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### 2019-2020 Campus Handbook

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OTTERBEIN  
UNIVERSITY

# Campus Life Handbook 2019-2020



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 for your own learning and growth. We are also counting on you to make it better 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 Board of Trustees

*Otterbein University is proud of its efforts to encourage all members of the Community — trustees, administrators, faculty and students — to participate in the formulation of campus policies.*

*Since 1970 care has been taken to ensure such participation and concomitant responsibility for constructive debate and resolution of challenges. We particularly urge students to use the governance system to resolve matters of student concern.*

*Because the Trustees are legally responsible for the University, they have reserved the right to review the actions of the governance system and, in most cases, have delegated that authority to the President of the University.*

*We hope this Campus Life Handbook will make you more aware of your opportunities and responsibilities to make your University career a happy and rewarding one.*

*Board of Trustees  
Otterbein University*

### ***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 information you need now and throughout the academic year. All students are encouraged to use this online handbook at: [www.otterbein.edu/clh](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 incentive to new understanding. Thus, Otterbein University seeks students, faculty and staff who represent societal diversity. The University maintains openness to all qualified persons and does not discriminate with regard to race, sex, religion, ancestry, ethnicity, age, sexual orientation, disabling condition, 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 at

[www.otterbein.edu/public/CampusLife/HealthandSafety/Police/CleryActCrimeReporting.aspx](http://www.otterbein.edu/public/CampusLife/HealthandSafety/Police/CleryActCrimeReporting.aspx)

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](mailto:police@otterbein.edu)

**Statement of Liability** – Otterbein University is not responsible for the loss of money or valuables of any person or for the loss of damage of 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 a request for access. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the records(s) the student wishes to inspect. The school official will make arrangements for access 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 the school official responsible for the record, clearly identify the part of the record the student wants 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 student 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 of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to 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 in order 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 (page 2) or DS-2019 (page 2). Records pertaining to these students and documents are maintained in the Center for International Education and Global Engagement Office.

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 requires the institution to record the disclosure. Eligible students have a 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, with 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 that relate 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, or 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, in order 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 comply with a judicial order or lawfully issued subpoena. (99.31(a) (9))
- 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 final results of the disciplinary proceeding with respect to 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 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 students’ 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 of student
- p. Greek affiliation
- q. Class rank of student
- r. SID can be displayed on 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 is:

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 that are reported as missing:

1. The *Campus Life Handbook* shall inform each student in accordance with 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 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 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 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 that 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 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 includes 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, Otterbein Police Department will notify this individual 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 on the basis of 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 Office of Student Affairs.

**Sexual Misconduct Policy** – Applies to: faculty, staff, students, student employees, graduate assistants, appointees, volunteers, contractors, and visitors.

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, examples of which can include acts of sexual assault, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When a respondent is found to have violated this policy, sanctions and other appropriate measures will be used to reasonably ensure that the sexual misconduct has been stopped, its effects have been addressed, any hostile environment has been eliminated and steps have been taken to prevent its recurrence. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. Finally, retaliation against an individual who makes a report or participates in any proceedings under this policy is a violation of this policy. Individuals engaging in retaliation will be subject to disciplinary action.

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, and 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.

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 designated 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.

The University's Title IX compliance is overseen by the individuals below. Members of the campus community are encouraged to contact them if they have any questions regarding Title IX or this Policy. Confidential and non-confidential complaint options are outlined later in this policy.

Title IX Coordinator: Scott Fitzgerald  
Director of Human Resources [sfitzgerald@Otterbein.edu](mailto:sfitzgerald@Otterbein.edu)  
614.823.1130

Title IX Deputy Coordinator: Julie Saker  
Associate Dean of Students [jsaker@otterbein.edu](mailto:jsaker@otterbein.edu)  
614.823.1554

**Training:** The Title IX Team receives annual training on the handling of complaints of sexual harassment, the University's Sexual Misconduct policy, grievance procedures, and applicable confidentiality requirements.

**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 conform 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 education 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 programs and activities.

It can take 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.**

Hostile environment in the education context includes any situation in which there is harassing conduct that limits, interferes with, or denies educational benefits or opportunities, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint.

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

- i. The degree to which the conduct interfered with the complainant's educational or work performance;
- ii. The type, frequency, and duration of the conduct;
- iii. The identity of and relationship between the accused and the complainant(s)
- iv. The number of individuals involved;
- v. The age and sex of the accused and the complainant(s);
- vi. The location of the incident(s) and the context in which it occurred;
- vii. The nature and severity of the conduct;
- viii. Whether the conduct was physically threatening;
- ix. Whether the conduct was humiliating;
- x. The effect of the conduct on the complainant's mental or emotional state;
- xi. Whether the conduct arose in the context of other discriminatory conduct;
- xii. Whether the speech or conduct deserves the protections of academic freedom or the first amendment.
- xiii. A single or isolated incident of sexual harassment (e.g., rape) may be severe enough to create a hostile environment.

See also **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, prostituting another student or employee, non-consensual pictures, video-, or audio-recording of sexual activity, including on social media and texting. Includes sharing videos, photos, recoding such as on social media even if 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. This includes whether the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, 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 who is or was cohabitating with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, and/or by any other person against an adult or youth victim who is protected from that 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 persons 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 physical sexual acts 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 of limitations imposed by pregnancy or pregnancy-related conditions in accordance with applicable law.

**Consent:** informed, freely and actively given, mutually understandable words or 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 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 forms 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, wants 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 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 in-take, investigation, and review of all complaints that fall within this policy.

Promptly seeking information can be very helpful to anyone who may want to report sexual misconduct. Reporting incidents is important to addressing sexual misconduct on campus. There are a number of options available to students and employees. This section will discuss confidential and non-confidential options to provide information to assist with the process to make an informed decision.

### Specific reporting requirements for minors on campus

A. 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:

1. Call: 911 (child in imminent danger) or Children Services Agency (not imminent danger)
  - a. If child is in imminent danger (life threatening or abuse is being witnessed), call the local law enforcement authority at 911. OR
  - b. If child is not in imminent danger, call Children Services Agency: 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 peace officers can be contacted as an alternative to Children Services.
2. Call: Otterbein Police Department at 614-823-1222
  - a. The Otterbein Police Department must notify the Director of Human Resources.
3. Report: The faculty, staff, appointee, student, 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.

B. 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 614.823.1805 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 or that their name not be used, the Complainant will be advised that the University's ability to respond will be limited but that the University will take all appropriate action consistent with the request. However, there will be situations in which 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 below.

The degree, to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted 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	888.238.6232
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### Student On-Campus Confidential Resources:

Mental Health Counselor	614.823.1250
Student Health Center Provider	614.823.1345
University Chaplain	614.823.1409

### 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 Organization (BRAVO)	614.294.7867
Rape, Abuse, & 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
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Otterbein Police Silent Witness online form at:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/police/silent-witness-from.aspx>

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.

Employees, guests, and third parties are encouraged to speak to Otterbein officials to make formal reports of incidents. The University considers all employees responsible employees. Notice to an Otterbein employee is official notice to the institution. Responsible employees are expected to relay any report of sexual misconduct to the appropriate Title IX team member. Therefore, you have the right and can expect incidents of sexual misconduct to be taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

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

Employees, guests and third parties are encouraged to report complaints to the Title IX Coordinator/Director of Human Resources:

**Title IX Coordinator:** Scott Fitzgerald  
[sfitzgerald@Otterbein.edu](mailto:sfitzgerald@Otterbein.edu)  
614.823.1130

Students are encouraged to report complaints against students to the Title IX Deputy Coordinator/Associate Dean of Students:

**Title IX Deputy Coordinator:** Julie Saker  
Associate Dean of Students [jsaker@otterbein.edu](mailto:jsaker@otterbein.edu)  
614.823.1554

Promptly seeking information can be very helpful to anyone who may want to report sexual misconduct. Reporting incidents is important to addressing sexual misconduct on campus. There are a number of options available to students and employees. This section will discuss confidential and non-confidential options to provide information to assist with the process to make an informed decision.

Following an incident, the Complainant and/or their colleagues may contact the Title IX Deputy Coordinator or 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 Title IX Coordinator (Director of Human Resources) may join the Associate 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 criminal and employee/student conduct proceedings.

Contact Information Includes:

Otterbein Police	614.823.1222
Westerville Police	614.882.7444 or 911

Please see Section 117.12 for additional resource information regarding sexual assault.

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)  
<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.

**Responsible Employees**

For the purposes of this policy, a “responsible employee” is a University employee who is obligated to report incidents of sexual misconduct to the Title IX Coordinator. It is the policy of this University that all employees, who are not confidential reporting resources, are responsible employees.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A responsible employee 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), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’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 responsible employee 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 responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees 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, responsible employees 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 any student, faculty, or staff who files a complaint (Complainant), against whom a complaint has been filed (Respondent), serves as witness, and 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 on the Complainant or others.

In cases other than sexual assault, 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 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 record of an informal resolution may be taken into account when fashioning a sanction in a subsequent proceeding.

### **Timeline for Title IX Investigation Process**

The timelines outlined below are anticipated timeframes in cases that do not present extraordinary circumstances, such as the temporary unavailability of evidence or witnesses. The University will inform parties of more specific dates to the extent it can and of any deviations in previously established timelines.

**Interim Measures:** If warranted, as soon as reasonably practicable under the circumstances.

**Notice Letter to the Respondent:** Ordinarily, within seven (7) calendar days of receipt of the complaint.

**Commencement of Investigation or Informal Resolution:** Ordinarily, within seven (7) calendar days of receipt of the complaint.

**Notice of Outcome:** Ordinarily, within 60 working days of receipt of the complaint.

**Deadline for Filing an Appeal:** The appealing party must submit their appeal within seven (7) calendar days of the receipt of the written decision.

**Decision on Appeal:** Ordinarily, within fourteen (14) calendar days from the date any response to an appeal was due.

The Title IX Coordinator, the Associate Dean of Students or designee assigned by the Title IX Coordinator will serve as investigator(s) for complaints. The investigator(s) will meet with the Complainant to gather information about the allegation. Should the Complainant choose, a colleague, or fellow student, may be present at any investigative meeting.

During this meeting, the investigator(s) will provide the Complainant with the University policy, the Complainant's rights, an overview of the investigatory process and informal resolutions, and options for criminal investigation.

Before proceeding further, the Title IX Coordinator, with the advice and input of the investigator(s), will determine whether the conduct or language referenced in the complaint would, if true, constitute a violation of this policy. If the conclusion is that the conduct or language referenced in the complaint, even if true, would not constitute a violation of this policy, there will be no further investigation. The University will take any steps needed to remedy inappropriate conduct that does not constitute a violation of this policy.

If the conclusion is that the conduct would, if true, constitute a violation of this policy, the investigation will proceed. During the investigatory period, the University will take steps to assure that the alleged misconduct does not continue and that the Complainant is safe from further improper conduct or retaliation.

**Interim Measures:** services, accommodations, or other assistance that Otterbein puts in place for Complainants after receiving notice of alleged sexual misconduct but before any final outcomes—investigatory, disciplinary, or remedial—have been determined. The following are examples of interim measures:

- Academic accommodations.
- Medical and mental health services, including counseling.
- Change in campus housing and/or dining locations.
- Assistance in finding alternative housing.
- Assistance in arranging for alternative University employment arrangements and or changing work schedules.
- No Contact directive pending the outcome of an investigations. Such a directive serves as a notice to both parties that they must not have verbal, electronic, written, or third party communication with one another. Provide escort to ensure that the student can move safely between school classes, programs, and activities.
- Respondent may be placed on administrative leave.
- Respondent may be reassigned.

