21.2%	(\$1,327,205)
Transfers to Auxiliaries for operations	16,757,263	18,283,318	9.1%	\$1,526,055
Transfers to other funds	4,326,850	2,585,835	-40.2%	(1,741,015)
	\$27,339,639	\$25,797,474	-5.6%	(\$1,542,165)
One-time Adjustments				
Transfer from Budget Stabilization Reserve	\$0	(\$1,004,898)		
Transfer from FY 2021 Operating Carry-Forward	\$0	(\$4,295,804)		<i>Estimated, subject to change</i>
Federal COVID Relief - recovery of lost revenue	(2,301,871)	(3,500,000)		<i>Estimated, subject to change</i>
Federal COVID Relief - recovery of elig. expenses	(1,883,349)	(1,800,000)		<i>Estimated, subject to change</i>
	(\$4,185,219)	(\$10,600,702)		
Total General Fund	\$152,600,000	\$153,000,000	0.3%	\$400,000

Auxiliary Services

Auxiliaries provide a variety of services that enhance campus life for YSU students, faculty, staff, alumni and visitors. Auxiliaries also generate revenue through sales and services, which helps support their operations. As shown in the table below, the combined FY 2022 budgets for the University's auxiliaries total \$35.8 million, which includes \$16.2 million in general fund support and \$19.6 million in income generated by each auxiliary.

Auxiliary Services:	FY 2022 Budget	1-Year Flux	
		%	\$
Intercollegiate Athletics	\$17,790,127	10.22%	\$1,649,593
Housing Services	11,084,834	3.87%	412,702
Parking Services	3,701,100	19.64%	607,507
Kilcawley Center	1,935,696	12.95%	221,936
Andrews Recreation and Wellness Center	1,334,442	3.27%	42,193
Total Auxiliary Budgets	\$35,846,199	8.91%	\$2,933,931
Less: Support from General Fund	(16,233,318)	15.53%	(2,181,748)
Total Earned Income	\$19,612,881	3.99%	\$752,183

The \$17.7 million Athletics budget is indicative of the long-standing institutional decision to support an NCAA-compliant Division I intercollegiate athletic program. The 10.2% increase in FY 2022 is fueled in part by a \$1.4 million increase in athletic income that, due to the COVID-19 pandemic, had been disrupted during the prior fiscal year.

The budget for Housing Services is based on a planned occupancy rate of 95% in the University's inventory of residence halls and apartments, which total 1,254 beds. The projected growth in FY 2022 is partially due to planned increases to room and board, as well a return to near-normal occupancy levels that, due to the COVID-19 pandemic, had been intentionally de-densified during the prior year.

The 19.6% increase in Parking Services' budget is inflated due to the fact that the prior year's budget was based on an overly-conservative enrollment estimate, combined with the fact that Parking's FY 2021 budget was not modified to reflect actual enrollment levels that fell last year by 4.4% (instead of the 15% decline budgeted).

The budgets for Kilcawley Student Center and the Andrews Recreation & Wellness Center are projected to increase, in part due to the ability to capture sales and services revenue that had been disrupted by the COVID-19 pandemic during the prior year.

Rich Center for Autism

Established in 1995, The Paula and Anthony Rich Center for the Study and Treatment of Autism is an externally funded unit of Youngstown State University.

Pursuant to the 2010 agreement between the Rich Center and YSU, the Rich Center's budget is included here for approval by the YSU Board of Trustees. The Rich Center will remain fully funded by external sources and will not receive direct funding support from the University. The University will, however, continue to provide approximately 15,500 square feet of space in Fedor Hall to house the Rich Center's classrooms, labs and administrative offices.

The Rich Center's proposed budget for FY 2022 is based on a 6.2% increase in revenue, and includes a 2% salary increase for Rich Center employees.

