

METHODIST THEOLOGICAL SCHOOL IN OHIO

CODE OF CONDUCT

Members of the MTSO community are responsible for knowing the information, policies and procedures outlined in this document. MTSO reserves the right to make changes to this code of conduct as necessary and once those changes are posted online, they are in effect.

Core Values

- *Integrity*: MTSO faculty, staff, and students exemplify honesty, honor, and a respect for the truth in all of their dealings.
- *Community*: MTSO faculty, staff, and students build and enhance their community.
- *Social Justice*: MTSO faculty, staff and students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- *Respect*: MTSO faculty, staff, and students show positive regard for each other, for property and for the community.
- *Responsibility*: MTSO faculty, staff, and students are given and accept a high level of responsibility to self, to others and to the community.

Section 1: Mission, Vision and Philosophy

The MTSO community is committed to fostering a seminary environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The institution is committed to an educational and developmental process that balances the needs of individuals with the needs of the MTSO community.

A community exists on the basis of shared values and principles. At MTSO, members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Conduct*. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

Each member of the MTSO community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus discipline proceedings are used to assert and uphold this *Code of Conduct*.

The *Code of Conduct* at MTSO is not intended to punish individuals; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Any disciplinary action taken is intended to challenge the community member's moral and ethical decision-making and to help them bring their behavior into accord with our community expectations.

These procedures and rights are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process as defined within these procedures, assures written notice and an opportunity to discuss the matter before an objective decision-maker.

Section 2: Jurisdiction

Members of MTSO community are provided a copy of the *Code of Conduct* annually in the form of a link on the MTSO website. Members of the MTSO community are responsible for having read and for abiding by the provisions of the *Code of Conduct*.

The *Code of Conduct* applies to behaviors that take place on the campus, at MTSO-sponsored events, off-campus where students or employees represent MTSO in an official capacity, and may also apply to additional off-campus locations when the administrative designee determines that the off-campus conduct affects a substantial institutional interest. A substantial institutional interest is defined to include:

- a) Any situation where it appears that the faculty, staff, or student may present a danger or threat to the health or safety of him/her/themself or others;
- b) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- c) Any situation that is detrimental to the educational mission and/or interests of MTSO.

The *Code of Conduct* may be applied to behavior conducted online, and via social media such as chat room harassment or bullying via email. MTSO community members must also be aware that blogs, web page entries on sites such as Google+, Facebook and Twitter and other similar online postings are in the public sphere and are not private. These postings can subject an individual to allegations of conduct violations if evidence of policy violations is posted online. MTSO does not regularly search for this information but may take action if and when such information is brought to the attention of school officials.

The *Code of Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of MTSO may seek resolution of violations of the *Code of Conduct* committed against them by members of the MTSO community.

There is no time limit on reporting violations of the *Code of Conduct*; however, the longer someone waits to report an offense, the harder it becomes for MTSO officials to obtain information and witness statements and to make determinations regarding alleged violations. Though anonymous complaints are permitted, doing so may limit the institution's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Title IX Coordinator.

MTSO email is the institution's primary means of communication with community members. MTSO community members are responsible for all communication delivered to their MTSO email address.

Section 3: Violations of the Law

Alleged violations of federal, state, and local laws may be investigated and addressed under the *Code of Conduct*. When an offense occurs over which MTSO has jurisdiction, the institution will usually go forward with an appropriate investigation or response notwithstanding any criminal complaint that may arise from the same incident.

MTSO reserves the right to exercise its authority of interim suspension upon notification that a student or employee is facing criminal investigation and/or complaint. When criminal charges are pending, the institutions response may be delayed or even prevented from conducting its own investigation. When this happens, MTSO will delay its response until such time as it can conduct an internal investigation or obtain sufficient information from law enforcement upon which to proceed. In cases governed by Title IX, this delay will be no longer than two weeks from notice of the incident.