Once the University implements any necessary interim measures, the investigator shall take the following steps:

- The investigator will prepare a notice letter for the Respondent that contains the allegation, date of the alleged misconduct, the complainant's name, and the Respondent's rights. The letter will, also, request an interview. The investigator(s) will meet with the Respondent to provide the Respondent the letter, the University policy, the Respondent's rights, an overview of the investigatory process and informal resolutions, and options for criminal investigation.
- A support person may be provided for the Complainant and Respondent. The role of the support person is to provide assistance and serve as a resource of information. Support persons will inform both the Complainant and the Respondent of their rights, options of criminal prosecution, medical assistance, and the University's investigation process.
- Both the Complainant and the Respondent may choose to have an advisor of their choice other than the University provided support person to provide assistance during the investigation and resolution process. Either party may also choose to proceed without an advisor. Both parties are expected to ask and respond to questions on their own behalf, without representation by their advisor during an investigative meeting. The advisor may consult with the advisee quietly or in writing or outside during breaks in the meeting, but may not speak on behalf of the advisee. Any advisor who steps outside of this defined role will be given one warning and then be asked to leave the investigative meeting. (A substitute advisor will not be permitted at this meeting.) The advisor or a substitute advisor may be allowed to attend additional investigative meetings at the discretion of the Title IX Coordinator.
- The investigator(s) will contact the Respondent and witnesses, gathering other pertinent information and following up with the Complainant, Respondent, and witnesses as needed.
- After the investigator(s) interview the Complainant, Respondent, and Witnesses, the investigator(s) will provide each person with a document with their own questions and answers to review and to edit to ensure the document is an accurate reflection of their interview.
- The investigator(s) will, then, provide each party (Complainant and Respondent) the other party's interview document and witnesses' documents to review. Each party may provide written questions that the investigator(s) will ask the opposing party and/or witnesses. The investigator(s) will prepare a document of the responses and share with the person to edit to ensure an accurate reflection of their second interview. The investigator(s) will share the final document to the opposing party for review.
- While the allegation is under investigation, the investigator(s) will encourage all parties and witnesses to provide any additional information (including statements, e-mails, documents, or other facts) that may assist the investigation. The investigator will continue to receive and review this information until the investigation is closed.
- The investigator(s) will inform the parties at regular intervals of the status of the investigation.
- Once the investigator(s) complete their investigation, they will draft a statement of facts and provide to the parties for comment.

Appropriate measures will be taken to avoid retaliatory action. Students or employees may be required to sign a "No Contact Order" to restrict any form of contact between the Complainant and the Respondent.

If aware of a possible sexual misconduct violation, the University may conduct an investigation and impose sanctions for the protection of the campus community. The University reserves this right even if a Complainant decides not to pursue charges, either criminally or through the University's process.

### **Findings, Conclusions and Recommendations**

Upon completion of the investigation, the investigator(s) will submit a report to the Title IX Coordinator that will include a statement of facts, findings as well as the investigator's conclusion of whether it is more likely than not (a preponderance of the evidence in legal terms) that there has been a violation of this policy. The report may also include recommendations for resolution, sanctions, or other appropriate action.

The investigator will submit the report to the Title IX Coordinator (or Deputy Coordinator if Title IX Coordinator is the investigator) for final review. The Title IX Coordinator shall forward the final report, with recommendations for resolution, sanctions, or other appropriate action, to the respective Vice President or Provost for disposition.

If the Vice President's or Provost's conclusion is that it is more likely than not that a violation of this policy has occurred, the Respondent will be advised in writing of the finding of a violation, the sanction, and the procedure for appeal. The Complainant will simultaneously be advised in writing that the investigation is complete, that a violation was found, that there will be sanctions against the Respondent, and the procedure for appeal.

- If the violation involves domestic violence, dating violence, sexual assault, or stalking, the University will inform the Complainant of all the disciplinary sanctions.

- If the violation involves any other issue not discussed above, the University will inform the Complainant only of the disciplinary sanctions that directly relate to the Complainant.

If the investigation does not support a violation of any University policy, both the Complainant and the Respondent will be advised in writing of this outcome and the procedure for appeal.

Sanctions: Sanctions are actions the University will take against the Respondent that are proportionate to the violation(s). When the Respondent is an employee, examples are:

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

See **Student Sexual Misconduct Policy** for sanctions when the respondent is a student.

### **Appeals:**

If the Complainant or Respondent disagrees with the final decision, they may submit an appeal. The appealing party must submit their appeal within seven (7) calendar days of receipt of the final report. The written request for appeal must identify the reasons and evidence supporting the appeal, state the result sought, and be submitted in writing to the Title IX Coordinator.

The grounds for an appeal are as follows:

- A procedural error occurred that significantly impacted the outcome of the investigation (e.g. substantial bias, material deviation from established procedures).
- New evidence unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. The appealing party must submit a summary of the new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

Disagreement with the facts found or interpretation of evidence does not constitute a procedural error and is not a grounds for appeal.

The Title IX Coordinator will provide a copy of the written appeal to the non-appealing party within five calendar days of receipt of the appeal. The non-appealing party may submit a written response to the appeal request within five days of receipt of the appeals request. If the non-appealing party submits a written response to the Title IX Coordinator, the Title IX Coordinator will forward a copy to the appealing party.

The Title IX Coordinator will forward the report, the file, the request for appeal, and the response to the appeal (if submitted) to the President's Designee (Designee). Ordinarily, the Designee will issue a decision within fourteen (14) calendar days.

The Designee shall review the appeal and determine if it satisfies one of the grounds for appeal. If the appeal does not meet the grounds for an appeal, the Designee will issue both parties a written decision that the appeal did not meet the grounds for the appeal and that the underlying decision was decided reasonably and appropriately. The Designee's decision to deny the appeal is final.

If the Designee determines that a material procedural (or substantive) error occurred, the Designee may return the complaint to the investigator and appropriate Vice President or Provost with instructions to cure the error. The results of the decision of the investigator and the appropriate Vice President or Provost are not appealable.

If the Designee determines that new evidence should be considered, the Designee may review the new evidence or refer the case to the investigator to reconsider in light of the new evidence only. The investigator will review the new evidence and submit addendum to the original report for review by the appropriate Vice President or Provost. The reconsideration of the investigator and appropriate Vice President or Provost is not appealable.

If the University receives an allegation that the Respondent has violated any of the sanctions, the University will treat the allegation as a new allegation of a violation of the University Sexual Misconduct Policy and will begin a new investigation pursuant to this policy.

### **President and Board of Trustees Notification**

The Title IX Coordinator will notify the President if one of the following occur:

- The allegation involves more than one victim; or
- There is more than one allegation against the same Respondent; or
- There are patterns of inappropriate behavior from athletic teams or departments; or
- There are allegations involving individuals in positions of power; or
- If there is a possibility of a settlement involving allegations with more than one victim or involving individual in a position of power.

Upon receiving an update on the allegation, the President will inform the Executive Committee of the Board of Trustees.

### **Public Information**

Otterbein generally does not release information to the public concerning an incident of sexual assault, except as required by law or necessary to investigate and reach a resolution of such an incident. Inquiries regarding any such incident may be directed to the Otterbein Police Chief at (614) 823-1222.

### **Public Notification of Incidents**

As required by law, Otterbein collects and annually reports statistical information concerning sexual assaults occurring within its jurisdiction. To promote public safety, Otterbein also alerts the campus community to incidents and trends of immediate concern.

Revised: February 1, 2005; November 22, 2010; December 1, 2013; November, 2014; February 26, 2015; October 2015; August 2017; August 2018; July 2019

## **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. In order 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 Student Assembly affecting student regulations and make recommendations to the appropriate administrators or the Board of Trustees.



- To review appeals from Student Assembly concerning charters for campus organizations;
- To make recommendations to the appropriate constituent assemblies, committees, administrative officer(s), or the Board of Trustees, concerning other any 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 spring term with candidate application materials being made available in early January. Positions for 1<sup>st</sup> year students are elected in 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 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 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 Involvement 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, selected according to procedures developed by the Student Assembly.
- Twenty-two members of Administrators Assembly, selected according to procedures developed by the Administrators Assembly.
- Eight members of Staff Assembly, selected according to procedures developed by the Staff Assembly.
- The President of the University, Provost of the University and four additional senior administrators, selected by the President.
- The chairs of the standing committees of 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 for 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.

**FACULTY TRUSTEE** – One faculty member is elected in the spring of alternating years by the Board of Trustees from a slate of nominees to represent the Otterbein faculty on the Board of Trustees for a four-year term. Two faculty members serve on the board and hold membership on various committees of the board, vote on University issues and express faculty needs and concerns.

#### **Procedure for Endorsement**

- You must be a full-time faculty member and be able to serve one four-year term.
- Acquire a Faculty Trustee petition form as distributed by Faculty Council.
- Have the petition signed by three full-time faculty members, who may sign only one petition.

- Return the petition to the **President's Office** by the designated date and time.
- You may campaign from the time you submit your petition until Election Day.
- Winners of this election are then presented to the Board of Trustees as the endorsed candidates for the trustee positions.

**Voting** – Full-time faculty members (including full-time librarians with faculty status) may vote for one candidate for faculty trustee by 3:30 p.m. on the indicated election day. The candidate is endorsed with 51% of the vote. If no candidate receives a majority, a runoff election will be held between the top two candidates.

**STUDENT GOVERNMENT** – All students elected to Student Government serve as the 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 Involvement 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 it is to examine specific issues of the university, report to the Senate but function independently. The duties and requirements for membership on each committee are outlined in detail in the University Bylaws, Articles 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 University Chaplain 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, implement and monitor 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 Staff assembly. The committee is chaired by a vice president appointed by the President. The Director of Human Resources, 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: Three 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 permanent ex-officio non-voting member and chair. The committee may appoint additional ex-officio non-voting members.

***Curriculum Committee*** – Considers all matters pertaining to 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 pertaining to 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 (6 from Arts & Sciences, 2 from Professional Studies, and 2 from Graduate School), Five students (2 from Arts & Sciences, 2 from Professional studies, and 1 from the Graduate School), one administrator and one staff member elected by their constituent assemblies. Dean of Professional Studies, Dean of Arts & Sciences, Dean of University Programs, the Registrar, Chair of Integrative Studies, Director of the Center for Student Success, Director of the Library, and the Director of the Center for Community Engagement as permanent ex-officio members with vote. Vice President for Student Affairs shall appoint a representative with vote. A faculty member elected by the Faculty assembly shall serve as chair.

***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: Six faculty members, six students, four administrators, and two staff members elected by constituent assemblies; and the President and Vice Presidents of the University. The President's Chief of Staff serves as a permanent ex-officio non-voting member. The President chairs the committee.

***Planning Subcommittees:***

***Budget Subcommittee*** – Advises the President and the Board of Trustees concerning the University budget. Membership: Four faculty members, three students, two administrators, and two staff members elected by the respective assemblies, and the Vice President for Business Affairs with vote. The Director of Institutional Research and the Senior Budget Analyst serve as permanent ex-officio members without vote. One of the faculty members, selected by the subcommittee, shall co-chair with the Vice President for Business Affairs.

***Total Compensation Subcommittee*** – Reviews the compensation and benefits available to University employees, reports findings, and makes recommendations to the President. Membership: Four faculty members, two administrators, and two staff elected by the constituent assemblies, and one representative from UAW Local 2005, and the Director 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: Two faculty members, two students, two administrators, 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 vote. The Vice Presidents of Student Affairs, Business Affairs, Enrollment Management, and Institutional Advancement and the Director of 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 elected by each constituent assembly. The Parliamentarian of the Senate serves as a permanent exofficio member and committee chair.

**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 Dean of and Associate Dean of the Graduate School; 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 Sport 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 President or the Center for Student Involvement.

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 represents the University, and 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 should be employed by the University.

A group of students desiring to form a new organization of any kind on the campus must apply immediately to the Center for Student Involvement for permission to organize and write a constitution. 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 Involvement. Violation of the procedure can result in 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 of courses per semester, except graduating seniors. Please check with the respective organization to see if the organization requires full-time status.

**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.

**Meetings of Religious Groups on Campus** – Otterbein University provides a program of religious worship, spiritual growth, instruction and group activity for its own students. Part of the program centers on student religious organizations that are contained within and coordinated by the Religious & Spiritual Life Council. The Religious &

Spiritual Life Council and the Student Organization Development Committee of the Otterbein University Student Government must approve all such organizations. On occasion, the University Senate must give approval. These organizations must have members of the Otterbein University faculty or staff serving in an advisory capacity. The University reserves the right to invite individuals from off campus to serve as guest speakers and resource persons in our campus ministry's effort to meet the needs of our students, but may not provide full or part-time leadership for any organization. In addition to on-campus religious activities, students are encouraged to attend and affiliate with the house of worship of their own denomination.

Otterbein University is affiliated with the United Methodist Church. The University grew out of, and still is a part of, the pluralistic Protestant tradition that respects all other religious faiths and expressions while inviting the same understanding. However, because of limited facilities, it is the policy of the University not to make its facilities available for use by any outside religious organizations for religious services, religious education experiences, or social concerns activities except those held in connection with scheduled summer conferences, conventions or those associated with the United Methodist Church to enhance University-church relatedness. Exceptions to the policy may be permitted after consultation with the Chaplain.

**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 Involvement 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.

