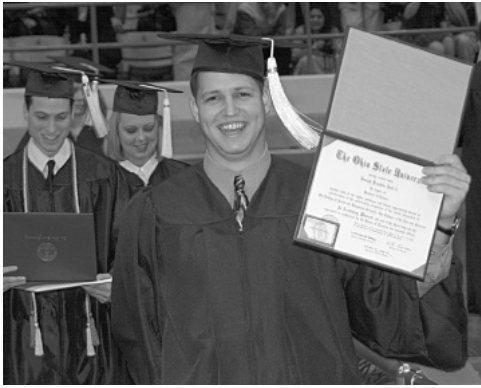


POLICIES



The fine print. All students should spend some time with this section, particularly the Code of Student Conduct, because they'll be held to it. This section also includes the university's nondiscrimination and affirmative action policies, nonsmoking and sexual harassment policies, and parental notification guidelines.

Mission Statement and Vision

The Ohio State University has as its mission the attainment of international distinction in education, scholarship, and public service. As the state's leading comprehensive teaching and research university, Ohio State combines a responsibility for the advancement and dissemination of knowledge with a land-grant heritage of public service. It offers an extensive range of academic programs in the liberal arts, the sciences, and the professions.

Ohio State provides accessible, high-quality undergraduate and graduate education for qualified students who are able to benefit from a scholarly environment in which research inspires and informs teaching.

At Ohio State, we celebrate and learn from our diversity, and we value individual differences. Academic freedom is defended within an environment of civility, tolerance, and mutual respect.

Plagiarism

One of the essential components of a student's education at Ohio State is developing the ability to synthesize new ideas by combining research, his/her own thoughts, and self-expression. Part of gaining this ability is learning to document the sources of information that lead the student to his/her ideas and to give credit where credit is due. This includes documenting the information and ideas one gets from researching both print resources and Internet resources. Shortcutting this process is a form of academic misconduct called plagiarism and will rob students of valuable learning experiences.

A Definition

Matthew Cariello, ombud for the Writing Programs in the English department at Ohio State, developed the following definitions for plagiarism and collusion in "Policies and Procedures for Handling Cases of Suspected Plagiarism and Collusion" for the First Year Writing Program.

Plagiarism - At any stage of the writing process, all academic work submitted to the teacher must be a result of a student's own thought, research, or self-expression. When a student submits work purporting

to be his or her own, but which in any way borrows organization, ideas, wording, or anything else from a source without appropriate acknowledgment of the fact, he/she is engaging in plagiarism.

Collusion - When a student submits work in his/her own name that has been written wholly or in part by another person—regardless of whether or not it has been taken from unattributed source materials—he/she is engaged in a kind of plagiarism known as collusion. Collusion should not be confused with the kind of collaboration that arises in writing courses during workshops, peer responses, and student/teacher or student/tutor conferences, all of which are endorsed by writing pedagogy; collusion involves receiving "unauthorized" aid. The university's Committee on Academic Misconduct expands on this definition of collusion to include any instance where two or more students work together and/or share information in a manner that is unauthorized, deceitful, and/or fraudulent (oaa.osu.edu/coam/faq.html#charges).

Matthew Cariello continues: "Both plagiarism and collusion are considered major academic infractions and should be treated with the utmost gravity by the teacher." Please refer to the Code of Student Conduct for a full description of academic misconduct (p. 3, 3335-23-04 [A]) and the potential sanctions (p. 6, 3335-23-17) the university may take in response to academic misconduct up to and including dismissal from the university.

Students' Responsibilities

The Council of Writing Program Administrators (CWPA) has compiled research from its nationwide faculty membership to develop a list of reasons that students plagiarize. The reasons include fear of failure, fear of taking risks in their own work, poor time-management skills, poor planning, and a view that the course, assignment, conventions of academic documentation, or consequences of cheating are unimportant (Council of Writing Program Administrators [2003]. *Defining and Avoiding Plagiarism: The WPA Statement of Best Practices*, p. 2., wpacouncil.org/node/9.)

With these potential motivating factors in mind, it is every student's obligation to act responsibly from the very beginning of each class research project. The CWPA has the following suggestions to help students understand their academic responsibility and steer clear of plagiarism.

Students should understand research assignments as opportunities for genuine and rigorous inquiry and learning. Such an understanding involves the following:

- Assembling and analyzing a set of sources that they have themselves determined are relevant to the issues they are investigating
- Acknowledging clearly when and how they are drawing on the ideas or phrasings of others
- Learning the conventions for citing documents and acknowledging sources appropriate to the field they are studying
- Consulting their instructors when they are unsure about how to acknowledge the contributions of others to their thought and writing

Additionally, students need to read their course syllabi to understand the citation format required of the instructor in the class and to schedule sufficient time to complete all work by the assigned deadline. Students should also be aware of the resources available at the university to assist them in developing their writing and study skills. These resources include not only their instructors but also the Writing Center and Walter E. Dennis Learning Center (formerly the Academic Learning Lab).

Additional information about plagiarism can be found at plagiarism.org/research_site/e_home.html.

Academic Rights and Responsibilities

In June 2005 a statement on academic freedom and intellectual diversity on American campuses was released by the American Council on Education (ACE), the major coordinating body for the nation's higher education institutions, of which Ohio State is a member. The ACE statement includes the following principles:

- Academic freedom and intellectual pluralism are core principles of America's higher education system.
- Government's recognition and respect for independence of colleges and universities is essential for academic excellence.
- Colleges and universities should welcome diverse beliefs and the free exchange of ideas.
- Grades and other academic decisions should be based solely on considerations that are intellectually relevant to the subject matter.
- Neither students nor faculty should be disadvantaged or evaluated on the basis of their political opinions.
- Any member of the campus community who believes he or she has been treated unfairly on academic matters must have access to a clear institutional process to address grievances.

Ohio State is unwavering in its commitment to these principles of academic rights and responsibilities.

Accordingly, there are clear mechanisms for addressing the complaints of students who believe they have experienced treatment that is inconsistent with Ohio State's commitment to freedom of thought

and expression, respect for multiple points of view, and the civil and open discussion of these views.

- A student who is concerned that his/her grade in a course has been affected by a consideration not intellectually relevant to the subject matter should refer to the faculty rule associated with alteration of marks located at trustees.osu.edu/rules8/ru8-22-231.php. An undergraduate student may choose to consult an academic advisor or the student advocacy office for advice on this process. A graduate student may choose to consult the graduate studies committee chair for advice on this process.
- Students who are concerned about unfair academic treatment on the basis of political opinions or other personally held tenets or points of view should refer to the faculty rule associated with complaints against regular, regular clinical, and auxiliary faculty members located at trustees.osu.edu/rules5/ru5-04.php. An undergraduate student may choose to consult an academic advisor, the student advocacy office, or the department chair or school director for advice on this process. A graduate student may choose to consult the graduate studies committee chair for advice on this process.

Code of Student Conduct

Revised December 7, 2007

■ studentlife.osu.edu/resource_csc.asp

The Code of Student Conduct listed below is accurate at the time of publication in April 2009; however, there are often changes made prior to the beginning of the new academic year in June. Students are responsible for visiting and reading the most up-to-date Code of Student Conduct, which can be found at sja.osu.edu or studentaffairs.osu.edu/resource_csc.asp.

3335-23-01 Introduction and purpose

The code of student conduct is established to foster and protect the core missions of the university, to foster the scholarly and civic development of the university's students in a safe and secure learning environment, and to protect the people, properties, and processes that support the university and its missions. The core missions of the university are research, teaching and learning, and service. Preservation of academic freedom and free and open exchange of ideas and opinions for all members of the university are central to these missions.