Faculty, staff, or students accused of crimes may request to take a leave from MTSO until the criminal charges are resolved. In such situations, the MTSO procedure for voluntary leaves of absence is subject to the following conditions:

- a) The accused individual must comply with all institutional investigative efforts that will not prejudice their defense in the criminal trial; and
- b) The accused individual must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- c) The accused individual must agree that, in order to be reinstated to active status, he/she/they must first be subject to, and fully cooperate with, the appropriate conduct process and must comply with all sanctions that are imposed.

Section 4: The Rules

A. Core Values and Behavioral Expectations

MTSO considers the behavior described in the following sections as inappropriate for the community and in opposition to the core values set forth in this document. These expectations and rules apply to all members of the MTSO community. MTSO encourages community members to report all incidents that involve the following actions.

Integrity: Members of the MTSO community exemplify honesty, honor, and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

Falsification. Knowingly furnishing or possessing false, falsified or forged materials such as falsification or misuse of documents, accounts, records, identification or financial instruments;

Academic Dishonesty. Acts of academic dishonesty including but not limited to cheating, collusion, plagiarism;

Unauthorized Access. Unauthorized possession, duplication or use of means of access to any MTSO building (i.e., keys, cards, etc.) or failing to timely report a lost identification card or key;

Collusion. Action or inaction with another or others to violate the *Code of Conduct*;

Trust. Violations of positions of trust within the community;

Taking of Property. Intentional and unauthorized taking of MTSO property or the personal property of another;

Stolen Property. Knowingly taking or maintaining possession of stolen property;

Community: MTSO faculty, staff and students build and enhance their community. Behavior that violates this value includes, but is not limited to:

Disruptive Behavior. Disruption of MTSO operations including obstruction of teaching, research, administration, other institutional activities, and/or other authorized non-MTSO activities which occur on campus and/or other activities off campus in which an MTSO community member is representing MTSO;

Unauthorized Entry. Misuse of access privileges to MTSO premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a campus building;

Trademark. Unauthorized use (including misuse) of MTSO or organizational names and images;

Damage and Destruction. Intentional and unauthorized damage to or destruction of campus property or the personal property of another;

IT and Acceptable Use. Violating MTSO's Acceptable Use and Computing Policy;

Gambling. Gambling as prohibited by the laws of the State of Ohio;

Weapons. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons, and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives;

Tobacco. Smoking or tobacco use in any area of campus;

Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:

- a. Intentionally or recklessly causing a fire which damages campus or personal property, or which causes injury.
- b. Failure to evacuate a campus-controlled building during a fire alarm;
- c. Improper use of campus fire safety equipment; or
- d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on MTSO property. Such action may result in a local fine in addition to campus sanctions;

Animals. Animals, with the exception of service dogs or approved support animals in living facilities, are not permitted on campus except as permitted by law or MTSO policy.

Wheeled Devices. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside MTSO buildings, or residence halls. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures which may be damaged by these activities, and individuals may be liable for damage to campus property caused by these activities.

Social Justice: MTSO students, faculty and staff are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors. Conduct that violates this value includes, but is not limited to:

Discrimination and Discriminatory Harassment. Any act or failure to act or any unwelcome conduct that is based upon actual or perceived status (**sex*, gender*, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation, or other protected status**) that is sufficiently severe that it limits or denies the ability to participate in or benefit from MTSO's educational program or activities. *All sex and gender allegations will be addressed through the MTSO Harassment, Discrimination and Sexual Misconduct Policy; allegations which fall under the policy on Nondiscrimination, Harassment and Retaliation will be addressed through that policy.

Retaliatory Discrimination or Harassment. Any intentional, adverse action taken by an accused student or allied third party, absent legitimate nondiscriminatory purposes, as reprisal against a participant in a civil rights grievance proceeding.

Bystander Intervention.

- a. Complicity with or failure of any student or employee to **[appropriately]** address known or obvious violations of the *Code of Conduct* or law;
- b. Complicity with or failure of any organized group to address known or obvious violations of the *Code of Conduct* or law by its members;
- c. Appropriate ways to address situations may include:
 - Leaving the area where the violation was occurring [where a risk of serious harm exists, merely leaving will not be appropriate]; or
 - Intervening or confronting the violation in an effort to stop it; or
 - Contacting the appropriate staff members to address the violation.