**Suspension** of any student organization is a revocation (withdrawal) of University recognition for a specified period of time. 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 the behavior of a student organization is in violation of the Code of Conduct and additional violations during the probationary period may result in suspension. It is imposed for a specific period of time 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.

**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 exchanges 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 bias 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, is 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 which can be found at:

<http://www.gallaudet.edu/Documents/StudentRightsandFreedomsJointStatementonRightsandFreedomsofStudents.pdf>, and/or a hard copy is also available in the Student Affairs Office.

## **Policy to Address Bias on Campus**

Otterbein University is committed to be 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 has a negative effect on 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 which 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, even during casual conversation. Even when offenders are not aware of their bias or do not intend to offend, bias behavior or remarks require 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 if and 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 University Chaplain.  
Counseling: 614-823-1333 or <http://www.otterbein.edu/public/CampusLife/HealthAndSafety/counseling-center.aspx>  
Chaplain: Judy Guion-Utsler 614-823-1409
- If you aren't interested in reporting an incident, it is still helpful to save any associated materials (such as text messages, voice mails, 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 & Activism at 614-823-1250
3. Associate Dean of Student Affairs at 614-823-1250
4. Campus Conduct Hotline at 866-943-5787 (This is 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 at:  
<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/police/silent-witness-form.aspx>

#### **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 member 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. Concern 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 group or campus-wide).
7. In two – 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 with protests and displays in a law abiding manner or they may also choose not to engage with a protest group, including walking away, not responding to verbal inquiries. Students can call 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 as long as 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 rights of speech on the public space within the campus boundaries.

Any outdoor area that is 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, 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 of a disruptive fashion that prevents pedestrians from passing by and blocks 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](tel:6148231222)
- Counseling Services [\(614\) 823-1333](tel:6148231333)
- Women's Gender and Resource Center [\(614\) 823-1028](tel:6148231028)
- Office of Social Justice & Activism [\(614\) 823-1250](tel:6148231250)
- Chaplain's Office – [\(614\) 823-1409](tel:6148231409)
- Title IX Reporting – Scott Fitzgerald [\(614\) 823-1130](tel:6148231130)
- Title IX Reporting – Julie Saker [\(614\) 823-1250](tel:6148231250)
- Student Affairs – [\(614\) 823-1250](tel:6148231250)

## Related Policies in the Student Code of Conduct

**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, or actual physical harm to public or private property.

Disruptive behavior while under the influence of alcohol and/or drugs is prohibited in all areas and places public and private. Disruptive behavior includes fighting, unreasonable noise, verbal and/or written abusive and/or insulting language, interference with accepted rights of others and damage to property. 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 in nature, the hearing body or hearing officer will consider the motive of the student(s) in issuing sanctions.

**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 create and maintain an educational environment that is fair and responsible, and which supports and rewards achievement on the basis of ability, performance and other relevant factors.

**Group Actions and/or Demonstrations:** Peaceful and orderly demonstrations by members of the University on University property are permissible if the demonstrators act in a courteous, dignified and non-disruptive manner. 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 or Vice President for Student Affairs, or their designee, is authorized to declare the group an unlawful assembly and order the individuals to disperse.

If, after a reasonable interval announced by the above administrator, members of the group have not dispersed, they will be automatically suspended as students of the University and declared guilty of trespass. If they do not then desist from their activity and disperse, they will be subject to arrest and prosecution by the civil authorities and to expulsion from the University. Persons actually engaging in violent attacks on other persons or in the destruction of property will be subject to immediate arrest by civil authorities.

**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 event, 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 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 removal of the chalking 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.

**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.

- 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 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 removal of the paint and the University reserves the right to charge for the cost of removal and all associated repairs. Repeat offenders will be charged with a level II violation. Exceptions will be made for common sense artistic expression.

## **STUDENT CODE OF CONDUCT**

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

Students voluntarily enter into membership in the University community, and in so doing, assume obligations of performance and behavior reasonably agreed upon by that community for the purpose of furthering 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 take action when violations occur. Students, along with the entire University community, are provided 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 which takes into account every kind of behavior. Otterbein University reserves the right to sanction, to suspend, or to dismiss any student or to disband any organization who 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 would 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 policies pertaining to 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 has an obligation to clarify those standards of behavior, which it considers essential to its educational mission and its community life.

Otterbein University students are encouraged to maintain a high standard of personal integrity and honesty at all times 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 in order 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 which 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 investigation, the filing of charges and the imposition of discipline include 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 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. In order 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; in order 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. In order 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 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 are accommodations that would allow the student to meet academic standards and remain safely in school.
  - If safety is an issue, consider the nature and severity of the risk, the probability that injury will actually 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 make a determination. 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 self 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 to visit friends or attend campus events.
6. The student in question may have the opportunity to meet with the Vice President for Student Affairs prior to a final decision. The student will receive written and/or oral communication of 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 to 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, an opinion from the student's treating mental health professional 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 safely at the school/campus even with accommodations.
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 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 voluntary or involuntary, may request at any time to return to Otterbein housing as a resident.
18. Points #10, 15, 16, and 17 apply to the situation where 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 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 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 prior to the date of the hearing. This notification shall 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 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 as a result 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 OF A PLEA

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

- |                      |  |
|----------------------|--|
| I. RESPONSIBLE:      | A plea of responsible 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 <b>RESPONSIBLE, but extenuating circumstances exist.</b> |

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 willingness to submit the matter to the Board/Student Conduct Officer based upon those facts and upon their statement given at the hearing.

The Student Conduct Hearing Board/Hearing Officer has the right to refuse to accept pleas of responsible and no contest or to withdraw pleas of responsible 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 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 relation to 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 policies are in agreement with the Joint Statement of Rights and Freedoms of Students; a hard copy is available in the Student Affairs Office.

### **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 for treatment, reduce harmful consequences of excessive substance use, and increase the likelihood 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 result 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 on-going 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 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 themselves 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 survivor 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.

## **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, 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):

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

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

- Charged party elects to have a formal hearing with the Student Conduct Hearing Board for any severity of 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 at 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 - Three faculty members and four students, not members of the Student Appeals Board, shall be chosen in accordance with the provisions set forth 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. The Board shall elect a chair from its membership.
- 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. When the Student Affairs staff considers the referral of a case to the Student Conduct Hearing Board would jeopardize constructive counseling already in progress, the Staff shall inform the Chair of the Student Conduct Hearing Board accordingly. 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 so 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 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 its decision in each case it hears. 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 a decision of 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 set forth 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 its decision in each case it hears. The Hearing Board or Student Conduct Officer shall inform the accused and accuser 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, Student Appeals and UGGB Boards.

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 student conduct file is kept for seven years. The Vice President for Student Affairs reviews the file before expunging. Conduct files on students who have not completed their degree, and are of a more serious nature (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 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.

### **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 and Dean for Student Affairs.
- C. Functions - Members of the University community, with the Student Affairs Office, shall file complaints concerning infractions of University regulations. Depending on the severity of the alleged violation, The case may be heard by an Assistant Director of Residence Life 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. The Assistant Director of Residence Life or Student Conduct Hearing Officer may waive jurisdiction of a case if they determine that proceeding with the case would jeopardize constructive counseling already in progress. Additionally, if the facts and circumstances warrant such action, the Assistant Director of Residence Life or 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 three students, not members of any other judicial body, elected by their respective constituent assemblies. Term of office 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 own 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, the United Greek Governing 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; 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. 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 shall inform the Academic Hearing Board accordingly.
- G. The Student Appeals Board has the authority to hear the appeal of a student who is convinced their academic performance has been evaluated on other than an academic basis or in a prejudiced or capricious manner once they have followed the grievance policies established by Academic Affairs. The Board makes a recommendation to the Provost and Vice President for Academic Affairs, who in consultation with the student, the professor involved in the appeal, or if the professor is unavailable, the appropriate Department Chair, shall make a final determination.
- H. Student Conduct bodies will structure their procedures in accordance with the spirit of the Statement on the Rights and Freedoms of Students adopted by the faculty on 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 required 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 of time was specified at the time of suspension. A recommendation of the Vice President and Dean for 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 situation 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 Suspensions** – In extraordinary circumstances the Vice President and Dean for Student Affairs, in consultation with the President, has the right to interim suspend a student temporarily pending decision of the student conduct bodies.

**Academic Policy Appeal Process:** Academic Hearing Board, which is a committee of the University Senate, is an avenue through which all students may appeal 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 and Dean for Student Affairs, the Dean of the Graduate School (or representative), 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 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; 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 their case before the Academic Hearing Board must submit a written petition to the Academic Hearing Board at the Center for Student Success, 172 W. Main Street (614.823.1624) no later than the Friday before each meeting. The Academic Hearing Board meets on Thursdays of Week 1,3,5,7,9,11,13, and 15 of each semester at 4:00 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 by Friday of week 2 of the semester.*

B. 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.**

C. Students are strongly encouraged to appear before the Academic Hearing Board to present their case and answer questions.

D. 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 wellbeing of students, faculty/staff, or University property. For more information or questions on your academic appeal, please contact the Center for Student Success 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 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.

**United Greek Governing Board (UGGB):** The United Greek Governing Board (UGGB) shall derive its authority from the Interfraternity Council Constitution and Bylaws, and the Panhellenic Council Constitution and Bylaws.

The Interfraternity or Panhellenic Councils have jurisdiction over all member fraternities or sororities to enforce Interfraternity or Panhellenic Council policies and University rules and regulations. Instances of alleged misconduct may result in a referral of the fraternity or sorority and/or individual members to the UGGB or to another University judicial body.



Fraternity or sorority misconduct does not need to be officially sanctioned by the entire membership in order to be considered grounds for possible disciplinary action against the chapter. There is not a minimum number of fraternity or sorority members who must be involved in an incident before disciplinary action may be taken against a chapter.

In some instances, misconduct by a single member may provide sufficient grounds for action against the entire chapter.

All complaints involving a fraternity or sorority shall be referred to the Assistant Director of the Center for Student Involvement for review and further investigation.

If the UGGB is not operational, infractions involving University policies will be referred to the Associate Dean of Students for disposition and adjudication.

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

**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 judicial offense. Any student who is present, or is aware of, when a University policy is being violated, will be subject to the same disciplinary 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.

### **Otterbein 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 on the basis of 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 relative 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 in a responsible manner. Otterbein University has based the Alcohol Policy on the recognition that:

- The majority of Otterbein University students cannot legally consume alcohol;
- A number of 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 regarding drinking 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 Greek houses<sup>1</sup>.**
  - 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 residence 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 pack 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 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 persons under 21 years of age is prohibited.
5. Consumption of alcohol in the presence of anyone under the age of 18 is prohibited with the exception of approved University sponsored events.
6. Public spaces - Possession, consumption, and/or provision of alcohol in public areas of the campus is not permitted, unless meeting 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, 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 prior approval of their respective Vice President.
11. No reference, direct or indirect, to alcohol may appear or be used in notices or postings which promote or advertise an event. Exceptions for faculty and staff can only be made with prior approval of their respective Vice President.
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 a criminal offense when in violation of City, State or Federal law. In the absence of clear mitigating

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<sup>1</sup> Approved living areas will be updated based on the proposed implementation schedule. For 2017-2018 this proposal would allow alcohol in Commons apartments and theme houses. The policy currently prohibits alcohol in suite-style residence halls. Policy implementation and residency patterns will be reviewed annually to consider inclusion of suite-style residence halls. Traditional residence halls and Greek houses are not included in the implementation of this policy and will remain alcohol-free living environments.

circumstances, all residents and guests of the room, apartment, or house in which a violation occurs will be charged with a violation (See accessory responsibility, Section 9).

Violations of this policy will result in a violation as defined by the Student Code of Conduct. Students in violation will be adjudicated in accordance with the student conduct procedures outlined in the Campus Life Handbook. 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.

Persons who have concerns or questions about their personal 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 at least once a year 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 and Dean for Student Affairs will determine the composition of this committee.

### **Proposed Implementation of Policy**

On a yearly basis, consider implementing the following:

- Review and refine the policy
- Development of a Hosting Policy for the campus at large and review

For future consideration

- Policy implementation for Hosting Policy (on and off-campus)
- Implement the Hosting Policy with approval of the President and the Board of Trustees
- Policy implementation for suite-style residence halls, DeVore Hall and 25 W. Home Street

### **See Section 7 for the Alcohol/Drug Amnesty Policy**

**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 10pm 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 Involvement or their designee.

