



# Campus Life Handbook 2025-2026



YOUR GUIDE TO POLICIES, PROCEDURES,  
AND CAMPUS LIFE AT OTTERBEIN



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## Greetings from the President

You are Otterbein. That is not a typo. Otterbein is not just a beautiful campus or a set of courses in a catalog. Otterbein is its people – our faculty, staff, alumni, and students like you. Otterbein is a supportive community because our people make it that way.

Otterbein offers an innovative and challenging curriculum because our faculty and students collaborate inside and outside the classroom. Otterbein is an engaging place because of current and future student leaders like you.

In sum, Otterbein is what you make it. This is your University, and we are counting on you to take full advantage of your learning and growth. We also count on you to improve it for those who come next. I know you will. Let me know how I can help.

*Welcome to Otterbein!*

*John Comerford, Ph.D. President*



## A Message from the Vice President of Student Affairs



### Welcome to Otterbein!

The Division of Student Affairs is dedicated to helping you have a meaningful and successful experience during your time here. We are committed to fostering connections between your academic and co-curricular experiences, and we believe the quality of campus life is key to student success. Our team looks forward to building supportive relationships with you and co-creating a vibrant learning community.

As mentors and advocates, our staff are here to help you reach your goals by connecting you with the many resources available at Otterbein. Whether you're navigating a challenge, seeking guidance, or simply need someone to talk to, we are here to support you. From managing personal concerns to understanding campus policies, we're ready to assist and connect you with people and programs that will enrich your experience.

Student Affairs also partners with families to ensure students feel a strong sense of well-being and belonging. We are excited about the contributions you will make to our community through academics, leadership, service, and involvement on and off campus. Thank you for being part of the Cardinal family. We can't wait to see all that you will accomplish.

– Dr. William (Bill) Fox, Ed.D., Vice President for Student Affairs

## Otterbein Love Song

In a quiet peaceful village, there is one we love so true, she ever gives a welcome to her friends both old and new. She stands serene mid tree tops green, she's our dear Otterbein.

(Chorus)

Old Otterbein our college, we sing of thee today; Our memories round thee linger, in a sweet and mystic way.

O Otterbein, we love thee; our hearts are only thine.

We pledge anew, we will be true, dear Otterbein.

Her halls have their own message of truth and hope and love; She guides her youths and maidens to the life that looks above.

Her stately tower speaks naught but power, For our dear Otterbein.

(Celia Ihrig Grabill and Glen Grant Grabill)



## Otterbein Battle Song

We're here to fight for dear old Otterbein We'll never let her colors trail,  
We'll play the game to win for Otterbein, Hang up the score, we cannot fail.

Fight!-Fight! Fight! Fight to win! Fight!-Fight! Fight! Fight to win!

Fight!-Fight! Fight to win the game for Otterbein!

Come lads remember now we've got to win, Our colors shall not touch the ground. For Alma Mater we will do or die, In vict'ry let our cheers resound.

(G.G. Grabill)

## **GENERAL INFORMATION**

**Introduction** – The Campus Life Handbook is the official guide for all students of Otterbein University. It is updated annually by the Student Affairs Office. The handbook provides the information you need now and throughout the academic year. All students are encouraged to use this online handbook at:

<http://www.otterbein.edu/clh>.

**University Mission** – Otterbein is an inclusive community dedicated to educating the whole person in the context of humane values. Our mission is to prepare graduates to think deeply and broadly, to engage locally and globally, and to advance their professions and communities. An Otterbein education is distinguished by the intentional blending of the liberal arts and professional studies, combined with a unique approach to integrating direct experience into all learning.

**University Vision** – Otterbein University will be nationally recognized as a model community of educators, leaders, and learners who set the pace for higher education and contribute to the common good.

**Philosophy of the University** – Otterbein University, affiliated with the United Methodist Church, is grounded in a Christian heritage that fosters concern for purpose and meaning in life, the dignity of persons, and the significance of community. The Otterbein tradition offers dialogue with other faiths and philosophies, intellectual stimulation, openness to the day's issues, and an incentive to new understanding. Thus, Otterbein University seeks students, faculty, and staff who represent societal diversity. The University maintains an open door to all qualified individuals and does not discriminate based on race, sex, religion, ancestry, ethnicity, age, sexual orientation, disability, political affiliation, veteran status, or marital status.

**Annual Campus Crime Statistics and Fire Safety Report** – Otterbein University's annual **Campus Security and Fire Safety Report** includes institutional policies concerning campus security, alcohol and drug use, crime prevention, reporting of crimes, sexual assault/violence, missing person notification, fire safety, and other important campus policies. These policies can be viewed on the [Campus Police Website](#) or accessed with the provided QR code.



If you wish to have a copy of this report, you can access the above website and print a copy for yourself, or you can contact Otterbein's Police Department in person at 194 W. Main Street, by phone at **614.823.1222**, or by email at: **police@otterbein.edu**

**Statement of Liability** – Otterbein University is not responsible for the loss of money or valuables of any person or the loss or damage to any resident's property by fire, water, or theft. Residents are encouraged to carry personal property insurance.

**Privacy of Rights under FERPA** – The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights in connection with educational records maintained at Otterbein University.

*These rights include:*

- 1) The right to inspect and review the student's education records within 45 days after the day Otterbein University receives an access request. A student should submit to the registrar, dean, head of the academic department, or other appropriate officials a written request that identifies the records(s) the student wishes to inspect. The school official will make access arrangements and

notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

- 2) The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the school to amend a record should write to the school official responsible for the record, clearly identify the part of the record the student wants to be changed, and specify why it should be changed.

If the school decides not to amend the record as requested, the school will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the students when notified of the right to a hearing.

- 3) The right to provide written consent before the University discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by Otterbein University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of Otterbein University who performs an institutional service or function for which the school would otherwise use its employees and who is under the direct control of the school concerning the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record to fulfill their professional responsibilities for Otterbein University.

The University reserves the right to notify parents or guardians of "dependent" students, regardless of the student's age or status, of conduct in health and safety emergencies, hospitalization, or where, in the University's judgment, the health or well-being of the student or others is or may be at risk.

- 4) Students, parents, and foreign government agencies supporting dependent students have access rights to the educational records maintained about them during their enrollment.
  - a) "Dependent" means being listed as such on the parents' annual federal income tax statement, or (in the case of foreign students) receiving at least 50 percent or more of their support from parents or foreign government agencies.
  - b) Students who are independent of their parents must file an annual statement by September 30, to this effect, on a form available in the Student Affairs office.
  - c) Non-immigrant foreign students have agreed to give the U.S. Citizenship and Immigration Services (USCIS) access to certain information, as outlined on the non-immigrant's form I-20 or

DS-2019. The Center for International Education and Global Engagement Office maintains records about these students and documents.

- 5) Certain educational records exempt from this access are as follows:
- a) Records in the sole possession of a professor, physician, counselor, psychologist, or the law enforcement unit of Otterbein University.
  - b) Parental financial statements, and:
  - c) Recommendations for which the student has waived rights of access.

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, 99.32 of FERPA regulations require the institution to record the disclosure. Eligible students have the right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student.

- To other school officials, including teachers, at Otterbein University, whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in 99.31(a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) are met. (99.31(a) (1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled, if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of 99.34. (99.31(a) (2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U. S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the University's State-supported educational programs. Disclosures under this provision may be made, subject to the requirements of 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements related to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, enforcement, or compliance activity on their behalf. (99.31(a) (3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (99.31(a) (4))
- To organizations conducting studies for, or on behalf of, the school, to (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (99.31(a) (6))
- To accrediting organizations to carry out their accrediting functions. (99.31(a) (7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (99.31(a) (8))
- To appropriate officials in connection with a health or safety emergency, subject to 99.36. (99.31(a) (10))

- Information the school has designated as “directory information” under 99.37. (99.31(a) (11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of 99.39. The disclosure may only include the results of the disciplinary proceeding concerning that alleged crime or offense, regardless of the finding. (99.31(a) (13))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of 99.39. The disclosure may only include the results of the disciplinary proceeding concerning that alleged crime or offense, regardless of the finding. (99.31(a) (13))
- To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance, if the school determines whether the student committed a disciplinary violation and the student is under the age of 21. (99.31(a) (15))

6. “Directory Information” as listed below can be furnished without the student’s permission.

- a. Name
- b. Address – campus, and home
- c. Telephone numbers – campus, home, and/or cell phone
- d. E-mail address – campus
- e. Campus SMC number
- f. Enrollment type
- g. Date and place of birth
- h. Field of study
- i. Participation in officially recognized activities and sports
- j. Dates of attendance at Otterbein University
- k. Degrees and awards received while attending Otterbein University
- l. Most recent educational agency or institution attended by students
- m. Weight and height of members of athletic teams
- n. Photograph
- o. High school students
- p. Fraternity & Sorority affiliation
- q. The class rank of students
- r. SID can be displayed on the Student ID Card

Students have the right to file a complaint with the U. S. Department of Education concerning alleged failures by Otterbein University to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA).

**The name and address of the Office that administers FERPA are:**

Family Policy Compliance Office, U. S. Department of Education, 400 Maryland Avenue, SW,  
Washington, DC 20202-5901

## GENERAL UNIVERSITY POLICIES

All members of Otterbein’s community, including, but not limited to, students, faculty (including adjunct faculty), staff, volunteers, and independent contractors, are subject to these policies.

**Missing Person Policy** – The Higher Education Act (HEA) Title IV, Section 485(j), requires higher education institutions that provide any on-campus housing facility to establish a policy regarding missing student notification procedures for students who reside in on-campus student housing facilities. On-campus housing is clarified as “any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus”.

This includes all Otterbein-owned or controlled residential halls, sororities, and fraternities. As such, Otterbein has established the following policy and procedure to address students residing on campus who are reported as missing:

1. The *Campus Life Handbook* shall inform each student by HEA Title IV, section 485(J), that students who reside in on-campus housing have the option to identify an individual to be contacted by Otterbein no later than 24 hours after the student is determined to be missing. Additionally, Otterbein will notify the appropriate law enforcement agency no later than 24 hours after a student residing in on-campus housing is determined to be missing. If the student is under 18 years old and not emancipated, Otterbein will notify a parent/guardian no more than 24 hours after the student has been determined to be missing.
2. Otterbein shall provide each student residing in on-campus housing the means to register confidential contact information; to be utilized in the event the student is determined to be missing for more than 24 hours, by completing the Otterbein Office of Residence Life “*Entering Student Housing & Board Information Form*” or the “*Returning Student Housing & Board Information Form*.” Any confidential contact information provided for missing person notification purposes will only be used for this purpose.
3. Otterbein shall initiate the “Missing Student Notification Procedures” if the Otterbein Police Department, or a law enforcement agency, determines through their investigation of a missing person report that an Otterbein student residing in on-campus housing has been missing for more than 24 hours and has not returned to campus.
4. Otterbein’s “Missing Student Notification Procedures” are as follows for students who reside in on-campus housing:
  - a. Any official report made to Otterbein students, faculty, or staff of a missing student who resides in on-campus housing is to be immediately referred to the Otterbein Police Department.
  - b. Upon investigation by the Otterbein Police Department, if the student is determined to have been missing for more than 24 hours, the following notification procedures will be followed:
    - i. Otterbein personnel to be notified when an Otterbein student residing in on-campus housing has been determined as missing for more than 24 hours, including the Vice President for Student Affairs, Chief of Police, and Executive Director of Marketing and Communications

- ii. If the missing student has provided Otterbein with an individual to contact if determined missing for more than 24 hours, the Otterbein Police Department will notify this individual that the student has been determined missing for over 24 hours.
- iii. If the student is under 18 years of age and not an emancipated individual, the Otterbein Police Department will immediately contact the student’s parent/legal guardian.
- iv. If neither ii nor iii applies, the Otterbein Police Department will notify the appropriate law enforcement agency that the student has been missing for more than 24 hours.

**Nondiscriminatory Policy** – Otterbein University is committed to providing a welcoming environment free from unlawful discrimination. To this end, the University prohibits any form of discrimination against any person based on race, color, sex, gender, pregnancy, religion, creed, marital status, partnership status, age, sexual orientation, gender identity, gender expression, national origin, disability, military status, or any other legally protected status in its programs and activities. However, the University’s commitment to a nondiscriminatory environment is not intended to abridge unduly its commitment to academic freedom, free speech, or its educational mission. Inquiries or complaints regarding any form of discrimination or harassment may be directed to the Office of Human Resources or the Office of Student Affairs.

**122.0 Title IX Grievance Policy 2025**

***The purpose of the Title IX Grievance Policy***

Section 100: Standards of Excellence	Policy Number: 122.0 Title IX Grievance Policy
New: _____ Revised: <u>  X  </u>	Effective Date: August 14, 2020 Last Revised: October 2024
Scope: Faculty, Staff, Students, Vendors, Volunteers, and Visitors	Authority: Title IX Coordinator Approved by: President’s Cabinet

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against based on sex in seeking access to any educational program or activity receiving federal financial assistance.

***How does the Title IX Grievance Policy impact other campus disciplinary policies?***

Only incidents falling within the definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

The University remains committed to addressing any violations of its policies, even those that do not meet the narrow standards defined under the Title IX Final Rule.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered while investigating covered Title IX misconduct, the University retains authority to investigate and adjudicate the allegations under the policies and

procedures defined within the Sexual Misconduct Policy through a separate grievance proceeding. [Student Handbook](#).

### **General Rules of Application**

#### **Effective Date**

This Title IX Grievance Policy became effective on August 14, 2020. Complaints involving conduct before August 14, 2020, will be investigated and adjudicated by the Sexual Misconduct Policy if the case is not complete by that date.

#### **Definitions:**

##### **Covered Sexual Harassment**

Sexual harassment includes any conduct based on sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo),
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

##### **Examples of sexual assault include the following:**

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.
  - Fondling: The touching of the private body parts of another person for sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of age or because of physical or mental incapacity.
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship;
  5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Ohio domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Ohio;
  6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct or University policies.

### **Consent**

Consent means informed, freely and actively given, mutually understandable words or actions, which indicate a willingness to engage in mutually agreed upon sexual activity.

- Consent is active, not passive.
- Silence or lack of resistance, in and of itself, cannot be interpreted as consent.
- Consent can be given by words, actions, or behaviors as long as those words, actions, or behaviors create mutually understandable, clear permission regarding willingness to engage in the conditions of sexual activity: who, what, when, where, why, and how sexual activity will take place.
- Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity.
- Consent can be withdrawn at any time by word or action.
- Previous relationships or prior consent cannot imply consent to current or future sexual acts.

To be effective, consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion.

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion.
- Coercion is unreasonable pressure for sexual activity. When a person indicates by words or actions that they do not want to engage in sexual activity, want to stop, or do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Intimidation is implied threats, including the exertion of perceived or actual power resulting from position or stature.
- A person must be of legal age (16) to give consent.

An incapacitated person cannot give consent. Sexual activity with someone whom one should know to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout) does not consent to sexual activity and therefore is a violation of this policy.

- Incapacitation is a state where someone cannot make rational, reasonable decisions.
- Incapacitation may result from mental disability, sleep, involuntary physical restraint, and alcohol or drug impairment, including taking “rape drugs.” A rape drug is any drug intentionally used to incapacitate another victim to assist in the execution of drug-facilitated sexual assault.
- Possession, use, and/or distribution of any so-called “rape drug” is prohibited, and administering these drugs to another person is a violation of this policy.
- Being under the influence of alcohol or other drugs will not excuse behavior that violates this policy.

### **Education Program or Activity**

Education programs or activities include:

- Any on-campus premises.
- Any off-campus premises that the University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.

- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University's programs and activities over which the University has substantial control.

### **Specific Report Requirements for Minors on Campus**

Any faculty, staff, appointee, student, student employee, graduate assistant, vendor, or volunteer who in the course of their duties witnesses child abuse (including sexual abuse) or neglect or has information that would lead a reasonable person to believe the minor faces a substantial threat of such abuse or neglect must immediately make two calls and within one business day submit one report as described below:

- Call 911 (child in imminent danger) or the Children Services Agency (not imminent danger). If a child is in imminent danger (life-threatening or abuse is being witnessed), call local law enforcement at 911, OR
- If a child is not in imminent danger, call the Children's Services Agency at 855.642.4453. This is a 24-hour automated telephone directory that will link callers directly to a child welfare law enforcement office in their county. Municipal or county police officers can also be contacted as an alternative to Children's Services.
- Call Otterbein Police at 614.823.1222.  
Otterbein Police must notify the Director of Human Resources.
- Report: Faculty, staff, appointee, student employee, graduate assistant, or volunteer must then complete a Child Abuse, Sexual Abuse, or Neglect Incident Report and submit it to the Office of Human Resources within one business day.

If consultation is needed regarding reporting, or if there are questions on the process or other support needed, please contact the Title IX Coordinator at 614.823.1554, the Director of Human Resources at 614.823.1805, or the Otterbein Police Department at 614.823.1222.

Otterbein will make every effort reasonably possible to preserve the privacy of an individual who makes an official report and to protect the confidentiality of the information reported. When a Complainant requests that no action be taken of that their name not be used, the Complainant will be advised that the University's ability to respond will be limited, but the University may decide to override a request for confidentiality or that no action be taken in light of the nature of the incident or threat to the campus community. Such considerations include the risk of additional attacks, the use of weapons or drugs, multiple attackers, past conduct, the attack was accompanied by other crimes or threats. Therefore, Complainants desiring to make truly confidential reports should review the confidential reporting section on the following pages.

### **Formal Complaint**

A formal complaint means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within the University's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

### **Complainant**

Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

### **Relevant evidence and questions**

“Relevant” evidence and questions refer to any questions and evidence that tend to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior, unless they are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
- They concern specific incidents of the complainant’s prior sexual behavior concerning the respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.

### **Respondent**

Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

### **Privacy vs. Confidentiality**

References to confidentiality refer to the ability of identified confidential resources not to report crimes and violations to law enforcement or college officials without permission, except in extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean the University offices and employees cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Making a Report Regarding Covered Sexual Harassment to the University**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

### **Actual Knowledge**

Actual knowledge is established when the Title IX Coordinator, or any Otterbein Official of Authority, receives notice of sexual harassment or allegations of sexual harassment. Following receipt of an allegation of sexual harassment, the Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures and to explain the process for filing a formal complaint.

**Contact Information for the Title IX Coordinator:**

Name: Julie Saker, Title IX Coordinator, [jsaker@otterbein.edu](mailto:jsaker@otterbein.edu), and Telephone Number: 614.823.1554.

Office Address: Office for Student Affairs, 65 West Main Street, in the back of Hanby Hall on Cochran Alley.

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator

**Non-Confidential Reporting**

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

Julie Saker, Title IX Coordinator

Molly Miller, IX Investigator

Sydney Ingram, Investigator, Informal Resolution

**Officials of Authority:**

President

Provost and Senior Vice President of Academic Affairs

Executive Vice President for Strategic Initiatives

Vice President of Business Affairs

Vice President of Institutional Advancement

Vice President for Student Affairs

Assistant Vice President of Institutional Advancement

Assistant Vice President for Enrollment Strategy and Marketing

Assistant Vice President for Enrollment Operations.

Director of Residence Life

Unless designated above, University faculty and staff are NOT mandated reporters for sexual misconduct allegations.

***The following Officials may provide confidentiality:***

**Employee Confidential Resources:**

Employee Assistance Program 888.238.6232

**Student On-Campus Confidential Resources:**

Mental Health Counselor 614.823.1340

Director of Faith and Spiritual Life

Rev. Lucy Kelly, Associate Pastor, Church of the Master 614-822-2153

**Off-Campus Confidential Resources for Employees and Students:**

SARNCO (Sexual Assault Response Network of Central Ohio) 614.267.7020

CHOICES 24 Hour Domestic Violence Hotline 614.224.4663

Mt. Carmel Crime & Trauma Assistance Program 614.234.5900

Buckeye Region Anti-Violence Organization (BRAVO) 614.294-7867

Rape, Abuse, & Incest National Network (RAINN) 800.656.4673

**Anonymous Reporting:**

The following resources provide anonymous reporting options. Anonymous reporting may limit the University's ability to fully investigate and resolve the complaint.

**Campus Conduct Hotline**

866.943.5787

Otterbein Police Silent Witness [online form](#) or access with the provided QR code.

**Non-Investigatory Measures Available Under the Title IX Grievance Policy Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from the University regardless of whether they desire to file a complaint, which may include supportive measures offered as appropriate. Supportive measures are non-disciplinary and non-punitive.

Supportive Measures suggested by the Preamble: As appropriate, supportive measures may include, but not be limited to:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of campus

The Women's Gender and Sexuality Resource Center (WGSRC) provides on-campus peer advocate training and resources. The WGSRC offers knowledgeable support to survivors of sexual violence; to students questioning their gender, sexuality, sex, or relationships; or to students experiencing depression, anxiety, or psychological/emotional distress.

***Emergency Removal***

The University retains the authority to remove a respondent from the University's program or activity on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If the University determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The student may immediately submit a written appeal of the removal decision to the Vice President of Student Affairs. The Vice President of Student Affairs or designee must issue a written decision within five (5) calendar days of receiving the student's written appeal.

***Administrative Leave***

The University retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process.

### ***Filing a Formal Complaint/The Title IX Grievance Process***

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than one hundred twenty days (120) calendar days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below. To file a Formal Complaint, a complainant must provide the Title IX Coordinator with a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of the University, including as an employee. For complainants who do not meet these criteria, the University will utilize existing policy in the Student Code of Conduct and/or Sexual Misconduct Policy.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine whether a Formal Complaint is necessary. The University will inform the complainant of this decision in writing, and the complainant need not participate in the process further, but will receive all notices issued under this Policy and Process. Nothing in the Title IX Grievance Policy or the Student Code of Conduct prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### ***Informal Resolution***

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the University's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent.

### ***Multi-Party Situations***

The University may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

### ***Determining Jurisdiction***

The Title IX Coordinator or another appropriate official without a conflict of interest or bias will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020,
2. The conduct is alleged to have occurred in the United States,
3. The conduct is alleged to have occurred in the University's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all the elements are met, the University will investigate the allegations according to the Grievance Process. Complaints brought before August 14, 2020, will be investigated and adjudicated according to the Sexual Misconduct Policy 117.0 if a case is not complete by that date.

***Allegations Potentially Falling Under Two Policies:***

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied to the investigation and adjudication of only the allegations that constitute covered sexual harassment.

***Mandatory Dismissal***

If any of these elements is not met, the Title IX Coordinator or another appropriate official, without a conflict of interest or bias, will notify the parties that the Formal Complaint is being dismissed under the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

***Discretionary Dismissal***

The Title IX Coordinator or another appropriate official without a conflict of interest or bias may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint,
- The respondent is no longer enrolled or employed by the University; or,
- If specific circumstances prevent the University from gathering sufficient evidence to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.
- Any party may appeal a dismissal determination using the process outlined in “Appeals,” below.

***Notice of Dismissal***

Upon deciding that the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their University email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

***Notice of Removal***

Upon dismissal for Title IX, the University retains discretion to utilize the Student Code of Conduct and/or Sexual Misconduct Policy to determine if a violation of the Student Code of Conduct and/or Sexual Misconduct Policy has occurred. If so, the University will promptly send a written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the other conduct process.

***Notice of Allegations***

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their university email accounts if they are a student or employee, and by other reasonable means if they are neither.

The University will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

### **Contents of Notice**

*The Notice of Allegations will include the following:*

- Notice of the University's Title IX Grievance Process, including any informal resolution process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made after the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source.
- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **Ongoing Notice**

If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered as "sexual harassment" falling within the Title IX Grievance Policy, the University will notify the parties whose identities are known of the additional allegations by their University email accounts or other reasonable means.

The parties will be provided with sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### **Advisor of Choice and Participation of Advisor of Choice**

The University will provide the parties with equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

The Advisor of Choice is a person chosen by the Complainant or the Respondent, if desired, to assist in the complaint and resolution process. The advisor may be someone else chosen by the individual and can be someone from inside or outside of the University community. The advisor of choice may be, but is not required to be, an attorney. If a formal complaint is addressed through a formal hearing, the complainant and respondent must have an advisor to conduct cross-examination at the live hearing. If either party does not have an advisor for the live hearing, an advisor of the University's choosing will be assigned at no cost to the party.

An advisor may not obstruct, impede, or delay any proceedings under this policy, and may not engage in discourse or conduct that is disrespectful or abusive. The investigator, hearing officer, or adjudicator has the discretion to limit the advisor's participation in response to such behaviors.

### ***Notice of Meetings and Interviews***

The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

### ***Delays***

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee), provided that the requester provides reasonable notice and the delay does not overly inconvenience other parties.

The Title IX Coordinator shall have the sole judgment to grant further pauses in the Process.

### **Investigation**

#### ***General Rules of Investigations***

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

The University and not the parties have the burden of proof and the burden of gathering evidence, i.e., the responsibility to show a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence (i.e., evidence that tends to prove and disprove the allegations) as described below.

#### ***Inspection and Review of Evidence***

Before the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party equal opportunity to meaningfully respond to the evidence before the conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Relevant Evidence, even if that evidence does not end up being relied upon by the University in determining responsibility.

2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider before when the parties' time to inspect and review evidence begins.

The University will send the evidence made available for each party and each party's advisor, if any, to inspect and review. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request.

The University will provide copies of the parties' written responses to the investigators to all parties and their advisors, if any. Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. The parties and their advisors agree not to photograph or otherwise copy the evidence.

#### ***Inclusion of Evidence Not Directly Related to the Allegations***

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

#### **Investigative Report**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, will provide that Report to the parties at least ten (10) calendar days before the hearing for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations- relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

#### **Hearing**

##### ***General Rules of Hearings***

The live hearing may be conducted with all parties physically present in the same geographic location, or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through remote video conferencing. This technology will enable participants to see

and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors not within a party's control. All proceedings will be recorded through audiovisual recording. That recording or transcript will be made available to the parties for inspection and review.

### ***Continuances or Granting Extensions***

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### ***Newly Discovered Evidence***

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a party identifies new evidence or witnesses that were not reasonably available before the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Decision-maker will consider this request and determine (1) whether such evidence or witness testimony was unavailable by reasonable effort before the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence. If the Decision-maker answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

### ***Participants in the live hearing***

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### ***Complainant and Respondent (The Parties)***

- The parties cannot waive the right to a live hearing.
- The University may still proceed with the live hearing in the absence of a party and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party.

For example, A verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, or digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.