<u>Rich Center for Autism</u>	FY 2021	FY 2022	1-Year Flux	
	ACTUAL[^]	Budget	%	\$
Revenues				
Noncredit Tuition	\$1,394,218	\$1,610,151	15.5%	\$215,934
Cash Gifts	393,377	154,042	-60.8%	(239,335)
Misc. Income	66,286	205,000	209.3%	138,714
Total Revenues	\$1,853,880	\$1,969,193	6.2%	\$115,313
Expenses				
Personnel				
Full- and Part-time Staff	\$1,195,411	\$1,217,800	1.9%	\$22,389
Temporary Staff	18,864	25,000	32.5%	6,136
Fringe Benefits	447,320	467,743	4.6%	20,423
Total Personnel	\$1,661,594	\$1,710,543	2.9%	\$48,949
Operating Expenses				
Supplies	\$18,819	\$38,800	106.2%	\$19,981
Travel and Related Expenses	0	2,250	100.0%	2,250
Information & Communication	13,981	20,500	46.6%	6,519
Facility Maintenance/Repairs	0	500	100.0%	500
Fees & Services	148,676	168,500	13.3%	19,824
Volunteer Services	0	14,000	100.0%	14,000
Events & Promotions	948	3,600	279.7%	2,652
Miscellaneous / Reserve	9,862	10,500	6.5%	638
Total Operating Expenses	\$192,286	\$258,650	34.5%	\$66,364
Total Rich Center Expenses	\$1,853,880	\$1,969,193	6.2%	\$115,313

[^]Projection, based on year-to-date experience through 3rd quarter at March 31, 2021.

APPENDIX A – Revenue Detail, General Fund Budget

	FY 2021	FY 2022	Annual change	
			%	\$
STUDENT TUITION & FEES				
Instructional Fee	\$71,968,308	\$69,252,002	-3.9%	(\$2,716,306)
General Fee	18,166,737	18,000,000	-1.1%	(166,737)
Info. Services Tech. Fee	802,003	369,000	-75.6%	(433,003)
Accelerated Online Tuition	1,808,668	3,900,000		2,091,332
Subtotal - Tuition & Fees	\$92,745,716	\$91,521,002	-1.4%	(\$1,224,714)
OTHER STUDENT FEES				
Non-resident Tuition Surcharge	\$4,582,621	\$627,500	-89.2%	(\$3,955,121)
Academic Fees	7,322,891	7,216,532	-1.5%	(106,359)
Career Services Fee	159,638	155,000	-2.7%	(4,638)
Non-credit Instructional Fees	21,750	14,850	-28.4%	(6,900)
Miscellaneous Fees	156,335	155,400	-0.5%	(935)
Application Fees	253,349	221,000	-14.5%	(32,349)
College Credit Plus/Jump Start	1,076,881	1,023,000	-4.8%	(53,881)
Subtotal - Other Tuition & Fees	\$13,573,465	\$9,413,282	-31.3%	(\$4,160,183)
STUDENT CHARGES				
Fines & Penalty Assessments	\$243,750	\$281,300	6.0%	\$37,550
Service Charges	537,935	567,500	5.6%	29,565
Subtotal - Student Charges	\$781,685	\$848,800	5.8%	\$67,115
Total - Tuition, Fees & Other Chrgs.	\$107,100,866	\$101,783,084	-5.3%	(\$5,317,782)
STATE SHARE OF INSTRUCTION				
Subtotal - State Appropriations	\$40,643,835	\$44,571,389	11.3%	\$3,927,554
OTHER SOURCES				
Investment Income for Operations	\$2,000,000	\$2,555,414	27.8%	\$555,414
Administrative Charge - Auxiliaries	1,266,413	1,266,413	0.0%	0
Alumni Relations	10,000	12,000	12.5%	2,000
Sales & Services of Educational Activities	850	3,000	39.8%	2,150
Private Gifts, Unrestricted	90,000	90,000	0.0%	0
Facility Rental, Athletics and University	470,666	445,000	-5.3%	(25,666)
Indirect Cost Recoveries - Grants	615,000	680,000	11.4%	65,000
Indirect Cost Recoveries - Fed. COVID Relief	0	1,000,000		1,000,000
Other-Miscellaneous	402,370	593,700	59.2%	191,330
Subtotal - Other Sources	\$4,855,299	\$6,645,527	37.6%	\$1,790,228
TOTAL GENERAL FUND REVENUE	\$152,600,000	\$153,000,000	0.3%	\$400,000