All events sponsored by University organizations, departments, and residence halls must be scheduled in the Student Affairs Office to avoid conflict among events. Sunday events are not to begin before 12 Noon, to accommodate attendance at church services. Meetings/Socials that are held on Sunday through Thursday must conclude by 1AM.

All social events are to be calendared using the Schedule an Event 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 for 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 done no later than ONE WEEK prior to the event. If an event is not cancelled 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 meal tickets 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 – a level III or IV 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 failure 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 event, 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 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 removal of the chalking 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.

**Change of Address and/or Phone Number:** All students 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 prior to the first day of class autumn semester (or any time your address or phone number is changed). It is important for updating files and for accurate information for the Campus Directory. **Failure to comply with this regulation will result in a fine and/or disciplinary action.**

**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 program 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 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 to be 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 in the Data Center and/or the Student Affairs Office. Failure to adhere to Computer and Internet policies can result in judicial charges.

**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, or actual physical harm to public or private property.

Disruptive behavior while under the influence of alcohol and/or drugs is prohibited in all areas and places public and private. Disruptive behavior includes fighting, unreasonable noise, verbal and/or written abusive and/or insulting language, interference with accepted rights of others and damage to property. 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 in nature, 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 Cardinal 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 level III violation) or lending others a Cardinal Card is a violation of the Code of Conduct. Residents shall lock their individual room/bedroom door 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 prescriptions drugs. Drug-related paraphernalia is also prohibited.

Prescribed medication (not including medical marijuana) must be used in accordance with a physician recommendation. Abusing prescribed medications for the purpose of 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 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 Section 7 for the Alcohol/Drug Amnesty Policy**

**Electronic Exploitation:** Where there is an expectation of privacy, including but not limited to bathrooms, bedrooms and showers, persons 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 an 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 failure 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 a Level IV violation.

**Failure to Comply with University Official/Law Enforcement/False Information:** Failure to comply with directions of Otterbein University officials or law enforcement officers acting and performing their duties and/or failure to identify one's self to these persons 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, sling shot, etc. are 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 Level IV 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. With this in mind, 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 significant risk of fire, **hoverboards** are not allowed in any campus buildings, including residential facilities.



**Furnishing False ID/Information:** All students are to carry their Cardinal Card with them at all times as a form of ID. Furnishing false information or ID to a University official is a level III 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.

**Group Actions and/or Demonstrations:** Peaceful and orderly demonstrations by members of the University on University property are permissible if the demonstrators act in a courteous, dignified and non-disruptive manner. 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 or Vice President for Student Affairs, or their designee, is authorized to declare the group an unlawful assembly and order the individuals to disperse.

If, after a reasonable interval announced by the above administrator, members of the group have not dispersed, they will be automatically suspended as students of the University and declared guilty of trespass. If they do not then desist from their activity and disperse, they will be subject to arrest and prosecution by the civil authorities and to expulsion from the University. Persons actually engaging in violent attacks on other persons or in the destruction of property will be subject to immediate arrest by civil authorities.

**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 create and maintain an educational environment that is fair and responsible, and which supports and rewards achievement on the basis of ability, performance and other relevant factors.

**Hazing:** Otterbein prohibits hazing by campus groups and/or individuals. The Student Code of Conduct defines hazing as "doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, that causes or creates a substantial risk of causing mental harm or humiliation. Hazing is further defined as doing any act or coercing another, including the victim, to do any act of initiation to any student or organization that causes or creates a substantial risk of causing mental or physical harm to any person. Any person suffering or witnessing an incident of hazing shall report the incident to the Vice President and Dean for Student Affairs.

All membership-related activities must be approved by the chairperson of the group and the adviser to the group prior to the activity, and shall be kept 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 actions. They may be referred to the Student Conduct Hearing Board and tried as individuals, even though disciplinary action is taken against the organization.

**Illegal Entry/Trespassing:** Unauthorized entry into any campus building or room constitutes illegal entry/trespassing. Documentation of persons 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 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 as a result 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 a violation of federal and state laws. Any action or speech causing 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 apartment/house door key. Students shall keep the key(s) on their person at all times to assure 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 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 in nature, the hearing body or hearing officer will consider the motive of the student(s) in issuing sanctions.

**Pet Policy:** For purposes of health and sanitation, only aquarium fish, hermit crabs, and small turtles are allowed in any residential area with the agreement of roommate(s). Students are permitted one fish tank of 20 gallons or less per residential room. Residents shall care for their pets and provide a clean, healthy living environment for them. During breaks, students are required to take home any pets. Tanks with lights and pumps must be unplugged during breaks 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 Assistant Director of Residence Life and staff.

**Plagiarism, Cheating and Dishonesty:** It is necessary to ascertain with accuracy an individual's strengths and weaknesses in order to prepare a proper academic program for students and to evaluate their work. At the core of meaningful teaching and learning is the recognition that the work a student does is genuinely their own. The importance of a high standard for personal integrity can thus not be overstated when it comes to the completion of work for credit in a particular class.

In the taking of examinations, any attempt to receive assistance from persons, papers, printed materials or any electronic device without the permission of the faculty member constitutes an incident of academic dishonesty. This definition applies not only to activities within the examination room, but also any attempt to obtain beforehand copies of examination questions without the faculty member's consent, including attempts to obtain them from students taking the exam at an earlier time during the year. In short, all such unauthorized procedures constitute dishonesty. A student who willingly provides assistance not condoned by the University to another student is also in violation, whether or not the student providing the assistance has completed the examination.

In preparing essays, reports, and other out-of-class projects, any use of the words or ideas of someone else as though they were one's own constitutes plagiarism. This definition applies to the use of both printed and unprinted sources, including the work of other students or faculty. To avoid plagiarism, all borrowed materials must be fully cited or documented. Direct quotations, however small, must be placed in quotation marks or indented beyond the regular margins, and their sources must be clearly identified. Ideas or arguments not directly quoted but paraphrased must also be documented properly; merely altering the wording does not make their substance a student's own work. Facts, formulas, and other types of information which 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 someone else's special arrangement or use of it. When in doubt, the student should consult with the faculty member teaching the course for which the work is being done. If

acceptable methods of documenting borrowed materials are not clear, the student must consult with said faculty member *before* the submission of the finished work.

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. When in doubt, a student should check with the faculty member teaching the course for which the work is being done.

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 Dean of the School of Arts & Sciences, the Dean of the School of Professional Studies, the Dean of University Programs, or the Dean of the Graduate School (depending on the course in which the academic dishonesty is alleged to have occurred).

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 Dean. 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 really occurred, what the consequence might be, and so on.

2. The Dean shall assess the charge and evidence. If the Dean finds the evidence unpersuasive, s/he will confer with the faculty member who brought the charge.
3. If the Dean finds the evidence persuasive, s/he shall notify the Academic Affairs Office or the Graduate School so as to determine if this is a first or second offense.
4. If the Dean learns that it is a student's first offense, the Dean will contact the student to arrange a meeting, at which time the Dean can review and discuss the allegation with the student before a final decision is reached. The Dean may rely on the documentary evidence as long as the student is allowed to respond to such evidence in the meeting. Students may also be allowed to bring relevant witnesses who are members of the Otterbein community; legal counsel or parents will not be permitted to participate. After conferring with the faculty member, the Dean shall impose—and inform the student of—the sanction. Depending on the severity of the offense, the following sanction may be imposed: a failing grade on the test or assignment in which the dishonesty occurred, the lowering of the overall course grade by one or more letters, or a failing grade for the course. The student may appeal the Dean'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.
5. If the Dean learns that this is a student's second offense, they should meet with the student to discuss the allegation and explain the process for a second offense. The evidence and cover letter shall be turned over to the Student Conduct Hearing Board for their review. Academic dishonesty cases that are reviewed by the Student Conduct Hearing Board may subject the student to suspension or dismissal as determined by the Board. (Results of second plagiarism acts by graduate students result in a one-year probation or permanent dismissal from the graduate program and the University.) Decisions of the Student Conduct Hearing Board are subject to appeal to the Student Appeals Board according to procedures in Article VII, Section 5 of the University Bylaws.

**DISHONESTY** - in addition to acts of plagiarism and cheating, acts of dishonesty include, but are not limited to the following:

- A. Furnishing false information to any University official, faculty member or office.
- B. Forgery, alteration or misuse of any University document, record or instrument of identification.
- C. Falsification, distortion, or misrepresentation of information before a judicial body.
- D. Supplying 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 a Level IV violation, and will be referred to the Student Conduct Hearing Board. See **Section 4 - The Honor Code** for additional information.

**Poster/Kiosk Policy:** All posters must be approved for the calendar and stamped in the Student Affairs Office or the Campus Center. Posters are to be hung on bulletin boards only, and are not allowed on walls, windows, or stairways. After the event, please remove all posters as soon as possible. No signs or advertisement 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. Individuals are not permitted to send personal literature/information/requests across campus. All posters must represent an organization with a purpose and reason and must be approved. Posters are limited to 80 per

event (60 for residence halls and 20 to post around campus). Biased comments and inappropriate humor, as well as intimidating and threatening comments will not be tolerated. Kiosks are provided at Towers (Adult and Transfer Admissions entrance) and the Campus Center for additional posting. Posters hung on the kiosk do not need to be approved.

**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:** In order to make the atmosphere conducive to living and learning, conditions which 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. TV's, 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 persons outside the residence hall if the window is open. If one student asks another to be quieter for the purpose of study or sleep, this request is to be honored. Any student violating quiet and courtesy hours will be subject to disciplinary actions. 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 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:**

<b>(For the full policy, please see page 56 at the end of Section 8 – University Student Conduct Policies Defined)</b>
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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, examples of which can include acts of sexual assault, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

When a respondent is found to have violated this policy, sanctions and other appropriate measures will be used to reasonably ensure that the sexual misconduct has been stopped, its effects have been addressed, any hostile environment has been eliminated and steps have been taken to prevent its recurrence. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Finally, retaliation against an individual who makes a report or participates in any proceedings under this policy is a violation of this policy. Individuals engaging in retaliation will be subject to disciplinary action. 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, and 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.

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 designated 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 of his or her option to have the complaint forwarded to the University business unit having jurisdiction over such matters.

The University's Title IX Compliance is overseen by the individuals below. Members of the campus community are encouraged to contact them if they have any questions regarding Title IX or this Policy. Confidential and non-confidential complaint options are outlined later in this policy.

Title IX Coordinator: Scott Fitzgerald  
Director of Human Resources: sfitzgerald@Otterbein.edu  
614.823.1130

Title IX Deputy Coordinator: Julie Saker  
Associate Dean of Students jsaker@otterbein.edu  
614.823.1554

**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 conform to certain behaviors, mannerisms or appearances stereotypical of their biological sex.

4. **Sexual Harassment**

In the education 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 programs and activities. 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 education 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 programs and activities. It can take two forms: power differentials (*quid pro quo*) or hostile environment.

*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.

Hostile environment in the education context includes any situation in which there is harassing conduct that limits, interferes with, or denies educational benefits or opportunities, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint.

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.

5. **Sexual Exploitation:** taking non-consensual, unjust, or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student or employee, non-consensual pictures, video-, or audio-recording of sexual activity, including on social media and texting. Includes sharing videos, photos, recording such as on social media even if 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. This includes whether the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, 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 who is or was cohabitating with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, and/or by any other person against an adult or youth victim who is protected from that 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 persons 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 physical sexual acts 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 of limitations imposed by pregnancy or pregnancy-related conditions in accordance with applicable law.

**Consent:** informed, freely and actively given, mutually understandable words or 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 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 forms 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 he/she does not want to engage in sexual activity, wants 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 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.

**For the full Sexual Misconduct Policy, please go to page 53**

**Smoking:** Smoking has been shown to be 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 of 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 rest rooms. 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 house, Commons apartments, any area in a residence hall, and in any University owned fraternity or sorority houses. In addition, students who smoke are expected to maintain a 20-foot distance between themselves and any University building to assure 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 level II violation. In extreme situations, students could be cited for Failure to Comply which is a level IV 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 sport 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 the 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 be in compliance 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 expense 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 property or services of another without the owner's consent.

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

**Possession of Stolen Property** - being in possession of 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 who forwards the report to the Student Affairs Office. Most insurance companies require that a report of this type be completed before they will honor an insurance claim.