For additional information, please consult the [U.S. Department of Health Office for Civil Rights](#) or access it with the provided QR code.

- The University will not threaten, coerce, intimidate, or discriminate against the party in an attempt to secure the party's participation.



- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross-examination or other questions.

*The Decision-maker*

- The hearing body will consist of a single decision-maker.
- The Decision-maker will not have served as the Title IX Coordinator, Title IX Investigator, or advisor to any party in the case, nor may the Decision-Maker hear the appeal if filed.
- The Decision-maker will not have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor of or against the parties to the particular case.
- The Decision-maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

*Advisor of choice*

- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the University will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor of or against the parties to the particular case.
- If a party does not attend the live hearing, the party’s advisor may appear and conduct a cross-examination on their behalf.
- If neither a party nor their advisor appears at the hearing, the University will provide an advisor to appear on behalf of the non-appearing party.

*Witnesses*

- Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation.
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

***Prehearing Conference***

Each party will have their own pre-hearing conference. The Title IX Coordinator will communicate to the parties, their advisors, and the Hearing Chair the date, time, and format for their Pre-Hearing Conference. The Title IX Coordinator, the Hearing Chair, and the advisor must be in attendance. While the parties are strongly encouraged to attend, they are not required to do so.

- During the Pre-Hearing Conference, the advisors must share with the Hearing Chair their list of witnesses to appear at the hearing, the identity of any requested witnesses that were not questioned during the investigation, the request for any new evidence to be considered that was not submitted previously to the investigators, and the availability of the advisor and the party for hearing dates.
- Evidence and witnesses may only be presented at the hearing if they were submitted to the investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigative report was submitted.
- The Hearing Chair will address any requests to present new evidence and new witnesses at the Pre-Hearing Conference.
- The advisor is strongly encouraged to discuss lines of questioning with the Hearing Chair at the Pre-Hearing Conference to obtain guidance from the Hearing Chair on relevancy before the hearing. The Hearing Chair will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.
- After reviewing each party's witness list, the Hearing Chair may, at their discretion, add names of other witnesses contained in the report to appear at the hearing and submit to cross-examination.
- After the conclusion of the Pre-Hearing Conferences, the Title IX Coordinator will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur within five (5) working days after the conclusion of the final pre-hearing conference

### ***Hearing Procedures***

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- Decision-maker will open and establish rules and expectations for the hearing.
- The Parties will each be allowed to provide opening statements,
- Decision-maker will ask questions of the Parties and Witnesses,
- Parties will be given the opportunity for live cross-examination after the Decision-maker conducts its initial round of questioning; during the Parties' cross-examination, the decision-maker will have the authority to pause cross-examination at any time to ask the decision-maker follow-up questions; and at any time, as necessary to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.
- The Parties will each be allowed to provide closing statements.

### ***Live Cross-Examination Procedure***

Each party's advisor will conduct a live cross-examination of the other party or parties and witnesses. During this live cross-examination, the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including challenging credibility directly, orally, and in real-time. Before any cross-examination question is answered, the decision-maker will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, included by the decision-maker, may be deemed irrelevant if they have been asked and answered.

### ***Review of Recording***

The recording of the hearing will be available for review by the parties within 5 (five) working days unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

### ***Determination Regarding Responsibility***

#### ***Standard of Proof***

The University uses the preponderance of the evidence standard for investigations and determinations regarding the responsibility for formal complaints covered under this Policy. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Policy occurred.

### ***General Considerations for Evaluating Testimony and Evidence***

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party's or witness's credibility based on the party or witness's status as a complainant, respondent, or witness, nor shall they base their judgments on stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. Still, credibility judgments should not rest on whether a party's or witness's testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight compared to other testimony to first-hand testimony by parties and witnesses regarding their memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness's testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

While the expert witness will be allowed to testify and be cross-examined, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross-examination and regardless of whether all parties present experts as witnesses.

The University allows parties to call character witnesses to testify. While the character witnesses will be allowed to testify and be cross-examined, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that the University admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be

cross-examined as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-maker may draw an adverse inference as to that party or witness's credibility.

### ***Components of the Determination Regarding Responsibility***

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their University email account or other reasonable means as necessary. The Determination will include:

- Identification of the allegations potentially constituting covered sexual harassment,
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held,
- Findings of fact supporting the determination,
- Conclusions regarding which section of the Policy, if any, the respondent has or has not violated.

For each allegation:

- A statement of, and rationale for, a determination regarding responsibility,
- A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
- A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

### ***Timeline of Determination Regarding Responsibility***

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within ten (10) calendar days of the completion of the hearing.

### ***Remedies and Sanctions***

Sanctions must be designed to restore or preserve equal access to the University's education program or activity. When the Respondent is an employee, examples are:

- Letter of Reprimand
- Mandatory Training
- Suspension (paid or unpaid)
- Termination

*When the Respondent is a student, examples are:*

- Restitution
- Restricted Access
- Living Unit Probation
- Living Unit Dismissal (May have monetary impact, requiring student to pay for the terms of the housing contract).
- Disciplinary Probation

- Disciplinary Probation with Restrictions
- Alcohol/Drug/Anger Assessment
- Suspension
- Dismissal (May have monetary impact, requiring student to pay for the terms of the housing contract)

### ***Finality***

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### ***Appeals***

Each party may appeal (1) for the dismissal of a formal complaint or any included allegations, and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within seven (7) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the University’s procedures),
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter,
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of an appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal. If a party appeals, the University will, as soon as practicable, notify the other party in writing of the appeal; however, the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than ten (10) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that a technical malfunction caused the appeal document not to meet these standards. The appeal will be submitted to the Title IX Coordinator.

Appeals will be decided by the President’s Designee, who will be free of conflict of interest and bias and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter.

The outcome of the appeal will be provided in writing simultaneously to both parties and will include the rationale for the decision.

### **Retaliation**

The University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual to interfere with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination to interfere with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

*Complaints alleging retaliation may be filed with the Title IX Coordinator.*

**Title IX Pregnancy Policy** - Otterbein University shall provide support and modifications to people experiencing pregnancy or related conditions to ensure equal access to Otterbein University's program or activity. Pregnancy or associated conditions include pregnancy, childbirth, termination of pregnancy, lactation, medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation, and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Otterbein University treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants for employment may also contact Human Resources for more details because additional workplace laws and policies apply.

Application of Section 504/Americans with Disabilities Act to this Policy

Otterbein University complies with the requirements of the Americans with Disabilities Act. Parties may request reasonable accommodation for disabilities from the Title IX Coordinator. With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with Disability Services to ensure that approved reasonable accommodations (disability-related) are implemented. Accommodation approved by Disability Services must be implemented.

When a student and/or a parent of a minor student, or other authorized legal representative, informs a school employee of a student's pregnancy or related conditions, the university must provide both the student and the reporting individual with information about the school's Title IX policy. Schools are prohibited from disclosing personally identifiable information they obtain through complying with Title IX, including information about reasonable modifications for pregnancy or related conditions.

The University will:

- Provide a reasonable break time and access to a clean, private lactation space for students and employees.
- Allow students to continue participating in classes and extracurricular activities, but do not pressure students to do so.
- Allow students to participate in special instructional programs or classes for pregnant students, but do not pressure them to do so.
- Protected students cannot be required to have special certification and/or medical documentation that is not required of other students to either participate in or be absent from class or related activity.
- Provide reasonable adjustments, like a larger desk, elevator access, or allowing students to make frequent trips to the restroom, when necessary, because of pregnancy.
- Allow for a leave of absence voluntarily for the amount of time deemed medically necessary by the student's licensed healthcare provider
- Allow the student to voluntarily access any separate and comparable portion of the recipient's education program or activity.
- Not refusing to allow a student to submit work after a deadline missed because of pregnancy or childbirth.

### ***Recordkeeping***

The University shall maintain for seven (7) years records of (A) Each sexual harassment investigation including any determination regarding responsibility and any audiovisual recording required under this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the University's education programs or activities; (B) Any appeal and the result therefrom; (C) Any informal resolution and the result therefrom; and (D) All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

Enacted: August 14, 2020

Revised: July 26, 2021, October 15, 2021, July 18, 2022, August 2023, October 2024

Any informal resolution and the result thereof, and (D) all material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

117.0 Sexual Misconduct. Student Code of Conduct.

### ***Students' Rights***

Complainant

- To have all allegations of sexual misconduct taken seriously and to be given a timely and respectful response.

- To be given amnesty (Complainant and witness) for minor student misconduct violations (such as alcohol or drug use) that are secondary to the sexual misconduct incident. To be informed of immediate measures for medical care and preservation of evidence, if applicable
- To be informed about immediate measures for medical care and preservation of evidence, if applicable.
- To be informed about the University and community support services and student conduct.
- To be told about criminal and student conduct reporting options and the right to be assisted by campus authorities.
- To learn about possible protective measures, including but not limited to changes in class schedules, alternative housing assignments, campus employment, and restricted contact.
- To be offered a trained University faculty/staff member to serve as a support person and resource.
- To have an advisor other than the university-provided support person to assist during the investigation and resolution process.
- To have related policy, process, and support information explained clearly and fully at every stage of the conduct process.
- To suggest names of witnesses to be interviewed during the investigation process and provide the investigator with questions that they would like to ask of the complainant or witness.
- To review, consistent with FERPA, and the evidence gathered.
- To be informed in writing of the outcome of the student conduct proceeding and appeal procedure at the same time the Respondent is informed.
- To be notified of any changes in the investigation results before they become final.
- To be notified when the results become final.

Respondent:

- To be informed of all allegations of sexual misconduct in a timely and respectful manner.
- To be presumed not responsible for the alleged conduct before the determination regarding responsibility after the Title IX Grievance Process.
- To be given amnesty (Respondent and witness) for minor student misconduct violations (such as alcohol or drug use) that are secondary to the sexual misconduct incident.
- To be informed about the University and community support services and resources.
- To learn about possible measures, including but not limited to changes in class schedules, alternative housing assignments, campus employment, and restricted contact.
- To be offered a trained University faculty/staff member to serve as a support person and resource.
- To have an advisor other than the university-provided support person to assist during the investigation and resolution process.
- To have related policy, process, and support information explained clearly and fully at every stage of the conduct process.
- To suggest names of witnesses to be interviewed during the investigation process and provide the investigator with questions that they would like to ask of the complainant or witness.
- To review, consistent with FERPA, any evidence gathered.

- To be informed in writing of the outcome of the student conduct proceeding and appeal procedure at the same time the Complaint is informed.
  - To be notified of any change in the investigation results before they become final.
- Enacted: August 14, 2020/Revised July 26, 2021, November 2022, October 2024.

## 117.0 University Sexual Misconduct Policy

Section 100: Standards of Excellence	Policy Number: 117.0 Sexual Misconduct
New: _____ Revised: <u> X </u>	Effective Date: January 1, 2014 Last Revised: November 2022
Scope: Faculty, Staff, Students, Appointees, Volunteers, Visitors, and Vendors	Authority: Office of Human Resources Approved By: President’s Cabinet

### Philosophy

Members of the University community, guests, and visitors have the right to be free from all forms of gender and sex-based discrimination, including sexual misconduct. This includes acts such as sexual assault, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to behave in ways that respect the rights of others. When a respondent is found to have violated this policy, sanctions and other appropriate measures will be applied to effectively stop the misconduct, address its effects, eliminate any hostile environment, and prevent its recurrence. This policy reaffirms these principles and provides recourse for individuals whose rights have been violated. It also aims to define community expectations and establish a process for identifying violations. Additionally, retaliation against anyone who reports or participates in proceedings under this policy is prohibited. Those who engage in retaliation will face disciplinary action.

### Statement

The University Sexual Misconduct policy and grievance procedures apply to complaints of sexual misconduct in or impacting a University program or activity. This includes sex or gender-based harassment, sexual assault, and sexual violence carried out by employees, faculty, students, and third parties. The University has jurisdiction to investigate and remedy all Title IX-related matters that occur on campus or at a University-sponsored event. Specifically, this includes academic, educational, extracurricular, athletic, and any other school programs, whether those programs take place in a school’s facilities, on a school bus, at a class or training program sponsored by the school at another location, during study abroad, or elsewhere. Additional examples include school-sponsored field trips, school-recognized fraternity or sorority houses, athletic team travel, and events for school clubs that occur off campus.

The University also has jurisdiction to investigate and remedy off-campus incidents if (1) the University has control over the Respondent and (2) has control over the context of the misconduct (on University property, in our programs, on land we lease or control, or at events we sponsor).

If the incident does not meet both prongs above, the University may still provide support to the Complainant, including counseling and assistance on how to file a criminal complaint with the appropriate law enforcement agency. The University will address off-campus sexual misconduct that creates a hostile environment on campus.

### **Summary of Process**

Upon receipt of a complaint, the University's process involves an immediate initial investigation to determine if, assuming the facts in the complaint to be true, the complaint would state a violation of this policy. If so, the University will initiate a prompt, thorough, and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether the University Sexual Misconduct Policy has been violated. If so, the University will implement a prompt and effective remedy designed to end the sexual misconduct, prevent its recurrence, and address its effects. Upon a determination that a complaint does not present a violation of this policy but may present a potential violation of another University policy, the complaining party will be informed.

### **Definitions**

**Sexual Misconduct:** Sexual misconduct is a form of sex- and gender-based discrimination. Sexual misconduct includes the following:

1. *Non-consensual sexual intercourse:* 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:* any intentional sexual touching, either by the offender or when the complainant is forced to touch, with any body part or object without consent.
3. *Sex- and gender-based discrimination:* Discriminatory treatment based on sex, gender, or gender identity. Gender-based discrimination can include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sex-stereotyping can include the expectation that a person conforms to certain behaviors, mannerisms, or appearances stereotypical of their biological sex.
4. *Sexual Harassment:* In the employment context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

In the educational context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual's ability to participate in or benefit from the University's educational program and activities.

It takes two forms: power differentials (*quid pro quo*) or hostile environment:

A. *Quid pro quo* sexual harassment exists when:

- There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or

- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting such individual.
- B. Hostile environment in the employment context includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

A hostile environment in the educational context includes any situation in which there is harassing conduct that limits, interferes with, or denies educational benefits or opportunities, from both a subjective (based on complaints) and an objective (what a reasonable person would consider) viewpoint.

The determination of whether an environment is "hostile" is based on the totality of circumstances. These circumstances may include:

- The degree to which the conduct interfered with the complainant's educational or work performance,
- The type, frequency, and duration of the conduct,
- The identity of and relationship between the accused and the complaint(s),
- The number of individuals involved,
- The age and sex of the accused and the complaint(s),
- The location of the incident(s) and the context in which it occurred,
- The nature and severity of the conduct,
- Whether the conduct was physically threatening,
- Whether the conduct was humiliating,
- The effect of the conduct on the complainant's mental or emotional state,
- Whether the conduct arose in the context of other discriminatory conduct,
- Whether the speech or conduct deserves the protection of academic freedom or the First Amendment,
- A single or isolated incident of sexual harassment (e.g., rape) may be severe enough to create a hostile environment.

See also the University's Discrimination and Harassment Policy.

5. *Sexual Exploitation*: taking non-consensual, unjust, or abusive sexual advantage of another. Examples include but are not limited to prostitution, another student or employee, non-consensual pictures, video-, or audio-recording of sexual activity, including on social media or texting. Includes sharing videos, photos, and recording as such on social media, even if the media was obtained consensually. Engaging in non-consensual voyeurism and knowingly transmitting or exposing another person to a sexually transmitted infection (STI) without the knowledge of the person.
6. *Stalking*: engaging in a course of conduct that includes two or more acts directed at a specific person, based on gender or sexual orientation, that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress whether the alleged perpetrator directly, indirectly, or through third parties, by an action, method,

device, or means, follow, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property.

7. *Domestic Violence*: violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child, by a person with who is or was cohabitating with he complainant as a spouse or intimate partner similarly situated to a spouse of the complainant, and/or by any other person against an adult or youth victim who is protected from the person under the domestic or family violence laws.
8. *Dating Violence*: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship is determined based on the following factors: length of the relationship, type of relationship, and frequency of interaction between the people involved in the relationship.
9. *Indecent Exposure*: 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.
10. *Sexual Violence*: sexual violence includes a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.
11. *Pregnancy*: discrimination based on sex can include discrimination based on pregnancy or pregnancy-related conditions, such as childbirth, false pregnancy, termination of a pregnancy, miscarriage, or recovery from any of these conditions. The University provides reasonable accommodations for limitations imposed by pregnancy-related conditions under applicable law.

Consent: Informed, freely and actively given, mutually understandable words of action, which indicate a willingness to engage in mutually agreed upon sexual activity.

- Consent is active, not passive
- Silence or lack of resistance, in and of itself, cannot be interpreted as consent.
- Consent can be given by words, actions, or behaviors those words, actions, or behaviors create mutually understandable, clear permission regarding willingness to engage in the conditions of sexual activity: who, what, when, where, why, and how sexual activity will take place.
- Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity.
- Consent can be withdrawn at any time by word or action.
- Previous relationship or prior consent to current or future sexual acts.

To be effective, consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion.

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion.
- Coercion is an unreasonable pressure for sexual activity. When a person indicates by words or actions that they do not want to engage in sexual activity, want to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Intimidation is implied threats, including the exertion of perceived or actual power resulting from position or stature.
- A person must be of legal age (16) to give consent.

An incapacitated person cannot give consent. Sexual activity with someone who one should know to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout) is not consented to sexual activity and therefore is a violation of this policy.

- Incapacitation is a state where someone cannot make rational, reasonable decisions.
- Incapacitation may result from mental disability, sleep, involuntary physical restraint, and alcohol or drug impairment, including taking “rape drugs.” A rape drug is any drug intentionally used to incapacitate another victim to assist in the execution of drug-facilitated sexual assault.
- Possession, use and/or distribution of any so-called “rape drug” is prohibited, and administering these drugs to another person is a violation of this policy.
- Being under the influence of alcohol or other drugs will not excuse behavior that violates this policy.

Identification of Parties as used in this Policy: Complainant, an individual who brings forth a concern of sexual misconduct.

- Respondent, an individual who is accused of sexual misconduct,
- Title IX Coordinator, University employee responsible for overseeing all investigations related to sexual misconduct, to ensure prompt, fair, and impartial investigation and resolution. They will coordinate the intake, investigation, and review of all complaints that fall within this policy

### **Reporting Resources**

Promptly seeking information can be very helpful to anyone who may want to report sexual misconduct. Reporting incidents is important to address sexual misconduct on campus. There are a number of options to provide information to assist with the process to make an informed decision.

### **Specific reporting requirements for minors on campus**

1. Any faculty, staff, appointee, student, student employee, graduate assistant, vendor, or volunteer who in the course of their duties witnesses child abuse (including sexual abuse) or neglect or has information that would lead a reasonable person to believe the minor faces a substantial threat of such abuse or neglect must immediately make two calls and within one business day submit one report as described below.
  - a. Call: 911 (child in imminent danger) or Children's Services Agency (not imminent danger)
    - i. If a child is in imminent danger (life-threatening or abuse is being witnessed), call local law enforcement authority at 911, or
    - ii. If the child is not in imminent danger, call the Children’s Services Agency at 855-O-H-CHILD (855-642-4453), which is a 24-hour automated telephone directory that will link callers directly to a child welfare or law enforcement office in their county. Municipal or county police officers can be contacted as an alternative to Children’s Services.
  - b. Call: Otterbein Police Department at 614-823-1222
    - i. The Otterbein Police Department must notify the Director of Human Resources.
  - c. Report: The faculty, staff, appointee, student employee, graduate assistant, or volunteer must then complete a Child Abuse, Sexual Abuse, or Neglect Incident Report and submit it to the Office of Human Resources within one business day.

2. If consultation is needed regarding reporting, or if there are questions on the process or other support needed, please contact the Director of Human Resources at 614-823-1222.

### **Confidentially Generally**

Otterbein will make every effort reasonably possible to preserve the privacy of an individual who makes an official report and to protect the confidentiality of the information reported. When a Complaint requests that no action be taken or that their name not be used, the Complaint will be advised that the University's ability to respond will be limited, but the University will take all appropriate action consistent with the request. However, there will be a situation in which the University may decide to override a request for confidentiality or that no action be taken, considering the nature of the incident or threat to the campus community. Such considerations include the risk of additional attacks, the use of weapons or drugs, multiple attackers, past conduct, and the attack was accompanied by other crimes or threats. Therefore, Complainants desiring to make truly confidential reports should review the confidential reporting section below.

The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional consultation should make these limits clear before any disclosure of facts. The Individuals/offices below are recognized by the University as being able to receive confidential reports.

#### **Employee Confidential Resources:**

Employee Assistance Program 800.227.6007  
(access code: "cardinals")

#### **Student On-Campus Confidential Resources:**

Counseling 614.823.1333  
Cardinal Connect 24/7 Support Line 833.434.1217

#### **Off-Campus Confidential Resources for Employees and Students:**

SARNCO (Sexual Assault Response Network of Central Ohio) 614.267.7020  
The Center for Family Safety and Healing 614.722.8200  
CHOICES 24 Hour Domestic Violence Hotline 614.224.4663  
Mt. Carmel Crime & Trauma Assistance Program 614.234.5900  
Buckeye Region Anti-Violence Hotline (BRAVO) 614.294.7867  
Rape, Abuse, and Incest National Network (RAINN) 800.656.4673  
(National hotline that connects callers to their nearest rape crisis line.)

#### **Anonymous Reporting:**

The following resources provide anonymous reporting options. Anonymous reporting may limit the University's ability to fully investigate and resolve the complaint.

Campus Conduct Hotline 866.943.5787

Otterbein Police Silent Witness online form at: <https://www.otterbein.edu/police/silent-witness-form/>

As required by law, all disclosures to any Otterbein employee of an on-campus sexual assault are tabulated for statistical purposes without personal identifying information.

### **Non-Confidential Reporting**

The following options for reporting are not confidential in that other University employees with a need to know, to stop the conduct, investigate, and resolve the matter, will know of the complaint.

Employees, students, guests, and third parties are encouraged to report complaints to the Title IX Coordinator/Dean of Students: Julie Saker at [jsaker@otterbein.edu](mailto:jsaker@otterbein.edu), 614.823.1554.

### **Sexual Assault Reporting**

Following an incident, the Complainant and/or their colleagues may contact the Title IX Coordinator, who can explain all aspects of the reporting process, support measures, and possible next steps. If the Respondent (accused person) is an Otterbein employee, the Director of Human Resources may join the Dean of Students for investigative meetings if a complaint is filed.

Victims of sexual assault are encouraged to get to a safe place and obtain immediate medical treatment. Calling 911 is important to obtain immediate medical assistance and medical support, and to preserve evidence. Students and employees are encouraged to report sexual assaults to the Otterbein Police Department or the Westerville Police Department immediately following the incident if possible. An officer from the Otterbein Police Department will meet with the student to take a report. The Complainant can make decisions about their level of involvement in an investigation and potential criminal or campus student conduct action. Otterbein Police will provide assistance in preserving relevant materials and will obtain, secure, and maintain evidence needed for the criminal and employee/student conduct proceedings.

### **Contact Information Includes:**

Otterbein Police	614.823.1222
Westerville Police	614.882.7444 or 911

Individuals with complaints of this nature also always have the right to file a formal complaint with the United States Department of Education.

Office of Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline: 800.421.3481  
TDD# 877.521.2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Any false report of behavior or incidents alleging sexual misconduct, with an intent to mislead, is a violation of this policy.

The following Official will provide privacy, but no confidentiality, upon receiving a report of conduct prohibited under this policy:

- Julie Saker
- Investigators
- President
- Provost and Senior Vice President for Academic Affairs
- Executive Vice President for Strategic Initiatives
- Vice President of Business Affairs
- Vice President of Institutional Advancement
- Assistant Vice President for Institutional Advancement
- Assistant Vice President for Enrollment Management – Data and Operations
- Assistant Vice President for Enrollment Management – Strategic Initiatives
- Director of Residence Life

### **Official of Authority**

An official of the Authority is a responsible employee who must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), and any witnesses, and any other relevant facts, including the date, time, specific location of the alleged incident. To the extent possible, information reported to an official of authority employee will be shared only with people responsible for handling the University’s response to the report.

Before a victim reveals any information to an official of authority, the official should ensure that the victim understands the official’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources as designated in this policy.

If the victim wants to tell the official of authority what happened, but also maintain confidentiality, the employee should tell the victim that the University will consider the request but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the official will also inform the Coordinator of the victim’s request for confidentiality.

Officials of Authority will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the University to fully investigate an incident. By the same token, the official will not pressure a victim to make a full report if the victim is not ready to.

The University will not tolerate retaliation in any form against the student, faculty, or staff who file a complaint (Complainant), against whom a complaint has been filed (Respondent), serves as a witness, assists the Complainant or Respondent, or participates in an investigation of discrimination or harassment. The University will take steps to prevent retaliation or recurrence of any sexual misconduct against the Complainant or others.

### **Informal Resolutions**

A complainant may request, or the Title IX Coordinator may propose that the parties explore an informal resolution. The informal resolution process is intended to provide a prompt, effective, and mutually

agreeable resolution, but does not result in a formal investigation or disciplinary action against a respondent. Typically, an informal resolution involves a meeting with the Title IX Coordinator to explore mutually agreeable solutions. Participation is voluntary, and a complainant or respondent may terminate the informal resolution process at any time and request a formal resolution. Further, if the informal resolution does not prove effective in stopping the prohibited conduct, addressing its effects, and preventing its recurrence, the complaint may pursue formal resolution. Records of informal resolutions will be maintained by the Title IX Coordinator for tracking and enforcement purposes. The results of an informal resolution may be taken into account when fashioning a sanction in a subsequent proceeding.

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Revised: July 26, 2021; October 15, 2021; July 18, 2022; October 2024

## **GOVERNANCE**

**Campus Governance** - Students at Otterbein have a unique opportunity to take part in campus governance. Through informal student groups, residence hall councils, membership in the Otterbein University Student Government and its standing committees, University Senate and its standing committees, and representation on the Board of Trustees, you are encouraged to take part in developing the decisions that govern and guide the entire University community. In addition to valuable experience in the workings of legislative bodies, you will come to know faculty and staff members who are working with those same groups for the betterment of Otterbein.

The Otterbein University governance system is designed so that all segments of the University community are represented on legislative bodies, but not all are selected by the same process. This information is intended to help clarify and guide you through the election process.