3335-23-02 Jurisdiction

The code applies to the on-campus conduct of all students and registered student organizations. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

- (A) Academic course requirements or any credit-bearing experiences, such as internships, field trips, study abroad, or student teaching;
- (B) Any activity supporting pursuit of a degree, such as research at another institution or professional practice assignment;
- (C) Any activity sponsored, conducted, or authorized by the university or by registered student organizations;
- (D) Any activity that causes substantial destruction of property belonging to the university or members of the university community or causes serious harm to the health or safety of members of the university community; or

(E) Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence. The code governs all campuses of the university; however, students attending at regional campuses and the Agricultural Technical Institute are advised to consult their local campus publications for additional information or rules pertaining to those campuses, which may create hearing boards or processes for the campus, consistent with these rules. The university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending. Students continue to be subject to city, state, and federal laws while at the university, and violations of those laws may also constitute violations of the code. In such instances, the university may proceed with university disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.

3335-23-03 Definitions

As used in the code, the term "university premises" means all lands, buildings, and facilities owned, leased, or operated by the university. The term "student" means an individual who has paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction. It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the university, including, but not limited to, those individuals admitted to the university and attending orientation programs. Student status lasts until an individual graduates, is dismissed, or is not in attendance for two (2) complete, consecutive quarters. The term "student" also includes registered student organizations. Members of the university community include, but are not limited to, students, faculty, staff, and visitors to the campus. The term "complaint" means a written statement, alleging a violation of the code of student conduct or other published rule applicable to students at the university, provided to an authorized university official, per section 3335-23-05 A. Information submitted by other means will be reviewed and may, at the university's discretion, be acted upon but will not be treated as a formal complaint. The term "crime of violence" means the following offenses as stated in Ohio revised code §901.01(A)(9) in effect on the date this rule is adopted: aggravated murder; murder; voluntary manslaughter; involuntary manslaughter; felonious assault; aggravated assault; assault; aggravated menacing; menacing by stalking; kidnapping; abduction; extortion; rape; sexual battery; gross sexual imposition; aggravated arson; arson; aggravated robbery; robbery; aggravated burglary; inciting to violence; aggravated riot; inducing panic; domestic violence; intimidation; intimidation of an attorney, victim, or witness in a criminal case; escape; improperly discharging a firearm at or into a habitation or school; burglary; felonious sexual penetration; or conspiracy or attempt to commit or complicity in committing any of the foregoing offenses. Crime of violence also means offenses under the laws of another jurisdiction that are substantially equivalent to the offenses listed in this division.

3335-23-04 Prohibited conduct

Any student found to have engaged, or attempted to engage, in any of the following conduct while within the university's jurisdiction, as set forth in section 3335-23-02, will be subject to disciplinary action by the university. For the purposes of this section, attempt shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct. Any student who abandons an attempt or prevents the prohibited conduct from occurring under circumstances that demonstrate a complete and voluntary renunciation of the prohibited conduct will not be subject to disciplinary action by the university.

(A) **Academic misconduct:** Any activity that tends to compromise the academic integrity of the university, or subvert the educational process. Examples of academic misconduct include, but are not limited to:

- (1) Violation of course rules as contained in the course syllabus or other information provided to the student; violation of program regulations as established by departmental committees and made available to students;
- (2) Knowingly providing or receiving information during examinations such as course examinations and candidacy examinations; or the possession and/or use of unauthorized materials during those examinations;
- (3) Knowingly providing or using assistance in the laboratory, on fieldwork, in scholarship or on a course assignment;
- (4) Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriate unacknowledged use of another person's ideas;
- (5) Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement;
- (6) Falsification, fabrication, or dishonesty in creating or reporting laboratory results, research results, and/or any other assignments;
- (7) Serving as, or enlisting the assistance of, a substitute for a student in the taking of examinations;
- (8) Alteration of grades or marks by the student in an effort to change the earned grade or credit;
- (9) Alteration of academically related university forms or records, or unauthorized use of those forms or records; and
- (10) Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system.

(B) **Endangering health or safety**

- (1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, whether intentionally or as a result of recklessness or gross negligence.
- (2) Stalking: Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action.

(C) **Sexual misconduct:** Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing, and voluntary consent, including but not limited to:

- (1) Non-consensual sexual intercourse, defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object, by any person upon any person without consent.
- (2) Non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object, by any person upon any person without consent.
- (3) Sexual exploitation, defined as taking non-consensual, unjust, or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and knowingly transmitting or exposing an STD or HIV to another student without the knowledge of the student.
- (4) Sexual harassment, as defined in applicable university policy.
- (5) Indecent exposure, defined as the exposure of the private or intimate parts of the body, in a lewd manner, in public or in private premises, when the accused may be readily observed.

For the purposes of this rule, consent shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. An individual cannot consent who is obviously substantially impaired by any drug or intoxicant; or who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority.

(D) **Destruction of property:** Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.

(E) **Dangerous weapons or devices:** Use, storage, or possession of dangerous weapons or devices including, but not limited to, firearms, ammunition, or fireworks unless authorized by an appropriate university official or permitted by a university policy, even if otherwise permitted by law.

(F) **Dishonest conduct:** Includes, but is not limited to, knowingly reporting a false emergency; knowingly making a false accusation of misconduct; misuse or falsification of university documents by actions such as forgery, alteration, or improper transfer; submission to a university official of information known by the submitter to be false.

(G) **Theft/unauthorized use of property:** Theft, or the unauthorized use or possession of university property or services, or the property of others.

(H) **Failure to comply with university or civil authority:** Failure to comply with legitimate directives of authorized university officials, law enforcement, or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

(I) **Drugs:** Use, production, distribution, sale, or possession of drugs in a manner prohibited under law.

(J) **Alcohol:** Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy.

(K) **Unauthorized presence:** Unauthorized entrance to or presence in or on university premises.

(L) **Disorderly or disruptive conduct:** Conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.

(M) **Hazing:** Doing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching, or kicking in any form.

(N) **Judicial system abuse:** Abuse of any university judicial system, including but not limited to:

- (1) Failure to obey the summons or directives of a judicial body or university official;
- (2) Falsification, distortion, or misrepresentation of information before a judicial body;
- (3) Disruption or interference with the orderly conduct of a judicial proceeding;
- (4) Institution of a judicial proceeding knowingly without cause;
- (5) Discouraging an individual's proper participation in, or use of, a university judicial system;
- (6) Influencing the impartiality of a member of a judicial body prior to, and/or during the course of a judicial proceeding;
- (7) Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding;
- (8) Failure to comply with one or more sanctions imposed under the code of student conduct; and
- (9) Influencing another person to commit an abuse of a university judicial system.

(O) **Violation of university rules:** Violation of other published university regulations, policies, or rules, or violations of federal, state, or local law. These university regulations, policies, or rules include, but are not limited to, those

which prohibit the misuse of computing resources, sexual harassment, rules for student groups or organizations, and residence hall rules and regulations.

(P) **Riotous Behavior**

(1) Participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property.

(2) Proscribed behavior in the context of a riot, including, but not limited to:

- (a) Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and
- (b) Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and
- (c) Failing to comply with a directive to disperse by university officials, law enforcement, or emergency personnel; and
- (d) Intimidating, impeding, hindering, or obstructing a university official, law enforcement, or emergency personnel in the performance of their duties.

(3) This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.

(Q) **Recording of images without knowledge:** Using electronic or other means to make a video or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.

JUDICIAL PROCEDURES

3335-23-05 Initiation and investigation of code violations

(A) Initiation: Person(s) witnessing or experiencing what they believe to be a possible code violation should provide an authorized university official with the information. Information and/or complaints about possible code violations occurring in residence halls should be provided to the residence hall director. Information and/or complaints about possible non-residence hall related code violations should be provided to the director of student judicial affairs, or chief judicial officer for the regional campuses. Information and/or complaints regarding academic misconduct should be referred to the coordinator of the committee on academic misconduct. In cases in which the alleged activity may involve a violation of criminal law in addition to a violation of the code, information and/or complaints should be provided to The Ohio State University police or other appropriate law enforcement agency. The university will review all information and/or complaints received and may conduct a preliminary investigation of the alleged violation.