**Violation of Local, State and/or Federal Laws:** In keeping with Otterbein's commitment of 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 from the police department, from other law enforcement jurisdictions, newspaper articles, personal observations, or from other sources that indicate an Otterbein students' 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. Hall Council will post signs in the lounge if it does not have 24-hour visitation. 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 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 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 (guest 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 guest they invite into the building and remain with the guest 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 resident to meet them at the door. Anyone not living in the building is considered to be a guest, including other students, faculty, staff, and parents. Residents are responsible for assuring their guest is fully aware of and follows all policies while in the building. Any unescorted guest will be asked to leave the building immediately. The guest and the resident they are visiting will be held responsible for violating the Code of Conduct. Residents are encouraged to assure 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:**

**Background:** Ohio's concealed carry law permits individuals to obtain a license to carry a concealed handgun onto many locations. The licensee must carry a valid concealed weapon license and valid identification when carrying the concealed handgun.

**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 including in personal vehicles, or at any University-sponsored function, regardless of whether or not the person is legally licensed to carry a weapon.**

**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 an item is covered by this policy, they should contact the Office of Human Resources or the Otterbein Police Department.

**Parking Lot Exception:** Individuals that have been issued a valid concealed handgun license may transport or store a 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 is 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, for the purpose of determining 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 pertaining to 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 that is posted and updated annually and is on-line. A copy of the policy will be posted on the University's Otterbein Police Department web site. 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.

### **Sexual Misconduct Policy**

*The University has designated the following persons to address any questions you may have about sexual misconduct and Title IX:*

*Scott Fitzgerald*

*Title IX Coordinator*

*614.823.1130*

*[sfitzgerald@otterbein.edu](mailto:sfitzgerald@otterbein.edu)*

*Julie Saker*

*Title IX Deputy Coordinator*

*614.823.1554*

*[jsaker@otterbein.edu](mailto:jsaker@otterbein.edu)*

You may also contact the United States Department of Education, Office of Civil Rights, with any sexual misconduct and Title IX questions:

*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>*

Sexual misconduct is covered by University Policy 117.0 Sexual Misconduct, which includes the following introductory statement:

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, examples of which can include acts of sexual assault, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When a respondent is found to have violated this policy, sanctions and other appropriate measures will be used to reasonably ensure that the sexual misconduct has been stopped, its effects have been addressed, any hostile environment has been eliminated and steps have been taken to prevent its recurrence. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. Finally, retaliation against an individual who makes a report or participates in any proceedings under this policy is a violation of this policy. Individuals engaging in retaliation will be subject to disciplinary action.

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, and 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 designated 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 of their option to have the complaint forwarded to the University division having jurisdiction over such matters.

The University's Title IX Compliance is overseen by the individuals below. Members of the campus community are encouraged to contact them if they have any questions regarding Title IX or this Policy. Confidential and non-confidential complaint options are outlined later in this policy.

Title IX Coordinator: Scott Fitzgerald  
Director of Human Resources: sfitzgerald@Otterbein.edu  
614.823.1130

Title IX Deputy Coordinator: Julie Saker  
Associate Dean of Students jsaker@otterbein.edu  
614.823.1554

**Training:** The Title IX Team receives annual training on the handling of complaints of sexual harassment, the University's Sexual Misconduct policy, grievance procedures, and applicable confidentiality requirements.

**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 conform to certain behaviors, mannerisms or appearances stereotypical of their biological sex.
4. **Sexual Harassment**  
In the education 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 programs and activities.

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.

It can take two forms: power differentials (quid pro quo) or hostile environment:

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.

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.

Hostile environment in the education context includes any situation in which there is harassing conduct that limits, interferes with, or denies educational benefits or opportunities, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" is based on a 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 complainant(s)
- The number of individuals involved;
- The age and sex of the accused and the complainant(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 protections 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.

**The following are examples of the types of conduct that, if severe or pervasive enough, can create a hostile work or educational environment on the basis of gender:**

- Inappropriate comments of a sexual nature, including sexually explicit comments, questions, or jokes;
- Persistent, unwelcome attempts to change a working or academic relationship into a romantic or sexual relationship;
- Inappropriate remarks about sexual activity, experience, or orientation;
- Abusive or derogatory remarks about individuals or classes of individuals on the basis of their gender or sexuality;
- Persistent and unwelcome forms of attention toward another member of the University community such as requests for dates, flirtations, sexual advances, phone calls or other communications, or unwanted gifts;
- Touching, patting, hugging, brushing against an individual's body, or repeated or unwanted staring;
- Display of inappropriate sexually oriented or derogatory materials in a location where others can see them;
- Sexual violence or assault (can also be a criminal violation subject to the criminal justice system).

See also **University's Discrimination and Harassment Policy**.

**Sexual Exploitation:** taking non-consensual, unjust, or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student or employee, non-consensual pictures, video-, or audio-recording of sexual activity, including on social media and texting. Includes sharing videos, photos, recording such as on social media even if 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.

**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. This includes whether the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property.

**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 who is or was cohabitating with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, and/or by any other person against an adult or youth victim who is protected from that person under the domestic or family violence laws.

**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 persons involved in the relationship.

**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.

**Sexual Violence:** Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

**Pregnancy Discrimination:** 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 of limitations imposed by pregnancy or pregnancy-related conditions in accordance with applicable law.

### **Consent**

Consent is informed, freely and actively given, mutually understandable words or 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 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 forms 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 he/she does not want to engage in sexual activity, wants 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 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 in-take, 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 addressing sexual misconduct on campus. There are a number of options available to students and employees. This section will discuss confidential and non-confidential options to provide information to assist with the process to make an informed decision.

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

A. 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:

1. Call: 911 (child in imminent danger) or Children Services Agency (not imminent danger)
  - a. If child is in imminent danger (life threatening or abuse is being witnessed), call the local law enforcement authority at 911. OR
  - b. If child is not in imminent danger, call Children Services Agency: 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 peace officers can be contacted as an alternative to Children Services.
2. Call: Otterbein Police Department at 614-823-1222
  - a. The Otterbein Police Department must notify the Director of Human Resources.

3. Report: The faculty, staff, appointee, student, 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 Director of Human Resources at 614.823.1805 or the Otterbein Police Department at 614.823.1222.

### **Amnesty**

The University encourages students to report sexual misconduct. Sometimes, survivors or witnesses are hesitant to report to university officials because they fear that they themselves 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 to university officials and that witnesses come forward to share what they know. To encourage reporting, the University offers survivors of sexual misconduct and witnesses', amnesty from minor policy violations (such as alcohol and drug use) related to the incident.

### **Retaliation**

The University will not tolerate retaliation in any form against any student, faculty or staff who files 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 on the Complainant or others.

### **Confidentiality**

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 or that their name not be used, the Complainant will be advised that the University's ability to respond will be limited but that the University will take all appropriate action consistent with the request. However, there will be situations in which 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, 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 being consulted 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	888.238.6232
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#### **Student On-Campus Confidential Resources:**

Mental Health Counselor	614.823.1333
Student Health Center Provider	614.823.1345
University Chaplain	614.823.1409

#### **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	614.722.8293
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
(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:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/police/silent-witness-form.aspx>

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**

Employees, guests, and third parties are encouraged to speak to Otterbein officials to make formal reports of incidents. The University considers all employees responsible employees. Notice to an Otterbein employee is official notice to the institution. Responsible employees are expected to relay any report of sexual misconduct to the appropriate Title IX team member. Therefore, students have the right and can expect incidents of sexual misconduct to be taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

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

Employees, guests and third parties are encouraged to speak to Otterbein officials to make formal reports of incidents. The University considers all employees responsible employees. Notice to an Otterbein employee is official notice to the institution. Responsible employees are expected to relay any report of sexual misconduct to the appropriate Title IX team member. Students have the right and can expect incidents of sexual misconduct to be taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

The following options for reporting are not confidential in that information will be shared with other University employees who need to know to help stop the behavior, investigate the situation, and/or resolve the matter.

Employees, guests and third parties are encouraged to report complaints to the Title IX Coordinator/Director of Human Resources:

**Title IX Coordinator:** Scott Fitzgerald  
sfitzgerald@Otterbein.edu  
614.823.1130

Students are encouraged to report complaints against students to the Title IX Deputy Coordinator/Associate Dean of Students:

**Title IX Deputy Coordinator:** Julie Saker  
Associate Dean of Students jsaker@otterbein.edu  
614.823.1554

Following an incident, the Complainant and/or their colleagues may contact the Title IX Deputy Coordinator or 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 Title IX Coordinator (Director of Human Resources) may join the Associate Dean of Students for investigative meetings if a complaint is filed.

Sexual Misconduct, which includes sexual harassment, involves a variety of inappropriate behavior, the most serious being non-consensual sexual intercourse (sexual assault).

**Reporting of sexual harassment:** students are encouraged to report complaints against students to the Julie Saker, Deputy Title IX Coordinator. To report complaints against faculty or employees, students are encouraged to contact either the Julie Saker, Deputy Title IX Coordinator or Scott Fitzgerald, Title IX Coordinator. The Deputy Title IX Coordinator will share complaints with the Title IX Coordinator.



When a student reports a possible sexual harassment, the Deputy Title IX Coordinator and/or Title IX Coordinator will meet with the student to provide support and obtain detailed information about the student concern. Charges of sexual misconduct, including sexual harassment, will follow the steps and procedures listed under “Timeline for Title IX Investigation Process” and “Next Steps”

**Reporting of sexual assaults and other sexual violence:** Students are encouraged to report sexual assaults and other sexual violence to the Otterbein Police Department or the Westerville Police Department immediately following the incident if possible.

Survivors 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 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.

**Responsible Employees**

For the purposes of this policy, a “responsible employee” is a University employee who is obligated to report incidents of sexual misconduct to the Title IX Coordinator. **It is the policy of this University that all employees, who are not confidential reporting resources, are responsible employees.**

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee 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), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report.

Before a student reveals any information to a responsible employee, the employee should ensure that the student understands the employee’s reporting obligations – and, if the student wants to maintain confidentiality, direct the student to confidential resources as designated in this policy.

If the student wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the student 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 responsible employee will also inform the Coordinator of the student’s request for confidentiality.

Responsible employees will not pressure a student to request confidentiality, but will honor and support the student's wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a student to make a full report if the student is not ready to.

The University will not tolerate retaliation in any form against any student, faculty, or staff who files a complaint (Complainant), against whom a complaint has been filed (Respondent), serves as witness, and 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 on the Complainant or others.

### **Informal Resolution**

In cases other than sexual assault (which includes non-consensual sexual intercourse or nonconsensual sexual contact), 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 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.

### **Timeline for Title IX Investigation Process**

The timelines outlined below are anticipated timeframes in cases that do not present extraordinary circumstances, such as the temporary unavailability of evidence or witnesses. The University will inform parties of more specific dates to the extent it can and of any deviations in previously established timelines.

**Interim Measures:** If warranted, as soon as reasonably practicable under the circumstances.

**Notice Letter to the Respondent:** Ordinarily, within seven (7) calendar days of receipt of the complaint.

**Commencement of Investigation or Informal Resolution:** Ordinarily, within seven 7 calendar days of receipt of the complaint.

**Notice of Outcome:** Ordinarily, within 60 calendar days of receipt of the complaint.

**Deadline for Filing an Appeal:** The appealing party must submit their appeal within seven (7) calendar of the receipt of the written decision.

**Decision on Appeal:** Ordinarily, within fourteen (14) calendar days from the date any response to an appeal was due. The Title IX Coordinator, the Associate Dean of Students or designee assigned by the Title IX Coordinator will serve as investigator(s) for complaints. The investigator(s) will meet with the Complainant to gather information about the allegation. Should the Complainant choose, a colleague, or fellow student, may be present at any investigative meeting.

During this meeting, the investigator(s) will provide the Complainant with the University policy, the Complainant's rights, an overview of the investigatory process and informal resolutions, and options for criminal investigation.

Before proceeding further, the Title IX Coordinator, with the advice and input of the investigator(s), will determine whether the conduct or language referenced in the complaint would, if true, constitute a violation of this policy. If the conclusion is that the conduct or language referenced in the complaint, even if true, would not constitute a violation of this policy, there will be no further investigation. The University will take any steps needed to remedy inappropriate conduct that does not constitute a violation of this policy.

If the conclusion is that the conduct would, if true, constitute a violation of this policy, the investigation will proceed. During the investigatory period, the University will take steps to assure that the alleged misconduct does not continue and that the Complainant is safe from further improper conduct or retaliation.

**Interim Measures:** If warranted, as soon as reasonably practicable under the circumstances.

A support person will be provided for each Complainant and Respondent. The role of the support person is to provide assistance and serve as a resource of information. A support person will inform the Complainant and the Respondent of their rights, options of criminal prosecution, medical assistance, and the University's investigation process.