APPENDIX B – Auxiliary Budgets

<u>INTERCOLLEGIATE ATHLETICS</u>				
	FY 2021	FY 2022	PERCENT	
	<u>Budget (modified)</u>	<u>Budget</u>	<u>CHANGE</u>	<u>CHANGE</u>
REVENUE RECORDED IN THE GENERAL FUND*				
Tuition & Fees from Student Athletes	\$8,658,658	\$8,745,244	1.0%	\$86,587
State Share of Instruction Funding	1,312,014	2,112,604	61.0%	800,591
Total Athletic Revenue in Gen. Fund*	\$9,970,671	\$10,857,848	8.9%	\$887,177
REVENUE				
Football Tickets	\$42,500	\$375,000	782.4%	\$332,500
Basketball Tickets	42,500	145,000	241.2%	102,500
Guarantees	0	840,000	N/A	840,000
Program Sales	3,000	4,500	50.0%	1,500
Medical Services Commissions	50,000	45,000	-10.0%	(5,000)
Concession Commissions	45,000	45,000	0.0%	0
Royalty Commissions	50,000	60,000	20.0%	10,000
NCAA Revenue Sharing	1,150,000	1,050,000	-8.7%	(100,000)
Program Ad. Sales/Recognition	175,000	275,000	57.1%	100,000
Radio/Television Income	100,000	10,000	-90.0%	(90,000)
Pouring Rights & Miscellaneous	135,000	155,000	14.8%	20,000
Football Tailgate	60,000	90,000	50.0%	30,000
Scoreboard Advertising:				
Football	120,000	235,000	95.8%	115,000
Basketball	40,000	105,000	162.5%	65,000
Stadium Loge Rentals	519,973	519,973	0.0%	0
Total Revenue	\$2,532,973	\$3,954,473	56.1%	\$1,421,500
TOTAL REVENUE	<u>\$12,503,644</u>	<u>\$14,812,321</u>	<u>18.5%</u>	<u>\$2,308,677</u>
GENERAL FUND ALLOCATION				
Total General Fund Support**	\$2,979,983	\$2,977,806	-0.1%	(\$2,177)
TOTAL RESOURCES	<u>\$15,483,627</u>	<u>\$17,790,127</u>	<u>14.9%</u>	<u>\$2,306,500</u>
EXPENSES				
Permanent Staff	\$3,704,583	\$4,616,175	24.6%	\$911,592
Temporary Staff	436,902	482,210	10.4%	45,308
Fringe Benefits	1,607,229	2,046,550	27.3%	439,321
Scholarships	5,611,012	5,868,461	4.6%	257,449
Operating	4,093,901	4,746,731	15.9%	652,830
Transfer, Inst. Work Study	30,000	30,000	0.0%	0
TOTAL EXPENSES	<u>\$15,483,627</u>	<u>\$17,790,127</u>	<u>14.9%</u>	<u>\$2,306,500</u>
*Tuition and state funding are recorded in the general fund but are presented here to illustrate the estimated revenue attributable to YSU student athletes.				
** General fund support for Athletics has been adjusted to illustrate the estimated impact of tuition and state funding revenue that is attributable to YSU student athletes. The FY 2022 general fund allocation for Athletics is \$13,835,654.				

APPENDIX B - Auxiliary Budgets

<u>KILCAWLEY CENTER</u>				
	<u>FY 2021 Modified Budget</u>	<u>FY 2022 Budget</u>	<u>PERCENT CHANGE</u>	<u>CHANGE</u>
REVENUES				
Food Services Commissions	\$97,250	\$355,000	265.0%	\$257,750
Bookstore Commissions	442,000	328,974	-25.6%	(113,026)
Pete's Treats Candy Counter	64,000	68,000	6.3%	4,000
Duplicating Services	2,400	0	-100.0%	(2,400)
Graphic Center	24,750	35,000	41.4%	10,250
Recreation Room	0	3,000		3,000
Room Rental	0	2,000		2,000
Vending and Misc. Sales & Service	31,500	24,500	-22.2%	(7,000)
Total Revenue	<u>\$661,900</u>	<u>\$816,474</u>	<u>23.4%</u>	<u>\$154,574</u>
OTHER RESOURCES				
General Fund Allocation	\$978,360	\$1,119,222	14.4%	\$140,862
TOTAL RESOURCES	<u>\$1,640,260</u>	<u>\$1,935,696</u>	<u>18.0%</u>	<u>\$295,436</u>
EXPENSES				
Permanent Staff	\$450,025	\$461,504	2.6%	\$11,479
Temporary Staff	150,000	305,000	103.3%	155,000
Fringe Benefits	179,675	202,003	12.4%	22,328
Administrative Charge	126,000	126,000	0.0%	0
Operating	677,581	781,690	15.4%	104,109
Inst. Work Study transfer	55,979	58,499	4.5%	2,520
Transfer for Capital Improvements	1,000	1,000	0.0%	0
TOTAL EXPENSES	<u>\$1,640,260</u>	<u>\$1,935,696</u>	<u>18.0%</u>	<u>\$295,436</u>