(B) Investigation: The Ohio State University police or other appropriate law enforcement agency shall have primary responsibility for the investigation of acts that involve suspected violation of federal, state, or local laws or applicable university policies. Residence hall directors, assistant hall directors, the director of student judicial affairs, the chief judicial officer for the regional campuses, and other designated university personnel are authorized to investigate alleged violations other than those involving academic misconduct. The coordinator of the committee on academic misconduct is authorized to investigate allegations involving academic misconduct. During the investigation, the student allegedly involved in misconduct may be sent a letter describing the alleged violation, requesting the student to make an appointment to discuss the matter, and specifying a date by which the appointment must be made. Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Failure to comply with such a request to make and keep such an appointment may result in a disciplinary hold being placed on a student's registration and records and/or the initiation of charges for judicial system abuse. Upon completion of an investigation, the

investigator will decide upon an appropriate course of action, which may include, but is not limited to, taking no further action, deferring further action with or without conditions, or initiating charges with the appropriate university judicial body.

3335-23-06 Filing of complaint and initiation of charges

A written complaint alleging a violation of the code of student conduct should be filed with the university as soon as practicable following the discovery of the alleged violation. Absent extraordinary circumstances, the written complaint must be filed within six (6) months for cases of non-academic misconduct (3335-23-04 [B-Q]), and one (1) month for academic misconduct (3335-23-04 [A]), from the date upon which a university official becomes aware of the alleged violation and identifies the student(s) who allegedly committed the violation. Absent extraordinary circumstances, the university must initiate charges, if any, within one year of the filing of the complaint.

3335-23-07 Notice of charges

Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in a student's residence hall mailbox, by e-mail to the accused student's official university e-mail address, which will direct the student to view the notice on a secure web site, or by mail to the accused student's local or permanent address on file in the office of the university registrar. All students are required to maintain an accurate and current local and permanent address with the university registrar. Following notification of charges, students are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university judicial process and discussion of the charges. Failure of the accused student to respond to the initiation of charges or schedule a preliminary meeting shall in no way prevent the university from scheduling and conducting a hearing in the absence of the accused student.

3335-23-08 Administrative decision

In all cases, a student charged with one or more violations of the student code has the right to a hearing. However, in a case where a charged student admits such violations in writing, the student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer or panel or board for a hearing. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing officer or panel or board hearing. Administrative decisions involving graduate students are to be made in consultation with the graduate school. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the offense committed.

3335-23-09 Notice of hearing

If a hearing is to be held, written notification will be provided. The notice may be hand delivered; placed in a student's residence hall mailbox; sent by e-mail to the accused student's official university e-mail address, which will direct the student to view the notice on a secure website; or mailed to the last known address of the student, either by certified mail or first class mail, no fewer than 10 calendar days prior to the hearing. Unless already provided to the student, the notification will include the charge(s), date, time, and location of the hearing, the designated hearing officer or panel, a statement of the student's rights, and information on the hearing procedures. The accused student may request a postponement for reasonable cause, or a hearing separate from other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale,

and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing.

3335-23-10 Hearing procedures

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

- (A) Attendance at hearings is limited to those directly involved or those requested by the hearing officer or panel to attend. The hearing officer or panel will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
- (B) The accused student may have an advisor throughout the hearing. The advisor may only counsel the student and may not actively participate in the hearing, unless clarification is needed as determined by the hearing officer or panel.
- (C) The accused may submit a written statement, may invite relevant factual witnesses to attend, may invite character witnesses to submit written statements, may, as approved in advance by the hearing officer, invite character witnesses to testify in person, may ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The accused must also submit a list of potential witnesses and identify those who are character witnesses only to the hearing officer at least two (2) business days prior to the hearing. The university may present witnesses as well as question those presented by the accused.
- (D) Written statements may be used if, for good reason, a fact witness (i.e., not a character witness) cannot attend the hearing.
- (E) In cases requiring special expertise, the panel coordinator may appoint individuals with appropriate expertise to serve as consultants to the panel. The consultants may be present and provide information as called upon during the hearing but will not vote.
- (F) Students are entitled to a presumption of innocence. Therefore, a student will not be found in violation unless a preponderance of the evidence supports the charge(s). In the event of a tie, the panel will continue to deliberate. If after the panel determines that exhaustive deliberations have occurred and a majority decision is not reached the student will be found not in violation.
- (G) In cases where prompt review is essential (e.g. when graduation or the end of the academic year is imminent) the accused may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The accused student may decline such expedited review without the expectation that the process can be completed on an expedited timeline.

3335-23-11 Attendance

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the accused is expected to attend and participate. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.

3335-23-12 Record of proceedings

A single record consisting of written notes, tape recording, or other method selected by the hearing panel or officer will be made of all hearings. Such record will remain the property of the university but will be made available to the accused for review during the appeal period. A written notice of the decision and, if found in violation, information regarding appeal procedures will be provided to the accused student.

3335-23-13 Hearing bodies

In addition to the committee on academic misconduct, student conduct boards for university housing, and the university judicial panel, the director of student judicial affairs, hearing officers within the office of student judicial affairs, the coordinator of the committee on academic misconduct, and university housing professional staff are to be considered as official university hearing officers, and may hear cases of alleged violations of the code affording accused students the same procedural guarantees as provided in hearings by a panel, committee, or board. Absent special circumstances, students will be afforded the right to choose an administrative or panel hearing. When necessary to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue. The accused student has the right to accept responsibility for the charges, which will result in an administrative decision, or choose to have a hearing. Students will generally be afforded the right to choose an administrative or panel hearing, except under special circumstances where, in order to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue.

3335-23-14 Committee on academic misconduct

(A) The coordinator for the committee shall investigate or establish procedures for investigation of all reported cases of student academic misconduct that fall under the committee's jurisdiction. The committee does not hear cases involving academic misconduct in professional colleges having a published honor code. These colleges shall follow their own codes and procedures, which can be obtained in their respective central offices. Some allegations against graduate students that fall under the committee's jurisdiction may also implicate the university's interim policy and procedures concerning misconduct in research or scholarly activities and/or the graduate school's "Guidelines for the Review and Investigation of Allegations of Scholarly Misconduct by Graduate Students." Upon receipt of such an allegation, the coordinator shall meet with the dean of the graduate school or designee, and/or the senior vice president for research or designee, and these parties shall mutually agree on the appropriate procedure for adjudicating the case. Notice of this decision and a description of the procedure to be used shall promptly be given to the student who has been charged. The coordinator or committee may refer complaints to the office of student judicial affairs if it is determined that the academic misconduct allegation is incidental to some other misconduct.

(B) The committee on academic misconduct is constituted according to rule 3335-5-48.7 of the Administrative Code.

(C) All complaints of academic misconduct shall be reported to the coordinator of the committee.

(D) Students have an obligation to report suspected misconduct.

(E) A quorum for a hearing shall be no fewer than four voting members of the committee, which shall include no fewer than one student member and two faculty members.

For cases involving graduate students, reasonable efforts will be made to have graduate students serve as the student members of the hearing committee.

3335-23-15 Student conduct boards for university housing

The boards may hear only those cases that involve code violations that occur within university housing, whether committed by residents or nonresidents. The boards are composed of students living in university housing and may initiate any sanction with the exception of suspension or dismissal. If it appears during the hearing, to the board or to the board advisor, that the violation may be serious enough to warrant suspension or dismissal, the board will adjourn and refer the case back to the hearing officer for referral to the office of student judicial affairs.

3335-23-16 University judicial panel

The university judicial panel is responsible for adjudicating allegations of non-academic misconduct referred by the director of student judicial affairs, except for cases involving violations of professional college codes. The panel consists of:

(A) Fifteen (15) faculty and/or administrative members recommended by the director of student judicial affairs to the vice president for student life for three-year terms, which begin with the autumn quarter;

(B) Twelve (12) undergraduate student members, appointed by the undergraduate student government;

(C) Six (6) graduate student members, appointed by the council of graduate students;

(D) Two (2) professional student members, appointed by the inter-professional council; and

(E) The director of student judicial affairs or designee shall serve as panel coordinator ex-officio without vote.

(F) A quorum for a hearing shall be no fewer than four (4) voting members of the panel, which shall include no fewer than two (2) student members.