On September 1, 1970, Otterbein became one of the first institutions in the nation to form a University Senate with a combined membership of administrators, faculty, and students. Most academic institutions have separate student and faculty senates, with students having a minimal voice in decision-making. At Otterbein, the University Senate provides for the student voice to be equal to the faculty voice. For this system to be successful, there must be active participation by all members of the campus community.

The University Senate acts as a legislative body in matters delegated to it by the Board of Trustees. These include the following:

- To assist in establishing the educational aims and purposes of the University,
- To establish, subject to the approval of the Board of Trustees, academic standards and policy for the admission, retention, and graduation of students,
- To make recommendations to the Board of Trustees concerning the awarding of honorary degrees,
- To establish, subject to the approval of the Board of Trustees, the curriculum necessary to achieve the educational aims of the University, as well as to review periodically that curriculum,
- To approve the basic framework of the academic calendar,
- To approve annually the academic calendar,

- To review recommendations from the Student Assembly affecting student regulations and make recommendations to the appropriate administrators or the Board of Trustees.
- To review appeals from the Student Assembly concerning charters for campus organizations,
- To make recommendations to the appropriate constituent assemblies, committees, administrative officers, or the Board of Trustees, concerning other matters relating to the welfare of the University.

The student members of the University Senate are those students elected or appointed to serve on the Otterbein University Student Government for that academic year. Elections are held in the spring term, with candidate application materials being made available in early January. Positions for 1st-year students are elected in the fall term immediately after the start of school. All enrolled students are eligible to run for election. Committee appointments are made by the end of the spring semester, and not all committee members are required to be Student Government members. Students may complete a Standing Committee Appointment – Statement of Interest available on the student government website.

If you have any questions about how to join the Student Government or to be appointed to University Senate standing committees, please contact [StudentGovernment@otterbein.edu](mailto:StudentGovernment@otterbein.edu) or call the Center for Student Engagement at 614.823.3202.

**SENATE MEMBERSHIP** - As specified in Article II of the Otterbein University Bylaws, the University Senate is composed of representatives of administrators, faculty, staff, and students.

- Sixty faculty members selected according to procedures developed by the Faculty Assembly.
- Sixty students were selected according to procedures developed by the Student Assembly.
- Twenty-two members of the Administrators Assembly, selected according to procedures developed by the Administrators Assembly.
- Eight members of the Staff Assembly, selected according to procedures developed by the Staff Assembly.
- The President of the University, the Provost of the University, and four additional senior administrators, selected by the President.
- The chairs of the standing committees of the University Senate.

Membership in the University Senate shall extend from July 1 to June 30. Elections to the Senate and committees will be held during the spring semester.

### **ELECTION PROCEDURES**

**STUDENT TRUSTEE** - Students will be notified when there is an opening for a student trustee on the Board of Trustees. Students who are interested in serving as a student trustee will complete the form and return it to the President's Office by the deadline indicated. A committee comprised of two current students and faculty trustees, along with the Vice President and Dean for Student Affairs, will review applications and prospective candidates to be interviewed by the Governance Committee of the Board of Trustees. The Governance Committee of the Board of Trustees will nominate a candidate to be selected by the full Board. Two Student Trustees will serve on the Board. The Student Trustees will hold membership on various committees of the Board, vote on University issues, and express student needs

and concerns. The term of office is four years or until the student graduates or leaves the University, whichever occurs first.

***Procedure for Endorsement***

- Acquire a Student Trustee petition form from the Campus Center, President’s Office or other locations as announced.
- Attach two letters of recommendation.
- Have the petition signed by a current Trustee.
- Return the petition to the President’s Office by the deadline indicated on the application form.

**STUDENT GOVERNMENT** – All students elected to Student Government serve as student members of the University Senate, representing the student body at the University Senate meetings. Senators vote on issues presented by the Senate committees and/or individual senators. Questions about Otterbein University Student Government (OUSG) may be directed to [studentgovernment@otterbein.edu](mailto:studentgovernment@otterbein.edu).

***Procedure for Election***

- Complete the “Candidate Registration Packet” posted on the Student Government section under the “Main Menu” of My O-Zone.
- Return the form to the Center for Student Engagement by the designated date and time.

**Voting** – Each student shall be invited to cast a ballot for the student government members through an online voting process.

**COMMITTEE APPOINTMENTS**

Procedure for Appointments to Committees

Each assembly is responsible for appointing members to the designated University Senate Standing Committees according to the committee compositions as outlined in the Senate Bylaws.

Students wishing to serve on University Senate standing committees or judicial boards must complete a Standing Committee Appointment – Statement of Interest, available on the Student Government website, and submit all required materials by the dates and times listed. Appointments of student members to University Senate standing committees are made by the Executive Committee of the Otterbein University Student Government.

**STANDING COMMITTEES**

Five standing committees, whose task is to examine specific issues of the university, report to the Senate but function independently. The duties and requirements for membership of each committee are outlined in detail in the University Bylaws, Article VI.

Standing committee members shall consist of elected members from each constituent assembly as described in each section, and ex officio voting and non-voting members as described in each section. The Standing committees of the University Senate are the Mission and Values Committee, the Curriculum Committee, the Planning Committee, the Governance, Bylaws, and Communication Committee, and the Graduate Committee.

**Mission and Values Committee** – Promotes the integration of mission and core values into the everyday life and operation of the University by commenting on proposed actions by a constituent assembly, any administrative unit, the Cabinet, and the Senate. Membership: Three elected representatives of each of the constituent assemblies. The Director of Faith and Spiritual Life shall serve as a permanent ex-officio voting member and chair the committee.

**Mission and Values Subcommittees:**

**Diversity and Inclusion** – Regularly audits and assesses the campus climate related to diversity and inclusion. They may recommend implementing and monitoring campus policies and practices that promote a diverse and inclusive community. Membership: Three elected representatives by the Faculty, Administrators, and student constituent assemblies, and two elected representatives from the Staff assembly. The committee is chaired by a vice president appointed by the President. The Director of Human Resources, the Director of the Office of Diversity, and the Dean of University programs shall serve as permanent ex-officio voting members. Additional ex-officio non-voting members may be appointed.

**Sustainability** – Oversees sustainability efforts on campus. They may recommend, implement, and monitor campus policies and practices that ensure a sustainable future. Membership: Two elected representatives by the Faculty and Student constituent assemblies. Appointed representatives from each of the following: Service, Athletics, Business Office, Institutional Technology, Marketing and Communication, and Student Affairs. The Sustainability Coordinator shall serve as a permanent ex-officio non-voting member and chair. The committee may appoint additional ex-officio non-voting members.

**Curriculum Committee** – Considers all matters about the curriculum. Responsibilities include: Establishing, reviewing, and reporting University curriculum goals to the University Senate; Considering all changes in academic offerings, programs, curricular policies, University requirements, and specifications for majors, minors, and concentrations; and framing changes for approval by the University Senate where appropriate; Considering all changes in description of curriculum in University bulletins; Considering all matters about improvement of the curriculum; Initiating and considering major changes in the academic calendar pattern in coordination with the Planning Committee; Appointing subcommittees, including a General Education Committee. Membership: Ten faculty members (8 from different departments and 2 from different departments represented in the Graduate School), five students (4 from different departments and 1 from the Graduate School), and 2 elected by the Staff Assembly. The Director of the Integrative Studies Program, the Director of the Center for Student Success, the Director of the Library, and the Director of the Center for Community Engagement shall serve as permanent ex-officio members.

**Planning Committee** – Advises the Senate concerning the overall development of the University, University budget, total compensation, institutional effectiveness, master planning and comprehensive campaigns; Hears matters concerning University problems brought by any constituent assembly; Confers with the Trustees on matters requiring coordinated attention of the Trustees, administration, and constituent assemblies, except as otherwise provided in the Bylaws; initiates and considers major changes in the University academic calendar pattern in coordination with the Curriculum Committee. Membership: The chairs of the three Assemblies (or their designees), plus three elected representatives by each of the constituent assemblies, the chairs of the standing Senate committees, the CIO for Information & Technology Services, and the President and the Vice Presidents of the University. The

President's Chief of Staff shall serve as a permanent ex-officio non-voting member. The President shall chair the committee. Term limit: two-year rotating term for all elected members except students, who serve a one-year term.

***Planning Subcommittees:***

***Budget Subcommittee*** – Advises the President and the Board of Trustees concerning the University budget. Membership: Four faculty members, two students, four staff members elected by the respective assemblies, and the Vice President for Business Affairs with vote. The Senior Budget Analyst shall serve as a permanent ex-officio member without vote. One of the faculty members, selected by the subcommittee, shall co-chair with the Vice President for Business Affairs. Term limit: three-year rotating term for all elected members except students, who serve a one-year term.

***Total Compensation Subcommittee*** – Reviews the compensation and benefits available to University employees, reports findings, and makes recommendations to the President. Membership: Four faculty members, four staff members elected by their constituent assemblies, one representative from UAW Local 2005, and the Director of Human Resources with a vote. The HRIS/FIS Operations Directors shall serve as permanent ex-officio members without a vote. One of the faculty members, selected by the subcommittee, shall co-chair with the Director of Human Resources.

***Institutional Effectiveness Committee*** - Coordinates accreditation initiatives for the University; Works with academic and administrative departments and programs to ensure and document that the University is meeting the Higher Learning Commission's criteria for accreditation; Assists academic and administrative departments and programs undergoing program development and specialized external accreditation; Cultivates and nurtures a culture of accountability and responsiveness to program development throughout the campus community, including the sharing of data as appropriate. Membership: Six faculty members from different departments (including 1 from the Graduate School), two students, and two staff members elected by their respective constituent assemblies. A representative from the Provost's office and the Director of Institutional Research will serve as permanent ex officio members with a vote. In addition, the Vice Presidents of Student Affairs, Business Affairs, Enrollment Management, and Institutional Advancement, and the CIO for Information and Technology Services shall each appoint a member to the committee.

***Governance, Bylaws, and Communication Committee*** – Annually reviews functions of the University governance system and makes recommendations for changes; Ensures that all members of the University are aware of governance system functions and rules and procedures for conducting business; Ensures that committees follow Robert's Rules of Order by putting actions in the form of motions, recording votes, and posting minutes; Submits guidelines to committee Chairs regarding record keeping, communicating minutes and information to the Senate and library records, and submitting proposals to Senate; Ensures that communication flows openly between the various governing bodies of the University; Addresses questions involving interpretation of the University Senate Bylaws; Maintains a list of University committees and members in coordination with the Senate Secretary. Membership: Two members are elected by each constituent assembly. The Parliamentarian of the University

Senate shall serve as a permanent ex-officio member and chair the committee. Term limit: two-year rotating term for all elected members except students, who serve a one-year term.

**Graduate Committee** – Oversees all University administrative policies and procedures impacting graduate programs, including recruitment and admission, registration and payment of fees, record keeping, student support services, Graduate Assistants, library resources, student retention, commencement, and graduate capstone dissemination requirements. Membership: Two elected faculty representatives, one from a department offering a graduate degree and one from a department that does not offer a graduate degree, and two graduate students, each elected by their respective constituent assemblies. The Director of Graduate Studies from each department offering a graduate degree, the Associate Provost for Graduate Studies, the Executive Director of Admissions or 15 their designee, the Registrar, and one representative from each of the following areas: Financial Aid, Information Technology & Services, Marketing, Student Accounts, and the Library, all as ex officio voting members. The chair shall be a committee member with graduate faculty status.

## **Student Organizations**

There are many ways to get involved on campus, including joining student organizations with a variety of interests and topics. Student organizations identify themselves according to the following categories: Academic & Professional, Community Service, Creative & Performing Arts, Cultural & Diversity, Fraternities & Sororities, Honor Societies, Religious & Spiritual, Special Interest, Sport & Recreation, and Sports Clubs. Only full-time students are eligible to hold office in campus organizations. Anyone interested in more information concerning any of these organizations may contact the organization on CampusGroups ([Otterbein.campusgroups.com](http://Otterbein.campusgroups.com)) or the Center for Student Engagement ([cse@otterbein.edu](mailto:cse@otterbein.edu)).

*A list of campus organizations can be viewed on the CampusGroups website, which is accessible from the A-Z Index under Resources on O-Zone.*

**Organizational Agreements** – In the eyes of the larger community, every student, faculty member, and employee of Otterbein University who represents the University should conduct themselves with that realization in mind. All student organizations must be approved by the Otterbein University Student Government (OUSG) and must have at least one advisor who is employed by the University.

A group of students desiring to form a new organization of any kind on campus must email the Center for Student Engagement for information about the petition process. Until the Otterbein University Student Government approves the organization's registration materials, the organization may engage only in activities registered with and approved by the Center for Student Engagement. Violation of the procedure can result in the dissolution of the organization.

**Participation in Extracurricular Activities** – To be eligible to participate in some extracurricular activities, a student must be enrolled full-time, having at least 12 semester hours (9 credit hours for graduate students) of courses per semester, except graduating seniors. Please check with the respective

organization to see if the organization requires full-time status. Students must also have completed the online hazing prevention module.

For sororities and fraternities, members must have a 2.3 cumulative GPA to participate in activities coordinated and hosted by individual Chapters, Councils, and the Center for Student Engagement. To be eligible to join a sorority or fraternity, any first-year student must have a 2.75 cumulative high school GPA. For any student with at least one semester of college experience, they must have a 2.3 cumulative GPA to join a sorority or fraternity.

**Campus Rules and Their Applicability to Student Organizations** – As part of the Otterbein University community, student organizations represent and are considered accountable to the University. All organizations, as with the individuals who compose the University community, are expected to abide by the Otterbein University policies and regulations as they apply to them. All social events sponsored by student organizations must be scheduled on the University calendar. Campus sales and solicitations must follow the established guidelines. University policies as they apply to alcohol and gambling should be considered and referred to as they affect decision-making within campus organizations. The responsibility for seeing that these and other University regulations are followed lies with the individual organization, and failure to comply with University regulations may result in disciplinary action.

**Chaperones** – All University organizations are encouraged, but not required, to invite their advisors and/or members of the University faculty or staff to attend social events on/off campus.

**Movies on Campus** – Members of the Otterbein University community are expected to follow Federal Copyright Laws and policies that govern the screening of films on campuses. Student organizations and/or individuals who are interested in showing a movie on campus (including residence hall space) should first contact the Center for Student Engagement at 614.823.3202 or [cse@otterbein.edu](mailto:cse@otterbein.edu), located in the Campus Center. A staff member will meet with the student(s) to explain the process for purchasing public performance rights.

**Suspension** of any student organization is a revocation (withdrawal) of University recognition for a specified period. During the period of suspension, a student organization forfeits all the rights and privileges afforded to them by the University. A student organization whose recognition has been revoked must petition for recognition. Conditions for reinstatement of recognition will typically be outlined in the official notification sanction letter.

**Disciplinary Probation** indicates that the behavior of a student organization violates the Code of Conduct, and additional violations during the probationary period may result in suspension. It is imposed for a specific period and may include disciplinary restrictions. A representative of the organization on probation may be required to meet periodically with a designated Student Affairs staff member.

**A written Reprimand** is an official first-time violation notification that the behavior of the student organization is unacceptable. Authorized Student Affairs staff members may issue a written reprimand without a hearing for minor violations of the Code of Conduct. Written reprimands will be placed in the official disciplinary file of the student organization. Formal judicial charges may be filed for repeated violations.

## Public Discourse and Freedom of Speech

**Respect . . . Listen. . . Share . . . Learn**

Otterbein University encourages an open exchange of ideas as fundamental to the learning process. We strive to maintain a community where all members feel safe to voice their opinions. It is equally important that free expression does not cross boundaries in which members of the community feel they are targets of biased behavior. In this environment that highly values and encourages honest and open dialogue, it is of greatest concern that students feel their freedom of speech and their right to nondiscrimination are not compromised by fear of physical danger or verbal harassment. This section of the Campus Life Handbook is a compilation of statements, policies, and regulations that address public discourse and freedom of speech.

All of Otterbein policies are in agreement with the [Joint Statement of Rights and Freedoms of Students](#) webpage or access with the provided QR code, and/or a hard copy is also available in the Student Affairs Office at 65 West Home Street in the back of Hanby Hall on Cochran Alley.



### Policy to Address Bias on Campus

Otterbein University is committed to being an inclusive community that welcomes and accepts all. We recognize and celebrate differences. When an individual or group is disrespected or subject to discrimination or bias because of particular characteristics of social identity, like race or gender, it hurts the entire campus community. Every student, staff, and faculty member has a rightful place at Otterbein, and violence and bias-related incidents will be addressed by the University.

Bias-related incidents are defined as behavior that constitutes an expression of hostility against a person or property of another because of the targeted person's age, creed, disability, ethnic or national origin, gender, gender identity, gender expression, marital status, political or social affiliation, race, religion, or sexual orientation. Bias incidents can take place in any campus environment – in the classroom, during social or recreational activities, in the residence halls, and even during casual conversation. Even when offenders are not aware of their bias or do not intend to offend, biased behavior or remarks require a response and will not be tolerated.

***If you experience a bias-related incident, consider the following:***

Otterbein University encourages students to seek support and report any incidents of bias. However, each student will need to consider when they want to report.

**In case of emergency, call 911.**

In non-emergency situations, individuals should consider their next best step. These include:

### **Unsure about whether to report?**

- Talk things over with someone you trust.
- If you want support, but are not sure you want to report, you can speak confidentially with a counselor or the Director of Faith and Spiritual Life.  
Counseling: 614-823-1333 or  
Director of Faith and Spiritual Life, Rev. Lucy Kelly, Associate Pastor, Church of the Master:  
Kelly28@otterbein.edu.
- If you aren't interested in reporting an incident, it is still helpful to save any associated materials (such as text messages, voice mail, etc.) or document it with a picture. This will be helpful information to have if you decide to report it in the future.

### ***To report, you can contact any of the following:***

1. Otterbein Police 614-823-1222.
2. Director of the Office of Social Justice & Advocacy at 614-823-1589.
3. Dean of Students at 614-823-1554 or jsaker@otterbein.edu.
4. Campus Conduct Hotline at 866-943-5787 (This is a third-party reporting service that will allow you to remain anonymous and report the information to the university for follow-up. However, the response may take at least several days because of the third-party involvement.)
5. Otterbein Police Silent Witness [online form](#) or access with the provided QR code.



### ***This is what will happen:***

1. Safety issues will be addressed by Otterbein Police (OPD), with Residence Life assistance if applicable.
2. A Student Affairs employee, most likely staff from the Office of Social Justice & Activism or Student Conduct & Wellness, will reach out to you to offer support.
3. The student affairs staff members will discuss with you options for addressing the incident. He/she will communicate with the appropriate vice president and/or Human Resources. If the incident involves the behavior/remarks of a faculty or staff member. Concerns about another student's behavior will be shared with the Vice President and Dean of Students.
4. If appropriate, OPD will investigate and prepare a report.
5. If the behavior is criminal, OPD will file criminal charges if requested to do so.
6. Whether or not the behavior is criminal, the OPD report (concerning student behavior) will be submitted to Student Conduct for resolution. Reports addressing faculty/staff will be shared with the appropriate vice president, and possibly Human Resources, to determine a response to the individual involved and/or an environmental response (policy or procedure changes, and educational activities for select groups or campus-wide).
7. In two to four weeks after resolution, there will be an evaluation of incident response by the Vice President and Dean of Students and faculty/staff related to the incident.

## **Otterbein University Student Government**

### **Information about Freedom of Speech and Student Rights**

The Otterbein University Student Government (OUSG) Student Experience & Campus Climate Committee developed the following resource regarding student rights and freedom of speech. This was specifically instigated by student concerns when it comes to individuals external to our community who come to campus to protest. Please find this information below for your reference. If you have any questions, please do not hesitate to ask.

#### **Free Speech Statement**

Otterbein University is committed to the Joint Statement of Rights and Freedoms of Students as developed by AAUP, NASPA, and ACPA. This statement reads, "Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth."

#### **Student Rights**

Students may engage in protests and displays in a law-abiding manner, or they may also choose not to engage with a protest group, including walking away and not responding to verbal inquiries. Students can call the OPD to be informed of everyone's rights before engaging in communications with opposing parties.

#### **External Group Rights**

Groups external to the University have the right to peacefully assemble on public property. They have a right to verbally exercise their freedom of speech and display pictures if they do not violate any criminal law. This includes comments and images that may be offensive.

#### **Access to Campus**

No endorsement is implied by the University for individuals/groups using their right of speech in the public space within the campus boundaries.

Any outdoor area that is a public space may be used by any individual or group for petitioning, distributing written material, handing out newspapers, or conducting speech acts. Prior approval is not necessary. Activities must follow all applicable fire codes and local, state, and federal laws

#### **Illegal Activity**

- Moving or destroying property of a protest display or demonstration.
- Impeding the movement of a demonstration or protest.
- Blocking roadway traffic.
- Disorderly protests in a disruptive fashion that prevent pedestrians from passing by and block entrances to buildings.

## **Student Conduct Charges**

Students may be charged with related student conduct violations, such as Disorderly Conduct and Group Actions/Demonstrations.

### **Resources:**

- Otterbein Police Department (614) 823-1222
- Counseling Services (614) 823-1333
- Women's Gender and Resource Center (614) 823-1028
- Office of Social Justice & Advocacy (614) 823-1250
- Rev. Lucy Kelly, Associate Pastor, Church of the Master, Director of Faith and Spiritual Life (614) 822-2153
- HR Director – Molly Miller (614) 823-1130
- Dean of Students – Julie Saker (614) 823-1554

## **Related Policies in the Student Code of Conduct**

**Civil Disturbance Policy:** Peaceful and orderly demonstrations by members of the University on University property are permissible if the demonstrators act courteously, dignifiedly, and non-disruptively. Should action by a group or individuals at any time become dangerous to individuals or property, or should it interfere with the regular operation of the University, the President, Vice President for Student Affairs, or their designee, is authorized to declare the group an unlawful assembly and order the individuals to disperse. If students do not disperse after a reasonable amount of time, interim measures up to and including suspension and dismissal may result.

Interim suspension and interim dismissal immediately separate students from the University, pending a formal student conduct hearing. Students are not allowed on campus while on interim suspension or dismissal and will be removed and charged with trespassing.

For additional information, see Public Discourse and Freedom of Speech and Related Policies in this handbook on pages 39-43.

**Disorderly Conduct:** Disorderly conduct is any conduct or action that causes inconvenience, annoyance, or alarm to others, or which interferes with the rights of other individuals (including the right to learn and to quietly study), disturbs the public peace, endangers personal well-being or causes a risk of, or actual physical harm to public or private property.

Disruptive behavior while under the influence of alcohol and/or drugs is prohibited in all public and private areas and places. Disruptive behavior includes fighting, unreasonable noise, verbal and written abusive and insulting language, interference with the accepted rights of others, and property damage. The student(s) will be held liable for damage or destruction from such behavior.

Individual students or groups who encourage or become involved in such activities are subject to disciplinary action, including restitution for damage. If the conduct or action is prejudicial, the hearing body or hearing officer will consider the motive of the student(s) in issuing sanctions.

**Harassment:** Otterbein University is committed to providing a workplace that is free from discrimination. Otterbein does not discriminate based on race, color, gender, national origin, religion, gender identity, sexual orientation, age disability, genetic information, military status, or veteran status (hereafter “protected status”) in admissions, in access to, or in treatment within its educational programs or activities, in employment, recruiting, or policy administration.

**Chalking Policy:** Chalking on campus is limited to registered student organizations, departments, faculty, and staff members, and any registered Otterbein student. Chalking must comply with the following:

- Chalking is permitted only in open areas that can be directly washed by rain. The chalking must be on a horizontal surface, not covered by an overhang.
- Advertising must be for campus-wide events and open to all students.
- The chalking must bear the name or be signed by the name of the sponsoring organization/individual legibly.
- Chalking is prohibited on all vertical surfaces, buildings, walls, signs, poles, columns, trees, or vegetation.
- The material used to mark the walk must be water-soluble chalk (sidewalk chalk). The use of markers, paints, oil-based products, or spray chalk is prohibited.

No advertisement mentioning the sale/use of alcohol may be chalked on campus property. Biased comments and inappropriate humor, as well as intimidating and threatening comments, will not be tolerated. **First-time offenders receive a warning and must clean up their work within 24 hours of receiving a warning.** (If appropriate, individuals or organizations painting intimidating and/or threatening comments may be charged with a higher-level violation.) Violations will result in the removal of the chalking, and the University reserves the right to charge the cost of removal and all associated repairs. Exceptions will be made for common-sense artistic expression.

**Rock Painting Guidelines** - The Rock, a tradition started in 2003 and located in the grassy area by the Center for Career & Professional Development, is to promote activities, organizations, and University spirits. Any University-related group or individual may paint the Rock with the following guidelines in mind.

- No individual/organization shall paint over the Rock within 48 hours of the last individual/organization’s painting if the date and time (with AM or PM) are displayed.
- The Rock must bear the name or be signed by the name of the sponsoring organization/individual legibly.
- The Rock is reserved for the following times so the University can paint it for these events: New Student Week, Homecoming, Sibs Weekend, Summer Orientation, Family Weekend, Alumni Weekend, Founders Week, and Graduation Weekend.
- The grass and other University property surrounding the Rock should not have any paint on it.
- No substance other than paint should be applied to the Rock.
- Crude or obscene language, offensive representations, and references to alcohol or drugs should not be painted on the Rock.

No advertisement mentioning the sale/use of alcohol may be painted on campus property. Biased comments and inappropriate humor, as well as intimidating and threatening comments, will not be tolerated. (If appropriate, individuals or organizations painting intimidating and/or threatening comments may be charged with a higher-level violation.) **First-time offenders receive a warning and**

**must clean up their work within 24 hours of receiving a warning, or student conduct charges will apply.** (If appropriate, individuals or organizations painting intimidating and/or threatening comments may be charged with a higher-level violation.) Violations will result in the removal of the paint, and the University reserves the right to charge the cost of removal and all associated repairs. Repeat offenders will be charged with a minor violation. Exceptions will be made for common-sense artistic expression.

## **STUDENT CODE OF CONDUCT**

### **Section 1 - General Statement**

All students at Otterbein University, including Coalition for the Common Good (COCG) students, are accountable to the University's Code of Conduct and all University regulations. Students voluntarily enter into a membership in the University community, assuming obligations of performance and behavior reasonably agreed upon by that community to further its missions, objectives, processes, and functions. As a requirement necessary for carrying out its mission, the University community has the right to promulgate and enforce appropriate rules, regulations, and policies and to act when violations occur. Students, along with the entire University community, are provided with the opportunity through the University governance to discuss and propose changes in the rules and regulations.