Abuse of Conduct Process. Abuse or interference with, or failure to comply in, MTSO processes including conduct hearings including, but not limited to:

- Falsification, distortion or misrepresentation of information;
- Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- Failure to comply with the sanction(s) imposed by the campus conduct system; or
- Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect: Members of the MTSO community show positive regard for each other, for property and for the community both on campus and off. Behavior that violates this value includes, but is not limited to:

Harm to Persons. Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

Threatening Behaviors:

- a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.

- b. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally and are not protected by freedom of expression.

Hazing. Defined as an act that endangers the mental or physical health or safety of a another individual or group of individuals or that 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. Participation or cooperation by the person(s) being hazed does not excuse the violation.

Responsibility: Members of the MTSO community are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

Alcohol. Use, possession or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and MTSO Policy;

Drugs. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law;

Prescription Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;

Failure to Comply. Failure to comply with the directives of MTSO officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;

Financial Responsibilities. Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to member of the institution acting in an official capacity;

Other Policies. Violating other published MTSO policies or rules, including all Residence Hall policies;

Health and Safety. Creation of health and/or safety hazards;

Section 5: Overview of the Discipline Process

This overview gives a general idea of how MTSO discipline proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these

procedures are flexible, and are not the same in every situation. The institution's process commences with notice to the Title IX Coordinator or designated administrator of a potential violation of MTSO rules.

NOTICE. Once notice is received from any source MTSO may proceed with a preliminary investigation and/or may schedule an initial meeting/conference with the accused student or employee to explain the conduct process and gather information.

STEP 1. The preliminary investigation may lead MTSO to decide not to pursue the complaint because there is insufficient evidence, because the behavior alleged, even if proven, would not violate the Code of Conduct, or for reasons such as mistaken identity. Or, the preliminary investigation may lead to a comprehensive investigation, when it is clear more information must be gathered.

When an initial meeting/conference is held, the possible outcomes include:

- a decision not to pursue the allegation,
- a decision on the allegation,
- or a decision to proceed with additional investigation.

If a decision on the allegation is made and the finding is that the accused faculty, staff or student is not responsible for violating the Code, the process will end.

If the finding is that the accused individual is in violation, and the accused person accepts this finding within three days, MTSO considers this an uncontested allegation. The administrator conducting the initial meeting/conference will determine a sanction(s) for the misconduct. The sanction is reviewed and finalized by the designated administrator and is subject to appeal by any party to the misconduct. Once the appeal is decided, the process ends.

If the finding is that the accused individual is in violation, and the accused individual rejects that finding in whole or in part, this step in the process is considered a contested allegation.

STEP 2. In a contested allegation, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before a panel or an administrator. A finding will be determined and is final. If the finding is that the accused individual is not responsible, the process ends.

STEP 3. If the accused individual is found in violation(s), sanctions will be recommended to the designated administrator who will review and finalize the sanctions, subject to MTSO appeals process by any party to the complaint.

Gatekeeping. No complaint will be forwarded for a hearing unless there is reasonable cause to believe this policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is

merely a credible witness or a victim's statement. A complaint wholly unsupported by any information will not be forwarded for a hearing.

Interpretation and Revision. The designated administrator will develop procedural rules for the administration of the discipline process and discipline hearings. Material deviation from these rules will, generally, only be made as necessary and will include advance notice to the parties involved. MTSO may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The institution may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Conduct* will be referred to the designated administrator/personnel whose interpretation is final.

Group Violations. A faculty, staff, or student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- were known or should have been known to the membership or its officers.

Hearings for groups or organizations follow the same general discipline procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

Amnesty:

1) For Victims

MTSO provides amnesty to victims who may be hesitant to report to MTSO officials because they fear that they themselves may be accused of minor policy violations at the time of the incident.

2) For Those Who Offer Assistance

To encourage individuals to offer help and assistance to others, MTSO pursues a policy of amnesty for minor violations when an individual offers help to others in need.