All student appointments shall be for staggered two-year terms beginning in the autumn quarter. Six (6) of the undergraduate student members, three (3) of the graduate student members, and one (1) of the professional student members shall be appointed in odd-numbered years, with the remainder appointed in even-numbered years. To be eligible for appointment, a student must possess a minimum 2.5 cumulative grade point average and be under no current disciplinary sanction from the university. The director of student judicial affairs may remove university judicial panel members for cause, including, but not limited to, not attending training, repeated absences, violating the code of student conduct or other applicable laws or policies, or not responding to repeated attempts at communication. Notification shall be made in writing to the university judicial panel member prior to removal, whenever possible.

UNIVERSITY SANCTIONS

3335-23-17 General guidelines for sanctions

Sanctions should be commensurate with the violation(s) found to have occurred. In determining the sanction(s) to be imposed, the hearing officer or panel should take into account any mitigating circumstances and any aggravating factors including, but not limited to, any provocation by the subject of the conduct that constituted the violation, any past misconduct by the student, any failure of the student to comply fully with previous sanctions, the actual and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation. Misconduct, other than constitutionally protected expression, motivated by bias based on age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation, or veteran status may be considered an aggravating factor for sanctioning. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will also be considered an aggravating, and not a mitigating, factor. In determining the sanctions to be imposed on graduate students who have violated the code, the hearing officer or panel should be guided by "The Graduate Student Code of Research and Scholarly Conduct." One or more of the following courses of action may be taken when a student has been found to have violated the code of student conduct.

(A) Informal admonition: An oral or written admonition issued by a hearing officer or residence hall advisor resulting from the student's misconduct. No formal charges, hearing, or other compliance with the code is required before the issuance of an informal admonition. However, following issuance of an informal admonition, the student shall be entitled to a hearing upon written request, under the procedures provided in the code of student conduct. A written request for such a hearing must be filed with the university official who administered the informal admonition, within five (5) working days of

the student's receipt of the informal admonition. An informal admonition shall not be considered a disciplinary sanction, but may be considered in any subsequent hearings.

(B) **Disciplinary sanctions**

(1) **Formal reprimand:** A written letter of reprimand resulting from a student's misconduct.

(2) **Disciplinary probation:** This probationary condition is in effect for a specified period of time and may involve the loss of specified privileges. Further violation of university policies during the probationary period will be viewed not only as a violation based upon the act itself but also as a violation of the probation, which shall result in further action up to and including suspension or dismissal.

(3) **Suspension:** Suspension is a sanction that terminates the student's enrollment at the university for a specified period of time. Satisfactory completion of specified stipulations may be required for readmission at the end of the suspension period.

(4) **Dismissal:** Dismissal is a sanction which permanently separates a student from the university without opportunity to re-enroll in the future.

(C) **Conditions of suspension and dismissal:** A student who has been dismissed or suspended from the university shall be denied all privileges afforded a student and shall be required to vacate campus at a time determined by the hearing officer or panel. In addition, after vacating campus property, a suspended or dismissed student may not enter upon campus and/or other university property at any time, for any purpose, in the absence of express written permission from the vice president for student life or his/her designee. To seek such permission, a suspended or dismissed student must file a written petition to the vice president for student life for entrance to the campus for a limited, specified purpose or to have the terms of this condition modified or reduced.

(D) **Failing or lowered grades:** In cases of academic misconduct, a hearing officer or panel may authorize the instructor to award a failing or lowered grade in the course, a loss of credit on the assignment or examination, and impose any of the above-listed sanctions including suspension or dismissal from the university.

(E) **Other sanctions:** Other appropriate sanctions may be imposed by a hearing officer or panel singularly or in combination with any of the above listed sanctions. Examples include, but are not limited to, making restitution for property damage or misappropriation of university property or services, or the property of any person, residence hall contract termination or reassignment to another room, restriction of access to specified campus facilities and/or property, research assignments, community service projects, special workshop participation, and/or referral to medical resources or counseling personnel.

APPEAL PROCESS

3335-23-18 Appellate process

(A) **Right to appeal:** A student found to have violated this code has the right to appeal the original decision. An appeal of a decision must be submitted in writing and postmarked or hand delivered to the appropriate appeal officer, or sent via e-mail, as provided below, within 10 calendar days after the date on which written notice of the decision is sent to the student. Each student shall be limited to one appeal. The decision of the appeal officer is final.

(B) **Grounds for appeal:** An appeal may be based only upon one or more of the following grounds:

(1) Procedural error;

(2) Misapplication or misinterpretation of the rule alleged to have been violated;

(3) Findings of facts not supported by a preponderance of evidence;

(4) Discovery of substantial new facts that were unavailable at the time of the hearing; and

(5) That the disciplinary sanction imposed is grossly disproportionate to the violation committed.

C. Appropriate appeal officers

(1) Appeals from residence hall hearings:

(a) All appeals from residence hall hearings other than contract terminations, shall be submitted to the director of residence life or designee.

(b) All appeals in which the sanction imposed by the residence hall hearing is contract termination shall be submitted to the director of student judicial affairs or designee.

(2) Appeals from a judicial affairs hearing officer's decision or from the university judicial panel's decision will be submitted for decision to the vice president for student life or the vice president's designee.

(3) Appeals from decisions of the coordinator of academic misconduct or the committee on academic misconduct will be submitted for decision to the executive vice president and provost or the executive vice president's designee.

(D) Appeal proceedings

(1) The appeal officer shall dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in Section (B) above.

(2) The appeal officer may decide the appeal based upon a review of the record.

(3) The appeal officer may request additional written information or an oral presentation from any relevant person(s) and then decide the appeal based upon the enhanced record.

(E) **Possible dispositions by the appeal officer:** The appeal officer may, after a review of the record, uphold the original sanction, dismiss the original sanction, or impose a lesser sanction. An appeal officer may also remand the case to the original hearing body or refer the case to a new hearing officer or panel to be reheard. If possible, a new hearing officer or panel should be different from the one that originally decided the case. If a case is reheard by a hearing officer or panel, the sanction imposed can be greater than that imposed at the original hearing.

3335-23-19 Minor deviations from procedure

A student and hearing officer may agree in advance to minor deviations from procedure. Such deviations are not then subject to appeal. Other minor deviations are acceptable as long as such deviations are not found upon appeal to be unreasonably harmful to the student.

3335-23-20 Interim suspension

When the vice president for student life or his/her designee has reasonable cause to believe that the student's presence on university premises or at a university-related or registered student organization activity poses a significant risk of substantial harm to the health or safety of others or to property, the student may be immediately suspended from all or any portion of university premises, university-related activities, or registered student organization activities. This temporary suspension will be confirmed by a written statement and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of The Ohio State University. The student may, within three (3) working days of the imposition of the suspension, petition the vice president for student life for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A hearing on such petition will be conducted without undue delay by the vice president for student life or the vice president's designee.

3335-23-21 Administrative disenrollment and other restrictions

(A) A student may be disenrolled from the university; prohibited from all or any portion of university premises, university-related activities, or registered student organization activities; and/or permitted to remain only under specified conditions when the vice president for student life or designee finds that there is clear and convincing evidence that:

(1) The student's continued presence poses a significant risk of substantial harm to the health or safety of themselves, others, or to property; or
(2) The student, as a direct result of an apparent health condition, is engaged in substantial, continuing disruption of teaching, learning, research, administration, or other university-related activities. Before making such a determination, the vice president for student life or designee shall notify the student in writing of the reasons that disenrollment or other action is being considered, provide the student with an opportunity to respond, and consult with appropriate university personnel. The vice president for student life or designee may also consult with any other persons whom the vice president for student life or designee deems appropriate under the circumstances.

(B) In those cases under paragraph (A)(1) of this rule in which it appears that the risk posed by the student is a result of a health condition or a disability as defined by the Americans with Disabilities Act, and in all cases under paragraph (A)(2) of this rule, the vice president for student life or designee shall also determine whether the risk or disruption can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is made. The vice president for student life or designee may request the student to undergo an appropriate examination, as specified by the vice president for student life or designee, to determine whether any such condition exists and whether any such accommodation is possible. If the student fails to undergo such an examination, and if the other available evidence supports a finding under either paragraph (A)(1) or (A)(2), the vice president for student life or designee shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.