The enforcement of the Student Code of Conduct is a part of the total educational process that not only protects the academic community but also assists the student in personal development. The function of the student conduct process is to promote the student's learning by examining how a present pattern of conduct interferes with and is thereby a detriment to the educational process.

Because the process is geared towards educational rather than legal goals, we do not allow off-campus individuals (lawyers, parents) into the actual hearing. However, students are allowed to bring a person from the campus community into the hearing for support or as a witness.

It is impossible to write a Code of Conduct that considers every kind of behavior. Otterbein University reserves the right to sanction, suspend, or dismiss any student or to disband any organization that seriously threatens the well-being of individuals or the University. These actions may also result from student conduct that occurs away from the University's premises.

All student conduct and appeals procedures will be followed before action is taken, except in rare cases when the possibility of imminent danger exists. In such rare cases, the University may suspend a student or organizational chapter pending a hearing before notifying the chairperson of the appropriate judicial body.

Should an accused student be academically dismissed or voluntarily withdraw from Otterbein University before student conduct proceedings have concluded, a hearing may be held, and/or a disciplinary hold may be placed on the student's account. The hold will not prevent an accused student from registering but will start the student conduct process upon the student's return to the university.

Students who are employees are accountable to both the Student Code of Conduct and the policies about university employees.

**EACH STUDENT HAS THE OBLIGATION TO BECOME FAMILIAR WITH SUCH RULES, REGULATIONS, AND POLICIES AND ACKNOWLEDGES THEY SHALL BE HELD ACCOUNTABLE FOR CONDUCT IN THOSE VIOLATIONS, EVEN IN THE ABSENCE OF SUCH FAMILIARITY.**

## **Section 2 - Student Code of Conduct**

In developing responsible student behavior, student conduct proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. The University must clarify those standards of behavior, which it considers essential to its educational mission and its community life.

Otterbein University students are encouraged to always maintain a high standard of personal integrity and honesty and to show respect for the rights of others. Consensus can probably never be reached on precisely how these standards translate into individual behavior; therefore, the University finds it necessary to establish certain specific codes with which all students must comply.

The Student Code of Conduct has been agreed upon by the Otterbein community to clarify the student behavior deemed necessary to maintain an atmosphere promoting personal growth without endangering other individuals or the institution. A judicial system, including the right of appeal, is established to protect the rights of each student and each organization to a fair hearing in the event of an alleged code of conduct violation.

## **Section 3 - Off-Campus Misconduct**

Otterbein University reserves the right to conduct disciplinary investigations, file charges, and impose discipline for off-campus conduct that does any of the following:

- a. Constitutes a violation of local, state, or federal law.
- b. Indicates the student may present a danger or threat to the health or safety of the student or others.
- c. Interferes with the educational interests of the University.

A non-exhaustive list of examples of off-campus behavior that may result in an investigation, the filing of charges, and the imposition of discipline includes the following:

- a. Destruction of property.
- b. A threat of harm to the health or safety of others.
- c. A crime of violence.
- d. Seriously disruptive behavior in the neighboring community, including excessive and/or unreasonable noise, and rude or abusive language.
- e. Violation of state alcohol laws.
- f. Large parties or activities involving the illegal use of alcohol, the accumulation of trash, public urination, etc.
- g. Sale and/or distribution of drugs.

- h. Any situation in which a student has demonstrated the potential for harm to others or property.
- i. Responsibility for premises: Repeated failure to maintain reasonable control of areas for which a student is responsible, including off-campus apartments, houses, or other similar locations.

Criminal prosecution by a government entity does not preclude University disciplinary action against the student for the same conduct. Similarly, any action by the University does not preclude subsequent action by a local, state, or federal entity. The University reserves the right to resolve a disciplinary matter before the conclusion of any criminal process. If a student withdraws from the University, the University may resolve the disciplinary matter, regardless of the student's withdrawal. A student who withdraws will be afforded all the procedural rights of an enrolled student.

## **Section 4 - The Honor Code**

In 1987, the Academic Council adopted an Honor Code to be used at the discretion of the faculty. For it to be used in a particular class, students must vote unanimously to adopt the Code.

*The following statements serve as the rationale for the Honor Code:*

1. Students should be conscious of the need to take personal responsibility for all their work both as individuals and as members of a class.
2. Students and faculty members should actively engage in discussions related to academic integrity (e.g., differences between plagiarism and legitimate scholarly work and appropriate versus inappropriate sharing of information among classmates).
3. Faculty members should be able to treat their students as fellow searchers for knowledge; to do so, they should not have to police examination rooms.

The following procedures for adopting the Honor Code are suggested:

1. At the beginning of a course, a professor may choose to discuss the Honor Code and academic integrity in general.
2. A class would be asked to vote on the use of the Code. A vote would be taken, by secret ballot, during the first few days of the course. To adopt the Code, the vote must be unanimous.
3. All students would sign an Honor Pledge at the end of every examination.
4. The professor would leave the classroom during examinations but would remain available in case of questions.

## **Section 5 - Policy for Involuntary Leave for Students with Mental Health Issues**

In the uncommon circumstance that a student cannot safely remain at Otterbein University or meet academic standards even with accommodations and other supports, Otterbein University may require the student to take a leave of absence from classes and/or campus housing, or both.

**The Involuntary Leave Policy** includes the following procedure:

1. Decisions on whether to impose an involuntary leave will be recommended to the Vice President for Student Affairs by the Behavioral Intervention Team (BIT). The BIT includes representatives from Counseling Services, Otterbein Police, Residence Life, Academic Affairs,

Disability Services, and Student Conduct. The team is chaired by the Vice President for Student Affairs.

2. In making its recommendation, the Behavioral Intervention Team will:
  - Consider whether there is accommodation that would allow the student to meet academic standards and remain safe in school.
  - If safety is an issue, consider the nature and severity of the risk, the probability that injury will occur, and whether accommodations can sufficiently mitigate the risk.
  - If campus housing is involved, consider whether the student can remain in the housing situation without significant disruption of the environment.
3. Before making its recommendation, the Behavioral Intervention Team must notify the student that the university is considering that they may be involuntarily withdrawn and the basis for the concern.
4. The Behavioral Intervention Team may inquire into a student's current condition, including requesting recent mental health information and records, but must confine its inquiry to information and records necessary to decide. The psychological safety assessment requested by the University will be made available to the BIT for review.
5. If the Behavioral Intervention Team recommends an involuntary leave because it judges there is a significant risk that the student will harm themselves or another if they remain on campus, the committee may restrict the student's interactions with the campus community during the period of leave. Such restrictions may include limits on the student's communications with faculty, staff, or other students and on the student's access to the campus, for example, visiting friends or attending campus events.
6. The student in question may have the opportunity to meet with the Vice President for Student Affairs before a final decision. The student will receive written and/or oral communication at the meeting. Appropriate university personnel may be present at this meeting. Parents or any person who would be of support to the student may, with the consent of the VPSA and the student, attend the meeting. During the meeting, the VPSA will explain the reason for the University's concern, and the student will have the opportunity to respond.
7. If the Vice President for Student Affairs, in consultation with appropriate personnel, determines that the student should be withdrawn from the University, the student shall be informed in writing of the decision and the basis for the decision within five (5) school days of the meeting.
8. The same arrangements for refunds of tuition or other costs will be available to a student who takes a leave of absence for mental health reasons, whether voluntary or involuntary, as are available for a student who takes a leave of absence for physical health reasons.
9. A student on leave, whether voluntary or involuntary, may request at any time return to Otterbein as a student.
10. The student will be required to demonstrate that they are fit to return. Pending approval by the Behavioral Intervention Team, the opinion from the student's treating mental health professionals that the student is fit to return should, in most cases, be sufficient to allow the student to return. The University may seek a second opinion.
11. In evaluating a student's request to return, Otterbein will follow the process described in paragraphs 4-6. A student's request to return may be denied only if the Behavioral Intervention Team finds that the student will not be able, upon return, to meet academic standards or be safe at the school/campus even with accommodation.

12. In situations in which a student voluntarily withdraws for mental health reasons without intervention by the Vice President for Student Affairs or their designee, they will not be subject to more rigorous standards or procedures than a student who desires to return to school after taking leave of absence for physical reasons.

### **Alternate Housing While Enrolled**

13. In the uncommon circumstance that a student does not meet the standard for imposition of involuntary leave but cannot safely remain in University housing even with accommodations, Otterbein may restrict the student from living in University housing while enrolled.
14. Decisions on whether to require a student to leave University housing will be made by the Behavioral Intervention Team identified in paragraph 2, according to the process described in paragraphs 4-6.
15. The Behavioral Intervention Team may also restrict a student from entering University housing, for example, to visit friends, as needed to prevent a significant risk that the student will harm themselves or others.
16. While restricted from University housing, the student may continue to attend classes, extracurricular activities, and campus events; maintain normal contact with teaching, administrative, and other staff; and otherwise visit friends on campus.
17. A student on leave from campus housing, whether voluntarily or involuntarily, may request at any time return to Otterbein housing as a resident.
18. Points #10, 15, 16, and 17 apply to the situation where a student requests readmission to campus housing.
19. In extreme situations, the Vice President for Student Affairs, in consultation with the President, may temporarily suspend a student pending a recommendation by the Behavioral Intervention Team and a final determination by the Vice President for Student Affairs (VPSA).

### **Appeal**

20. If a student wishes to appeal a decision of the VPSA, the appeal must be made in writing to the University President within five (5) working days of the receipt of the decision. The President will render a decision after reviewing the written appeal. The decision of the President is the University's final decision.

## **Section 6 – Students' Rights**

### **THE ACCUSED'S RIGHTS IN STUDENT CONDUCT PROCEEDINGS**

Please note: Students may choose to have a formal administrative hearing with a Student Conduct Hearing Officer, which follows the same procedures and affords the same rights as the Student Conduct Hearing Board.

- A. A student or organization asked to appear before the STUDENT CONDUCT HEARING BOARD will be given written notification at least forty-eight hours before the date of the hearing. This notification should include:
  1. The date, time, and location of the hearing,
  2. The nature of the complaint and date of the offense,

3. The name of the individual bringing the charge(s),
  4. The names of the witnesses participating in the hearing.
- B. The accused has the following rights:
1. To have a faculty member, administrator, or student appear at the hearing in an advisory capacity; the advisor may not be a legal counselor or anyone from outside the university community.
  2. To request that a particular council member(s) not hear the case,
  3. To call witnesses on their behalf and to confront any other witnesses before the judiciary body,
  4. To hear all evidence upon which charges are based, and to answer this evidence through rebuttal,
  5. To remain silent,
  6. To be informed of the procedure for appeal.
- C. The student will be notified verbally of the Student Conduct Board's decision after the hearing adjourns, usually the following day. All appeals must be filed in writing within 7 calendar days after the hearing. The appeal should clearly state the grounds for the appeal, be addressed to the Chairperson of the Student Appeals Board, and be presented in the Student Affairs Office.
- D. Grounds for Appeal include:
1. Violation of rights in the hearing process.
  2. New evidence not known at the time of the hearing.
  3. A major disparity between the facts of the case and the decision of the hearing board.
- E. The student will be given written confirmation of the decision of the Student Conduct Hearing Board within three working days of the completion of the hearing.
- F. Pending action of the Student Appeals Board, the status of a student shall not be altered, nor their right to be present on campus and attend classes suspended, except for reasons relating to the accused's physical or emotional safety and the well-being of students, faculty/staff, or university property.
- G. In cases of sexual assault, both the victim and the accused will be informed of sanctions resulting from the investigation and resolution process. Otterbein will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the results of any student conduct hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased because of the crime or offense, Otterbein University will provide the results of the student conduct hearing to the victim's next of kin, if so requested.

## **INFORMATION REGARDING ENTERING A PLEA**

The accused student appearing before Otterbein University's judiciary body has the right to enter one of three pleas. These pleas include responsibility, not responsible, or no contest.

- I. **RESPONSIBLE:** A plea of responsibility is a complete admission of your guilt.
- II. **NOT RESPONSIBLE:** A plea of not responsible means that you deny the allegations as contained in the infraction report.
- III. **NO CONTEST:** A plea of no contest means that you are admitting you are RESPONSIBLE, but extenuating circumstances exist.

Also, when a student pleads "No Contest," they are admitting that the facts of the incident are true as alleged in the complaint. They are indicating a willingness to submit the matter to the Board/Student Conduct Officer based upon those facts and their statement given at the hearing.

The Student Conduct Hearing Board/Hearing Officer has the right to refuse to accept pleas of responsibility and no contest or to withdraw pleas of responsibility or no contest and enter a not responsible plea on the student's behalf if the Student Conduct Hearing Board/Hearing Officer feels that the circumstances and facts warrant such action.

The Student Conduct Hearing Board requests students who are in doubt as to whether they are or are not responsible to enter a plea of not responsible and require the complainant to prove the case. Students are encouraged to ask the Student Conduct Hearing Board chair for interpretation and clarification as needed.

## **Section 7 - University Student Conduct System**

**Mission Statement:** Otterbein University will develop, disseminate, interpret, review, and uphold campus policies. The student conduct program seeks to contribute to the education of individuals, as well as groups, to help them see beyond themselves in their community. Campus policies are intended to protect the campus community from disruption and harm. The student conduct program protects the rights of students through an educational process.

All of Otterbein's policies are in agreement with the Joint Statement of Rights and Freedoms of Students; a hard copy is available in the Student Affairs Office.

### **Student Conduct Procedure**

Cases are heard (depending on the severity of the violation and the plea which the accused enters) by an Assistant Director of Residence Life, Dean of Students/Student Conduct Hearing Officer, or Student Conduct Hearing Board. Violations range in increasing severity. Less severe violations may be heard administratively in an informal hearing, whereas more serious violations are heard in a formal hearing. Students do not have the option to appeal the decision from an informal hearing. Students may also request a formal administrative hearing with a Student Conduct Hearing Officer, which follows the same procedures as the hearing board.

*Assistant Director of Residence Life (Informal Administrative Hearing, no option to appeal):*

- Violations occurring in the residence halls may be heard by an Assistant Director of Residence Life.
- Includes only violations that are not severe enough to warrant suspension or dismissal

*Student Conduct Hearing Officer (Informal Administrative Hearing, no option to appeal):*

- Violations that occur outside of the residence halls
- Residence hall violations in which the charged party requests a hearing with a Student Conduct Hearing Officer

*Student Conduct Hearing Officer (Formal Administrative Hearing, student may appeal the decision):*

- The charged party elects to have a formal administrative hearing for any severity of the violation.
- Violations that are severe enough to warrant suspension or dismissal.
- The Student Conduct Hearing Officer feels the case is better resolved through a formal administrative hearing.

*Student Conduct Hearing Board (Formal Board Hearing, a student may appeal the decision):*

- The party charged elects to have a formal hearing with the Student Conduct Hearing Board for any severity of the violation
- Student Conduct Hearing Officer feels the case is better resolved at the Student Conduct Hearing Board
- Violations that are severe enough to warrant suspension or dismissal

Specifically, unless the accused elects to have their case heard by a Student Conduct Hearing Officer or by the Student Conduct Hearing Board, violations occurring in a residence hall shall be heard by an Assistant Director of Residence Life.

More serious violations shall be heard by a Student Conduct Hearing Officer unless the hearing officer feels the case is better resolved on the Student Conduct Hearing Board. The accused student(s) may elect to have a hearing by the Student Conduct Hearing Board or a formal hearing with a Student Conduct Hearing Officer for any level of violation.

Repeated offenses within a calendar year may result in a stronger sanction than a single violation.

### **Student Conduct Hearing Board**

- A. The Student Conduct Hearing Board shall derive its authority from the Otterbein University Bylaws, with the approval of the Board of Trustees.
- B. Membership - Four faculty members and four students, not members of the Student Appeals Board, shall be chosen by the provisions outlined in Article VIII. The term of office for the Student Conduct Hearing Board shall be two years. In odd-numbered years, two faculty members and two students shall be elected. No one shall be elected for more than four consecutive years.
- C. Functions - Members of the University community with the Student Affairs Office shall file complaints concerning infractions of University regulations. The Student Affairs staff shall refer appropriate complaints to the Student Conduct Hearing Board. A representative of the staff may appear before the Hearing Board to discuss the case and shall do so upon the request of the Student Conduct Hearing Board. A Hearing Officer may consult with the Dean of Students for possible referral to counseling in place of a student conduct hearing when appropriate. Persons charged with violations have the right to reject counseling and answer the complaint before the

Student Conduct Hearing Board without prejudice and shall be informed by the Student Affairs staff.

### **Formal and Informal Hearings**

- A. If the matter is heard in an Informal Hearing, the Assistant Director of Residence Life, Area Director of Residence Life, or Student Conduct Hearing Officer shall determine the facts and prepare a written judgment substantiating the decision. There is no appeal process for cases heard in an Informal Hearing.
- B. In a Formal Hearing, the Student Conduct Hearing Officer shall determine the facts and prepare a written judgment substantiating their decision in each case they hear. The Student Conduct Hearing Officer shall inform the accused and accuser of the appeal procedure. If an appeal is made by the accused or the accuser, penalties shall be suspended until the Student Appeals Board has taken final action. Any appeal from the Student Conduct Hearing Officer must be made in writing, including supporting reasons, to the Student Affairs Office within seven (7) calendar days after notification of the decision.

The Student Conduct Hearing Board and Student Conduct Hearing Officers, during a formal Administrative Hearing, shall have original jurisdiction to deal with the more severe offenses outlined in the Campus Life Handbook and with all offenses posing the potential of suspension or dismissal, except those within the jurisdiction of other bodies as specified in the Bylaws.

The Student Conduct Hearing Board and Student Conduct Hearing Officers, during a formal Administrative Hearing, shall determine the facts and prepare a written judgment substantiating their decision in each case they hear. The Hearing Board or Student Conduct Officer shall inform the accused and accusers of the appeal procedure. If the accused or the accuser submits an appeal, sanctions shall be suspended until the Student Appeals Board has taken final action. Any appeal from a decision of the Hearing Board or Student Conduct Hearing Officer must be made in writing, including supporting reasons, to the Student Appeals Board within 7 days after notification of the decision.

**Records** – A record of all violations will be maintained in the Student Affairs Office, as well as a statement of the action taken by the hearing officers, Student Conduct, and Student Appeals.

A tape recording will be made of all formal hearings. The tape recording is the property of the university and is available only to provide information as needed during the appeal process. The record is destroyed when the appeal process expires.

**Expunging of Records:** Less serious offenses are expunged from the student's record at the time of graduation. Theft, assault, alcohol, drugs, disorderly conduct, etc., are major violations, and the student's conduct file is kept for seven years. The Vice President for Student Affairs, or designee, reviews the file before expunging. Conduct files on students who have not completed their degree and have more serious (felonies and/or expulsions) are kept indefinitely.

**Transcript Notations:** Otterbein University academic transcripts include notations of academic suspensions and dismissals, and notations of student conduct suspensions and dismissals stemming from violations of the Otterbein Code of Student Conduct.

Concerning Student Conduct violations, notations are placed on the transcript within 24 hours of a hearing. A student conducting suspension notation is removed from the transcript; should the

decision be overturned in appeal, or once the required separation period has expired, the student has completed all required conditions, and the student has notified the Registrar's Office in writing. Only after all three criteria have been met will the suspension notification be removed. Students conduct dismissal notations will be permanent.

### **Student Conduct Hearing Officers**

- A. Student Conduct Hearing Officers - Officers shall derive their authority from the Otterbein University Bylaws.
- B. Membership - Student Conduct Hearing Officers shall be members of the administrative staff of the Student Affairs Office who are selected by and serve at the request of the Vice President for Student Affairs.
- C. Functions - Members of the University community, with the Student Affairs Office, shall file complaints concerning infractions in University regulations. Depending on the severity of the alleged violation, the case may be heard by a Residence Life professional staff member if the accused resides in a residence hall. More serious offenses shall be heard by a Student Conduct Hearing Officer. Only designated Student Conduct Hearing Officers shall have jurisdiction to hear cases involving suspension or dismissal. If a student's health is a significant factor in the behavior leading to the violation, the Student Conduct Hearing Officer may waive jurisdiction of a case instead of counseling. Additionally, if the facts and circumstances warrant such action, the Student Conduct Hearing Officer may refer the case to the Student Conduct Hearing Board or for a formal hearing by a Student Conduct Hearing Officer for a decision.

If an Assistant Director of Residence Life or a Student Conduct Hearing Officer hears the matter, they shall determine the facts and prepare a written judgment substantiating the decision. Additionally, the accused and accuser shall be informed of the appeal procedure. Either the accused or accuser may appeal the decision of the Assistant Director of Residence Life or the Student Conduct Hearing Officer to the Student Appeals Board. Any penalty shall be suspended until the Student Appeals Board has taken final action. Any appeal to the Student Appeals Board must be made in writing, including supporting reasons, within seven (7) calendar days after notification of the decision.

### **Student Appeals Board**

- A. Membership - Three faculty members and four students, not members of any other judicial body, elected by their respective constituent assemblies. The office term shall be two years. In odd-numbered years, one faculty member and two students shall be elected. No one shall be elected for more than four consecutive years. A chair shall be elected by the Board from its membership, and an Administrative Coordinator shall be appointed by the Vice President and Dean for Student Affairs.
- B. Functions - The Student Appeals Board shall have final judicial authority to deal with infractions of the University regulations, except those within the jurisdiction of the Personnel Appeals Hearing Board, to appeals of individuals against whom action has been taken by the Assistant Director of Residence Life, Student Conduct Hearing Officer, the Student Conduct Hearing Board, or the Academic Hearing Board.
- C. If a student submits an appeal, sanctions shall be suspended until the Student Appeals Board has taken final action. Appeals must be made in writing, including supporting reasons, to the Student Appeals Board within 7 days after notification of the decision of the hearing officer or

hearing board. Criteria for appeals include 1) violation of the student's rights in the hearing process; 2) introduction of new evidence; and 3) a major disparity between the facts of the case and the decision of the hearing board or officer. Documentation that was available at the time of the original hearing, but not introduced at this hearing, will not be considered in subsequent appeal processes. **An appeal must include new information.**

- D. After examining the record, the board may decide to hear the appeal in its entirety or to limit the scope of its hearing. In all cases, the Student Appeals Board will determine the facts and prepare a written statement. In cases of suspension or dismissal, a student may file a written appeal to the President or designated Officer. This must be done in writing within 7 calendar days of either written or verbal notification of the sanction.
- E. Rules concerning student conduct records shall be promulgated by the Student Appeals Board.
- F. The Student Appeals Board may determine that the pending matters merit the attention of the Academic Hearing Board, and in such cases, should inform the Academic Hearing Board accordingly.
- G. Grade appeals are addressed through Academic Affairs grievance policies, as described in the Undergraduate Catalog on the University website.
- H. Student Conduct bodies will structure their procedures in the spirit of the Statement on the Rights and Freedoms of Students adopted by the faculty in May 1969.
- I. No record of the decision made by the Assistant Director of Residence Life, Student Conduct Hearing Officer, the Student Conduct Hearing Board, or the Student Appeals Board shall be released to the public unless requested by the individuals involved or requested by law.

A student suspended from the University for Disciplinary Reasons may apply to the Admissions Office for readmission after one semester, unless a different period was specified at the time of suspension. A recommendation of the Vice President of Student Affairs must be considered before such a student may be readmitted.

Acting under the legal authority of the Board of Trustees, the President can, in extraordinary cases or in an emergency, veto or alter decisions of the student conduct bodies, but may not reinstate charges against a person when judicial action fails to confirm the original complaint. In all such instances, the President shall state their reasons in writing, with one copy going to the board from which the vetoed or altered decision came, and one copy going as a report to the Executive Committee of the Board of Trustees. This latter body shall review the action no later than its next regularly scheduled meeting.

**Interim Suspension** – In extraordinary circumstances, the Vice President for Student Affairs, in consultation with the President, has the right to interim suspend a student pending the decision of the student conduct bodies.

**Academic Policy Appeal Process:** The Academic Hearing Board, which is a committee of the University Senate, is an avenue through which all students may appeal to the University's academic policies. Board membership includes three students, three faculty, a representative of the Provost and Vice President for Academic Affairs, a representative of the Vice President for Student Affairs, the Dean of the Graduate School (or representative), the Director of the Academic Support Center, and the Registrar. The Vice President for Academic Affairs, or representative, shall preside. The Registrar shall serve as Secretary.

## The Appeal Process before the Academic Hearing Board

The Academic Hearing Board decides cases related to academic policy, progress, or status, assisted in preliminary phases by designated administrative officers or subcommittees. Membership: Three members of the faculty and three students elected by their respective constituent assemblies; the Provost and Vice President for Academic Affairs (presiding) or representative; the Vice President for Student Affairs or representative; the Director of Academic Support, the Registrar (serving as Secretary). In the absence of the presiding officer or secretary, the members present shall select among themselves appropriate substitutes. No elected member shall serve more than four consecutive years

- A. A student pleading in their case before the Academic Hearing Board must submit a written petition to the Academic Hearing Board at the Student Success and Career Development, 172 W. Main Street (614.823.1624), no later than the Friday before each meeting. The Academic Hearing Board meets on Thursdays of Weeks 1,3,5,7,9,11,13, and 15 of each semester at 3:00 p.m. (For Late Registration, no petition due to financial holds will be heard after the third week of the term.) Submission of the petition is due on the Friday of week 2 of the semester.
- B. An appeal must be submitted to Student Affairs within 7 days of receiving a letter of complaint from the Academic Hearing Board or the Student Conduct Hearing Board. (In unusual circumstances, the Dean of Students may provide an extension.) The appeal must meet at least one of the following criteria:
  - A violation of the student's rights in the hearing.
  - Introduction of new evidence. New evidence is information that was not available or did not exist at the time of the hearing.
  - A major disparity between the facts of the case and the verdict issued by the lower hearing body.