**Interim Measures:** services, accommodations, or other assistance that Otterbein puts in place for Complainants after receiving notice of alleged sexual misconduct but before any final outcomes—investigatory, disciplinary, or remedial—have been determined. The following are examples of interim measures:

- Academic accommodations
- Medical and mental health services, including counseling
- Change in campus housing
- Assistance in finding alternative housing
- Assistance in arranging for alternative University employment arrangements and or changing work schedules
- No Contact directive pending the outcome of an investigation. Such a directive serves as a notice to both parties that they must not have verbal, electronic, written, or third party communication with one another. Provide escort to ensure that the student can move safely between school programs and activities.
- Respondent placed on administrative leave
- Respondent may be reassigned.

### **Next Steps**

Once the University implements any necessary interim measures, the investigator shall take the following steps:

- The investigator will prepare a notice letter for the Respondent that contains the allegation, date of the alleged misconduct, the complainant's name, and the Respondent's rights. The letter will, also, request an interview. The investigator(s) will meet with the Respondent to provide the Respondent the letter, the University policy, the Respondent's rights, an overview of the investigatory process and informal resolutions, and options for criminal investigation.
- A support person may be provided for the Complainant and Respondent. The role of the support person is to provide assistance and Complainant and the Respondent of their rights, options of criminal prosecution, medical assistance, and the University's investigation process.
- Both the Complainant and the Respondent may choose to have an advisor of their choice other than the University provided support person to provide assistance during the investigation and resolution process. Either party may also choose to proceed without an advisor. Both parties are expected to ask and respond to questions on their own behalf, without representation by their advisor during an investigative meeting. The advisor may consult with the advisee quietly or in writing or outside during breaks in the meeting, but may not speak on behalf of the advisee. Any advisor who steps outside of this defined role will be given one warning and then be asked to leave the investigative meeting. (A substitute advisor will not be permitted at this meeting.) The advisor or a substitute advisor may be allowed to attend additional investigative meetings at the discretion of the Title IX Coordinator.
- The investigator(s) will contact the Respondent and witnesses, gathering other pertinent information and following up with the Complainant, Respondent, and witnesses as needed.
- After the investigator(s) interview the Complainant, Respondent, and Witnesses, the investigator(s) will provide each person with a document with their own questions and answers to review and to edit to ensure the document is an accurate reflection of their interview.
- The investigator(s) will, then, provide each party (Complainant and Respondent) the other party's interview document and witnesses' documents to review. Each party may provide written questions that the investigator(s) will ask the opposing party and/or witnesses. The investigator(s) will prepare a document of the responses and share with the person to edit to ensure an accurate reflection of their second interview. The investigator(s) will share the final document to the opposing party for review.
- While the allegation is under investigation, the investigator(s) will encourage all parties and witnesses to provide any additional information (including statements, e-mails, documents, or other facts) that may assist the investigation. The investigator will continue to receive and review this information until the investigation is closed.

- The investigator(s) will inform the parties at regular intervals of the status of the investigation.
- Once the investigator(s) complete their investigation, they will draft a statement of facts and provide to the parties for comment.

Appropriate measures will be taken to avoid retaliatory action. Students or employees may be required to sign a “No Contact Order” to restrict any form of contact between the Complainant and the Respondent.

If aware of a possible sexual misconduct violation, the University may conduct an investigation and impose sanctions for the protection of the campus community. The University reserves this right even if a Complainant decides not to pursue charges, either criminally or through the University’s process.

### **Findings, Conclusions and Recommendations**

Upon completion of the investigation, the investigator(s) will submit a report to the Title IX Coordinator that will include factual findings as well as the investigator’s conclusion of whether it is more likely than not (a preponderance of the evidence in legal terms) that there has been a violation of this policy. The report may also include recommendations for resolution, sanctions, or other appropriate action.

The investigator will submit the report to the Title IX Coordinator (or Deputy Coordinator if Title IX Coordinator is the investigator) for final review. The Title IX Coordinator shall forward the final report, with recommendations for resolution, sanctions, or other appropriate action, to the respective Vice President or Provost for disposition.

If the Vice President’s or Provost’s conclusion is that it is more likely than not that a violation of this policy has occurred, the Respondent will be advised in writing of the finding of a violation, the sanction, and the procedure for appeal. The Complainant will simultaneously be advised in writing that the investigation is complete, that a violation was found, that there will be sanctions against the Respondent, and the procedure for appeal.

- If the violation involves domestic violence, dating violence, sexual assault, or stalking, the University will inform the Complainant of all the disciplinary sanctions.
- If the violation involves any other issue not discussed above, the University will inform the Complainant only of the disciplinary sanctions that directly relate to the Complainant.

If the investigation does not support a violation of any University policy, both the Complainant and the Respondent will be advised in writing of this outcome and the procedure for appeal.

### **Appeals**

If the Complainant or Respondent disagrees with the final decision, they may submit an appeal. The appealing party must submit their appeal within seven (7) calendar days of receipt of the final report. The written request for appeal must identify the reasons and evidence supporting the appeal, state the result sought, and be submitted in writing to the Title IX Coordinator.

The grounds for an appeal are as follows:

- A procedural error occurred that significantly impacted the outcome of the investigation (e.g. substantial bias, material deviation from established procedures).
- New evidence unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. The appealing party must submit a summary of the new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

Disagreement with the facts found or interpretation of evidence does not constitute a procedural error and is not a grounds for appeal.

The Title IX Coordinator will provide a copy of the written appeal to the non-appealing party within five calendar days of receipt of the appeal. The non-appealing party may submit a written response to the appeal request within five days of receipt of the appeals request. If the non-appealing party submits a written response to the Title IX Coordinator, the Title IX Coordinator will forward a copy to the appealing party.

The Title IX Coordinator will forward the report, the file, the request for appeal, and the response to the appeal (if submitted) to the President's Designee (Designee). Ordinarily, the Designee will issue a decision within fourteen (14) calendar days.

The Designee shall review the appeal and determine if it satisfies one of the grounds for appeal. If the appeal does not meet the grounds for an appeal, the Designee will issue both parties a written decision that the appeal did not meet the grounds for the appeal and that the underlying decision was decided reasonably and appropriately. The Designee's decision to deny the appeal is final.

If the Designee determines that a material procedural (or substantive) error occurred, the Designee may return the complaint to the investigator and appropriate Vice President or Provost with instructions to cure the error. The results of the decision of the investigator and the appropriate Vice President or Provost are not appealable.

If the Designee determines that new evidence should be considered, the Designee may review the new evidence or refer the case to the investigator to reconsider in light of the new evidence only. The investigator will review the new evidence and submit an addendum to the original report for review by the appropriate Vice President or Provost. The reconsideration of the investigator and appropriate Vice President or Provost is not appealable.

If the University receives an allegation that the Respondent has violated any of the sanctions, the University will treat the allegation as a new allegation of a violation of the University Sexual Misconduct Policy and will begin a new investigation pursuant to this policy.

Designee shall review the appeal and determine if it satisfies one of the grounds for appeal. If the appeal does not meet the grounds for an appeal, the Designee will issue both parties a written decision that the appeal did not meet the grounds for the appeal and that the underlying decision was decided reasonably and appropriately. The Designee's decision to deny the appeal is final.

If the Designee determines that a material procedural (or substantive) error occurred, the Designee may return the complaint to the investigator and appropriate Vice President or Provost with instructions to cure the error. The results of the decision of the investigator and the appropriate Vice President or Provost are not appealable.

If the Designee determines that new evidence should be considered, the Designee may review the new evidence or refer the case to the investigator to reconsider in light of the new evidence only. The investigator will review the new evidence and submit an addendum to the original report for review by the appropriate Vice President or Provost. The reconsideration of the investigator and appropriate Vice President or Provost is not appealable.

If the University receives an allegation that the Respondent has violated any of the sanctions, the University will treat the allegation as a new allegation of a violation of the University Sexual Misconduct Policy and will begin a new investigation pursuant to this policy.

#### **President and Board of Trustees Notification**

The Title IX Coordinator will notify the President if one of the following occur:

- The allegation involves more than one victim; or
- There is more than one allegation against the same Respondent; or
- There are patterns of inappropriate behavior from athletic teams or departments; or
- There are allegations involving individuals in positions of power; or
- If there is a possibility of a settlement involving allegations with more than one victim or involving individual in a position of power.

Upon receiving an update on the allegation, the President will inform the Executive Committee of the Board of Trustees.

#### **Student 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 is 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 University and community support services and resources.
- 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, change 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 be have related policy, process and support information explained clearly and fully at every stage of the conduct process.
- To suggest names of witness to be interviewed during the investigation process and provide the investigator with questions that they would like asked of the complainant or witnesses.
- 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 Respondent is informed.
- To be notified of any change in the investigation results prior to when 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 informed about University and community support services and resources.
- To learn about possible measures, including but not limited to, change 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 be have related policy, process and support information explained clearly and fully at every stage of the conduct process.
- To suggest names of witness to be interviewed during the investigation process and provide the investigator with questions that they would like asked of the complainant or witnesses.
- 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 Complainant is informed.
- To be notified of any change in the investigation results prior to when they become final.
- To be notified when the results become final.

### **Student Sanctions**

Sanctions may include Monetary Fine; Restitution; Restricted Access; Living Unit Probation; Living Unit Dismissal; Disciplinary Probation; Disciplinary Probation with Restrictions; Alcohol/Drug/Anger Assessment; Suspension; or Dismissal. (Definitions of these sanctions can be found in the Campus Life Handbook under Section 10 – Judicial Sanction Defined.)

A student found to be responsible for nonconsensual sexual intercourse may be dismissed from the University or suspended for a minimum of one semester, and additional sanctions as described above may be imposed.

**First time offenders who are found responsible for nonconsensual sexual intercourse** will receive a sanction to include at minimum the following:

- The offender may be suspended from the university for a minimum of one semester or up to dismissal;
- They will not be allowed on campus during the period of suspension;
- Contact with the victim/survivor is strictly forbidden;
- The offender must submit documentation of counseling received off-campus prior to return. The documentation must include an assessment of the student's ability to return to campus without threatening the safety of others, and the counselor must be licensed and approved by the Associate Dean of Students.

**Second time offenders found responsible for nonconsensual sexual intercourse** will receive a minimum of the following sanction:

- Dismissal from the University.
- Permanent exclusion from campus.

Student-Athletes who are found in violation of the sexual misconduct policy may receive additional sanctions from the Athletic Department, including but not limited to, suspension from athletics practices, contests, or other activities. Student-Athletes may also be suspended from the team for a designated period of time.

Criminal liability can be incurred in a sexual misconduct violation in penalties established in the Ohio Revised Code for all offenses deemed criminal.

### **Records**

Student conduct records/hearing reports are confidential as they are protected under the Family Educational Rights and Privacy Act.

Documentation of sexual misconduct proceedings, including a report and formal correspondence with parties, are kept on file in the Student Affairs Office. All student conduct records resulting from major violations, including sexual misconduct, are kept for seven years. The Vice President for Student Affairs reviews files before expunging. Conduct files on students who have not completed their degree, and are of a more serious nature (felonies and/or dismissals) are kept indefinitely.

Otterbein University academic transcripts include notations of suspensions and dismissals stemming from violations of the Otterbein Code of Student Conduct. Student conduct suspension notations will be removed from the transcript 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.

### **Public Information**

Otterbein generally does not release information to the public concerning an incident of sexual assault, except as required by law or necessary to investigate and reach a resolution of such an incident. Inquiries regarding any such incident may be directed to the Otterbein Police Chief at (614) 823-1222.

### **Public Notification of Incidents**

As required by law, Otterbein collects and annually reports statistical information concerning sexual assaults occurring within its jurisdiction. To promote public safety, Otterbein also alerts the campus community to incidents and trends of immediate concern.

## **Section 9 - Levels of 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 violation. Hearing officers and boards may determine different outcomes based on the circumstances of each individual case.

### **Less Serious Violations**

Students failing to follow procedures, Examples:

- 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 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 violation and the student's student conduct file is kept for seven years. The Vice President for Student Affairs reviews the file before expunging. Student conduct files on students who have not completed their degree, and are of a more serious nature (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 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.

**Parents/Guardians Notification:** Parents or guardians of dependent students receive written notification of any 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 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.

## **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 for an assessment must complete the assessment in a timely manner 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 a Level IV 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 student or organization. Parents or guardians of dependent students 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.

Parents or guardians of dependent students receive written notification.