(C) A student who has been disenrolled; prohibited from university premises, university-related activities, or registered student organization activities; or permitted to remain only under specified conditions may petition the vice president for student life for revision of that status. The petition must include supporting documentation or evidence that:

- (1) The conditions found to have existed under paragraph (A)(1) or (A)(2) no longer exist and will not recur, and
- (2) The student meets all normal and appropriate standards for admission and enrollment in any academic unit in which the student seeks to re-enroll. Upon receipt of such a petition, the vice president for student life or the vice president's designee shall evaluate the evidence and may consult with the student, any appropriate university personnel, and any other persons whom the vice president for student life or designee deems appropriate. The vice president for student life or designee may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition.

3335-23-22 Authority section

The bylaws of the university board of trustees and rules of the university faculty provide that the university president shall have the final responsibility and authority for the discipline of all students of the university. See rule 3335-11-01 (A) of the Administrative Code. This responsibility and authority has been delegated by the president to the vice president for student life, whose office is also charged with responsibility for promulgation of rules governing student conduct. See rule 3335-1-03 (H) of the Administrative Code. The deans of colleges and of the graduate school, the directors of schools, and the chairs of departments, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective colleges, schools, and departments. See rule 3335-11-01 (B) of the Administrative Code. Likewise, the deans and directors of the regional campuses are responsible to the president through the executive vice president and provost for the discipline of all students in the activities of their respective campuses.

The Ohio State University code of student conduct is an official publication of the university's Board of Trustees. All petitions for revision and amendment of this code of student conduct should be submitted through the office of the vice president for student life. Proposed revisions to the code shall be reviewed, in draft form, by the office of the president, the office of academic affairs, and the steering committee of the university senate before being presented for approval to the university senate by the council on student life. No revision shall become effective unless approved by the university's Board of Trustees and until printed notice of such revisions is made available to students.

Selected Rules and Policies

■ osu.edu/policies

Details on selected rules and policies are listed in the sections below. Additional rules and policies may be obtained from the Office of Student life located at 600 Lincoln Tower, 1800 Cannon Drive. Rules and policies available from Student Life include the following:

- Conditions for disenrollment from a course (Faculty Rule 3335-7-33)
- Improper admission or registration (Faculty Rule 3335-9-20)
- Alterations of marks (Faculty Rule 3335-7-23)
- Ohio Campus Disruption Act (Ohio Revised Code 3345.21-3345.26)
- Procedures for hearing officers and panels (Faculty Rules 3335-11-02, 3335-11-021, and 3335-11-022)
- Guest speakers (Faculty Rule 3335-5-06)
- Drives and canvassing (Faculty Rule 3335-13-01)
- Control of dogs and other animals (Faculty Rule 3335-13-05)
- Smoking-tobacco (Faculty Rule 3335-13-02)
- Duplication of keys (Faculty Rule 3335-13-04)
- Medication examination and enrollment denial for medical reasons (Faculty Rule 3335-9-08)
- Withdrawal for medical reasons (Faculty Rule 3335-9-081)
- University Housing guidebook

The Ohio State University Affirmative Action, Equal Employment Opportunity, and Non-Discrimination/Harassment Policy

The Ohio State University is committed to building a diverse faculty and staff for employment and promotion to ensure the highest quality workforce, to reflect human diversity, and to improve opportunities for minorities and women. The University embraces human diversity and is committed to equal employment opportunity, affirmative action, and eliminating discrimination. This commitment is both a moral imperative consistent with an intellectual community that celebrates individual differences and diversity, as well as a matter of law. Discrimination against any individual based upon protected status, which is defined as age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation, or veteran status, is prohibited.

The Ohio State University Nonsmoking Policy

The University recognizes the need to create and maintain an environmental quality that sustains and enhances the general health and well being of its faculty, staff, students, and visitors. To meet this commitment, smoking and the use of tobacco products is limited, and no smoking is permitted in any indoor area as designated in the guidelines. Consistent with the spirit and intent of this policy, should irreconcilable conflicts arise between individuals who choose to smoke and those who do not, the rights of nonsmokers will prevail.

Policy Guidelines

I. Smoking Restrictions

Smoking is not permitted in any indoor area.

II. Tobacco-Free Zone

Smoking or the use of other tobacco products is prohibited anywhere in the OSU Medical Center, Aronoff Laboratory, Biological Sciences Building, Biological Sciences Greenhouse, Fry Hall, General Biology Annex, Jennings Hall, Newton Hall, Parks Hall, Postle Hall, Riffe Building, and Starling Loving Hall. This includes inside and outside of buildings and in parking areas, except where specifically designated as smoking areas. For specific geographical boundaries, see the Tobacco-Free Zone Map.

To protect the health and safety of our patients, faculty, staff, students, and visitors, all OSU Medical Center locations are tobacco-free. In addition to the main Medical Center campus, the Medical Center includes locations such as University Hospital East, primary care sites, the OSU Martha Morehouse Plaza, Ackerman Road Facility, Polaris Research Facility, and all others.

III. Exceptions

The only exception to this policy is specifically designated private residential space within University residence halls, apartments, hotels, and University-leased residential facilities. Any interior areas authorized for smoking must be so designated. Areas that are designated as smoking areas will be clearly marked with "Smoking Permitted" signs.

IV. Smoking Areas

Smoking is permitted outdoors, except in outdoor facilities such as the stadium, concession areas, amphitheatres, and other locations of fixed seating and in the outdoor areas of the Tobacco-Free Zone as referenced in Section II above. Where smoking is allowed, smokers who choose to smoke outside are requested not to smoke near building entrances and to ensure the proper disposal of smoking materials.

V. Designating a Smoking or Nonsmoking Function

University groups that schedule outdoor spaces for approved functions, other than facilities covered in this policy, have the authority to designate such functions nonsmoking or smoking as they may desire, consistent with the intent of this policy.

VI. Implementation

This policy is to be implemented by units/departments and colleges in the same manner as other University policies. All buildings, vehicles, and specified outdoor facilities and areas that are owned or leased by the University, with the exception of private residence spaces, will be entirely smoke-free. Restrictions on other tobacco products apply at the Tobacco-Free Zone locations referenced in Section II above.

VII. Sale of Cigarettes in University Buildings

The sale of cigarettes or other tobacco products in campus buildings/facilities is prohibited.

VIII. Supplement to University Health Benefits

Smoking cessation services may be available through university-sponsored health plans.

The Ohio State University Sexual Harassment Policy

The University administration, faculty, staff, student employees, and volunteers are responsible for assuring that the University maintains an environment for work and study free from sexual harassment. Sexual harassment is unlawful and impedes the realization of the University's mission of distinction in education, scholarship, and service. Sexual harassment violates the dignity of individuals and will not be tolerated. The University community seeks to eliminate sexual harassment through education and by encouraging faculty, staff, student employees, and volunteers to report concerns or complaints. Prompt corrective measures will be taken to stop sexual harassment whenever it occurs.

Policy Guidelines

I. Definition

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature 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 or academic status.
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus. Sexual harassment can occur between any individuals associated with the University, e.g., an employee and a supervisor; coworkers; faculty members; a faculty, staff member, or student and a customer, vendor, or contractor; students; or a student and a faculty member.

II. Examples of Sexual Harassment

Examples of sexual harassment include, but are not limited to:

- A. Some incidents of physical assault.
- B. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.
- C. Direct propositions of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or academic environment.
- D. A pattern of conduct that unreasonably interferes with the work or academic environment (not legitimately related to the subject matter of a course) including:
 1. Sexual comments or inappropriate references to gender.
 2. Sexually explicit statements, questions, jokes, or anecdotes regardless of the means of communication (oral, written, electronic, etc.).
 3. Unwanted touching, patting, hugging, brushing against a person's body, or staring.
 4. Inquiries and commentaries about sexual activity, experience, or orientation.
 5. The display of inappropriate sexually oriented materials in a location where others can view them.

III. Romantic and/or Sexual Relationships

Romantic and/or sexual relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationship constitute a conflict of interest. The person in the position of higher institutional authority has the responsibility to eliminate the conflict of interest. The conflict of interest must be eliminated in a way which minimizes potential for harming the person with lower institutional authority.