*Documentation that was available at the time of the original hearing, but not introduced at this hearing, will not be considered in the appeal process. **An appeal must include new information.***

Examples of new evidence include:

- Letters from faculty or other University officials that include information that was not known until after the hearing date.
- Medical, mental health, and/or other documentation that did not exist or could not have been obtained before the time of the hearing.
- Any other evidence that the Student Appeals Board deems to have not been available before the hearing

Once the student has submitted the appeal with attached evidence, **the Student Appeals Board will review the appeal to determine if the criteria have been met.** If the criteria is met, the student will meet with the Student Appeals Board to explain the appeal and answer questions. **If the criteria are not met, the decision of the original hearing board is upheld, and there is no hearing or further appeal.**

- C. The appeal should include: 1) the specific request being made; 2) the rationale or reason for the request; 3) any written supporting documentation from faculty, staff, students, or health care professionals relevant to any extenuating circumstances being cited. Please note: all relevant documentation, including medical documentation, must be submitted to the Academic Hearing

Board. Documentation that was available at the time of the Academic Hearing Board hearing, but not introduced at this hearing, will not be considered in subsequent appeal processes. **An appeal must include new information.**

- D. Students are strongly encouraged to appear before the Academic Hearing Board to present their case and answer questions.
- E. Students will be given written confirmation of the Academic Hearing Board's decision within three business days of the completion of the hearing. If the request is denied, the rationale/reason will be contained in the written confirmation, and any further appeal must be filed in writing to the Student Appeals Board within seven days. The Student Affairs Office oversees the Student Appeals Board. Call the Student Affairs Office at 614.823.1250 to request an appeal form and a hearing date and time.

Pending action of the Student Appeals Board, a student's status shall not be altered, nor their right to be present on campus and attend classes suspended, except for reasons relating to their physical or emotional safety and the well-being of students, faculty/staff, or University property. For more information or questions on your academic appeal, please contact Student Success and Career Development at 614.823.1264.

**Procedure for Review by the President:** In cases of dismissal/suspension, a student may file an appeal to the President. A student requesting the President to review a decision must do so in **WRITING**, explaining the reason(s), within seven (7) calendar days after receiving notification (either verbally or in written form) of the decision by the Student Appeals Board or the Academic Hearing Board. At the President's convenience, the appellant may be requested to appear. The President may also request an appearance by the chair of the Student Appeals and/or Academic Hearing Board.

**Parents/Guardians Notification:** Parents or guardians of dependent students receive written notification of any student conduct decision that results in living unit probation, living unit dismissal, disciplinary probation, suspension, or dismissal. Parents or guardians, faculty advisors, and/or coaches may also receive notice of students' conduct action any time it is deemed to be in the best interest of the student and the University to do so. However, a student conducting an action is normally treated as confidential information.

## **Section 8 - University Student Conduct Policies Defined**

**(Including Academic Dishonesty)**

**Please note:** All members of the University community have the responsibility for enforcing rules and reporting violations. Helping, procuring, encouraging, or cooperating with another person in the commission of a violation constitutes a student conduct offense. **Any student who is present, or is aware of, when a University policy is being violated, will be subject to the same student conduct action as if they had committed the violation.** This policy applies to any offense occurring anywhere on campus or any other University-owned property, or in common apartment areas.

**Academic Dishonesty:** *Updated July 2025*

What is Academic Dishonesty? Additional information is available at:

<https://otterbein.libguides.com/ACADIntegrity/students>

Academic Integrity is our commitment to be honest, fair, and ethical in our scholarly work. Professors follow these principles in their research and teaching, and students must do the same in their learning and their work after graduation.

Assignments and exams are given in classes so that the professor can accurately assess your learning and give you helpful feedback to improve your learning. Academic misconduct misrepresents your knowledge and skills and thus harms your learning.

Cases of academic dishonesty for students usually fall into the following five categories:

- Cheating
- Complicity
- Falsification
- Multiple submissions
- Plagiarism

### **What is cheating?**

Cheating is any attempt to receive assistance in the completion of an assignment or exam from other people, printed or online materials, artificial intelligence, or any electronic device without the permission of the professor. This definition applies not only to activities within the examination room (e.g., copying from another student's paper, using a cheat sheet) but also to any attempt to obtain copies of examination questions without the faculty member's consent, including attempts to obtain them from students taking the exam at an earlier time or in a previous semester. It also includes submitting questions to online services or AI tools to obtain answers before or during an exam.

In the case of open-book or open-resource exams, the instructor will indicate which sources are acceptable and which are not. If, for example, the instructor says that only the textbook is to be used in an open-book exam, consulting websites or other resources will count as academic dishonesty. Furthermore, even if the instructor permits students to consult other sources, copying and pasting verbatim from the source (rather than using the source to arrive at your answer) is a form of plagiarism and is also a violation. If you are unsure which resources are permissible during an open-book exam, ask your professor.

In some classes and for some assignments, you will be asked to collaborate with other students. At other times, you will be told to work on an assignment individually. If you are unsure of when it is permissible to work together with other students, make sure to ask your professor.

### **What is complicity?**

If you help another student commit an act of academic dishonesty, you can be complicit in their dishonesty, and thus may also be guilty of a violation, even if the work you submit for yourself is your work.

A student who willingly provides to another student assistance not condoned by the University is in violation, whether or not the student assisting has completed the examination. It is also a violation to provide essays, reports, and other projects to another student to be presented as that student's work.

### **What is falsification?**

Submitting someone else's work as your own is not the only form of academic dishonesty. Other examples of dishonesty include falsifying data, misrepresenting sources, or manufacturing evidence.

Some examples of falsification could include changing data from an experiment to falsely arrive at a desired conclusion, inappropriately editing or cherry-picking from cited sources to make it sound like they're saying something they're not, writing a reflection paper about an event you did not attend, or making up survey data for a report. Committing these kinds of acts in a professional or research setting would be unethical and even dangerous, and thus it is important to learn in college how to be responsible and ethical in representing data.

### **What is multiple submission?**

The use of an identical or nearly identical piece of work to fulfill requirements in more than one course without the knowledge of the faculty members involved constitutes academic dishonesty. If a student wishes to prepare a single piece of work for more than one course, the written permission of both faculty members must be secured beforehand. If a student wishes to submit a revised version of an earlier piece of work, written permission must be secured beforehand and the earlier version must be submitted along with the final version.

### **What is plagiarism?**

Any use of the words or ideas of someone else as though they were one's own constitutes plagiarism, not just in formal papers, but in any writing that you do for a class, including homework, reports, and other projects. This definition applies to the use of both printed and unprinted sources, including the work of other students or faculty, online sources, and text generated or modified by artificial intelligence. It applies not just when an entire paper is copied, but also to the inclusion of copied sentences as part of a larger work.

To avoid plagiarism, all words and ideas from other sources must be fully cited. Direct quotations, however small, must be placed in quotation marks or indented beyond the regular margins, and their sources must be identified. Ideas or arguments not directly quoted but paraphrased must also be documented properly. Merely altering the wording does not change the substance of the text, so paraphrasing a source without citation is still plagiarism.

Facts, formulas, and other types of information that are widely known and considered common knowledge in a field do not always require documentation, but a student may neither falsely claim the independent derivation or observation of such materials, nor borrow without acknowledgment of someone else's special arrangement or use of it. If you are uncertain when and how to cite sources, you must consult with your professor before the submission of the finished work. It is the student's responsibility to make sure they understand what is required to avoid plagiarism.

### **What about Artificial Intelligence?**

Artificial Intelligence (AI) is any computer system designed to perform a cognitive or behavioral task historically believed to be one only humans can perform. Generative AI is a term used for recent AI systems that generate significant quantities of content, such as text, images, audio, or video, from a short input prompt, usually text.

Each course syllabus will describe if and how generative AI can be used in that particular course. You will need to follow the guidelines for each class, and if a class prohibits generative AI, its use will be considered academic dishonesty. Furthermore, even when its use is permitted in a class, content generated by AI must follow the same principles as any other content. In other words, its use needs to

be properly attributed and cited as you would any other source. Failure to do so shall be considered an act of academic misconduct.

### **What happens in cases of academic dishonesty?**

Otterbein University follows the following process:

1. A faculty member who suspects the student may have committed an act of academic dishonesty shall submit evidence of the misconduct—accompanied by a cover letter—to the Associate Provost. The faculty member may inform the student of the suspected dishonesty, but what the faculty member says should be informational only, indicating only that they have forwarded an allegation and the supporting evidence to the Associate Provost. The faculty member should not—and the student should not expect the faculty member to—discuss the nature of the suspected dishonesty, whether or not it occurred, what the consequence might be, and so on.
2. The Associate Provost shall assess the charge and evidence. If the Associate Provost finds the evidence unpersuasive, the Associate Provost will confer with the faculty member who brought the charge.
3. If the Associate Provost finds the evidence persuasive, the Associate Provost shall consult records in Academic Affairs to determine if this is a first or second offense for that student.
4. The Associate Provost will then contact the student to arrange a meeting. In this meeting, they will explain the process to the student, make sure the student understands the charges, and review and discuss the allegation with the student. The student will be allowed to respond to the evidence and will also be allowed to bring relevant witnesses who are members of the Otterbein community.
5. After meeting with the student, the Associate Provost will make a decision.
  - If the Associate Provost decides there is not enough evidence to find the student guilty of academic misconduct, they will notify the student and faculty members of this decision, the process will end, and records of the incident will be deleted.
  - If the Associate Provost decides there is convincing evidence of academic dishonesty, they will follow one of two courses, depending on whether it is a first or repeat offense:
    - a. **First offenses are kept within the confines of the course.**
      - i. The Associate Provost will confer with the faculty members to decide on an appropriate sanction, which will be course-based. Depending on the severity of the offense, the sanction may include a failing grade on the test or assignment in which the dishonesty occurred, a lowering of the overall course grade by one or more letters, a failing grade for the course, or another appropriate sanction.
      - ii. The Associate Provost will then inform the student of the sanction and discuss options and resources that will help the student learn healthy approaches when facing challenging assignments.
      - iii. With very few exceptions, this information is kept by the Associate Provost and faculty member(s) involved and not shared with the student conduct staff (Dean of Students) in Student Affairs. Nor is there a student conduct record. If the student graduates without any additional violations of academic integrity, all records will be deleted upon graduation from Otterbein.
    - b. **The second offense extends beyond the course.** Most often, it indicates that a student is clearly struggling and does not fully understand what constitutes academic dishonesty. In addition to any course grade sanctions that may be enacted by the

Associate Provost and the course instructor(s), the Dean of Students (DOS) has the authority to place the student on disciplinary probation for at least one term, which would result in a student conduct record.\* The Associate Provost and Dean of Students will meet with the student to determine a plan for the student to help them better understand academic dishonesty and its consequences. This plan could possibly include any of the following:

- i. Meetings with a Student Success and Career Development (SSCD) coach for ongoing guidance
- ii. Services provided by the Academic Support Center
- iii. Guidance from department advisors
- iv. Participation in educational programs as designated by the Associate Provost.
- v. The DOS will make arrangements for sanctions and provide follow-up.
- vi. Suspension will be considered if deemed warranted by the Associate Provost and Dean of Students.

\* In cases involving a student conduct decision, students have the right to request a formal hearing with the Student Conduct Hearing Board, rather than an administrative decision by the Dean of Students.

6. Students have the right to appeal any decisions or sanctions. A student may appeal the Associate Provost's finding and sanction through the Provost and Vice President for Academic Affairs, who may refer the appeal to the Student Appeals Board for consultation.

### **Alcohol Policy**

The State of Ohio Liquor Control law prohibits the purchase, possession, or consumption of alcoholic beverages by persons under the age of 21 years. All members of the Otterbein community are required to follow the laws set forth by the City of Westerville, Franklin County, and the State of Ohio.

This policy is intended to meet the provisions of the Student Right to Know and Campus Security Act (1990), and the Drug-Free Schools and Communities Act (1989). A copy of the December 2016 Biennial Review is available through the Office of Student Affairs. Through the programs and procedures listed throughout this policy, the Otterbein University Alcohol Policy seeks to accomplish the following:

1. Promote a safe and honest campus culture. The Otterbein University community functions based on mutual trust and responsibility and is dedicated to educating the whole person. Otterbein will now recognize the right of choice of an individual to use or refrain from the use of alcoholic beverages on campus if the individual is of legal drinking age. However, the choice to consume alcohol should be properly exercised in a responsible manner which includes quantity limits as outlined in the policy.
2. To encourage compliance with the laws of the City of Westerville, the State of Ohio, and Federal Law related to the possession, consumption, and serving of alcohol.
3. To provide educational wellness programming that appropriately and accurately addresses the potential dangers of alcohol consumption and recreational drug use. This programming will speak to Otterbein's core values and the institution's commitment to lifelong, progressive, and holistic learning.

## Policy Overview

Otterbein recognizes the right of choice of individuals to use or refrain from the use of alcoholic beverages and believes that the choice to consume alcohol should be properly exercised responsibly. Otterbein University has based the Alcohol Policy on the recognition that:

- The majority of Otterbein University students cannot legally consume alcohol;
- Several students who are of legal age to consume alcohol choose not to do so; and
- Alcohol abuse is a health concern on University campuses around the country.

Given these facts, the University acknowledges the desire of those students who are of legal age to consume alcohol responsibly while also ensuring the social life of the campus does not revolve around an activity in which a majority of the students cannot participate. Otterbein University neither forbids nor encourages members of its community to drink alcoholic beverages. Otterbein University students are expected to abide by University policies and the laws of the City of Westerville, the State of Ohio, and Federal Law relative to the possession, consumption, and serving of alcohol.

Students are expected to comply with university staff and city officials, including, but not limited to, the Westerville Police Department, the Westerville Fire Department, the Otterbein Police Department, Resident Assistants, and Student Affairs staff members. This expectation includes that students will show identification, discontinue concerning behavior when requested, and will grant entry to room, house, and/or facility to Student Affairs staff addressing complaints or potential policy violations.

## Regulations

1. **Individuals 21 years of age or older may possess and/or consume alcoholic beverages on campus in approved living areas. Individuals under 21 years of age are prohibited from possessing and/or consuming alcoholic beverages. Illegal drugs are prohibited.**
  - a. **Alcohol will be permitted in the Commons apartments and theme houses.**
  - b. **Alcohol will not be permitted in traditional residence halls, suite-style residence halls, or Fraternity/Sorority houses.**
  - c. **Alcohol will not be permitted in any living areas deemed as substance-free housing.**
2. In permitted living areas, the amount of alcohol allowed to be possessed in University-owned residences is limited to one unit per resident of that room/apartment/house, who is of legal drinking age. Each of the following is equal to one unit:
  - Beer/Malted Beverage – 12 packs of containers up to 12 oz. each
  - Wine – up to 3 Liters (a wine box)
  - Spirituous Liquor – up to 750 mL (a fifth)
  - Pre-mixed alcohol-containing beverage – up to 1.75 Liters
  - Or a reasonable combination of these types
3. When alcohol is being consumed in a permitted living area, guests may not exceed 2 per resident of that room/apartment/house present. Guests are defined as anyone present who is not assigned to the living space.
4. Provision of alcohol to people under 21 years of age is prohibited.
5. Consumption of alcohol in the presence of anyone under the age of 18 is prohibited except at approved University-sponsored events.

6. Public spaces - Possession, consumption, and/or provision of alcohol in public areas of the campus is not permitted unless we meet the qualifications of Approved Campus Events with alcohol (see 8.). Public areas are defined as those areas of the campus that are readily accessible to students, faculty, staff, and guests. Such areas include, but are not limited to all outside areas, athletic fields, lobbies, classrooms, lounges, building corridors, hallways, stairwells, residence hall common areas, and offices.
7. Approved Campus Events with alcohol - University-sponsored events may serve alcohol in compliance with the State of Ohio's Division of Liquor Control and University policy. No alcohol, other than that provided by a licensed vendor (e.g., Parkhurst), may be served or consumed on campus. Events must follow the alcohol approval process and be approved by the Vice President for Student Affairs.
8. Alcohol is prohibited at any recreational, junior varsity, and varsity athletic event.
9. Students and/or their guests are not permitted to have kegs, party balls, or alcohol containers over 3 Liters, or to mix large quantities of assorted alcohol.
10. University funds may not be used, directly or indirectly, to purchase alcoholic beverages. Exceptions for faculty and staff can only be made with the prior approval of their respective Vice Presidents.
11. No reference, direct or indirect, to alcohol may appear or be used in notices or postings that promote or advertise an event. Exceptions for faculty and staff can only be made with the prior approval of their respective Vice Presidents.
12. The manufacture of alcohol is prohibited on campus.
13. Students under 21 years of age are not allowed to store empty alcoholic beverage containers. Situations involving inappropriate or illegal possession, consumption, or serving of alcohol will lead to the confiscation and/or disposal of the alcoholic beverages present and judicial sanctions.
14. All drinking games (such as quarters, beer pong, boat races, etc.) are prohibited.
15. Devices for rapid consumption (e.g., funnels) and all other alcohol-related paraphernalia are prohibited.
16. Alcohol marketing/advertising practices for external vendors/businesses are prohibited on campus.
17. Alcohol may not be given as a prize for any contest.
18. Alcohol is prohibited from being transported in university vehicles.

### Compliance and Enforcement

All members of the Otterbein community are subject to this policy. All students and groups are subject to disciplinary action for violating the Otterbein University alcohol policy. Students and groups may also be subject to criminal offenses when violating City, State, or Federal law. Without clear and mitigating circumstances, all residents and guests of the room, apartment, or house in which a violation occurs will be charged with a violation.

Violations of this policy will result in a violation as defined by the Student Code of Conduct. The student conduct procedures outlined in the Campus Life Handbook will adjudicate students in violation.

Students in violation of the law may also be charged criminally.

Students who are required to be seen by medical personnel and/or transported to the hospital or a medical facility due to excessive alcohol consumption may be required to have an assessment. Students will be required to complete the recommendations of the assessment at their own expense. Either the student, medical personnel, or University staff will notify a parent if the student is transported to a medical facility due to excessive consumption of alcohol.

People who have concerns or questions about their relationship to alcohol or the use/abuse of alcohol by their friends or family members are encouraged to contact Student Affairs for referral to counseling or other related resources.

### **Alcohol Policy Review & Implementation**

An Alcohol Policy Review Committee will meet as deemed necessary by the Vice President for Student Affairs and/or the Student Government Executive Committee to assess the effectiveness of the policy, enforcement, and educational programs associated with alcohol use at Otterbein. The Student Government Executive Committee and the Vice President for Student Affairs will determine the composition of this committee.

Future considerations may include:

- Implementation of suite-style residence halls
- Alcohol type and quantity allowed adjustments
- Creation and implementation of a Hosting Policy with the approval of the President and the Board of Trustees

### **Otterbein University Amnesty Policies - Alcohol/Drug Reporting Sexual Violence/Misconduct/Harassment**

#### *Medical Assistance Needed Related to Alcohol and/or Drug Use*

Otterbein University recognizes the importance of prompt medical assistance and/or treatment for severe alcohol intoxication, alcohol/drug overdose, or physical injury while under the influence of alcohol/drugs. The following amnesty policy has been created to diminish barriers to treatment, reduce harmful consequences of excessive substance use, and increase the likelihood that students will seek assistance from Residence Life staff, Otterbein Police, and/or medical assistance when needed. The following guidelines, unless designated specifically for incidents involving sexual violence/misconduct/harassment, apply:

- If a student calls University staff or Otterbein Police for assistance for themselves or another student because of severe intoxication, overdose, or physical injury, neither the reporting student nor the student in need will be charged with a violation of the Student Code of Conduct.
- Failure to call for medical assistance in an alcohol/drug-related emergency will be considered an “aggravating circumstance” and may impact the student conduct decision if Code violations have occurred.
- A representative of an organization hosting an event is expected to promptly call for assistance in an alcohol/drug-related emergency. This act of responsibility will mitigate the student conduct consequences against the organization resulting from possible code violations that have occurred at the time of the incident. Failure to call for medical assistance in an alcohol/drug-

related emergency will be considered an “aggravating circumstance” and may impact the student conduct decision against the organization if Code violations have occurred.

- A student whose alcohol/drug use results in transportation to a hospital will be required to meet with a Student Affairs staff member to review the incident. The student will also be required to undergo an alcohol/drug assessment and complete the resulting recommendations at their own expense. The student will incur the costs of any ongoing intervention that may be recommended as a result of the initial assessment.
- A student whose behavior falls under this amnesty policy is expected to make better choices related to alcohol/drug use. A student whose behavior repeatedly falls under this amnesty policy may be charged with a violation of the Student Code of Conduct.
- Responsibility for determining the applicability of this policy will be made by the Vice President for Student Affairs or his designee.

#### *Reporting Sexual Violence/Misconduct/Harassment*

Otterbein University encourages students to report sexual misconduct. Sometimes, survivors or witnesses are hesitant to report because they fear that they may be accused of a policy violation, such as alcohol and drug use, at the time of the incident. It is in the best interest of the community that as many survivors as possible choose to report sexual misconduct and that witnesses come forward to share what they know. Otterbein offers survivors of sexual misconduct and witnesses amnesty from minor policy violations (such as alcohol or drug use) related to the incident.

Neither the survivors nor witnesses reporting sexual misconduct will be charged with a violation of the Student Code of Conduct if they are in violation of minor policy offenses (such as alcohol/drug use or visitation violation) that are secondary to the sexual misconduct incident.

#### **Assault**

Any action that causes or attempts to cause physical harm to another is considered assault.

#### **Calendar Scheduling Policy**

To further support the mission of the institution, student organization programming should not interfere or overlap with final exams. All student organization programming should be complete for the semester no later than 10 pm, the day before final exams are scheduled to begin. Student organization programming includes, but is not limited to, social programs, educational programs, and fundraisers.

Any programming that student organizations would like to schedule beyond the programming deadline needs prior approval from the director of the Center for Student Engagement or their designee.

All events sponsored by University organizations, departments, and residence halls must be scheduled with the Office of Events and Conferences through the Event Inquiry Form to avoid conflict among events. Sunday events are not to begin before Noon, to accommodate attendance at church services. Meetings/Socials that are held on Sunday through Thursday must conclude by 1 AM.

All social events are to be calendared using the Event Inquiry Form, which is available on My O-Zone, except the following:

1. Activities within a residence hall to which only a few residents are invited.
2. Casual entertainment of dates in residence halls, sorority houses, and fraternity houses.

The social chairperson of each group has the responsibility of seeing that all events are properly scheduled. Additions or corrections on the calendar must be submitted TWO WEEKS in advance.

Cancellations of events must be made no later than ONE WEEK before the event. If an event is not canceled within the allotted time, a fine may be charged, and a future social event may be forfeited. This is done because the date could have been used for other events.

### **Cardinal Card Use/Abuse/ID:**

The Cardinal Card is your identification card for Otterbein University. The card is for all full-time and part-time students, faculty, and staff, and it is valid until you leave Otterbein.

The following statements outline the uses and rules governing the Cardinal Card:

1. Students should carry their Cardinal Card with them at all times as proof that they are a student.
2. The Cardinal Card is for (a) use in the library, (b) access to your residence hall and the Clements Recreation Center, (c) admission to campus events, (d) bookstore purchases, (e) use of laundry facilities, and (f) vending machine purchases.
3. The Cardinal Card serves as a meal ticket for students eating in the Dining Hall and must be shown for admission at each meal.
4. Any Cardinal Card found or lost should be reported to the Campus Center Office or Otterbein Police Department immediately.

**NOTE: IF YOUR CARD IS LOST OR STOLEN**, you will only receive the stored value on the card at the time of notification to the Campus Center Office or Otterbein Police Office. Attempting to use a lost and/or stolen card, for any purpose, will be considered theft – an intermediate violation.

Cardinal Card/ID – All residence halls are secured with a personal identity card (the Cardinal Card) system.

- A. Students residing in residence halls will obtain the card from the Campus Center.
- B. No one shall give out their card to any other student or guest. Overnight guests must be registered with their Assistant Director of Residence Life and be escorted by the resident when entering buildings.
- C. If a Cardinal Card is given out, disciplinary action will be taken against those students for endangering the personal well-being of the residents. Lending or borrowing the Cardinal Card, altering it in any way, or failing to present it when requested by a University official is a violation of University regulations and subjects both the lender and the borrower to disciplinary action.

### **Chalking Policy**

Chalking on campus is limited to registered student organizations, departments, faculty and staff members, and any registered Otterbein student. Chalking must comply with the following:

- Chalking is permitted only in open areas that can be directly washed by rain. The chalking must be on a horizontal surface not covered by an overhang.
- Advertising must be for campus-wide events, and open to all students.
- The chalking must bear the name or be signed by the name of the sponsoring organization/individual legibly.
- Chalking is prohibited on all vertical surfaces, buildings, walls, signs, poles, columns, trees, or vegetation.
- The material used to mark the walk must be water-soluble chalk (sidewalk chalk). The use of markers, paints, oil-based products, or spray chalk is prohibited.

No advertisement mentioning the sale/use of alcohol may be chalked on campus property. Biased comments and inappropriate humor, as well as intimidating and threatening comments, will not be tolerated. First-time offenders receive a warning and must clean up their work within 24 hours of receiving a warning. (If appropriate, individuals or organizations painting intimidating and/or threatening comments may be charged with a higher-level violation.) Violations will result in the removal of the chalking, and the University reserves the right to charge the cost of removal and all associated repairs. Exceptions will be made for common-sense artistic expression.

#### **Change of Address and/or Phone Number**

All students who are not residing in theme houses, the Commons, or residence halls are required to notify the Student Affairs Office of their address and phone number one week before the first day of class autumn semester (or any time your address or phone number is changed). It is important to update files and for accurate information for the Campus Directory. Failure to comply with this regulation will result in a fine and/or disciplinary action.

**Civil Disturbance Policy:** Peaceful and orderly demonstrations by members of the University on University property are permissible if the demonstrators act courteously, dignifiedly, and non-disruptively. Should action by a group or individuals at any time become dangerous to individuals or property, or should it interfere with the regular operation of the University, the President, Vice President for Student Affairs, or their designee, is authorized to declare the group an unlawful assembly and order the individuals to disperse. If students do not disperse after a reasonable amount of time, interim measures up to and including suspension and dismissal may result.

Interim suspension and interim dismissal immediately separate students from the University, pending a formal student conduct hearing. Students are not allowed on campus while on interim suspension or dismissal and will be removed and charged with trespassing.

For additional information, see Public Discourse and Freedom of Speech and Related Policies in this handbook on pages 40-43.

#### **Computer and Internet -- Time/Theft/Abuse**

Theft or other abuse of computer facilities, including but not limited to: UNAUTHORIZED:

- A. Entry into a file, to use, read, or alter the contents, or for any other purpose.
- B. Reproduction or use of a copyrighted file(s).
- C. Use of software or programs that will intentionally or unintentionally alter the configuration or established format.
- D. Use of another's identification or password.
- E. Use of computing facilities to interfere with the work of another student, faculty member, or Otterbein University official.
- F. Use of computing facilities to interfere with the normal operation of the Otterbein University computing system.
- G. Use of computing facilities to harass others.
- H. Any action or use that would be criminally or judicially inappropriate to the Academic Policy of Otterbein University.