Restrictions: These restrictions may include any or all of the following:

- 1 – Student may not hold office or be a member in any campus club or organization unless an academic department requires membership.
- 2 – Student may not participate in intercollegiate sports and/or intramural activities.
- 3 – Student may not pledge a Greek social organization.
- 4 – Student may not participate in performing arts.
- 5 – Student may not represent the University in any activity.
- 6 – Student may be restricted in other University activities as deemed appropriate.

**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 represent of the University. Prior to the appointment, students must make arrangements through the Otterbein Police Department at 614.823.1222 prior to 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 and charges are forfeited.

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

**Letter of Warning:** Provides official notification of a violation and informs 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, Greek House, or University-owned housing for a determined time. The student is further restricted from moving into any other University or Greek 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, Greek house, or other University-owned housing. If a student is placed on Living Unit Dismissal, the student must pay 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, Greek 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 a Level IV violation.

**Parents/Guardians Notification:** Parents or guardians of dependent students receive written notification of any 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 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 of time; e.g., service to appropriate campus or community organization, workshop or other constructive project.

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

**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 of time. 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 reenroll when this penalty has expired. Students who have been **suspended for academic performance** must first meet with the Assistant Dean for Student Success prior to 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 Dean for Student Success prior to 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 represent of the University. Prior to the appointment, students must make arrangements through the Otterbein Police Department at 614.823.1222 prior to 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 and charges are forfeited.

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

Proposals for changes in 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 upon 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 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 after 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 on the Otterbein Police webpage. 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” decals – Motor vehicle decals for students living in University residence halls and special purpose housing (Greek and other organizations): \$150.00 for academic year; or \$75.00 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: \$110 for academic year; or \$55.00 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: \$150.00 for academic year; or \$75.00 on or after January 1.

**“P”** decals – Motor vehicle decals for part-time students: \$70.00 for academic year; or \$35.00 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

All vehicles parked on Otterbein owned or operated property must be registered and have properly displayed a valid parking permit. Decals are purchased at the Otterbein University Marketplace. You will find the link at the Otterbein Police webpage. Decals are transferable between vehicles used only by the student or faculty/staff in which the decal is registered to. Students, faculty, and staff may not permit anyone else to use their decal. 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 on the FRONT window (windshield) glass on either the PASSENGER or DRIVER SIDE at the BOTTOM corner. Decals must be visible at all times in the specified locations. Decal owner is responsible for 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 handicap 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 actually 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 as defined under Sections L-2 and L-4 of this handbook. 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 absolutely 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 - \$150 (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 decal or permit anywhere on 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 circumstances are 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 and the citation(s) will stand as issued.

**M. Campus Parking Areas** – All parking lots have signs stating who is allowed to park in them. Please be sure to read the sig 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 prior to 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 motor vehicles.

<b>Area</b>	<b>Reserved Weekdays</b>	<b>Reserved Weekdays</b>
<b>(Excepted as noted)</b>	<b>7:30am - 5:00pm for the following decals</b>	<b>5:00pm - 7:30am (Saturday/Sunday 24 Hours) for the following decals</b>
25 West Home St. South/West Side Lot	A, B, F/S (Faculty/Staff)	A, B, F/S (Faculty/Staff)
33 Collegeview	All	All
60 Collegeview	All	All
194 W. Main St. West Side Lot East Side Lot	Otterbein Police and F/S (Faculty/Staff) A, B	Otterbein Police and All A, B
Barlow North Side Lot South Side Lot	F/S (Faculty/Staff) F/S (Faculty/Staff)	All All
Business Office South/East Side Lot	F/S (Faculty/Staff)	F/S (Faculty/Staff)
Campus Center East Side Lot West Side Lot Theta Nu Lot	All All Theta Nu ONLY	All All Theta Nu ONLY
Center Street Lot	All	All
Cellar House	F/S (Faculty/Staff)	All
Cowan Hall North Side Lot South Side Lot	F/S (Faculty/Staff), Visitors F/S (Faculty/Staff) - 24 Hours	All F/S (Faculty/Staff) - 24 Hours
Davis Hall	All	All
Health Center West Side Lot East Side Lot	Health Center Visitors ONLY (9:00am - 5:00pm) Health Center Employees ONLY	All All
Home St. Commons	A, B	All
Howard House	F/S (Faculty/Staff)	All
Library West Side Lot East Side Lot	F/S (Faculty/Staff) A, B	All All
McFadden	A, B, P, F/S (Faculty/Staff)	A, B, P, F/S (Faculty/Staff)
Park St.	B, H, P, F/S (Faculty/Staff)	B, H, P, F/S (Faculty/Staff)
Park St. Commons West Side Lot East Side Lot	H F/S (Faculty/Staff)	H H, F/S (Faculty/Staff)

Psychology Department		
North Side Lot	A, B	A, B
South Side Lot	F/S (Faculty/Staff) - 24 Hours	F/S (Faculty/Staff) - 24 Hours
West Side Lot	Visitors	Visitors
Rike/Clements Center Lot	F/S (Faculty/Staff) - 24 Hours	F/S (Faculty/Staff) - 24 Hours
Roush/Towers Lot	F/S (Faculty/Staff)	All
Service Department		
Upper Lot	Service Vehicles, F/S (Faculty/Staff)	Service Vehicles, F/S (Faculty/Staff)
Lower Lot	All	All
Stadium		
North Side Lot	F/S (Faculty/Staff)	All
South Side Lot	All	All
Triad Lot	A, B, F/S (Faculty/Staff)	A, B, F/S (Faculty/Staff)

**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 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 (See Section L-1).

**R. Vehicle Tow** – All tows will be authorized by the Otterbein Police Department and a tow report will be filed. In regards to vehicles being towed for "Chronic Offender" status, see Section N. Vehicles may be towed for other reasons to include, but not limited to: emergency situations, blocking other vehicles, creating a hazard, or any other situation determined necessary.

## **GREEK HOUSING (SORORITIES & FRATERNITIES)**

A number of Otterbein University sororities and fraternities have houses recognized by the University as a Greek organization house where organizational members may reside in their sophomore, junior and senior years. The Associate Director of the Center for Student Involvement 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.

**Academic Year Greek 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.

- Sophomores will be allowed to live in Greek housing provided their numbers do not exceed fifty percent of the house capacity.
- Quiet hours in Greek houses will be in effect from 10:00pm-8:00am on weekdays and between 12:00am and 10:00am on weekends.
- If the average cumulative GPA drops below 2.0 for members living in the house, mandatory weekly study tables will be administered. If a member chooses to neglect this obligation, they will be sent to the chapter's executive

or standards board, at which point their membership is at risk. Additional consequences will be decided at this point.

4. If any of these situations, or others occur, it is the responsibility of the chapter to decide appropriate consequences for their members. If problems persist, administrative measures will be taken.
5. A persistent problem is defined as one that has been ignored for one semester and continues into a second.

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

1. All persons living in the house are current or former Otterbein students;
2. Students living in the house are enrolled for fall semester (applies to summer only) or will be graduating during the year;
3. Non-members of the organization living in the house have received approval from the Center for Student Involvement and the organization executive board to live in the house. Freshmen and sophomore non-members have gone through the formal recruitment program;
4. Violations of regulations subject the individual or the organization to the same judicial process as violations occurring during the regular academic year;
5. Violations of regulations by former students will subject them to immediate expulsion from the house.

**General Greek Housing Expectations:**

1. Authorized University representatives, including Otterbein Police Department, Service and Student Affairs, shall have the right of inspection within Greek 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 University personnel seeking entry. Failure to admit authorized University personnel will result in referral to the University's judicial council or United Greek Governing Board. Reasonable notice will be given to Greek house occupants for standard maintenance.
2. Each house will have a designated house manager.
3. Otterbein University does not permit smoking or pets (with the exception for approved support animals) in any University owned fraternity and sorority houses.
4. After the initial floor plan is submitted, all room changes must be submitted to the Center for Student Involvement.
5. Greek 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 the purpose of Greek housing.

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

Living in a community requires each member of the community to take responsibility for their personal safety, the security of their belongings, and the safety and respect of others. Students residing in Otterbein University residence halls, theme houses and Commons apartments shall abide by all policies outlined below and those set forth in the Student Code of Conduct. Students shall make their guests aware of and assure they follow these policies. Infractions of University policies will be forwarded to the Director of Student Conduct.

**3D Printers** – See Fire Safety/Electrical Appliances on page 76.

**Agreements** – University housing agreements are legally binding documents for the entire length of the lease. 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. Release from the contractual obligation without financial penalty is made only upon graduation or withdrawal from the University (prior to the beginning of a semester.) Release from the agreement with financial penalty may be granted for extenuating circumstances provided a written petition is submitted to the Director of Residence Life at least 10 working days prior to the semester for which the release is being sought. The petition must show just cause for a termination (major unforeseen circumstances) with documentation to support the cause and provide information regarding where and with whom the student will live. Petitions are reviewed by the Housing & Meal Plan Subcommittee. The termination penalty fee is one half of one semester's room rate.

**Air Conditioners** – See Fire Safety/Electrical Appliances on page 76.



**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 on page 38.

**Assignment Changes (Room Changes)** - Residents experiencing difficulties with their roommates are encouraged to contact a residence life staff member. Roommates shall meet with their Hall Director to try to resolve conflicts before a room change may begin. Residents will not be allowed to force their roommate to change rooms. Residents moving must complete a Room Change Form and submit to their Hall Director prior to beginning a move. Changes may occur two weeks after the start of fall semester or after the first week of spring semester for returning students (two weeks for new residents). An administrative charge of \$100.00 will be assessed to any student(s) participating in an unauthorized room change (moving prior to completing the Room Change Form).

**Bathrooms** – See Restrooms/Shower on page 80.

**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, must be able to assure 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 spring semester if a student is not on campus during the summer term.

**Damage** – The conditions of student rooms are assessed prior to the student moving in and again prior to the student moving out. Residents shall review the condition of their room immediately upon move-in to assure the room condition report is accurate. Residents shall maintain the condition of all items in their room and hold a collective responsibility for the condition of the common areas of the hall, apartments or theme houses.

If student(s) 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 responsible parties. When the student(s) responsible for 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 damage are not identified, repair costs within the student 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 Service Department 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).

**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 Cardinal 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** (a level III violation) or lending others a Cardinal Card is a violation of the Code of Conduct. Residents will lock their individual room/bedroom door 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)

**Escort 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. Residents are responsible for assuring their guest is fully aware of and follows all policies while in the building. Any unescorted guest will be asked

to leave the building immediately. The guest and the resident they are visiting will be held responsible for violating the Code of Conduct. Residents are encouraged to assure 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 Ohio State Fire Code, Otterbein University will conduct regular fire drills and fire inspections of **all** residential facilities, which include residence halls, theme houses, Greek 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 forwarded to the Director of Student Conduct.

**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 Purifiers

Clocks

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

Computers

Curling irons/curlers

DVD/VCR

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.

Students in the Commons and theme houses **ONLY** may possess and use toasters and George Foreman grills with extreme caution in the kitchen area only. Only students who have been granted an accommodation for a documented disability may use a portable air conditioner.

Due to the needs of students sensitive or allergic to artificial scents, students will refrain from using any electric device which produces a scent, such as air fresheners (e.g. Plug-ins).

Due to the sensitivity of the smoke detectors, aerosol sprays including air fresheners, deodorant, hair spray, body spray and sanitizing sprays (e.g. Lysol) should not be used in University housing facilities.

Due to the risk of fire when using the following electrical appliances, students will refrain from possessing and/or using them in the residence halls, theme houses and Commons apartments. If any violation of these items is found the resident will be referred to the Student Conduct Hearing Board.

3D Printers

Any appliance not clearly marked as UL approved

Any appliance with an exposed heating element

Air conditioners (unless approved as an accommodation)

Broiler ovens

Candles (including candle warmers)  
Electric blankets  
Electric potpourri pots  
Electric frying pans/griddles/devices  
Extension cords (all types)  
Halogen lamps without safety grids  
Heat or sun lamps  
Hot plates  
Ionic hair dryers  
Oil popcorn poppers  
Outlet expander without surge protector  
Scented oil burners  
Space heaters  
Sun or heat lamps  
Toasters  
Toaster ovens

Any item which causes the fire alarm to activate.

Any appliance not included in these lists must be approved by an Assistant Director of Residence Life before usage.