Faculty, staff, and students who are in the position to influence academic or employment decisions about others with whom they are in a romantic and/or sexual relationship should recuse themselves from such decisions.

In the event of an allegation of sexual harassment, the University will strictly scrutinize a defense based upon consent when the facts establish that an institutional power differential existed within the relationship.

A. Prohibited relationships

1. Romantic and/or sexual relationships between faculty/staff/graduate associates/undergraduate TAs and students, and between attending physicians and medical residents/interns/fellows, cannot continue whenever there are supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities for the student. Alternative academic/supervisory arrangements must be made to avoid being in a prohibited relationship; if acceptable alternative arrangements are not feasible, the relationship cannot continue.

Romantic and/or sexual relationships between supervisor and employee are prohibited. No person involved in a romantic and/or sexual relationship will have direct responsibility for evaluating the performance or for making decisions regarding the hiring, promotion, tenure, compensation, or termination of the other party to the relationship. Supervisors, including faculty supervisors, must take immediate steps to make acceptable alternative arrangements regarding their supervisory responsibility for the other party to avoid an actual or apparent conflict of interest. If acceptable alternative arrangements are not feasible, the relationship cannot continue.

2. Notification responsibilities to avoid prohibited relationships: University faculty/staff/graduate associates/undergraduate TAs must notify their supervisor (e.g. dean, chair, vice president, direct supervisor, etc.) of any prohibited relationship in which they are involved; and, have a duty to cooperate in making acceptable alternative arrangements. The Office of Human Resources, Organization and Human Resource Consulting, is available to facilitate or consult with parties about notification and making acceptable alternative arrangements.

Individuals who engage in prohibited relationships (i.e., who do not notify their supervisors and do not make acceptable alternative arrangements) are in violation of this policy. Supervisors, including faculty supervisors, who obtain information that would lead a reasonable person to believe that the Romantic and/or Sexual Relationships section of this policy has been violated, have an institutional duty to report the violation to the Office of Human Resources, Organization and Human Resource Consulting.

Individuals in positions of power, who engage in a series of exploitive sexual or romantic relationships, whether or not notification has occurred, may be held in violation of the romantic and/or sexual relationship policy.

3. Acceptable alternative arrangements: Acceptable alternative arrangements means removing any supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities between the person with institutional power and the student or employee. The alternative arrangements should avoid negative consequences for the student or employee; if acceptable alternative arrangements are not feasible, the relationship cannot continue.

B. Corrective action

After a thorough review of the facts, corrective action will be taken with any faculty/staff/ student employee who violates this romantic and/or sexual relationship policy by:

1. Entering into or engaging in a prohibited relationship without notification and without making immediate acceptable alternative arrangements, or
2. Failing to follow any part of this policy, or
3. Failing to implement any responsibility of supervisors as identified in this policy. This applies to all supervisors, including faculty who serve in supervisory roles.
4. The corrective action process will be in accordance with university policies, faculty rules, or Code of Student Conduct.
5. An individual who promptly provides notification of a prohibited relationship and cooperates in making acceptable alternative arrangements in a timely manner will not be held in violation of the romantic and/or sexual relationship policy.

C. Important advisory statement on romantic/sexual relationships

Individuals in positions of power must be aware that romantic or sexual relationships with students are fraught with danger for exploitation and pose a legal risk to both the individual and the institution.

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power. These relationships may be subject to concerns about the validity of consent and unfair treatment of other students or employees. Such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to a charge. Even when both parties consented at the outset to a romantic or sexual involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

The greater the institutional power differential that exists the greater risk there is for exploited consent. Exploited consent exists when consent to a relationship is given as a function of the position of power one occupies over another within an institution.

Many international students, faculty, and staff come from cultures in which deference to any authority figure is important and sexual harassment laws do not exist. Some individuals may be especially vulnerable to exploitive relationships given cultural, language, and immigration/visa issues. Faculty, staff, and students should be very careful to avoid relationships that may be exploitive in nature.

The University discourages romantic and/or sexual relationships between faculty and students, for all the reasons provided above.

The University strongly discourages romantic and/or sexual relationships between faculty and graduate students when in the same department; between faculty and undergraduate students majoring in the faculty member's area of expertise; when the faculty member has any influence over academic judgments about the student; and, in any context when the perceived power differential may be significant.

Finally, it is important to be aware that in some cases non-consensual relations may constitute sexual harassment, and allegedly consensual relations that "go bad" may later result in allegations of sexual harassment.

IV. Duty to Act

Any Human Resource Professional (HRP); supervisor, including faculty supervisors; chair/director; or faculty member who becomes aware of information that would lead a reasonable person to believe that sexual harassment has occurred will notify the Office of Human Resources, Organization and Human Resource Consulting, by ensuring that a

Discrimination/Harassment Complaint Form or other appropriate documentation is filed within five working days of becoming aware of the information. The Complaint Form/documentation will initiate collaboration between the Office of Human Resources, Organization and Human Resource Consulting and the unit HRP to determine how to proceed with resolving the complaint.

V. Regulations

A. Confidentiality and non-retaliation

The University will make every reasonable effort to conduct all proceedings in a manner that will protect the confidentiality of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

University policy and state and federal law prohibit retaliation against an individual for reporting sexual harassment, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the sexual harassment allegation.

The University has a compelling obligation to address allegations and suspected instances of sexual harassment when it obtains information that would lead a reasonable person to believe that this policy has been violated. The University is not precluded from taking any action it deems appropriate, including informing the alleged harasser of the complaint and pursuing an investigation even in cases when the complainant is reluctant to proceed. The complainant will be notified in advance when such action is necessary.

B. Corrective measures

When it has been determined that sexual harassment has occurred, steps will be taken to ensure the harassment is stopped immediately. Corrective measures consistent with the severity of the offense will be imposed consistent with applicable University procedures and may include sanctions.

Sanctions imposed on the harasser may include, but are not limited to, a reprimand, suspension, or dismissal from the University. In the event that a record of such sanctions will become a part of the harasser's personnel records, prior notice will be given to the harasser. Sanctions also may be imposed on any individual with a duty to act (under this policy and associated procedures) who fails to respond to a complaint of sexual harassment in a manner consistent with the provisions of this policy and the associated procedures. The complainant will be informed of the corrective measures taken.

C. False allegations

It is a violation of this policy for anyone to knowingly or with reckless disregard for the truth make false accusations of sexual harassment. Failure to prove a claim of sexual harassment is not equivalent to a false allegation. Sanctions may be imposed on individuals who knowingly or with reckless disregard for the truth make false accusations of sexual harassment.

D. Use of sexual harassment allegations in employment actions

When making decisions affecting an individual's employment or academic status, allegations of sexual harassment may be considered only if they have been addressed through this policy or procedure, a court of law, or other administrative proceeding. 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.

VI. Policy and Procedure Administration

The Office of Human Resources is responsible for the administration of this policy and the associated procedures. The president and each vice president, dean, department chair, director, administrator, faculty member, and supervisor is responsible for assuring compliance with this policy. Any such individual who obtains information that would lead a reasonable person to believe that this policy has been violated must refer the matter to the appropriate individual for investigation or, if so authorized, initiate a prompt and thorough investigation.

Procedure

I. Goals and Objectives

The university is committed to eliminating and preventing sexual harassment of faculty, staff, students, student employees, and volunteers and to fostering an environment of respect for all individuals. The university promotes educational programs coordinated by the Office of Human Resources to meet the following goals:

1. Informing all individuals about their rights through training and dissemination of the sexual harassment policy;
2. Including the sexual harassment policy in orientation materials for new faculty, staff, students, and volunteers;
3. Notifying persons of prohibited conduct;
4. Informing all individuals of the appropriate procedures and reporting mechanisms for addressing concerns of sexual harassment;
5. Informing the community about the problems caused by sexual harassment;
6. Addressing issues of sexual harassment from a multicultural perspective.