In addition, all students using the Internet will be responsible for being familiar with Otterbein's policy, "Responsible Use of Information Technology Resources," which is given to them when they receive their access codes. Additional copies of this policy can be obtained from the Data Center and/or the Student Affairs Office. Failure to adhere to Computer and Internet policies can result in judicial charges.

### **Dishonesty**

Acts of dishonesty include, but are not limited to, the following:

1. Furnishing false information to any university official, office, or faculty member.
2. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
3. Falsification, distortion, or misrepresentation of information before a judicial body.
4. Supply false information related to housing arrangements. In this case, the student will be expected to pay for housing/board costs for the entire academic year and be charged with falsifying records. Any act of dishonesty, as aforementioned, constitutes an intermediate violation and will be referred to the Student Conduct Board.

### **Disorderly Conduct**

Disorderly conduct is any conduct or action that causes inconvenience, annoyance, or alarm to others, or which interferes with the rights of other individuals (including the right to quiet study), disturbs the public peace, endangers personal well-being, or causes a risk of physical harm to public or private property.

Disruptive behavior while under the influence of alcohol and/or drugs is prohibited in all public and private areas and places public and private. Disruptive behavior includes fighting, unreasonable noise, verbal and/or written abusive and/or insulting language, interference with the accepted rights of others, and property damage. The student(s) will be held liable for damage or destruction from such behavior.

Individual students or groups who encourage or become involved in such activities are subject to disciplinary action, including restitution for damage. If the conduct or action is prejudicial, the hearing body or hearing officer will consider the motive of the student(s) in issuing sanctions.

### **Doors**

All outside doors to the residence halls are locked 24 hours a day for the security of the residents. Entry to the halls is gained via a card reader located on one or more doors by use of the student's personal Card. After entering or exiting a door, residents are responsible for checking to see if the door locks behind them. Only residents of the specific hall/complex will have access to the building. Students shall keep their Cardinal Card secure and not lend it to other students. Compromising the safety of the hall, by propping open doors (a major violation) or lending others a Cardinal Card is a violation of the Code of Conduct. Residents shall lock their individual room/bedroom doors when they are sleeping or not in the room. Students failing to carry their keys and/or Cardinal Card and locked out of residence halls or their rooms may contact a Residence Life staff member for entry. A small fee will be charged for each room entry.

### **Drugs-Possession, Use, Sale, and Drug Paraphernalia**

Otterbein University prohibits possession, use, or possession for sale of illegal drugs except when properly authorized for medical use (not including medical marijuana) under state or federal law. Illegal drugs are defined as including, but not limited to, marijuana, barbiturates, amphetamines, prescription tranquilizers, LSD compounds, mescaline, DMT, narcotics, and illegal use of prescription drugs. Drug-related paraphernalia is also prohibited.

Prescribed medication (not including medical marijuana) must be used by a physician's recommendation. Abusing prescribed medications for intoxication and/or as a study aid is prohibited. The distribution, sharing, or sale of prescribed medication by anyone other than a licensed physician is prohibited.

#### Medical Marijuana

In compliance with the federal Drug-Free Schools and Communities Act, Otterbein University maintains the following policy for any university-owned or controlled property or at-university activities:

- Illegally manufacturing, distributing, dispensing, possessing, or using marijuana and its derivatives is prohibited.
- Possessing a medical marijuana permit does not allow for the possession, use, or storage of marijuana anywhere on university property, including in the residence halls and university apartments.

Minimum Sanctions for Drug Violations: Possession/Use of an individual amount of marijuana and/or drug paraphernalia: Disciplinary probation and educational sanction.

Possession of Drugs – (including but not limited to opiates, cocaine, methadone, meperidine, amphetamines, phenmetrazine, methylphenidate, barbiturates, and related illegal prescription drugs\*): Suspension for a minimum of one semester and educational sanction.

Possession of drugs, including marijuana and prescription drugs, in a quantity that would cause a prudent person to suspect drug distribution; and/or drug sales paraphernalia, such as scales, packaging materials, and distribution lists:

Suspension for a minimum of a full calendar year (Students found in violation of a second offense will be dismissed from the University.)

Selling/Distribution of drugs (including marijuana and prescription drugs): Suspension for a full calendar year (Students found in violation of a second offense will be dismissed from the University.)

*\*A more detailed list of drugs is available in Student Affairs.*

See page 6 for the Alcohol/Drug Amnesty Policy

### **Electronic Exploitation**

Where there is an expectation of privacy, including but not limited to bathrooms, bedrooms, and showers, people are prohibited from engaging in any electronic exploitation of another person, including but not limited to surveillance, making or attempting to take a photograph or audio or video recording of any person(s), and/or broadcasting the photograph and/or recording(s) without the knowledge and consent of all participants.

#### **Failure to Appear before a Student Conduct Body**

Failure to appear before the Assistant Director of Residence Life, Student Conduct Hearing Officer, or Student Conduct Hearing Board, may result in further disciplinary action by the judicial body. Repeated failures to appear may result in immediate suspension.

#### **Failure to Comply with a Student Conduct Decision**

Failure to complete sanctions assigned by the Assistant Director of Residence Life, Student Conduct Hearing Officer, Student Conduct Hearing Board, or Student Appeals Board shall constitute an intermediate violation.

#### **Failure to Comply with University Official/Law Enforcement/False Information**

Failure to comply with the directions of Otterbein University officials or law enforcement officers acting and performing their duties, and/or failure to identify oneself with these people when requested to do so, or providing false information is a violation.

#### **Firearms/Firecrackers**

The possession and/or use of firearms, bows/arrows, crossbows, ammunition, fireworks, firecrackers, chemically generated explosive components (bottle bombs), dangerous chemicals, including gasoline and charcoal, any item that forcefully throws a missile, such as a B-B gun, pellet gun, slingshot, etc., is prohibited. See the Weapon Policy.

#### **Fire Safety – Major**

Creating False Alarms - No person shall cause the evacuation of any building or place or otherwise cause public inconvenience or alarm by circulating a warning of fire or other impending catastrophe, or in any manner engaging in conduct which induces public panic or alarm.

Failure to Evacuate a Structure - Failure to evacuate a structure when an alarm is sounded, either automatically or manually, or vocally expressed by University officials or Westerville Fire or Police officials, shall constitute a major judicial violation and may result in criminal charges for violation of local and state laws.

Tampering with Fire Alarms and Equipment/Fire Extinguishers - Fire extinguishers, fire detectors, and alarm equipment are for emergency use only. Tampering with fire extinguishers, detectors or alarm equipment except in the event of a fire constitutes a violation of the laws of the City of Westerville. Anyone tampering with or discharging fire extinguishers or tampering with fire alarm and detection equipment will be subject to penalties through the campus judicial system and will be referred to local authorities when deemed appropriate.

#### **Fire Safety – Minor**

Students are encouraged to exercise extreme care when selecting electrical appliances for their campus housing. Each of these electrical appliances must be Underwriters Laboratory (UL) approved, in good operating condition, and not left unattended when in use. Students should remember the space limitations of many areas and the number of outlets available to them. Students may bring items listed (under Electrical Appliances in the Residence Life and On-Campus Housing policies) into the residence halls, theme houses, and Commons apartments.

Because of the significant risk of fire, **hoverboards** are not allowed in any campus buildings, including residential facilities.

### **Furnishing False ID/Information**

All students are to always carry their Cardinal Card with them as a form of ID. Furnishing false information or an ID to a University official is an intermediate offense. See additional information under Cardinal Card Use/Abuse/ID policy.

### **Gambling**

Students and University-approved organizations are expected to abide by the federal and state laws related to gambling. Examples of gambling may include, but are not limited to:

- Sponsoring or organizing raffles or any exchanges of money for a chance to win something,
- Charging an entry fee for any competition in which part of the fee contributes to the prize,
- Betting, wagering, or selling pools,
- Playing card games for money; and
- Using Otterbein University resources (phones, meeting spaces, computers, etc.) to facilitate gambling.

### **Grade Appeals**

Grade appeals are addressed through Academic Affairs grievance policies, as described in the Undergraduate Catalog on the University website.

### **Harassment**

Definition: To annoy or torment repeatedly and persistently. Harassment, including harassment relating to race, sex, religion, ancestry, ethnicity, age, sexual orientation, disabling condition, political affiliation, veteran status, or marital status, is inconsistent with the University's commitment to creating and maintaining an educational environment that is fair and responsible, and which supports and rewards achievement based on ability, performance, and other relevant factors.

### **Hazing**

Otterbein University prohibits hazing by campus groups and individuals, both on and off campus. The Student Code of Conduct defines hazing as doing, requiring, or encouraging any act, or coercing another, including the victim, to do any act, whether or not the act is voluntarily agreed upon, that occurs in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization and causes or creates a substantial risk of physical or mental harm or humiliation to any person.

Prohibited acts include, but are not limited to, physical abuse in any form, morally degrading activities, inciting fear through the use of threatening words or conduct, and causing, coercing, or otherwise

inducing sleep deprivation, loss of senses (such as blindfolding, noise elimination, etc.), exposure to the elements, confinement in a small space, extreme calisthenics, consumption of any substance (such as food, beverages, tobacco, alcohol, drugs), or other activities prohibited by law or University policy. Any person who suffers from or witnesses an incident of hazing shall report the incident using one of the designated channels. Reporting options can be found at <https://www.otterbein.edu/hazing-prevention/>.

All membership-related activities must be approved by the organization's faculty or staff advisor before they occur and shall be conducted within properly reserved space. The activity must not interfere with the rights and activities of others and shall reflect the best interests of the members of the organization it represents, as well as the University community as a whole.

Officers of organizations violating hazing policies will be held responsible for the group's actions. They may be referred to the Student Conduct Hearing Board and tried as individuals, even though disciplinary action is taken against the organization.

To review the full hazing policy and find additional information regarding education, prevention, and reporting, visit <https://www.otterbein.edu/hazing-prevention/>.

### **Illegal Entry/Trespassing**

Unauthorized entry into any campus building or room constitutes illegal entry/trespassing. Documentation of people authorized to use keys should be on file with the person in charge of each building. Violators will be referred to the campus judiciary when appropriate and/or may be referred to the civil authorities.

### **Improper Disposal of Trash**

Students shall remove trash from their rooms/suites/ apartments and place it in the dumpsters provided outside. Theme house residents shall follow the trash pick-up schedule provided by the City of Westerville and use the trash cans provided. Students inappropriately disposing of trash or littering will be referred to the Student Conduct Hearing Board and may have damage charges assessed. Students shall not dispose of their room trash in floor restrooms or other common area trash cans.

### **Internet Website Policy**

Pictures and information posted on the internet are considered public information (including Facebook, Twitter, Instagram, and Snapchat). The University does not routinely monitor these sites. Pictures and information from these sources brought to the attention of University officials reasonably suggesting a violation of University policy that has taken place on campus or at a University-sponsored function off-campus will be subject to further investigation and verification by the University. Any University policy violations documented because of such an investigation will result in appropriate disciplinary action by the University.

### **Intimidation**

Definition: To make timid, frighten, inhibit, or discourage by, or as if by, threats. The University prohibits and will not tolerate any acts of intimidation, sexual intimidation, harassment, or abuse. Such behaviors violate the privacy and dignity of individuals and are violations of federal and state laws. Any action or speech that causes another to believe their personal safety or personal property may be at risk or harm.

## **Keys**

Unauthorized Possession, Duplication, or Use: Students are issued a room key when checking into the residence halls. Students in theme houses and Commons apartments receive a room key and an apartment/house door key. Students shall always keep the key(s) on their person to ensure others do not use it. Students shall not lend the key to others nor duplicate the key(s). Unauthorized possession, duplication, or use of keys is a violation of the Student Code of Conduct. Students who lose their key may request a re-core of their room lock and a new key from their ADRL or the Otterbein Police Department. A damage charge will be assessed for each lock re-core and added to the student's University bill if a student loses or fails to return their key(s) at the end of the year, or when they permanently leave the residence (whichever comes first).

## **Malicious Destruction of Property**

Any willful conduct or action causing physical damage to public or private property will be considered malicious destruction of property. If the conduct or action is prejudicial, the hearing body or hearing officer will consider the motive of the student(s) in issuing sanctions.

## **Poster/Flyer/Bulletin Board Policy**

Posters are to be hung on bulletin boards only and are not allowed on walls, windows, doors, or stairways. After the event, please remove all advertisements as soon as possible. No signs or advertisements mentioning the sale/use of alcohol may be posted or used on campus property. The distribution of promotional materials door-to-door in the residence halls is prohibited except for events sponsored by the Office of Residence Life and distributed by the residence life staff. Please see the Residence Life Sign Posting section for information specific to putting flyers in residence halls. Individuals are not permitted to send personal literature/information/requests across campus. All advertising must represent an organization with a purpose and reason and must include the logo of the student organization or department sponsoring it. Posters are limited to 70 per event (40 for residence halls and 30 to post around campus). Biased comments and inappropriate humor, as well as intimidating or threatening comments, will not be tolerated. Kiosks are located at the Tower (Registrar lower-level entrance) and the Campus Center for additional posting."

## **Public Performance by Students/Organizations**

Any public performance or any activity presented by a student or group in the name of the University should be approved by the faculty chairperson of the department concerned or by the adviser of the group before the performance or activity is presented.

## **Quiet, Courtesy Hours, and Noise Awareness**

To make the atmosphere conducive to living and learning, conditions that encourage this have been established, and these apply to all residence halls. "Quiet Hours" will be established by each residence hall living unit at the beginning of the school year. Each residence hall will establish 24-hour quiet hours during exam week. During the "Quiet Hours," all areas of the residence halls are kept as quiet as possible so that those who wish to study may do so without distraction. TVs, radios, tape recorders, stereos, and musical instruments may be played quietly as long as no one is being disturbed. Consideration also must be given to people outside the residence hall if the window is open. If one student asks another to be quieter for study or sleep, this request is to be honored. Any student

violating quiet and courtesy hours will be subject to disciplinary action. The playing of sports in the halls is prohibited due to noise and possible damage.

### **Reckless Destruction of Property**

Any conduct or action recklessly causing physical damage to public or private property.

### **Rock Painting Guidelines**

The Rock, a tradition started in 2003 and located in the grassy area by the Center for Career & Professional Development, is to promote activities, organizations, and University spirit. Any University-related group or individual may paint the Rock with the following guidelines in mind.

1. No individual/organization shall paint over the Rock within 48 hours of the last individual/organization's painting if the date and time (with AM or PM) are displayed.
2. The Rock must bear the name or be signed by the name of the sponsoring organization/individual legibly.
3. The Rock is reserved for the following times so the University can paint it for these events: New Student Week, Homecoming, Sibs Weekend, Summer Orientation, Family Weekend, Alumni Weekend, Founders Week, and Graduation Weekend.
4. The grass and other University property surrounding the Rock should not have any paint on it.
5. No substance other than paint should be applied to the Rock.
6. Crude or obscene language, offensive representations, and references to alcohol or drugs should not be painted on the Rock.

No advertisement mentioning the sale/use of alcohol may be painted on campus property. Biased comments and inappropriate humor, as well as intimidating and threatening comments, will not be tolerated. (If appropriate, individuals or organizations painting intimidating and/or threatening comments may be charged with a higher-level violation.) First-time offenders receive a warning and must clean up their work within 24 hours of receiving a warning. (If appropriate, individuals or organizations painting intimidating and/or threatening comments may be charged with a higher-level violation.) Violations will result in removal of the paint, and the University reserves the right to charge for the cost of removal and all associated repairs. Exceptions will be made for common-sense artistic expression.

### **Sexual Misconduct and Title IX**

For possible violations that occurred before August 14, 2020, please see the **Sexual Misconduct Policy** on page 33.

Possible violations on or after August 14, 2020, are addressed in the **Title IX Grievance Policy** found on page 12.

### **Smoking**

Smoking is very hazardous to an individual's health, with such consequences as reduced life expectancy and increased chances of contracting diseases such as lung cancer, heart disease, and emphysema. New research findings indicate that non-smokers who are regularly exposed to tobacco smoke are also at increased risk of illness and death. For these reasons, the Trustees have prohibited the sale of tobacco on the campus.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated tobacco product, as well as smoking substances that are not tobacco.

Smoking, including e-cigarettes and the use of unregulated nicotine products, in interior areas is prohibited. Smoking is NOT permitted in the residence halls, rooms, lounges, or restrooms. Furthermore, smoking in exterior areas will be designated by appropriate signs.

Fire regulations also prohibit smoking in the Rike Center, the Clements Recreation Center, the equine facility, the stadium, athletic fields, theme houses, Commons apartments, any area in a residence hall, and any University fraternity or sorority houses. In addition, students who smoke are expected to maintain a 20-foot distance between themselves and any University building to ensure compliance with the State smoking law. Students are asked to cooperate in observing these restrictions. Failure to comply could result in a judicial violation since smoking is considered a minor violation. In extreme situations, students could be cited for Failure to Comply which is an intermediate violation.

Because of fire regulations, smoking is restricted to the following areas: Campus Center Theatre (Pit Area) - as necessary for the theatre production only and Cowan - Stage area - as necessary for the theatre productions.

### **Solicitation and Sales on Campus**

1. Officially recognized campus organizations, including sports teams, with the written approval of the Vice President for Student Affairs or delegated representative, may engage in moneymaking projects for the benefit of worthwhile purposes of the organization and, upon application to the proper building authorities, may have a sale area where designated. Most campus sales will be held in the Campus Center, and/or areas where students are not a "captive audience" (i.e. the residence halls, the dining hall, etc.) No harassment is permitted.
2. Moneymaking events sponsored by campus organizations and held off-campus must also be approved to avoid conflicts. This enhances the opportunity for a successful project.
3. Door-to-door sales and fundraising shall not be permitted in the residence halls, theme houses, or Commons apartments.
  - Distribution of hand leaflets must receive prior approval from the Office of Student Affairs.
  - Sales by individuals or companies not associated with Otterbein University and not receiving prior approval from the Vice President for Student Affairs shall not be permitted on campus.
4. Door-to-door promotion of non-residence life-sponsored events/services is not permitted in the residence halls.
5. Sales by individuals for profit shall not be permitted within the residence halls, theme houses or Commons apartments.
6. Recognized student organizations may sponsor moneymaking events by having a person or organization outside the University supply the product for sale. Such sales must be given final approval by the Vice President for Student Affairs and will be limited. Twenty percent (20%) or more of the profit must go to the organization.
7. Any moneymaking events must comply with Federal, State, and Local laws and University gambling policies. (See Gambling Policy for more information.)

### **Telephone Misuse or Abuse**

Any student who accepts collect calls or makes third-party billed calls to an Otterbein number will be subject to judicial action for fraudulent use of University funds. Any student who damages, alters, or removes any part of a telephone instrument or wiring will be subject to judicial action for telephone

abuse and will be required to pay for damages incurred. No student shall make a telephone call to harass, abuse, or annoy another person.

### **Theft, Attempted Theft, Possession of Stolen Property**

**Theft** - to obtain or exert control over the property or services of another without the owner's consent.

**Attempted Theft** - any attempt to commit a theft.

**Possession of Stolen Property** - Having any property obtained illegally.

Because theft is also a violation of the law, a student or organization will be subject to action by the authorities when appropriate. All thefts should be reported to the Otterbein Police Department, which forwards the report to the Student Affairs Office. Most insurance companies require that a report of this type be completed before they honor an insurance claim.

### **Violation of Local, State, and/or Federal Laws**

In keeping with Otterbein's commitment to educating our students to become responsible community citizens, the University will address student misconduct, both on and off campus. The University may receive the name and type of offense students are arrested and/or cited for by the police department, from other law enforcement jurisdictions, newspaper articles, personal observations, or from other sources that indicate an Otterbein student's involvement in an off-campus violation. This information will be reviewed, and the University may contact the student to further investigate and/or initiate formal University judicial charges as deemed necessary.

### **Visitation: Hours/Guests/Escort Policy**

All hall lounges with external entrances/exits have a 24-hour visitation policy unless the Hall Council chooses to reduce the hours. Residents and guests are responsible for knowing the hours. The Hall Council will post signs in the lounge if 24-hour visit is not available. Visitation is prohibited in all hall areas except 24-hour lounges during non-visitation hours. Hall lounges without external entrances/exits (located on residential floors and only accessible by walking through the floor) will have visitation hours for guests the same as on the residential floor. Residents of the floor may use the lounges 24 hours a day.

**Traditional and Suite-Style Residence Hall** residents may have guests who identify most closely as the opposite gender who visit their rooms daily from 9 a.m. until 2 a.m.

**Theme Houses, Fraternity, and Sorority House** residents may have guests who identify most closely as the opposite gender visit their rooms daily from 9 a.m. until 2 a.m.

**Commons Apartment** residents may have guests visit their apartments 24 hours a day as long as all apartment residents agree.

**Overnight Visitation** – Overnight guests may reside with the student in their residence hall room, theme house or Commons apartment provided the roommate/house/apartment-mates of the resident agree, the overnight guest agrees to follow all housing and campus policies, and the resident registers their overnight guest with their Assistant Director of Residence Life and/or Office of Residence Life. Residents shall take full responsibility for the actions of their guests, including any violations of campus policies.

Traditional and Suite-Style Residence Halls, Theme Houses, Sorority and Fraternity Houses residents may only have overnight guests who identify most closely with the same gender (except during Little Sibs Weekend, when the policy is slightly adjusted.) Guests may stay for a maximum of two nights in a row with only the approval of their room/suite/house/apartment mates (guests must still be registered with their Assistant Director of Residence Life). Special written permission from their Assistant Director of Residence Life is required for a guest staying up to four nights. Guests staying longer than four nights must have written permission from the Director of Residence Life for a stay up to seven consecutive nights. To request permission, students should email the Director of Residence Life with the name of their guest and dates of requested visitation at least 48 hours before the visit is to begin. Guests may not stay longer than seven nights in the residence halls, theme houses, or Commons apartments at any one period of time or stay for more than two periods of seven consecutive nights during an academic year.

### ***Escort Policy***

Residents are responsible for any guests they invite into the building and must remain with the guests for their entire stay in the hall. Residents shall meet their guests at the building entrance. Telephones on the exterior of the building are provided so guests can call the residents to meet them at the door. Anyone not living in the building is a guest, including other students, faculty, staff, and parents. Residents are responsible for ensuring their guests are fully aware of and follow all policies while in the building. Any unescorted guest will be asked to leave the building immediately. The guests and the residents they are visiting will be held responsible for violating the Code of Conduct. Residents are encouraged to ensure their safety by inquiring if someone does not appear to be a hall resident and reporting any unescorted guests to the hall staff and/or University Security/Police.

### ***Weapon Policy***

**Purpose:** In the interest of maintaining a safe academic and working environment free of violence for all employees, students, and visitors, Otterbein University prohibits the possession, transport, and storage of dangerous weapons on University-owned or leased property except as required by law.

**Scope:** This policy applies to all University employees, students, contract employees, visitors, and vendors on University property or at any University-sponsored function. This policy does not apply to any law enforcement personnel engaging in official duties.

Definitions: "University property" covered by this policy includes all University-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways, and parking lots under the University's ownership or control. This policy also applies to all University-owned or leased vehicles. "Dangerous weapons" include, but are not limited to, handguns, firearms, explosives, knives, and other weapons as defined by federal, state, or local laws or ordinances. If employees or students have a question regarding whether this policy covers an item, they should contact the Office of Human Resources or the Otterbein Police Department.

***Parking Lot Exception:*** Individuals who have been issued a valid concealed handgun license may transport or store firearms or ammunition on University property when both of the following conditions are met:

- Each firearm and all of the ammunition remain inside the person's privately-owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all

the ammunition are locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately-owned motor vehicle.

- The vehicle is in a location where it is otherwise permitted to be.

**Enforcement:** The University reserves the right to search all personal and University-owned or leased vehicles, packages, containers, briefcases, purses, lockers, desks, enclosures, and persons entering its property, to determine whether any weapon has been brought onto its property or premises in violation of this policy. These searches will only be conducted in the event of probable cause or reasonable suspicion and will be conducted in accordance with legal search procedures about searches for concealed weapons.

**Reporting Obligations:** Note that Otterbein University reserves the right to conduct weapons checks of people and their packages who attend events such as undergraduate commencement, graduate commencement, and other special events on campus. If any employee or student believes another person covered by this policy possesses a concealed handgun or other deadly weapon in violation of this policy, the employee or student shall immediately report this belief and the basis for this belief to the Otterbein Police Department. Failure to report knowledge of the presence of any dangerous weapon shall subject the employee or student to disciplinary action.

**Sanctions:** Violations of this policy will result in prompt disciplinary action up to and including termination of employment or expulsion from school in accordance with University disciplinary policies. Violations may be reported to local law enforcement agencies.

**Safety:** Employees and students, including Otterbein Police personnel, should be aware that the enforcement of this policy might involve confronting individuals carrying dangerous weapons. Under no circumstances should any employee or student take any unnecessary risks or compromise their safety in enforcing this policy. Local law enforcement should be contacted immediately if deemed necessary.

**Notification:** The University will publicize this policy in employee and student handbooks. A copy of the policy will be included in the Social Issues Update which is posted and updated annually and is online. A copy of the policy will be posted on the University's Otterbein Police Department website. In addition, signs may be posted at various locations that state:

***OTTERBEIN UNIVERSITY PROHIBITS ANY PERSON FROM CARRYING A CONCEALED HANDGUN OR OTHER DANGEROUS WEAPON ONTO THESE PREMISES. NO PERSON SHALL KNOWINGLY POSSESS, HAVE UNDER THE PERSON'S CONTROL, CONVEY OR ATTEMPT TO CONVEY A DANGEROUS WEAPON ONTO THESE PREMISES EVEN IF SUCH PERSON HAS BEEN ISSUED A LICENSE/PERMIT TO CARRY A CONCEALED WEAPON BY THE STATE OF OHIO UNLESS THE WEAPON IS PROPERLY SECURED IN THE PERSON'S VEHICLE WHILE IN A UNIVERSITY PARKING LOT.***

**Jurisdiction and Responsibility:** The President, Vice Presidents, department chairs, directors, administrative managers, and supervisors shall be responsible for assuring compliance with this policy. The Otterbein Police Department and the Office of Human Resources are jointly responsible for the administration of the policy.