3). For Those Who Report Serious Violations

Faculty, staff and students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of MTSO are offered amnesty for their minor violations. Educational options will be explored, but no discipline proceedings or record will result.

Interim Suspension. Under the *Code of Conduct*, the designated administrator or designee may impose restrictions and/or separate a student or employee from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Conduct* when the student or employee represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve MTSO property and/or to prevent disruption of, or interference with, the normal operations of the institution.

During an interim suspension, a suspended employee or student may be denied access to MTSO housing and/or the campus/facilities/events. This restriction may include classes and/or all other MTSO activities or privileges for which the employee or student might otherwise be eligible.

Disciplinary Sanctions

One or more of following sanctions may be imposed upon any individual for any single violation of the *Code of Conduct*:

- a) *Warning:* A written notice will be sent to the individual who violated this policy. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the individual be involved in other violations while employed by or enrolled as a student at MTSO.
- b) *Restitution:* Compensation for damage caused to MTSO or any person's property. This is not a fine but, rather, a repayment for property destroyed, damaged, consumed, or stolen.
- c) *Confiscation of Prohibited Property:* Items whose presence is in violation of MTSO policy will be confiscated and will become the property of MTSO.
- d) *MTSO Housing Probation:* A student or employee found in violation of this policy may be put on official notice that, should further violations of housing rules or MTSO policies occur during a specified probationary period, the individual may immediately be removed from MTSO housing. Regular probationary meetings may also be imposed.
- e) *MTSO Housing Suspension:* A student or employee found in violation of this policy may be removed from MTSO housing for a specified period of time after which the student or employee is eligible to return. Conditions for re-admission to MTSO housing may be specified. Under this sanction, a student is required to vacate MTSO housing within 24 hours of notification of the action.
- f) *MTSO Housing Expulsion:* A student or employee found in violation of this policy may lose their privilege to live in, or visit, any MTSO housing structure indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- g) *Probation:* A faculty, staff or student may be put on official notice that, should further violations of MTSO policies occur during a specified probationary period, the individual may face more serious sanctions, including suspension or expulsion.

- h) *Suspension*: The student or employee may be separated from MTSO for a specified minimum period of time, and upon the satisfaction of specific conditions, after which the individual is eligible to return. A student will be required to vacate the campus within 24 hours of notification of the action. An employee will not receive pay during the period of suspension.
- i) *Expulsion/Termination*: A faculty, staff or student member of MTSO that is permanently separated from the institution will be barred from being on campus or attend any MTSO-sponsored activity or event.
- j) *Other Sanctions*: Additional or alternate sanctions, such as requiring proof of a psychological assessment, may be created and designed as deemed appropriate to the behavior or offense with the approval of the designated administrator or designee.

Parental Notification of Students or Employees: MTSO reserves the right to notify the parents/guardians of dependent students or campus residents regarding any conduct situation, particularly alcohol and other drug violations. MTSO may also notify parents/guardians of non-dependent students or campus residents who are under the age of 21 of alcohol and/or other drug violations. MTSO will attempt to contact the parents/guardians of a student or campus resident to inform them of situations in which there is a health and/or safety risk. MTSO also reserves the right to designate which institutional employees have a legitimate educational interest in individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly. MTSO also reserves the right to notify parent, guardian or designated representative or spouse of campus residents or employees who are under 21 when deemed necessary or if there is a health or safety risk.

Failure to Complete Conduct Sanctions. All members of the MTSO community, are expected to comply with conduct sanctions within the time frame specified. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from MTSO.

Discipline Records. All discipline records are maintained by MTSO for seven (7) years from the time of their creation except those that fall under Title IX, which are maintained indefinitely. MTSO suspension, expulsion or termination, sanctions will be made a part of the faculty, staff or student's permanent record.

The MTSO *Code of Conduct* is based upon the NCHERM Developmental Code of Conduct and is used here in adapted form with permission. Use by any other institution or university is permitted only with express permission from TNG.

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