APPENDIX B – Auxiliary Budgets

ANDREWS RECREATION AND WELLNESS CENTER				
	Modified FY 2021 Budget	FY 2022 Budget	PERCENT CHANGE	CHANGE
REVENUES				
Faculty & Staff Memberships	\$18,000	\$20,000	11.11%	\$2,000
Guest Passes/Locker Rentals	1,000	6,000	500.00%	5,000
Program Fees	5,000	15,000	200.00%	10,000
Sponsorship income	10,000	15,000	50.00%	5,000
Total Revenues	\$34,000	\$56,000	64.71%	22,000
OTHER RESOURCES				
General Fund Allocation	\$1,203,249	\$1,278,442	6.25%	\$75,193
TOTAL RESOURCES	\$1,237,249	\$1,334,442	7.86%	\$97,193
EXPENSES				
Permanent Staff	\$364,642	\$361,663	-0.82%	(\$2,979)
Temporary Staff	205,758	312,302	51.78%	106,544
Fringe Benefits	154,766	164,365	6.20%	9,599
Administrative Charge	77,600	77,600	0.00%	0
Operating	379,201	398,512	5.09%	19,311
Inst. Work Study Transfer	20,000	20,000	0.00%	0
Transfer for Capital Improvements	35,282	0	-100.00%	(35,282)
Total Expenses	\$1,237,249	\$1,334,442	7.86%	\$97,193

APPENDIX B – Auxiliary Budgets

HOUSING SERVICES				
	FY 2021 Modified Budget	FY 2022 Budget	PERCENT CHANGE	CHANGE
REVENUES				
Room Rentals	\$10,140,332	\$10,418,834	2.7%	\$278,502
Meal Plans	488,750	575,000	17.6%	86,250
Food Commissions	5,000	10,000	100.0%	5,000
Misc. Fees	13,050	56,000	329.1%	42,950
Rentals-Guests and Special Groups	25,000	25,000	0.0%	0
Total Revenue	\$10,672,132	\$11,084,834	3.9%	\$412,702
EXPENDITURES				
Permanent Staff	\$764,373	\$622,896	-18.5%	(\$141,477)
Temporary Staff	295,893	355,000	20.0%	59,107
Fringe Benefits	341,261	310,359	-9.1%	(30,902)
Administrative Charge	912,813	912,813	0.0%	0
Operating	6,487,366	7,098,879	9.4%	611,512
Scholarships	387,000	300,000	-22.5%	(87,000)
Inst. Work Study (transfer)	30,000	30,000	0.0%	0
Debt Service transfer	1,378,426	1,379,888	0.1%	1,462
Capital Improvements (transfer)	75,000	75,000	0.0%	0
Total Expenses	\$10,672,132	\$11,084,834	3.9%	\$412,702