## **Section 9 - Student Conduct Violations and Possible Sanctions**

### **General Guidelines for Sanctions**

In determining sanctions, the hearing officer or board should consider the following:

- The severity of the conduct
- Actual and potential harm
- Past misconduct of the charged party
- Failure of the charged party to comply with previous sanctions

The following list provides a general guide for sanctions. Rather than including a complete list of violations, it provides examples to help students gain a general understanding of possible outcomes based on the severity of the violation. Hearing officers and boards may determine different outcomes based on the circumstances of each case.

### **Less Serious Violations**

Students failing to follow procedures, for example:

- Calendar Scheduling Policy
- Poster/Kiosk Policy
- Change of Address and/or Phone Number

*Violations that inconvenience the community, Examples:*

- Pet Policy
- Quiet and Courtesy Hours
- Improper Disposal of Trash
- Solicitation and Sales on Campus

*Possible Sanctions, including but not limited to:*

1. Letter of Warning
2. Disciplinary Counseling
3. Special Assignment
4. Monetary Fine
5. Restitution
6. Restricted Access
7. Living Unit Probation
8. Living Unit Dismissal
9. Disciplinary Probation

### **Intermediate Violations**

- *Violations that impact safety, Examples:*
- Harassment
- Hazing
- Fire Safety – Major
- Concealed Weapons
- Theft, Attempted Theft, Possession of Stolen Property (\$150 or less)

*Violations that disrupt university functions, Examples:*

- Failure to comply with a judicial decision
- Failure to comply with University law enforcement/false information
- Plagiarism, Cheating, and Dishonesty
- Reckless destruction of property

### **Alcohol and Drug Violations**

*Violation of Local, State, and/or Federal Laws*

Possible Sanctions, including but not limited to:

1. Special Assignment
2. Monetary Fine
3. Restitution
4. Restricted Access]
5. Living Unit Probation
6. Living Unit Dismissal
7. Disciplinary Probation
8. Disciplinary Probation with Restrictions
9. Alcohol/Drug/Anger Assessment
10. Suspension
11. Dismissal

### **Severe Violations**

*Violations, or a series of violations, that pose a threat to the health, safety, and well-being of a student, to the University, or to the community. Examples:*

- Assault
- Sale/Distribution of Drugs

*Violations that severely impact property*

- Malicious Destruction of Property
- Theft, Attempted Theft, Possession of Stolen Property (\$150.00 or more) Violation of Local, State, and/or Federal Laws

*Possible Sanctions, including but not limited to:*

12. Special Assignment
13. Monetary Fine
14. Restitution
15. Restricted Access
16. Living Unit Probation
17. Living Unit Dismissal
18. Disciplinary Probation
19. Disciplinary Probation with Restrictions
20. Alcohol/Drug/Anger Assessment
21. Suspension
22. Dismissal

### **Additional Policies for Students Living in Housing**

Additional policies exist for the residence halls, theme houses, and Commons apartments. Please refer to the Residence Life and On-Campus Housing section for these policies.

### **Expunging Records**

Less Serious offenses are expunged from the student's record at the time of graduation.

Theft, assault, alcohol, drugs, disorderly conduct, etc., are major violations, and the student's conduct file is kept for seven years. The Vice President for Student Affairs reviews the file before expunging.

Students conduct files on students who have not completed their degree and have more serious offenses (felonies and/or expulsions) are kept indefinitely.

### **Parents/Guardians Notification**

Parents or guardians of dependent students receive written notification of any decision that results in living unit dismissal, University suspension, or University dismissal. Parents or guardians, faculty advisors, and/or coaches may also receive notice of student conduct action at any time it is deemed to be in the best interest of the student and the University to do so. However, student conduct action is normally treated as confidential information.

### **Transcript Notations**

Otterbein University academic transcripts include notations of academic suspensions and dismissals, and notations of student conduct suspensions and dismissals stemming from violations of the Otterbein Code of Student Conduct.

Concerning Student Conduct violations, notations are placed on the transcript within 24 hours of a hearing. A student conduct suspension notation is removed from the transcript should the decision be overturned in appeal, or once the required separation period has expired, the student has completed all required conditions, and the student has notified the Registrar's Office in writing. Only after all three criteria have been met will the suspension notification be removed. Student conduct dismissal notations will be permanent.

## **Section 10 - Student Conduct Sanctions Defined**

### **Alcohol/Drug/Anger Assessment**

In some cases, the hearing officer or Student Conduct Hearing Board may require an anger, alcohol, and/or drug assessment in conjunction with other penalties. The assessment will be conducted by a treatment center identified by the Student Affairs Office and is at the expense of the student. Any student referred to for an assessment must complete the assessment promptly and will be required to follow through with the recommendations made by the treatment center and/or counselor at their own expense. Failure to have an assessment or complete the recommended treatment shall constitute an intermediate violation.

### **Disciplinary Counseling**

Assures the opportunity for constructive counseling with qualified person(s) suggested by the Vice President and Dean for Student Affairs or their designee.

### **Disciplinary Probation**

Disciplinary Probation tests the willingness of the student or organization to abide by the rules and regulations of the University for not less than one semester nor more than two semesters. Additional violations may result in disciplinary probation with restrictions, suspension, or dismissal of the student or organization. Parents or guardians of dependent students may receive written notification.

### **Disciplinary Probation with Restrictions**

Disciplinary Probation with Restrictions limits and/or revokes privileges for not less than one semester nor more than two semesters. Restrictions may be placed if the violating behavior is directly related to participation in a particular organization and/or activity, and/or the participation of the student may directly negatively impact the experience of others participating in the organization and/or activity. (The behavior must have occurred during the participation in a particular organization and/or activity or places other participants in imminent harm's way).

Parents or guardians of dependent students may receive written notification. Restrictions: These restrictions may include any or all of the following:

1. A student may not hold office or be a member of any campus club or organization unless an academic department requires membership.
2. Students may not participate in intercollegiate sports and/or intramural activities.
3. Students may not join a Greek-letter social organization.
4. Students may not participate in the performing arts.
5. Students may not represent the University in any activity.
6. Students may be restricted in other University activities as deemed appropriate.
7. Students may be restricted from specific locations on campus.
8. Students may have their Otterbein email access restricted during suspension from the University.

### **Dismissal**

Academic Dismissal separates the student from the University for a minimum of five years. Students who have been dismissed for student conduct are permanently separated from the University. Parents or guardians of dependent students receive written notification. Students who have been dismissed for academic performance may not be on campus except when they have an appointment with an official representative of the University. Students who have been dismissed for student conduct may not be on campus except when they have an appointment with an official representative of the University. Before the appointment, students must make arrangements through the Otterbein Police Department at 614.823.1222 before arriving on campus.

Dismissed students will be refunded tuition using the refund schedule outlined in the academic catalog. Meal plans are prorated based on the last day the student remains in housing. Room charges are forfeited for the remainder of the housing contract. All other fees are forfeited.

### **Interim Suspensions**

In extraordinary circumstances, the Vice President and Dean for Student Affairs, in consultation with the President, has the right to suspend a student temporarily pending the decision of the student conduct bodies.

**Letter of Warning**

Provides official notification of a violation and informs the student that continued misconduct will result in further disciplinary action.

**Living Unit Dismissal**

Living Unit Dismissal requires that a student leave their residence hall, Theme House, Commons Apartment, Fraternity or Sorority House, or University-owned housing for a determined time. The student is further restricted from moving into any other University or Fraternity/Sorority housing and is not entitled to any refund from room and board, nor permitted at any time to be on the premises of a residence hall, Theme House, Commons Apartment, Fraternity/Sorority house, or other University-owned housing. If a student is placed on Living Unit Dismissal, the student must pay the full room charge for the current and remaining terms of the current housing contract, and for any remaining semesters in which they are required to live on campus. A student on living unit dismissal who withdraws from Otterbein will be billed for fees for future semesters when they re-enroll. Parents or guardians of dependent students receive written notification.

**Living Unit Probation**

A prescribed period during which another violation of policy may result in the student forfeiting the privilege to live in a University residence hall, Theme House, Commons Apartment, Fraternity/Sorority House, or University-owned housing. Parents or guardians of dependent students receive written notification.

**Monetary Fine**

Monetary sanction depends on the severity and the degree of the infraction. All payments are to be made in the Student Affairs Office unless specific payment arrangements have been made with the Coordinator of the Student Conduct Hearing Board. Failure to pay fines shall constitute an intermediate violation.

**Parents/Guardians Notification**

Normally, parents or guardians of dependent students receive written notification of any student conduct decision that results in living unit dismissal, disciplinary suspension, or disciplinary dismissal. Parents or guardians, and/or coaches may also receive notice of student conduct action any time it is deemed to be in the best interest of the student and the University to do so. However, student conduct action is normally treated as confidential information.

**Restitution**

Restitution provides reimbursement for damage, theft, or removal of property and/or assigns specific services to be completed within a specified period, e.g., service to an appropriate campus or community organization, workshop, or another constructive project.

**Restricted Access**

Restricted Access prohibits students from entering certain designated areas and/or using special equipment as instructed by the judicial body for a specific period.

### **Special Assignment**

In some cases, the appropriate Student Conduct Officer or Hearing Board may assign a work penalty or other special assignment as an alternative to a monetary fine or in conjunction with other penalties to be completed by a specific date.

### **Suspension**

Suspension separates the student from the University for a specified period. Parents or guardians of dependent students receive written notification. Students may take classes at another school while suspended; courses may transfer to Otterbein if the course and grade meet existing transferability criteria.

If the suspension is less than one academic year, the student may re-enroll when this penalty has expired. Students who have been suspended for academic performance must first meet with the Assistant Provost for Student Success before enrolling for classes. If the suspension is for a full academic year or longer, the student may apply to the Admission Office for readmission when this penalty has expired. Students who have been suspended for academic performance must first meet with the Assistant Provost for Student Success before applying for readmission.

Students who have been suspended for academic performance may not be on campus except when they have an appointment with an official representative of the University. Students who have been suspended for student conduct may not be on campus except when they have an appointment with an official representative of the University. Before the appointment, students must make arrangements through the Otterbein Police Department at 614.823.1222 before arriving on campus.

Suspended students will be refunded tuition using the refund schedule outlined in the academic catalog. Meal plans are prorated based on the last day the student remains in housing. Room charges are forfeited for the remainder of the housing contract. All other fees are forfeited.

Students suspended for student conduct may have restricted access to their Otterbein email account if the account is used to harass or threaten.

## **Section 11 - Proposal of Amendments**

Proposals for changes to these regulations are made to the Student Life Committee and carried through the proper channels to the Board of Trustees. Such proposals should be thoughtfully advanced; their proponents should seriously consider their impact on the attitudes of other students, professional University staff, church, alumni, townspeople, University donors, and parents of present and future students, their potential conflict with existing civil laws and the student's legal responsibilities, and their possible effect upon the financial stability of the University.

## **MOTOR VEHICLE RULES AND REGULATIONS**

- A. Eligibility** – Any Otterbein student, faculty, or staff member may operate a motor vehicle on Otterbein-owned and/or operated property, provided that the vehicle is properly registered

with the Otterbein Police Department and the decal is properly displayed (See Section E).  
Registration fees are determined by parking privileges.

**B. Motor Vehicle Registration** – The ability to register and operate a motor vehicle is a privilege that may be revoked for failure to operate and park a motor vehicle properly. Registration is required for all vehicles parked on campus 24 hours per day. Motor vehicles shall be registered for the academic year no later than the first day of classes at the beginning of the academic year. Any person wishing to register a motor vehicle after the beginning of the academic year must do so within three working days of bringing the vehicle to campus. The vehicle decal/registration owner is ultimately responsible for violations of that vehicle. Please purchase your decal at the Otterbein University Marketplace. Links may be found at <https://tinyurl.com/27dmz7pj> or accessed with the provided QR code. When purchasing a decal, you will need to provide the vehicle’s make, model, color, license plate number, and license state.

**C. Vehicle Decals** (See Section H for area privileges)

**“A” decal** – Motor vehicle decals for students living in University residence halls and special purpose housing (Fraternity/Sorority and other organizations): \$160.00 for the academic year; or \$80.00 on or after January 1.

**“B” decals** – Motor vehicle decals for full-time commuting students not living in University residence halls, including full-time Continuing Studies and Graduate Students: \$120 for the academic year; or \$60.00 on or after January 1.

**“H” decals** – Motor vehicle decals for upperclassmen (sophomore, junior, senior) living in the Park St. Commons and Dunlap-King Hall: \$160.00 for the academic year; or \$80.00 on or after January 1.

**“P” decals** – Motor vehicle decals for part-time students: \$80.00 for the academic year; or \$40.00 on or after January 1.



**“Faculty/Staff” decals** – Motor vehicle decals are issued to non-student employees at the Police Department. Faculty/Staff members are required to register their motor vehicles with OPD by providing the vehicle’s make, model, color, license plate number, and license state.

All vehicles parked on Otterbein-owned or operated property must be registered and have a properly displayed valid parking permit. Student Decals are purchased at the Otterbein University Marketplace. You will find the link on the Otterbein Police webpage. Decals are transferable between vehicles used only by the student or faculty/staff to whom the decal is registered. Students, faculty, and staff may not permit anyone else to use their decals. Any decal transfers must be reported to the Police Department and will be noted on the appropriate vehicle registration. Replacement decals will be assessed the full cost of a new decal.

All of the aforementioned permits are valid only as long as the person is associated with Otterbein University in the manner for which the permit was issued. If a student leaves Otterbein University, the permit becomes invalid, even though the expiration date has not arrived. In the same instance, if a faculty/staff member is no longer with Otterbein University, the permit becomes invalid.

- D. Temporary Vehicle Registration** – For limited periods, persons may obtain a temporary vehicle registration by following the procedures established for motor vehicle registration. Permits are for three days (\$5), one week (\$10), and two weeks (\$15). Three temporary permits are allowed per semester.
- E. Displaying Decals** – Decals are to be SECURED in the FRONT window (windshield) glass on either the PASSENGER or DRIVER SIDE at the BOTTOM corner. Decals must always be visible in the specified locations. The decal owner is responsible for the proper display of the decal.
- F. Purchasing or Trading Vehicles** – All persons who purchase or trade vehicles and operate them on Otterbein-owned or operated property must register the vehicle with the Otterbein Police Department and properly display a valid parking permit.
- G. Early Graduation/Withdrawal** – Upon withdrawal from the University or participation in an off-campus Otterbein University program, refunds will be made to full-time students upon presentation of the parking decal to the Otterbein Police Department. A refund request must be received before any semester begins. Refunds will be based on one-half the annual cost per semester.
- H. Handicapped Parking** – No person shall stop, stand, or park at any handicapped space unless the vehicle is being operated by, or for the transport of, a person with a disability AND is displaying a valid, state-issued handicapped license plate or placard. The vehicle displaying the handicapped permit must be transporting the person to whom the permit was issued. A vehicle parked in handicapped parking spots without a valid, state-issued plate or placard is subject to citation and towing at the owner’s expense.
- I. Off-Street Parking** – City of Westerville traffic laws are enforced for street parking.
- J. Traffic and Parking Violations** – Motor vehicle registrants are responsible for all non-moving violations. Motor vehicle operators are responsible for moving violations. Traffic citations will be issued for violations of University traffic regulations as listed under Section L.
- K. Moving and Non-Moving Violations** –
  1. Blocking Fire Lane\* or Fire Hydrants\* – Parking, stopping, or standing a vehicle in a designated fire lane for any reason. Fire lanes shall not be used to load or unload people or property – \$50 (plus tow)  
\*It is mandatory to leave fire lanes open. Areas behind Davis Hall and Mayne Hall, as well as around ALL campus buildings and ALL streets, alleys, paved lanes, etc., which an emergency vehicle might use to reach a building or campus area, are considered fire lanes.
  2. Reckless Operation – Driving in such a manner that causes risk of harm to drivers, pedestrians, passengers, or causes risk of harm to property – \$75
  3. Fictitious Registration – Altering a decal in a manner that makes it appear the vehicle is properly registered to park on campus, or transferring a decal to a vehicle without registering it with the Otterbein Police Department – \$75
  4. Driving or Parking on Grass or Sidewalk – \$50 (plus damage costs)
  5. Parked in Handicapped Zones - \$100 (plus tow)
  6. Failure to Register – All students, faculty, and staff must properly register their vehicles to park on campus. First and subsequent violation fines - \$160 (first violation will be voided with purchase of parking decal)

7. Parking in Zones Other than Those Specified by Registration – Any space, lot, or area not specifically identified as a proper parking space or area, and parking with disregard to areas permitted by decal registration - \$50
8. Parking with Disregard to Painted Lines – Parking over, across, or outside of specifically painted parking spaces, or areas with X-ed, or diagonally painted lines - \$50
9. Failure to Properly Display Decal – Placing a decal or permit anywhere on a vehicle other than those specified in Section E - \$50

All offenses are subject to the fines indicated. All traffic citations will be forwarded to the Business Office for collection and/or inclusion on student fees.

- L. **Appeals Process** – Anyone who wishes to appeal any violation must appear within three (3) working days of the citation date. Citation appeal forms can be found at the Otterbein Police Department or online at <https://www.otterbein.edu/police/citation-appeal-form/>. Incomplete forms will be returned without a hearing. If an emergency or other extenuating circumstance is used as an excuse, documented proof must be sent with the appeal. The Otterbein University Traffic Council will conduct a hearing to review all appeals. Attendance is mandatory. If you appeal a citation and do not attend the Traffic Council meeting, your appeal will not be reviewed
- M. **Campus Parking Areas** – All parking lots have signs stating who is allowed to park in them. Please be sure to read the sign carefully before parking. Any vehicles found without a permit/decal in these lots are subject to ticket and/or towing.
- N. **Visitor Parking** – Registered students, faculty, and staff are not visitors and will be issued a parking citation if parked in a marked visitor parking space. All visitors should obtain a visitor parking pass before arrival. Requests for visitor parking permits may be made in person during normal business hours at the Otterbein Police Department, located at 194 West Main Street, by phone at 614.823.1222, or by email to [police@otterbein.edu](mailto:police@otterbein.edu). When requesting a visitor permit, the Police Department will need the date(s) of the visit and the vehicle’s make, model, color, license plate number, and license plate state. Visitors do not need a permit during the weekend (Friday 5:00 p.m. through Sunday at midnight) or summer break. Visitors may park in the Campus Center West Parking Lot, Cowan Hall Parking Lot, Psychology House Parking Lot, Davis Hall Parking Lot, The Point Parking Lot, and at 33 Collegeview. Citations issued to visitors having unregistered vehicles should be returned to the Otterbein Police Department, signed and dated by the visitor, explaining the situation. Such citations shall be voided by the Chief of Police. However, any citation issued for parking in a fire lane or improperly parking in a handicapped space will not be voided and will be charged to that person.
- O. **Motorcycles**-Motorcycles are required to be registered with the Otterbein Police Department. Permits are to be obtained at the Otterbein Police Department (See Section C). Motorcycles are required to follow all traffic and parking rules and regulations, and are subject to citations and fines, as are all other motor vehicles.
- P. **Chronic Offender** – Barring an appeal (See Section M), a vehicle cited for the sixth time during the same academic year for any violation will lose on-campus parking privileges for the remainder of the academic year. Should the vehicle be parked again on campus property within the same academic year, the vehicle will be subject to citation and towed at the owner’s expense.
- Q. **Procedures for Special Situations**

1. Temporary or physical disability – Contact the Otterbein Police Department for an escort if needed.
  2. Disabled Vehicle – In the event a vehicle becomes disabled, the motor vehicle operator shall place a note on the windshield indicating the problem with the vehicle and the time/date it occurred. The owner should also notify the Otterbein Police Department regarding the vehicle. The disabled vehicle shall not stay where it is parked or go unregistered for more than 48 hours. If using another car, the Otterbein Police Department must be notified and a temporary parking pass issued.
  3. Loading/Unloading - Vehicles will be permitted to temporarily park in loading/unloading zones for that purpose only. Vehicles parked in those zones should have their hazard lights operating and call the Otterbein Police Department if an extended amount of time is needed. Vehicles are subject to citation and may be towed at the owner’s expense. FIRE LANES ARE TO BE CLEAR AT ALL TIMES
- R. Vehicle Tow** – All tows will be authorized by the Otterbein Police Department, and a tow report will be filed. Regarding vehicles being towed for “Chronic Offender” status, see Section N. Vehicles may be towed for other reasons, including, but not limited to, emergencies, blocking other vehicles, creating a hazard, or any other situation determined necessary.

## FRATERNITY & SORORITY LIFE (FSL) HOUSING

Several Otterbein University sororities and fraternities have houses recognized by the University as a Greek-lettered organization house where organizational members may reside in their sophomore, junior, and senior years. The Center for Student Engagement works with students in these houses to develop cohesive communities. Each house offers a variety of amenities and special programs for the organization’s members. Students can be approved to “waive” their residency requirement to live in their chapter house instead of a residence hall.

**FSL Housing Eligibility and Expectations:** Active members of Otterbein sororities and fraternities who are full-time students of at least sophomore academic status are eligible, for full rent, to reside in the organization’s house.

### ***Eligibility:***

1. Students must remain active and recognized members of the Chapter to live in the house.
2. Students must be of sophomore academic standing (30 credit hours) or higher by the completion of the previous school year (Spring term).
3. Students must have a 2.3 cumulative GPA or above by the completion of the previous school year (spring term). Exceptions can be made for individuals between 2.0 – 2.29, provided they follow the FSL Academic Support Program while working to improve their GPA.
4. Students must be full-time students (12 credit hours) at Otterbein University for the school year, aligning with the lease year.
5. Sophomores are allowed to live in FSL housing provided their numbers do not exceed fifty percent of the house's capacity.

### ***Expectations:***

1. Manage and maintain the facility as outlined in their University lease or by their landlord.

2. When issues arise within the chapter house, it is the responsibility of the chapter to decide appropriate consequences for its members. If problems persist, administrative measures will be taken.
3. A persistent problem is defined as one that has been ignored for one semester and continues into a second.
4. Students who do not uphold the terms of their lease will be required to move out of the house and will be required to fulfill the Otterbein University three-year on-campus residency requirement.

**Summer and Break FSL Housing:** *Organizations may keep their houses open during any break period and/or summer, provided they meet the following criteria:*

1. Eligibility applies if there's a vacancy that needs to be filled.
2. Students residing in the house during the previous academic year will stay through the end of their lease term (typically June 30<sup>th</sup>) unless a sublet or a current member is requested.
3. Violations of regulations subject the individual or the organization to the same judicial process as violations occurring during the regular academic year.
4. Violations of regulations by former students will subject them to immediate expulsion from the house.

**General FSL Housing Expectations:**

1. All residents must complete the required FSL house expectation and lease agreement review session.
2. Authorized University representatives, including Otterbein Police Department, Service, and Student Affairs, shall have the right of inspection within FSL houses for the following purposes: fire safety inspections and fire drills, inspection for standard maintenance, reasonable grounds for believing the house is being used for an illegal purpose, and inspections in situations where the student's well-being appears to be threatened or in which a violation of University or civil regulations seems to have occurred/be occurring. Students are expected to comply with the University personnel seeking entry. Failure to admit authorized University personnel will result in a referral to the University's judicial council. Reasonable notice will be given to FSL households for standard maintenance.
3. Each house will have a designated house manager who must complete the required FSL House Manager training.
4. Otterbein University does not permit smoking or animals (except approved support animals) in any University fraternity and sorority houses.
5. All room changes after a student's initial check-in must be submitted to the Center for Student Engagement.
6. FSL houses are required to follow all campus housing rules and regulations, including but not limited to alcohol, drugs, and firearms, unless there is a specific alternative policy set aside for FSL housing.
7. For University-owned houses, residents must follow the check-out and check-in procedure when moving in/out of the house. In the event a resident(s) loses their key (either room or house key), they will be charged a re-core fee per room lock, and/or a fee per house entry lock.

## **RESIDENCE LIFE AND ON-CAMPUS HOUSING**

Living in a community requires each member to take responsibility for their safety, the security of their belongings, and the safety and respect of others. Students who reside in Otterbein University residence halls, theme houses, and Commons apartments must abide by all policies outlined below, as well as those outlined in the *Student Code of Conduct*. Students should make their guests aware of it and ensure they follow these policies. Infractions of University policies will be forwarded to the Student Conduct System.

**3D Printers** –These are not permitted in Residence Halls. See Fire Safety/Electrical Appliances.

**Accommodations** - Otterbein University provides reasonable accommodations to persons with disabilities who have a verifiable need for reasonable accommodation because of a disability as defined by the Americans with Disabilities Act (ADA) Section 12102. A reasonable accommodation is an exception to the usual rules or policies that a person with a disability need because of their disability to have an equal opportunity to use and enjoy Otterbein University-owned housing.

Students who have a diagnosed disability and need an accommodation within campus housing should contact the Director of Residence Life to discuss their needs. This includes Service Dogs, Emotional Support Animals, Air Conditioning, etc.

**Agreements** – University housing agreements are legally binding documents for the entire length of the agreement. Most agreements are signed for an entire academic year. Agreements terminate 24 hours after the student’s last examination or by the date on the agreement. A student is charged a per-night fee for staying in University housing outside the agreement period.

**Air Conditioners** – See Fire Safety/Electrical Appliances.

**Alcohol and Drugs** – Students shall not consume or possess alcohol (except where explicitly permitted), illegal and/or illicit drugs. Please see the campus-wide policy.

**Assignment Changes (Room Changes)**- Residents wishing to change rooms should contact the Office of Residence Life for information on current vacancies and the process for requesting a change. An administrative charge of \$100.00 will be assessed to any student(s) participating in an unauthorized room change (moving before completing the Room Change Form).

**Bathrooms – See Restrooms.**

**Bicycles** – Bicycle racks are provided outside the residence halls for use by all Otterbein community members. Bicycles stored on racks should be chained and locked. Any bikes chained to other locations (benches, trees, handrails, stairs, etc.) will be removed and confiscated by campus police. Students wanting to store a bicycle in their room must have the agreement of their roommate and must be able to ensure the bicycle does not block egress from the room via the door or window and does not block the belongings of their roommate. There are NO common areas within the University housing where bicycles are permitted to be stored. Any bicycles found in lounges, stairwells, or other common areas within the residence halls or chained to landings/stairs in the Commons and/or Theme Houses will be removed and confiscated by campus police. Bicycles should not be left on racks after the spring semester if a student is not on campus during the summer term.