II. Who Can Make Allegations

Sexual harassment concerns can often be resolved by the person being harassed addressing the matter directly with the alleged harasser. When such resolution is not feasible, any faculty, staff, student, or volunteer may bring an allegation against any member of the university community or a customer, vendor, or contractor of the university.

III. Confidentiality

To the extent possible, all information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

IV. Retaliation

Retaliation against an individual for reporting sexual harassment or for participating in an investigation is prohibited by university policy and state and federal law. The university will not tolerate retaliation in any form against any faculty, staff, student, or volunteer who files an allegation, serves as a witness, assists an alleged, or participates in an investigation of sexual harassment. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the sexual harassment allegation. Allegations of retaliation should be directed to the Office of Human Resources, Consulting Services.

V. Counseling and Support

A person seeking counseling or support may contact any of the following units:

1. University Faculty and Staff Assistance Program;
2. Office of Student Gender and Sexuality Services, Rape Education and Prevention Program;
3. Office of Residence Life;
4. Counseling and Consultation Service;
5. Office of Student life.

The role of the above offices is not to investigate allegations but to provide counseling and support. For information on how to file an allegation, refer to Section VI of these procedures.

VI. Receipt and Referral of Allegations

- A. An alleged violation of the university's sexual harassment policy may be taken to any of the following designated individuals:
1. The human resources professional within a department or unit;
 2. A consultant in the Office of Human Resources, Consulting Services; or
 3. Any supervisor, faculty member, or faculty or staff administrator.

- B. If the alleged harasser is the alleged's supervisor, the alleged should directly contact either a higher level administrator or the Office of Human Resources, Consulting Services.
- C. Cases involving student on student sexual harassment not in the employment setting will be handled in accordance with the Code of Student Conduct and are not covered under this procedure. The Office of Student life will be responsible for the investigation and resolution of such allegations.
- D. When the above individuals receive an allegation of sexual harassment, they will promptly refer the matter to the appropriate individual for investigation or, if so authorized, initiate a prompt and thorough investigation.
- E. The Office of Human Resources, Consulting Services is available to provide consultation to any person who has a potential sexual harassment concern. Likewise, consultants are available to assist any administrator in handling an allegation.
- F. All individuals who are designated to receive allegations are expected to participate in training provided by the Office of Human Resources related to handling sexual harassment allegations.

VII. Duties of the Unit Level or Office of Human Resources Investigator

- A. Persons designated to investigate allegations will be jointly identified by the unit and the Office of Human Resources. As part of the intake process, the person designated to investigate the allegation will discuss with the alleged the following considerations:
 1. The options under the policy, which include:
 - a) Filing an allegation for review at the unit level;
 - b) Filing an allegation with the Office of Human Resources, Consulting Services; or
 - c) Filing a grievance under the nondiscrimination clause of the appropriate collective bargaining agreement.
 2. The behaviors and any related issues that gave rise to the allegation and whether an investigation is warranted.
- B. The person designated to investigate the allegation will inform the alleged about:
 1. The fact that the alleged is not required to file an allegation at the unit level before filing an allegation with the Office of Human Resources, Consulting Services. However, an allegation cannot be processed by both Consulting Services and the unit at the same time.
 2. The university's compelling obligation to address allegations and suspected instances of sexual harassment that would lead a reasonable person to believe that the policy has been violated. The university is not precluded from taking any action it deems appropriate, including informing the alleged harasser of the allegations and pursuing an investigation even in cases when the alleged is reluctant to proceed. The alleged will be notified in advance when such action is necessary.
 3. The manner and frequency with which the alleged will be updated about the status of the investigation.
 4. The need for confidentiality during the investigation process and what to do if the alleged believes she or he has been retaliated against.
- D. The person designated to investigate the allegation will inform the alleged harasser in a reasonable time about:
 1. The specific allegations and provide an opportunity to respond to the allegations.
 2. The manner and frequency with which the alleged harasser will be updated about the status of the investigation.
 3. The need for confidentiality during the investigation process and the university's policy with respect to retaliation.
 4. The university's compelling obligation to address allegations and suspected instances of sexual harassment that would lead a reasonable person to believe that the policy has been violated.
 5. The university's position that it is not precluded from taking any action it deems appropriate, including informing the alleged harasser of the allegations and pursuing an investigation even in cases when the

alleged is reluctant to proceed. The alleged will be notified in advance when such action is necessary.

- 6. The university's policy and state and federal law prohibiting retaliation against an individual for reporting sexual harassment or for participating in an investigation. The university will not tolerate retaliation of any form against any faculty, staff, student, or volunteer who files an allegation, serves as a witness, assists an alleged, or participates in an investigation of sexual harassment. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the sexual harassment allegation. Allegations of retaliation should be directed to the Office of Human Resources, Consulting Services.
- E. The alleged, as well as the alleged harasser, will be provided with a copy of the Sexual Harassment Policy and Procedures.
- F. **Actions During the Pendency of the Investigation.** The investigator, in consultation with the alleged and a consultant from the Office of Human Resources, Consulting Services, as appropriate, will determine if special provisions are necessary to ensure that no harassment of the alleged occurs during the pendency of the investigation.

VIII. Unit Review Investigation

All individuals who are designated to investigate allegations will be expected to attend sexual harassment training offered by the Office of Human Resources. Individuals responsible for the investigation of allegations at the unit level will follow the procedures outlined in this section.

- A. **Purpose of the Investigation.** The purpose of the investigation is to evaluate the allegations of sexual harassment, formulate a response that addresses the facts as they are determined, and follow up to ensure that the recommended measures are completed.
- B. **Method of Investigation.** Depending on the facts of the case, an investigation may range from a one-on-one conversation with the alleged harasser with an agreement as to further interactions, to an inquiry with several witness interviews, a finding of facts, and recommendations to the unit for appropriate employment action. In every case, a record must be made of the allegations, the investigation, and the action taken.
- C. **Office of Human Resources Notification.** Any investigator who receives an allegation will notify the Office of Human Resources, Consulting Services about the allegation by filing a Sexual Harassment Intake and Allegation Form within five working days of receiving the allegation. This information is for data collection purposes and will be used to monitor allegations and to assure that issues are appropriately addressed.
- D. **Presence of Support Persons.** The alleged and alleged harasser may be accompanied at the initial interview and subsequently, as appropriate, by an individual of their choice.
- E. **Time Period for Resolution of an Allegation.** Investigations should be concluded within 45 calendar days from the date the issue was raised with the unit. If this is not reasonably possible, the investigator should make the alleged and the alleged harasser aware of the status of the review and provide an estimated conclusion date.
- F. **Possible Outcomes.** An investigation may result in the following findings:
 1. A determination that there is sufficient evidence to indicate a violation;
 2. A determination that there is insufficient evidence to indicate a violation; or
 3. A determination that there is sufficient evidence to indicate that an allegation is false.

Sometimes an investigation will uncover behavior that is inappropriate under university policy but does not meet the definition of sexual harassment. When an investigation reveals such behavior, the university will take appropriate steps to correct the behavior.
- G. **Concluding the Investigation.** Prior to informing the alleged and the alleged harasser of the outcome of the investigation, the investigator is required to review the facts of the case and discuss possible outcomes with the Office of Human Resources, Consulting Services.

Within 10 workdays of consulting with the Office of Human Resources, Consulting Services, the investigator will notify the appropriate unit or higher level administrator, as well as the alleged and the alleged harasser, of the outcome of the investigation.

H. Written Report of Outcomes. Within 10 workdays of informing the alleged and the alleged harasser of the outcome of the investigation, the investigator will prepare a written summary of the outcome of the investigation to the Office of Human Resources, Consulting Services.

If the outcome of the investigation reveals a violation of the sexual harassment policy, recommendations will be made to take prompt remedial action consistent with the severity of the offense and all applicable university rules and regulations. These recommendations will be provided to the appropriate administrator who is responsible for implementation.

In instances where the report contains no evidence of sexual harassment but there is evidence of inappropriate behavior under university policy, the investigator will follow up with the appropriate administrator.