APPENDIX B – Auxiliary Budgets

<u>PARKING SERVICES</u>				
	FY 2021 Modified Budget	FY 2022 Budget	PERCENT CHANGE	CHANGE
REVENUES				
Faculty & Staff Permits	\$530,000	\$530,000	0.0%	\$0
Student Transportation Fee/Permits	666,493	825,000	23.8%	158,507
Penguin Promise Transportation Fee*	1,625,000	2,050,000	26.2%	425,000
Parking Fines	50,000	75,000	50.0%	25,000
Parking Fees-Special Events	110,000	110,000	0.0%	0
Daily Parking Fees	51,000	51,000	0.0%	0
Parking Meters	6,000	5,000	-16.7%	(1,000)
Parking Permits-Contracted Service	40,000	40,000	0.0%	0
Control Card Replacement	100	100	0.0%	0
Weekly Permits	15,000	15,000	0.0%	0
Total Revenues	<u>\$3,093,593</u>	<u>\$3,701,100</u>	<u>19.6%</u>	<u>\$607,507</u>
EXPENDITURES				
Permanent Staff	\$449,798	\$424,359	-5.7%	(\$25,439)
Temporary Staff	417,000	417,000	0.0%	0
Fringe Benefits	246,848	243,328	-1.4%	(3,520)
Administrative Charge	150,000	150,000	0.0%	0
Shuttle Service	363,000	363,000	0.0%	0
Other Operating	1,056,744	1,156,744	9.5%	100,000
Debt Service	395,203	395,203	0.0%	0
Transfers Capital Improvements	0	536,466	N/A	536,466
Inst. Work Study Transfer	15,000	15,000	0.0%	0
Total Expenses	<u>\$3,093,593</u>	<u>\$3,701,100</u>	<u>19.6%</u>	<u>\$607,507</u>

**Because the transportation fee was folded into the Penguin Tuition Promise general fee in FY 2019, those revenues are recorded in the General Fund. Consequently, a portion of this fee income is transferred to Parking from the General Fund.*

APPENDIX C – Miscellaneous Salary Rates

<i>Part-Time Faculty (per semester hour workload)</i>	
With Baccalaureate (or equivalent qualifications)	\$650
With Masters degree	\$800
With Doctorate or Juris Doctor	\$1,050
<i>Doctoral Fellowships</i>	\$10,000
<i>Ph.D. Assistantships Stipends (sciences and engineering)</i>	\$23,500-\$30,000
<i>Graduate Assistants</i>	
Stipend for students in STEM departments	\$10,000
Stipend for students in all other academic departments	\$7,500
<i>Graduate Teaching Assistants</i>	
Stipend for students in STEM departments	\$10,000
Stipend for students in all other academic departments	\$8,750
<i>Student Employee Hourly Wage Rates*</i>	
Student Assistants	\$8.80
Student Exception Rates (<i>as approved by the Assoc. Provost for Student Success</i>)	\$8.80 - \$12.00
<p>*Note: Student employee hourly wage rates are subject to revision, pending any applicable cost of living adjustments, as required by Ohio minimum wage law.</p>	



**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 A.

Resolution to Approve Interfund Transfers - Exhibit A



**YOUNGSTOWN STATE UNIVERSITY
Interfund Transfers Requiring Board Approval
Transfers Outside of the Operating Budget
Requested Transfers for Third & Fourth Quarter FY2021**

FROM	TO	AMOUNT	REASON
Third Quarter 2021			
Coronavirus Relief Funds (CRF) 1 & 2 (Restricted Funds)	Stabilization Reserve Fund (Designated Fund)	\$1,004,898	Transfers for reimbursement of FY2020 payroll expenses attributed to COVID-19. Amount is reflected as a resource in the FY2022 Operating Budget.
Higher Education Emergency Relief Fund (HEERF2) - Institutional Portion (Restricted Fund)			
Fourth Quarter 2021			
General Fund Plant Reserve (Unrestricted Plant Fund)	Property Acquisition Fund (Unrestricted Plant Fund)	\$570,000	Transfer to fund property acquisitions that are being presented for Board approval this quarter.

Finance and Facilities Committee continued...

a. Report of the Audit Subcommittee

Trustee Peterson, chairperson of the Audit Subcommittee, said the subcommittee met June 2, 2021, and approved the Fiscal Year 2022 Annual Audit Plan and Risk Assessment, received various updates from the university's internal auditor and reviewed a report from the Ohio Auditor's office that YSU earned a 4-star rating in the State of Ohio's Star Rating System: Monitoring Transparency in Government. It's the highest rating in the system that evaluates compliance with the state's Sunshine Laws.

b. Report of the Investment Subcommittee

Trustee Cafaro, chairperson of the Investment Subcommittee, reported that the subcommittee met June 2, 2021, and approved a resolution to endorse Clearstead's recommendation to rebalance \$2.5 million or 4 percent of the university's non-endowment long-term investment pool.