**Damage** – The conditions of student rooms are assessed before the student moves in and again after the student has moved out. Residents shall review the condition of their room immediately upon move-

in to ensure the room condition report (RCR) is accurate. Any discrepancies should be shared with the Residence Life Staff via return of their pink receipt with the discrepancies listed or The Office of Residence Life in writing via email to [reslife@otterbein.edu](mailto:reslife@otterbein.edu) within 12 hours of check-in. Resident Assistants do not assess damage fees. If there is damage resulting in a charge when a student checks out, they will be notified via e-mail by an Assistant Director of Residence Life or Area Director. Students will have one week from the receipt of the damage charge notification e-mail to appeal the charge in writing. The appeal must provide documentation supporting why the damage is not the responsibility of the student (e.g., a photo with a time stamp showing that the damage was present on move-in day). Residents shall maintain the condition of all items in their room and hold collective responsibility for the condition of the common areas of the hall, apartments, or theme houses.

If students are responsible for damaging an area of the hall, they shall notify staff of the damage and take full responsibility for the damage by paying for the replacement/repair of the item. If damage is not reported by students and is noticed by staff, students will be asked via email or letter to notify their Assistant Director of Residence Life of the identity of the responsible parties. When the student(s) responsible for the damage are identified, the cost of repair will be equally divided and charged to their account(s). Residents are collectively responsible for identifying the student(s) responsible for damage(s). If the student(s) responsible for the damage are not identified, repair costs within the student's room will be distributed among roommates. Repair costs for common areas of the hall (lounges, stairwells) will be distributed among residents of the floor/building, house, or complex. Their Assistant Director of Residence Life in conjunction with the Facilities Services staff, will determine whether the repair is to be considered damage or normal wear and tear and, if necessary, who will share the costs. The Director of Residence Life will handle all appeals for assessments of damage. Any appeals must be made in writing within 48 hours of the notification of common area damage being emailed and/or delivered to student mailboxes/rooms. Any appeal for individual room damage must be made in writing within one week of moving out of the room/hall. The appeal must provide documentation supporting why the damage is not the responsibility of the student (e.g., a letter from the person responsible for the damage).

**Decorations** – Students are encouraged to decorate their rooms if they do not create health hazards, fire hazards, or cause damage to the room. Students must adhere to the following guidelines:

1. Students may hang items on the walls using non-permanent “low tack” tape, such as painter’s tape, or use hanging devices such as 3M Command products. Extreme care should be taken during removal, especially from drywall, as even low-tack items can remove paint when taken off quickly. Removal of paint or drywall will result in damage fees.
2. Students must use caution in decorating their rooms and avoid the use of any highly flammable items, including real Christmas trees, pine roping/garland, items made of cotton batting, straw, vines, leaves, or shrubbery. Students must avoid hanging any items on the ceiling or over light fixtures, including but not limited to, fishnets, parachutes, holiday lights, and flags.
3. All decorative items must be contained within the student’s assigned room, except for decorations hung on the student’s room door. The area outside student doors must remain free of all items that could cause damage, inhibit egress, and/or disrupt cleaning processes (i.e., door mats, pumpkins, Christmas trees, etc.) Items may not be hung from the door frame that covers the door in any way. For apartments and themed houses, this applies to any door within the

house or on the exterior. See Sign Posting for policy related to student organization event signs/posters hung within the residence halls.

4. Students may decorate the door to their assigned living area using non-permanent, low-tack adhesive and/or magnetic items (most room doors are metal). Students must ensure decorations do not extend beyond the door, blocking egress in any way, and are not prone to falling off the door.
5. All rooms are provided with mini-blinds or other shades that remain installed in their original location. Students may choose to add drapery or valances over the University-provided window coverings. These additional window coverings must be solid white, off-white, beige, or light grey on the exterior side (facing out), and the backing should be thick enough that no other colors/shapes/designs are viewable from the outside. The use of non-permanent "low tack" adhesive should be used for hanging any additional window coverings. No items may be installed between the University-installed window coverings and the window screen, with the exception of a single emergency sign if an animal is approved to reside in the room. No items may be hung outside the window unless approved by the Residence Life Staff (HD, AD, ADRL, or Director) for hall/University events (i.e., Homecoming banners).
6. Windows must be kept free from all decorations in case of an emergency. The exception is that students with approved animals (including service dogs and emotional support animals) may post one small sign in the lower window corner alerting emergency personnel to the presence of an animal. This sign should be no larger than 6"x6" and should be either a vinyl cling or a piece of paper affixed with transparent tape.
7. Students must avoid the use of alcohol paraphernalia, including, but not limited to: empty alcohol bottles/containers, funnels, beer bongs, shot dispensers, or other methods of alcohol delivery, in their decorations. Possession of alcohol is prohibited within the residence halls (see page 78 for the full alcohol policy).
8. Residence Life staff may approve the decoration of lounge windows to demonstrate hall pride and/or to advertise hall/University events (i.e., Homecoming)

**Doors** – All university outside doors are locked 24 hours a day for the security of the residents. Entry to the halls is gained via a card reader located on one or more doors by use of the student's personal Card. After entering or exiting a door, residents are responsible for checking to see if the door locks behind them. Only residents of the specific hall/complex will have access to the building. Students will keep their Cardinal Card secure and not lend it to other students. Compromising the safety of the hall by propping doors open or lending others a Cardinal Card is a violation of the Code of Conduct. Residents will lock their individual room/bedroom doors when they are sleeping or not in the room. Students failing to carry their keys and/or Cardinal Card and locked out of University housing, room, apartment, or house, may contact a Residence Life staff member or Otterbein Police for entry. A small fee will be billed to the student's account for each room entry.

**Electrical Appliances** – See **Fire Safety/Electrical Appliances (below)**

**Emotional Support Animal:** See 'Accommodations'

**Escort and Guest Policy** – Residents are responsible for any guest they invite into the building and must remain with the guest for their entire stay in the hall. Residents must meet their guests at the building

entrance. Anyone not living in the building is considered to be a guest, including other students, faculty, staff, and parents. All guests are required to provide photo identification upon request from a University Official. Residents are responsible for ensuring their guests are fully aware of and follow all policies while in the building. Any unescorted guest will be asked to leave the building immediately. The guest and the residents they are visiting will be held responsible for violating the Code of Conduct. Residents are encouraged to ensure their safety by inquiring if someone does not appear to be a hall resident and reporting any unescorted guests to the hall staff and/or University Police.

**Fire Drills & Fire Inspections** – In compliance with the Ohio State Fire Code, Otterbein University will conduct regular fire drills and fire inspections of all residential facilities, which include residence halls, theme houses, and the Commons apartments. As outlined in the Ohio Fire Code, the drills and inspections will take place at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire. Residence Life and Student Affairs staff may assist University Police in coordinating compliance with these policies. Any violation of university policy, including Failure to Evacuate, will be documented and referred to the Student Conduct System.

**Fire Safety/Electrical Appliances** – Students are encouraged to exercise extreme care when selecting electrical appliances for their campus housing. Each of these electrical appliances must be Underwriters Laboratory (UL) approved, in good operating condition, and not left unattended when in use. Students should remember the space limitations of many areas and the number of outlets available to them. With this in mind, students may bring the following items into the residence halls, theme houses, and Commons apartments:

Air Purifier Clocks

Coffee makers (single brew only, e.g., Keurig)

Computers

Curling irons/curlers

Fans

Non-Ionic Hair Dryers & Hair Implements\* (straighteners, etc.)

Holiday lights (not stranded together)

Hot air popcorn poppers, Iron (auto shut off)

Microwave (800 watts or less)

Power strips with circuit breakers

Razors (electric)

Reading lamps (excluding Halogen reading lamps without safety grids)

Refrigerator (up to 4 cubic ft.)

Stereo System (small)

Surge Protectors with a 14-gauge wire (heavy-duty)

Television

Video Game System

\*Ionic hair implements (hair dryer, curling iron, hair straightener) are not allowed because they may cause the fire alarms to activate.

Due to the students' allergic response to artificial scents, they may not use any electric device that produces a scent, such as air fresheners (e.g., Plug-ins, diffusers, candle/wax warmers).

Due to the sensitivity of smoke detectors, aerosol sprays, including air fresheners, deodorants, hair sprays, body sprays, and sanitizing sprays (e.g., Lysol), should not be used in a room where a smoke detector is located.

Swamp coolers are prohibited because they create additional humidity in a small space and increase the chance of mildew developing.

Due to the risk of fire or causing a false fire alarm, the following items are prohibited in all campus housing facilities. If any violation of these items is found, the resident will be referred to the Student Conduct System.

3D Printers

Any appliance not marked as UL-approved

Any appliance with an exposed heating element

Air conditioners (unless approved as an accommodation)

Air Fryers

Broiler ovens

Candles (including candle warmers)

Electric blankets

Electric potpourri pots

Electric frying pans/griddles/devices

Electric scooters/bicycles

Extension cords (all types)

Halogen lamps without safety grids

Heat or sun lamps

Hot plates

Ionic hair dryers

LED light strips adhered directly to the wall or University-owned property (they may only be used when adhered to painter's tape and the painter's tape adhered to the wall)

Lithium batteries and Lithium battery-operated devices.

Oil popcorn poppers

Outlet expander without a surge protector

Scented oil burners

Space heaters, Toasters\*

Toaster ovens

Any item that causes the fire alarm to activate.

Any use of electric appliances requires that the residents monitor the placement of the electric cords (i.e., do not let cords lie on or next to heating units). Any appliance not included in these lists must be approved by the Assistant Director of Residence Life before usage.

\*ONLY Students in the Commons and theme houses may possess and use toasters and George Foreman grills with extreme caution in the kitchen area only.

Students shall make smart choices to ensure their safety and the safety of others in the residence halls, theme houses, and Commons apartments. The following guidelines will help students decrease the risk of a fire hazard in their living area. Students are required to:

- Empty wastebaskets regularly in the dumpsters provided outside and do not place wastebaskets in closets.
- Dispose of cigarette butts and matches carefully in appropriate containers outside the building.
- Assure all items taped to walls are taped at all corners using removable painter's tape or small tacks.
- Be present and attentive at all times when cooking. If available, hood fans must be used when cooking on a stovetop, and students should avoid frying at high temperatures.
- Refrain from hanging anything from the ceiling over a light or blocking the window (except curtains).
- Do not build lofted or bunked beds in halls where furniture is not meant to be lofted or bunked.

Due to the community environment and the added risk of loss or damage to life or property, the following items are prohibited in all residence units: vehicle batteries, charcoal, gasoline, and items identified under the Concealed Weapons policy and Firearms/Firecrackers policy. Please refer to Section - University Judicial Policies Defined for the Concealed Weapons policy and the Firearms/Firecrackers policy.

**Furniture (University Owned)**— Residents will keep all furniture supplied to them in the room throughout the year and may not remove furniture. Students in the theme houses, suites, and Commons will keep all University furniture in the same room as originally placed (i.e., sofas in living rooms, beds in bedrooms, etc.) Removal of furniture or other University property from residence hall lounges, rooms, or common areas is viewed as theft and may be subject to criminal prosecution and referral to the campus judicial board. All student rooms are furnished with a bed, mattress, desk, chair, and closet/drawer space for each student. Beds in the halls may be bunked, in a standard formation, to

increase space. Beds in some halls can be lofted, and students may loft their beds in a standard formation with a stabilizer bar. Residents unsure if their beds can be lofted will seek assistance from a residence life staff member. Residents are responsible for the use and care of University property and shall pay for the replacement/repair of any items they damage. Due to the community environment and the added risk of loss or damage to life or property, waterbeds or other water-filled furniture are prohibited in the residence units.

**Furniture (Student's Personal Property)** - Students are permitted to bring in additional furniture such as futons and lounge chairs if the additional furniture is approved by their roommate(s) and does not block egress. All additional furniture should be in excellent, if not new, condition. Students are responsible for extermination costs if the source of a pest infestation is determined to be the student's personal property. If there is a pest infestation or potential risk caused by the furniture, students will be required to remove their furniture. See 'Pest Extermination' for additional information.

**Housekeeping, Repairs, and Maintenance** – The University's Facilities Services Department cleans hall common restrooms and common areas (lounges, hallways, lobbies, etc.) daily, Monday-Friday. All students are responsible for cleaning their rooms. Students with attached restrooms are responsible for cleaning their restrooms. Students in the Commons and theme houses are responsible for cleaning their whole living area, including kitchens and restrooms. Repairs and maintenance of all University facilities are done by the Facilities Services Department.

Residents will report all needed repairs, maintenance, or housekeeping concerns via the Facilities Services online work order system or by calling them directly. Repairs will be made during the regular work schedule of the Facilities Service Department. If the repair is needed because of a student's action, that student may be charged for damages. See the "Damage" section for more information on damages.

**Housing Eligibility by Type** – The University offers student housing in traditional-style halls, suite-style halls, Commons apartments, and theme houses. Below are specific eligibility requirements by type.

1. Traditional Style Halls: Traditional style hall rooms are available to full-time students of any class standing.
2. Suite Style Halls: Suite-style hall rooms are available to full-time students who have completed at least one semester at the university level, beyond high school.
3. Commons Apartments: Commons apartments are available to students who are of junior class standing (have earned 60 credit hours) or are entering their third year of college. A student applying to live or living in the Commons must be in good standing, meaning they are not on probation.
4. Theme Houses: Theme houses are available for students who are of sophomore class standing (have earned 30 credit hours) or are entering their second year of college. A student applying to live or living in a theme house must also be in good judicial standing, meaning that they are not on probation.

**Inspections** – Otterbein University reserves the right to enter a student's university residence for administrative, safety, and regulatory purposes. The University exercises this right only under specific circumstances. Individual bedrooms in University residence halls, the Commons, or theme housing are considered to be private dwellings of those assigned to the room. This right of privacy carries with it the responsibility for students to conduct themselves within the general policies of the University.

Authorized University representatives have the right of inspection within student rooms for the following purposes: inspection for standard maintenance, reasonable grounds for believing the room is being used for an illegal purpose; and inspections in situations where the student's well-being appears to be threatened or in which a violation of University or civil regulations seems to have occurred/be occurring. Students will comply with University personnel seeking entry. Failure to admit authorized University personnel will result in referral to the university's Student Conduct System. Health & Safety inspections will take place as needed to ensure facilities are being properly maintained.

**Keys and Building Access**— Students are issued a room key when checking into University housing. Students in theme houses and Commons apartments receive a room key and an apartment/house door key. Students will always keep the key(s) on their person at all times to ensure others do not use it. Students will not lend the key to others nor duplicate the key(s). Unauthorized possession, duplication, or use of keys is a violation of the Student Code of Conduct. Students who lose their key may request a re-core of their room lock by contacting a Residence Life Staff member within their building. A damage charge will be assessed for each lock re-core and added to the student's University bill if a student loses or fails to return their key(s) at the end of the year, or when they permanently leave the residence (whichever comes first). For students who live in campus residence halls, their Cardinal Card ID acts as a key to the building. Students will not lend their Cardinal Card ID to others to use within the halls.

**Laundry** – Automatic washers and dryers are furnished in all residence halls, theme houses, and Commons apartment complexes. Laundry machines are for use by residents of the building only. Issues with laundry machines should be reported using the contact information displayed on the machine. Students should use the appropriate amount of detergent and clothing to avoid damaging machines. Students should follow the directions posted in the laundry rooms on proper use. Failure to appropriately use the machines, causing damage may result in damage charges.

**Movies on Campus** – Members of the Otterbein University community are expected to follow Federal Copyright Laws and policies that govern the screening of films on campuses. Student organizations and/or individuals who are interested in showing a movie on campus (including residence hall common spaces) should first contact the Center for Student Engagement at 614.823.3202, located in the Campus Center. A staff member will meet with the student(s) to explain the process for purchasing public performance rights.

**Painting** – Residents may not paint their rooms or any other space in the residence halls, theme houses or Commons apartments.

**Personal Items** – Otterbein University is not responsible for stolen or damaged personal belongings. This includes items in residence hall rooms, study lounges, laundry rooms, etc. Residents are strongly encouraged to keep their room/apartment doors locked at all times. Students are encouraged to protect their belongings with insurance, either by checking their parents'/guardians' homeowner's insurance or purchasing renters' insurance. Items abandoned when a student has moved out or withdrawn from the University will be donated to the Otterbein Thrift Shop or a local charity.

**Pest Extermination** – If a student is experiencing bug bites that are not attributed to time spent outdoors, they should inspect their room for any visible bugs and, if found, contain them within a sealed container. Facilities Services staff should be notified via the work order system, and the Residence Life staff informed. Depending on the type of bug identified, a room inspection may be scheduled, and/or

extermination may be scheduled. Bug traps may be set, and specific protocols for bed bugs or other pests may be followed. If a student does not see any visible bugs but has seen signs of bed bugs (bugs, rust/blood stains on mattresses, especially in the seams) and/ or has bites consistent with bed bugs (typically on the legs, abdomen, or back with bites being in a line), they should report this via the work order system and notify the Residence Life staff. The student will be provided with information on the bed bug protocol, and inspections and extermination will be scheduled as determined by the Environmental Health & Safety Officer. The university reserves the right to inspect the rooms that are on either side of the affected room, and sometimes across the hall, depending on the floor/ room configuration, as a precaution. Students are expected to take actions necessary to prevent extermination needs and will be liable for extermination costs if necessary.

**Pets** – For purposes of health and sanitation, only aquarium fish and hermit crabs are allowed in any residential area with the agreement of roommate(s). Students are permitted to have one fish tank of 20 gallons or less per residential room. Residents will care for their animals and provide a clean, healthy living environment for them. During break periods, students are required to take home any animals. Tanks with lights and pumps must be unplugged during winter break when residence halls are closed, and tanks must be emptied and cleaned. The University reserves the right to mandate the removal of any living creature or plant at the discretion of University officials, including the residence hall staff.

**Prohibited Areas** – Students are prohibited from entering/accessing certain areas of residential buildings, including the roof, attic, the top of awnings or overhangs, mechanical and custodial rooms, storage areas, and any area for which they have not been issued a key or granted access via their Cardinal Card. Students are prohibited from gaining entry to the steam tunnels or other service areas through the residence halls or campus access points.

**Quiet Hours, Courtesy Hours, and Noise Awareness** – Residents will maintain environments conducive to studying and sleeping. Minimum Quiet Hours have been established in the residence halls, theme houses, and Commons apartments from 10:00 p.m. to 8:00 a.m. daily. Extended quiet hours are observed during exam week, 24 hours per day, beginning the Sunday before exams at 10 p.m. During Quiet Hours, residents will keep all areas of the building as quiet as possible.

Residents will keep their room doors closed and ensure noise from TVs, computers, stereos, and musical instruments is not heard in the hallway or other rooms. Students outside the residence halls will ensure they do not create noise inside the residence halls. Consideration needs to be given to how noise travels if the window is open.

Courtesy Hours exist when Quiet Hours are not in effect. During Courtesy Hours, residents will be courteous to other students and respect their need for quiet. Students needing another student to be quieter will respectfully ask the student to quiet down. Residents asked by another to be quieter will honor this request. Failure to honor the request should be reported to a residence life staff member. Residents will be cognizant of the amount of noise they are creating and avoid any activities causing loud noises, such as playing sports, yelling, running, etc.

**Recycling** – Recycling bins are provided in each residence hall, Commons complex, and theme house. Students will recycle all their paper, plastic, glass, and aluminum by placing them in the appropriate receptacle. Trash should not be placed in recycling bins. Inappropriate use of recycling containers will be

treated as damage. Theme House residents will use the recycling bin provided and follow the City of Westerville recycling guidelines and pick-up schedule.

**Residency Expectations** – As a residential campus, Otterbein University expects all single, traditionally admitted, undergraduate students enrolled for 12 or more credit hours to reside in on-campus University residential facilities (excluding FSL Houses). All students residing in the residence halls shall participate in a full board (meal) plan except those with senior academic status before the beginning of the fall semester who have selected a room-only contract. Students may request an automatic exemption from University housing if they meet one of the following criteria:

- Reside at the principal residence of their parent(s) and/or legal guardians within a 30-mile radius of Otterbein University,
- Will have completed at least 90 semester credit hours by the beginning of the fall semester and have not signed a housing contract for the following year,
- Will be 22 years of age before the first day of classes of the fall semester,
- Legally married or single parent residing with their spouse or children within a 30-mile radius of Otterbein University,
- Have lived in Otterbein (or other university) on-campus housing for three full years (nine quarters or six semesters, excluding summers),
- United States military veterans with 18 months or more of active military service.

Students applying for an automatic exemption should do so by completing the Off-Campus Status Application.

**Restrooms** – Communal restrooms in traditional residence halls are designated as either male or female. Students will use the restroom that aligns with their legal sex under state law. Single-person restrooms may be used by anyone.

Personal items (shampoo, soap, hairdryers, etc.) are not to be stored in the traditional residence hall restrooms or pod-style restrooms. Residents in the Commons Apartments, theme houses, suite-style halls, and rooms with private restrooms may leave personal items in the bathroom.

Shower caddies may NOT be hung from the shower head/pipe, as this can cause leaks and/or damage to the integrity of the shower walls. that hangs from the shower head/pipe, as this can cause leaks and/or damage to the integrity of the shower walls.

**Room Changes** – See ‘Assignment Changes’

**Service Dogs** –See ‘Accommodations’

**Sign Posting** – Registered student organizations may request signs/posters for their on-campus student events to be posted within the residence halls by the residence life staff. Signs must be approved at least two weeks before the event through the Student Affairs Office. Signs submitted for approval must contain the following information clearly readable within the sign design, or provide one copy of the sign that includes the information printed on the back:

- Name of organization sponsoring the event
- Date of event
- Time of event

- Location of event
- Person to be contacted with any questions (Otterbein email and/or phone number)

**Smoking/Vaping** – Students will refrain from smoking/vaping in or near any residence hall, theme house, or Commons apartment to prevent smoke from entering any door, window, or air vent of any facility. Students who smoke will maintain at least a 20-foot distance between themselves and any University building to ensure compliance with the State smoking law.

**Sports** – Athletic activities that normally take place outdoors (football, frisbee, lacrosse, soccer, etc.) or in the gym (basketball) are prohibited inside University housing facilities. Students should use the University sports fields and recreation areas for these activities. Students should not bounce or throw balls inside or hit the outside of university buildings with sports equipment. See the damages section for additional relevant information.

**Trash** – Students will remove trash from their rooms/suites/apartments and place it in the dumpsters provided outside. Theme house residents will follow the trash pick-up schedule provided by the City of Westerville and use the trash cans provided. No bags of trash will be stored outside. Excess trash will be taken to an Otterbein dumpster for disposal. Students inappropriately disposing of trash or littering will be referred to the campus judicial board and may have damage charges assessed. Students will not dispose of their room trash in hall recycling bins, floor restrooms, or other common area trash cans. Students will not allow a large amount of trash to be collected in their living space. Commons residents will not place trash or recycling on the landings outside their apartments. If a specific individual responsible for incorrect trash disposal cannot be identified, the entire floor/community may be charged damage fees for disposal.

**Vacancies** – The University reserves the right to consolidate (reassign) student housing assignments if a student does not have an assigned full room, suite, apartment, or house. When a vacancy occurs and there is no waiting list for housing, the remaining student has the following options:

1. Find a roommate of their choice. A list of current students without roommates can be provided by the Office of Residence Life, or a resident with another resident may request to move into the vacancy.
2. Remain in the room and purchase a Super Single. This option guarantees a room as a super single for the rest of the semester. By choosing this option, the student will pay an additional fee and will remain in their current room without a roommate. All University furniture in the room must remain. This option may be suspended if a housing waitlist exists. Students with super singles in the fall semester will be notified if the super single is not available for the spring semester due to high occupancy.
3. Be consolidated with another student. By choosing this option, the Office of Residence Life will either have another student move into the vacant space, or you will be assigned to move to another vacant space. Failure to move to a new assignment within one week or refusal of a new roommate will result in the Super Single fee being applied and/or student conduct charges.

**Vending Machines** – Snack and/or drink vending machines are in most residence halls. Report any loss of funds to the phone number listed on the machine. Residents shall immediately report any malfunction or damage to the machines via email to [reslife@otterbein.edu](mailto:reslife@otterbein.edu). Any machines subjected to abuse may be removed for the remainder of the semester or year.

**Visitation Hours/Guests** – All hall lounges with external entrances/exits have a 24-hour visitation policy. Visitation is prohibited in all hall areas except 24-hour lounges during non-visitation hours, from 2 a.m. to 9 a.m. Hall lounges without external entrances/exits (located on residential floors and only accessible by walking through the floor) will have visitation hours from 9 a.m. to 2 a.m. Residents of the floor may use the lounges 24 hours a day.

Traditional, Suite-Style, Theme Houses: From 2 a.m. to 9 a.m., guests who are visiting are considered Overnight Visitors and must adhere to the following rules.

Commons Apartment residents may have guests visit their apartments 24 hours a day, as long as all apartment residents agree.

Overnight Visitation – Overnight guests may reside with the student in their residence hall room, theme house, or Commons apartment, provided the following:

- Roommate/house/apartment-mates of the resident agree,
- The overnight guest agrees to follow all housing and campus policies
- The resident registers their overnight guest via the online form available on the Residence Life portal or Ozone page.

Residents take full responsibility for the actions of their guests, including any violations of campus policies. See the 'Escort/Guest' policy for more information.

In traditional and Suite-Style Residence Halls and theme Houses, residents may only have overnight guests of the same gender identity, except for those living in gender-inclusive spaces. Those who live in gender-inclusive spaces are those who have roommates of all gender identities, including non-binary.

Guests may stay for a maximum of two nights in a row with the approval of their room/suite/house/apartment mates (guests must still be registered via the online form listed on the Residence Life Ozone page). Students must receive written permission from their Assistant Director of Residence Life for a guest staying up to four nights. Guests staying longer than four nights must have written permission from the Director of Residence Life for a stay up to seven consecutive nights. To request permission, students should email the appropriate Assistant Director or the Director of Residence Life with the name of their guest and dates of requested visitation at least 48 hours before the visit is to begin. Guests may not stay longer than seven nights in the residence halls, theme houses, or Commons apartments at any one period or stay for more than two periods of seven consecutive nights during an academic year.

**Withdrawal from the University and Leaving Housing** – In cases of withdrawal from the University, the University Housing Agreement is terminated. The student will vacate the residence hall within 48 hours of withdrawal. The student will remove all belongings, plan to check out of their room with a member of the residence life staff, and return the room key. If the student fails to return the room and/or apartment/house key when they permanently leave the residence, a damage charge will be assessed for each lock re-core and added to the student's University bill. Failure to check out with a staff member and damage to the room or furnishings will result in additional charges.

**The Campus Life Handbook is updated by the Student Affairs Office. If you have any questions, please call 614.823.1250 and we will be glad to help you.**