I. Other Options. A finding may be appealed to the associate vice president for Human Resources within 21 calendar days from the time the alleged is informed of the outcome of the investigation. Such appeal must be based on the record and any new information that could not have been previously provided with reasonable diligence. Allegers and alleged harassers who are not satisfied with the outcome of the investigation at the unit level will be advised of other options outside the university. The outcome of the investigation shall remain in effect during the pendency of the appeal.

IX. Procedures for Office of Human Resources, Consulting Services Investigation

When the alleged elects to have the allegation investigated by the Office of Human Resources, Consulting Services, that office will be primarily responsible for the investigation of the allegation, with the cooperation of all individuals involved. Consulting Services will keep all individuals informed about the status of the investigation.

A. Purpose of the Investigation. The purpose of the investigation is to evaluate the allegations of sexual harassment, formulate a response that addresses the facts as they are determined, and to follow up to ensure that the recommended measures are completed.

B. Method of Investigation. Depending on the facts of the case, an investigation may range from a one-on-one conversation with the alleged harasser with an agreement as to further interactions, to an inquiry with several witness interviews, a finding of facts, and recommendations to the unit for appropriate employment action. In every case, a record must be made of the allegations, the investigation, and the action taken.

C. Presence of Support Persons. The alleged and/or alleged harasser may be accompanied at the initial interview and subsequently, as appropriate, by an individual of their choice.

D. Time Period for Resolution of an Allegation. Investigations should be concluded within 45 calendar days from the date the issue was raised with the consultant. If this is not reasonably possible, the consultant should make the alleged and the alleged harasser aware of the status of the review and provide an estimated conclusion date.

E. Possible Outcomes. An investigation may result in the following findings:

1. A determination that there is sufficient evidence to indicate a violation;
2. A determination that there is insufficient evidence to indicate a violation; or
3. A determination that there is sufficient evidence to indicate that an allegation is false.

Sometimes an investigation will uncover behavior that is inappropriate under university policy but does not meet the definition of sexual harassment. When an investigation reveals such behavior, the university will take appropriate steps to correct the behavior.

F. Concluding the Investigation. At the conclusion of the investigation, the consultant will promptly inform the appropriate unit or higher level administrator, as well as the alleged and the alleged harasser, of the outcome.

G. Written Report of Outcomes. Within 10 workdays of informing the alleged and alleged harasser of the outcome of the investigation, the consultant will prepare a written summary of the outcome of the investigation.

If the investigation results in a determination of sexual harassment, recommendations will be made to take prompt remedial action consistent with the severity of the offense and all applicable university rules and regulations. This report will be provided to the appropriate administrator who is responsible for implementation.

In instances where the report contains no evidence of sexual harassment but there is evidence of inappropriate behavior under university policy, the consultant will follow up with the appropriate administrator.

H. Other Options. A finding may be appealed to the associate vice president for Human Resources within 21 calendar days from the time the alleged is informed of the outcome of the investigation. Such appeal must be based on the record and any new information that could not have been previously provided with reasonable diligence. Allegers and alleged harassers who are not satisfied with the outcome of the investigation by the Office of Human Resources will be advised of other options outside the university. The outcome of the investigation shall remain in effect during the pendency of the appeal.

X. Corrective Action Implementation

Where sexual harassment is found, steps will be taken to ensure that the harassment is stopped promptly. Appropriate corrective action may range from counseling, written reprimands, suspensions, or other action up to and including dismissal, in accordance with established university rules and procedures. The Office of Human Resources, Consulting Services will monitor corrective action to ensure compliance.

Corrective action may be taken as a result of either a unit review or Office of Human Resources, Consulting Services investigation. Units are encouraged to contact either the Office of Academic Affairs or the Office of Human Resources, Consulting Services, as appropriate, before issuing corrective action. Corrective measures will be taken according to the following procedures:

- A.** In cases involving faculty members, corrective measures may be imposed in accordance with Faculty Rules and Procedures 3335-5-04.
- B.** In cases involving staff members, corrective action is governed by the following:
 1. For unclassified employees, refer to Policy 8.15, Corrective Action, of the Human Resources Policy and Procedure Manual.
 2. For classified civil service employees not included in a bargaining unit, refer to Rules for Classified Civil Service.
 3. For bargaining unit employees, refer to the appropriate collective bargaining agreement.
- C.** In cases involving students acting in their employment capacity, measures may be imposed in accordance with Policy 10.10, Student Employment, of the Human Resources Policy and Procedure Manual; in all other cases, in accordance with the Code of Student Conduct.

XI. Issues of Academic Freedom

When the alleged harassment takes place in an instructional setting and the alleged harasser believes the allegation of sexual harassment infringes upon academic freedom, a designee from the Committee on Academic Freedom and Responsibility (CAFR) will be consulted. This individual will have access to all pertinent information regarding the investigation to assure due regard for academic freedom. The designee will address concerns about the investigative process with the investigator as necessary.

XII. Record Keeping

Any person conducting an investigation will maintain a written record of all witness interviews, evidence gathered, the outcome of the investigation, and any other appropriate documents. Records of such an investigation will not be maintained in personnel files or student files unless they are part of a formal

corrective action. Investigation records will be maintained in accordance with Office of Human Resources record retention schedules, which can be found at ohr.ohio-state.edu. When an allegation is filed outside the university, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

You can find more information about the university's record retention policy at: library.osu.edu/sites/archives/retention/arvguidelines.htm.

Parental Notification Guidelines for Alcohol and Controlled Substance Violations

These guidelines were developed in response to the Higher Education Amendments of 1998. These amendments created an exception to the Family Educational Rights and Privacy Act (FERPA), thus enabling universities to notify parents or legal guardians, under certain circumstances, of a student's use or possession of alcohol or a controlled substance. This change supports the practice of The Ohio State University of establishing a collaborative partnership with parents and actively involving them, when appropriate, in addressing student behavior as it relates to alcohol and drugs.

Notification of parents is done when the university believes it will help the student. When possible, conversations normally are held with the student before contact is made with parents, in an effort to determine whether such contact is the best course of action.

Generally, the university contacts parents in an effort to provide support for students' physical health and safety, academic success, and personal development. Factors that are considered when deciding to contact parents may include, but are not limited to, the following:

- A situation in which a student has received medical attention
- The occurrence of an arrest and consequent criminal charges
- A major disruption to the university's educational mission
- Substantial harm caused to other students
- Significant property damage

Contact is made, if possible, by a personal appointment with parents or by phone. Written communication is used only when other attempts to contact parents have failed. The goal is to develop a partnership between the university and the parents for the good of the students.

Parent contacts are not to be viewed as a "disciplinary sanction" but rather as a positive engagement of the broadest possible resources to help a student succeed in his/her educational endeavor. Parents are encouraged to discuss the situation with their son or daughter.

Questions or concerns regarding these guidelines should be directed to Student Judicial Affairs, 33 W. 11th Ave., Columbus, OH 43210, (614) 292-0748, or to University Housing, 190 W. Woodruff Avenue, Columbus, OH 43210, (614) 292-3930.

The Ohio State University Student E-mail Communications Policy

The Ohio State University, recognizing the increasing need for electronic communication with students, has established e-mail as an official means of communication with students. An official Ohio State e-mail address is issued to each student at the time he/she is admitted to the university or when he/she initially enrolls, if he/she is not formally admitted to the institution, whichever occurs first. Students are responsible for activating their usernames and e-mail accounts. They can activate those by going to the Office of Information Technology (OIT) web site at acctmgmt.service.ohio-state.edu.

The university will routinely send official communications to the university e-mail address.

Since e-mail has been adopted as a primary mechanism for sending official communications to students at Ohio State, students must check e-mail regularly in order to read important messages and notifications. (Students can check their e-mail accounts online at buckeyemail.osu.edu.) Certain communications may be time-sensitive. Failure to read official university communications sent to students' official Ohio State e-mail addresses does not absolve students from knowing and complying with the content of those official communications. Students must also ensure that there is sufficient space in their e-mail inboxes to allow for e-mail delivery.

Students who choose to have their e-mail forwarded to an address other than the Buckeye Mail official university network address will be doing so at their own risk.

All use of e-mail will be consistent with other Ohio State policies. See cio.osu.edu/policies/responsible_use.html.