End of Finance and Facilities Committee

Governance Committee

Chairperson Hackstedde noted that the Governance Committee was recommending two resolutions for adoption by the board:

- 1. Resolution of Re-Appointment of National/Global Trustee, Eric A. Spiegel to a Second, Three-Year Term**
- 2. Board of Trustees Resolution Endorsing the Recommendations Associated with the Academic Program Enhancement and Effectiveness Initiative**

There being no objection thereto, the chairperson declared the resolutions adopted by general consent.

The above resolutions and exhibits follow.



**RESOLUTION OF RE-APPOINTMENT OF NATIONAL/GLOBAL TRUSTEE –
ERICA A. SPIEGEL TO A SECOND THREE-YEAR TERM**

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 Eric A. Spiegel is a Special Advisor to General Atlantic LLC, is the past President and Chief Executive Officer of Siemens, USA, and in May 2015 received an honorary Doctor of Business Administration degree from Youngstown State University; and

WHEREAS, Mr. Spiegel was eminently qualified to serve as the Board's first appointment to the nonvoting position of National/Global Trustee and was appointed on June 7, 2018 to serve as the Board's first ever National/Global Trustee at Youngstown State University; and

WHEREAS, the Board nominated Mr. Spiegel for an extension of the National/Global Trustee appointment pursuant to the Board's *Bylaws* and Mr. Spiegel graciously accepts the nomination for National/Global Trustee position for a second term.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby re-appoint Mr. Eric A. Spiegel as a National/Global Trustee, for an additional three-year term effective July 1, 2021, and concluding June 30, 2024, pursuant to Article IV of the Board's *Bylaws*.

**BOARD OF TRUSTEES RESOLUTION ENDORSING THE
RECOMMENDATIONS ASSOCIATED WITH THE ACADEMIC PROGRAM
ENHANCEMENT AND EFFECTIVENESS INITIATIVE**

WHEREAS, The Plan for Strategic Actions to Take Charge of Our Future includes the following goal and strategies:

Goal: Develop a Culture of Assessment that Ensures the Quality of Academic Program Majors, Minors and Other Credentials

Strategies: Complete program effectiveness and enhancement review including rubrics for recommendations regarding actionable outcomes;

Develop a mechanism to continually identify, assess, and implement new academic programs, badges, credentials, certifications, or coursework integration; and

WHEREAS, the Board of Trustees provided guidance via various Resolutions, including endorsing the use of an external firm to support implementing the “program effectiveness and enhancement review,” with the Board having been updated at previous meetings regarding the Initiative that is now called the Academic Program Enhancement and Effectiveness Initiative (APEEI); and

WHEREAS, there has been substantial engagement with the faculty during this process, particularly beginning in February culminating in program-level and dean-level recommendations associated with APEEI; and

WHEREAS, during this process, a Dashboard for each program has been developed considering the mission of the program as well as information pertaining to markets from the perspectives of student interest, available jobs, and higher education competition, as well as program economic indicators at the instructional levels; and

WHEREAS, the Dashboard also contains academic excellence metrics that are lead-indicators to the Board’s to be adopted Key Performance (lag) Indicators; and

WHEREAS, all of this information as well as multiple opportunities for faculty input into the process supporting shared governance has culminated in recommendations related to the academic programs.

NOW, THEREFORE BE IT RESOLVED, that the recommendations associated with APEEI below be accepted by the Board of Trustees; and

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BE IT FURTHER RESOLVED, that the Board anticipates an Enrollment Report soon after the fourteenth day of classes for Fall 2021 that is associated with APEEI setting the stage for continuous assessment, evaluation, and improvement of the Academic Portfolio that contributes to student futures and lifelong learning, academic excellence and discovery of knowledge, and collective impact with the region all of which in concert substantially contribute to institutional sustainability.

Academic Program Enhancement and Effectiveness Initiative

Office of Academic Affairs

Recommendations to the Board of Trustees

6/2/2021

1. OAA will prioritize program resource allocation aligned with the findings of APEEI and the Plan for Strategic Actions to Take Charge of our Future.
2. OAA will work with Senate and the Graduate Council to conduct an impact study on programs that have been identified for Sunset, designated as inactive, or to reduce complexity of the academic programs.
3. OAA recommendations related to item #2 above will be presented to the Academic Excellence & Student Success Committee of the Board in September, 2021.

End of Governance Committee

V. COMMUNICATIONS, MEMORIALS, NEWS UPDATES

A. **Motion: To approve a Resolution of Appreciation for student trustee Victoria M. Woods, whose two-year term expires. Motion moved by Anita A. Hackstedde, M.D., and motion seconded by John R Jakubek. The resolution was unanimously approved.**



**YOUNGSTOWN
STATE
UNIVERSITY**

One University Plaza, Youngstown, Ohio 44555
Office of the President
330.941.3101 | Fax 330.941.7169

RESOLUTION OF APPRECIATION Victoria M. Woods

WHEREAS, Victoria M. Woods was appointed a Student Trustee of Youngstown State University on May 16, 2019, by Governor Mike DeWine; and

WHEREAS, during her term as Student Trustee, Ms. Woods served on the Academic Excellence and Student Success, Institutional Engagement, Finance and Facilities, Governance, and University Affairs Committees as well as the Audit and Investment Subcommittees of the Board of Trustees of Youngstown State University; and

WHEREAS, Ms. Woods served as Student Trustee while at the same time maintaining a rigorous academic and work regimen and campus leadership positions; and

WHEREAS, as a Student Trustee, Ms. Woods served Youngstown State University, its faculty, staff, and especially its students, with distinction, bringing to the Board of Trustees a thoughtful, articulate and respected perspective on student issues and concerns; and

WHEREAS, Ms. Woods's term as Student Trustee has proved mutually enriching to her and to the Board of Trustees, exemplifying the value of the Student Trustee experience both to the student and to the University; and

WHEREAS, its members wish to thank Victoria Woods for the leadership and perspective that she brought to the Board of Trustees of Youngstown State University;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Board of Trustees express their appreciation to Victoria M. Woods for her dedication and efforts to promote the welfare and best interests of the students, faculty, and staff of Youngstown State University and the community which it serves; and

BE IT FURTHER RESOLVED that a copy of this Resolution be furnished to Ms. Woods.

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Memorials

President Tressel recognized the following passings:

- John Barkett, active member of the Ice Castle and the Penguin Club, Dec. 15, 2020.
- Stanley Guzell Jr., retired professor, Business Management, March 6, 2021.
- Eleanor DeLuco, employee for over 30 years in the Registration department, March 7, 2021.
- Cynthia Fammartino, employee for over 10 years, system analyst, March 11, 2021.
- Ted Pedas, employee for 30 year, Planetarium, Administrator Emeritus, March 11, 2021.
- Rufus Hudson, marketing coordinator, Metro College; former Youngstown City Councilman, March 13, 2021.
- Chris Yambar, alum, nationally-recognized writer and artist, March 27, 2021.
- Delores Texter, employee for 25 years, administrative assistant; mother Kathy (Texter) Buser (Communication) and mother-in-law of Christina Texter (University Relations), March 27, 2021.
- Clarence Smith, YSU Foundation trustee; established the Clarence R. Smith Mineral Museum in Moser Hall; led fund-raising for Stambaugh Stadium; Athletics Hall of Fame, April 13, 2021.
- Helene Pope, employee for 25 years, Records department and Maag Library, April 13, 2021.
- Virginia Chiarello, employee for 27 years, in Maag Library, May 20, 2021.
- John Sesonsky, YSU alum, Newton Falls school teacher and coach, worked 15 years in catering at YSU after retiring, May 31, 2021.

VII. UNFINISHED BUSINESS

There is no unfinished business.

VIII. NEW BUSINESS

Election of New Board Officers for 2021-22

In accordance with the board's bylaws, at the board's regular meeting held March 4, 2021, the Governance Committee reported its nominations for board officers for the year 2021-22. The Governance Committee nominations are:

Chairperson: John R. Jakubek
Vice Chairperson: Charles T. George
Secretary: Molly S. Seals

There being no additional nominations, the trustees unanimously voted to elect Dr. John Jakubek as chairperson, Charles T. George as vice chairperson and Molly S. Seals as secretary for 2021-22.



Explanation for Election of New Board Officers for 2021-2022

In accordance with the Board's Bylaws, the Governance Committee has met and today makes its report to the board regarding its election of officers for the year starting June 2021. Today's report constitutes the second reading.

The Governance Committee's selection for new board officers for 2021-2022 are:

Chairperson – Dr. John R. Jakubek
Vice Chairperson – Mr. Charles T. George
Secretary – Mrs. Molly S. Seals



Explanation for Creation of New Board Committee Assignments for 2021-2022

With input from the outgoing Board Chairperson, Anita Hackstedde, to the incoming Board Chairperson, Dr. John R. Jakubek, the attached board committee assignments have been created for the YSU Board of Trustees for 2021-2022.



**YOUNGSTOWN STATE UNIVERSITY
BOARD OF TRUSTEES
COMMITTEES**

**John R. Jakubek, Chair
Charles T. George, Vice Chair
Molly S. Seals, Secretary**

2021-2022 STANDING COMMITTEES

**ACADEMIC EXCELLENCE AND
STUDENT SUCCESS**

Molly S. Seals, Chair
Joseph J. Kerola, Vice Chair
All Trustees are members

FINANCE AND FACILITIES

Michael A. Peterson, Chair
Capri S. Cafaro, Vice Chair
All Trustees are members

AUDIT SUBCOMMITTEE

Michael A. Peterson, Chair
Molly S. Seals, Vice Chair
James E. "Ted" Roberts
Trustee to be named
Student Trustee to be named

INVESTMENT SUBCOMMITTEE

Capri S. Cafaro, Chair
Charles T. George, Vice Chair
Allen L. Ryan, Jr.
Joseph J. Kerola
Galatiani G. Lopuchovsky

INSTITUTIONAL ENGAGEMENT

James E. "Ted" Roberts, Chair
Allen L. Ryan, Jr., Vice Chair
All Trustees are members

UNIVERSITY AFFAIRS

Charles T. George, Chair
Capri S. Cafaro, Vice Chair
All Trustees are members

EXECUTIVE COMMITTEE

John R. Jakubek, Chair
Charles T. George, Vice Chair
James E. "Ted" Roberts
Molly S. Seals
Michael A. Peterson

GOVERNANCE COMMITTEE

John R. Jakubek, Chair
Charles T. George, Vice Chair
All Trustees are members

X. CHAIRPERSON'S REMARKS

Chairperson Hackstedde thanked faculty and administrators for recognizing the importance of program review and for their participation in the process. “We look forward to continue working collaboratively as we begin implementation of these recommendations,” she said. Chairperson Hackstedde also acknowledged the ending of her stint as chair, saying it was a crazy year, thanking her fellow board members and, jokingly, lamenting the fact that she never got to use her gavel.

X. DATES AND TIMES OF UPCOMING REGULAR MEETINGS OF THE BOARD

Motion by Molly S. Seals, seconded by Michael A. Peterson. The resolution was unanimously approved the following meetings:

- 10 am - Thursday, September 2, 2021
- 10 am - Thursday, December 2, 2021
- 10am - Thursday, March 3, 2022

Trustee Chuck George announced that an effort lead by him and Trustee Joe Kerola to raise money to establish a graduate fellowship in honor of President Jim Tressel. In all, seven current and former trustees gifted \$250,000 for the graduate position in the new James P. Tressel Institute for Leadership and Teamwork. “President Tressel is renowned across the state of Ohio and the nation for his skills in leading successful teams, from the locker room to the board room,” George said. “This fellowship will allow those skills and those successes to be ingrained in generations to come.” The announcement was a surprise for Tressel. “You guys are amazing,” he said, “and we’ll continue to do all we can for the Penguins.”

XI. ADJOURNMENT

Motion by John R Jakubek and seconded by Michael A. Peterson. The motion was unanimously approved.



Chairperson



ATTEST: Secretary to the Board