Any use of electric appliance requires that the resident monitor the placement of the electric cords (i.e., do not let cords lie on or next to heating units). Students shall make smart choices to assure 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 on a regular basis in the dumpsters provided outside, do not place wastebaskets in closets and use metal wastebaskets.
- Dispose of cigarette butts and matches carefully in appropriate containers.
- Assure all items taped to walls are taped at all corners using removable tape/tabs, 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.

Students are restricted from:

- Hanging anything from the ceiling and/or over a light.
- Building lofted beds in halls where furniture is not meant to be lofted.

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 8 – University Judicial Policies Defined](#) for the Concealed Weapons policy and for the Firearms/Firecrackers policy.

**Furniture** – Residents will keep all furniture supplied to them in the room throughout the year, and may not store or 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 are able to be lofted and students may loft their beds in a standard formation with a stabilizer bar. Residents unsure if their beds are able to be lofted will seek assistance from a residence life staff member. Residents are responsible for use and care of University property and shall pay for 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.

**Housekeeping, Repairs and Maintenance** – The University's Custodial Department cleans hall common restrooms and common areas (lounges, hallways, lobbies, etc.) on a daily basis. All students are responsible for cleaning their own rooms. Students in the suite-style halls are responsible for cleaning their own restrooms. Students in the Commons and theme houses are responsible for cleaning their whole living area, including kitchens and restrooms. Repairs and maintenance in all University facilities are made by the Service Department. Residents will report all needed repairs, maintenance or housekeeping concerns via the Service Department web page. Repairs will be made in the regular work schedule of the Service Department. See Damage section for more information on damages.

**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. Rooms 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 judicial council. Health & Safety inspections will take place as needed to assure facilities are being properly maintained.

**Keys** – Students are issued a room key when checking into University housing. Students in theme houses and Commons apartments receive a room key and apartment/house door key. Students will keep the key(s) on their person at all times to assure 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 and new key from their hall director 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).

**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.

**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 Involvement 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 and 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 parent/guardian's homeowner's insurance or purchasing renter's insurance. Items abandoned when a student has moved out or withdrawn from the University will be donated to the Otterbein Thrift Shop or local charity.

**Pets** – For purposes of health and sanitation, only aquarium fish, hermit crabs, and small turtles are allowed in any residential area with the agreement of roommate(s). Students are permitted one fish tank of 20 gallons or less per residential room. Residents will care for their pets and provide a clean, healthy living environment for them. During winter and spring breaks, students are required to take home any pets. 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.

**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 as 10:00 p.m. to 8:00 a.m. daily. Resident Student Association may extend Quiet Hours to provide additional quiet study hours. 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 assure noise from TV's, computers, stereos and musical instruments are not heard in the hallway or other rooms. Students outside the residence halls will assure they do not create noise heard 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 their need for quiet. Students needing another student to be quieter will 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 or Otterbein Police Department 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 University residential facilities (excluding Greek houses.) All students residing in the residence halls shall participate in a full board (meal) plan except those with senior academic status prior to the beginning of 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 fall semester and have not signed a housing contract for the following year;
- Will be 22 years of age prior to the first day of classes of 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 housings 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/showers** – Restrooms and showers on residence hall floors are designated as either male or female. Students will use the restroom for the gender they most closely identify with. There are no designated co-ed shower facilities in the residence halls. Personal items (shampoo, soap, hairdryers, etc.) are not to be stored in group restrooms. (Residents in Commons, theme houses, suite-style halls and rooms with private restrooms may leave personal items in the restrooms.)

**Smoking** – Students will refrain from smoking 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 assure compliance with the State smoking law.

**Sports** – Athletic activities which normally take place outdoors (football, hacky sack, lacrosse, soccer, etc.) or in the gym (basketball) are prohibited in University housing facilities. Students should use University sports fields and recreation areas for these activities. Students should not bounce or throw balls inside nor hit the outside of university buildings with sports equipment.

**Telephones** – Students may make on-campus and local calls from their rooms if they have connected a phone. Students wishing to make long distance calls may use a calling card. Phone issues should be reported to the Service Department via their online service request system.

**Title IX Compliance** – In compliance with federal guidelines, student room assignments and use of bathrooms are based on self-identified gender identity.

**Trash** – Students will remove trash from their rooms/suites/apartment and place 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 floor restrooms or other common area trash cans. Students will not allow a large amount of trash to collect in their living space. Commons residents will not place trash or recycling on the landings outside their apartments.

**Types of Housing (non-Greek)** – Traditional & Suite Residence Halls - Traditional residence halls are arranged with student rooms on both sides of a hallway with one or two communal restrooms located in a central location.

Most rooms are doubles (two people sharing one room) and a few are singles, triples or quads. Single gender or “Gender specific” group restrooms are located on every residence hall floor/wing in traditional halls. Suite style residence halls offer more private bathroom facilities with either one or two bedrooms sharing a full bathroom. Each student is provided with a bed, mattress, dresser/closet space, desk/writing table and desk chair. Amenities in all halls include: internet and phone connections in every room, study lounges, laundry facilities and staff offices in each hall/complex. Summer and Break Housing is available in one or more halls each year for an additional fee. Theme Houses - Groups of sophomore, junior and senior full-time traditional undergraduate students who share a common goal and seek a living environment to promote the purpose are invited to apply to live in one of the University’s theme houses. Conveniences of theme houses include fully furnished houses with kitchens, living rooms, laundry machines in each house and optional meal plans. Summer + academic year and academic year only leases are available. Commons Apartments - Students with at least junior academic standing by the beginning of fall term are invited to live in the Commons Apartments as a transition from traditional residence hall life to a more independent lifestyle while remaining on campus. Apartments have two, three or four bedrooms. Conveniences include single bedrooms, fully furnished bedrooms, living rooms and dining rooms, all utilities included (water, heat, electricity, phone, internet), on-campus parking, being within walking distance of everything on campus and optional meal plans. Summer + academic year and academic year only leases are available.

**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 not a waiting list for housing, the remaining student is offered the following three options:

1. Find a roommate of their choice within one week. A list of current students without roommates can be provided by the Office of Residence Life or a resident with a roommate may request to move into the vacancy. Moves will be expected to be completed within a week of the consolidation request.
2. Remain in the room and purchase a Super Single. This option allows the student to be guaranteed the room as a super single for the rest of the academic year. 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.
3. Be consolidated with another student within your residence hall. By choosing this option, the Office of Residence Life will either have another student move into the vacant space in the room or you will be assigned to move to another vacant space within the residence hall. Moves will be expected to be completed within a week of being notified of the new assignment. Failure to move to a new assignment or refuse a new roommate without purchasing a “Super Single” may be referred to the Director of Student Conduct for student conduct charges.

**Vending Machines** – Snack and/or drink vending machines are located in 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 to their Hall Director. 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. 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 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 a different gender 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 a different 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 Hall Director 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 of the same gender identity. Guests may stay for a maximum of two nights in a row with the approval of their room/suite/house/apartment mates (guest must still be registered with their Hall Director). 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 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 of time 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, make arrangements to check out of their room with a member of the residence life staff and return the room key. A damage charge will be assessed for each lock re-core, and added to the student's University bill, if the student fails to return the room and/or apartment/house key when they permanently leave the residence. Failure to check out with a staff member and damage to the room or furnishings will result in additional charges.

## **UNIVERSITY SERVICES AND REGULATIONS**

**Academic Support Center (ASC) 614.823.1610** – The ASC offers a variety of academically related services including:

- Academic accommodations for students with disabilities
- The Writing Center - individual assistance with any writing task
- The Math Lab – tutoring in math classes ASC 0900, through Math 1800, plus Statistics
- Individual assistance with time management, exam preparation, reading techniques and note taking
- Content area peer tutoring
- Supplemental Instruction (SI) – weekly review session in historically difficult courses
- Courses and programs promoting academic success.

**Bookstore 614.823.1364** – Located in the Campus Center. The Otterbein University Bookstore offers a wide variety of merchandise including textbooks, University clothing, study materials, office supplies, greeting cards and snacks. Visit their website at: <http://otterbein.bkstr.com>

**Campus Center/Center for Student Involvement 614.823.3202** – The Campus Center is a private facility for the use by Otterbein students, faculty, staff and alumni. The Center for Student Involvement handles all arrangements for use of the Campus Center. A host who is a member of the student body, faculty or staff must always accompany guests, other than those who have made reservations for use of the building. Guests should have personal identification and may be asked to show it at any time. Trespassers in the Campus Center will be prosecuted. University hosts are responsible for violations of the Student Code of Conduct or damage incurred by themselves or their guest.

### **Policies for Use of the Campus Center**

For information concerning charges for facilities, equipment or services available in the Campus Center phone 614.823.3202.

1. All events in the Campus Center must be scheduled via the online reservation form on My O-Zone. It is located under "Campus Center Reservation Form" in the A-Z Index under "Resources."
2. Confirmations will be sent to every applicant confirming the facility and equipment, after final arrangements have been made with the Campus Center and the reservation has been approved.
3. Reservations are confirmed on a first-come, first-served basis. Campus groups are encouraged to submit reservations at the beginning of the year or semester.
4. The Campus Center reserves the right, in consultation with the groups involved, to reassign facilities to assure the maximum and appropriate utilization of the Campus Center facilities.
5. Groups associated with Otterbein University have priority over other groups in reserving facilities.
6. Persons reserving a room will be responsible for their group. Any damages incurred will be charged to the group.

7. Non-campus groups must gain approval through the Director of the Center for Student Involvement in consultation with the Vice President of Business Affairs before reserving rooms in the Campus Center.
8. If a problem occurs while your group is using the facility, contact the Center for Student Involvement at 614.823.3202 immediately.
9. The Center for Student Involvement will not schedule a series of events in the Campus Center for non-campus groups. (The Director can make exceptions when the requests from Otterbein groups will not be jeopardized by the non-campus group's request for a series of events.)
10. University group is defined as an organization officially recognized by Otterbein University as a campus organization. The conditions offered campus groups will not apply to individual students or faculty members sponsoring programs. These programs will be considered as non-campus events. The Director of the Center shall determine whether a group shall be considered on-campus or off-campus for Student Involvement in consultation with the Vice President for Student Affairs.
11. Rooms suitable for meetings or conferences are:
  - a) Campus Center, Room 1 (seating capacity, 60)
  - b) Campus Center, Room 2 (seating capacity, 10-12)
  - c) Campus Center, Room 3 (seating capacity, 25-35; with tables, 36)
  - d) East Main Lounge (capacity, 100)
  - e) West Main Lounge (capacity, 100)
  - f) Private Dining Room (capacity, 10-12)
  - g) The 1847 Room (capacity, 50)Room capacities are impacted by additional equipment or set-up needs. The Campus Center Staff will identify the capacity of spaces reserve.
12. The main lounge may be reserved by Otterbein groups with the understanding that normal lounge activity will continue. Other groups may not reserve the lounge, but may use it in conjunction with a daylong conference or a served meal in the dining room.
13. Social functions of campus organizations must be registered on the University's Events Calendar in the Student Affairs Office before room reservations are made.
14. Three days prior to your event, cancellations must be given to the Center for Student Involvement. Organizations or departments will be held responsible for any charges incurred due to cancellation. If an off-campus group fails to cancel an event, a rental charge for the facility and all equipment involved will be charged.
15. No tape, glue, tacks, staples, or nails are permitted on the walls or glass doors of the Campus Center. Posting limitations must be discussed with the Administrative Assistant. All decorations must be completely removed at the end of each event. The facility must be returned to its original set-up.
16. All groups using University space are expected to adhere to all University policies, regulations, guidelines and, in addition, to all local, state and federal laws. Failure to comply with these regulations will result in action by the appropriate authorities. Any group or individual sponsoring an event in the Campus Center assumes all responsibility connected with the event. The Center for Student Involvement or the University assumes no responsibility. Gambling, including raffles, are not permitted in the Campus Center. The ability to host events with alcohol must follow University policy.
17. Dining Service arrangements must be made with the University Dining Service by calling 614.823.1116 after a facility has been scheduled for the event. Arrangements with the Dining Service should be made seven days in advance. **NO OUTSIDE CATERERS ARE PERMITTED. YOU ARE NOT PERMITTED TO BRING YOUR OWN FOOD OR BEVERAGE INTO THE CAMPUS CENTER.**
18. **NO CLASSES CAN BE SCHEDULED IN THE CAMPUS CENTER WITHOUT WRITTEN APPROVAL FROM THE VICE PRESIDENT FOR ACADEMIC AFFAIRS.**



19. It is the policy of the University not to make its facilities available for use by outside religious organizations for religious services of any kind, except those that may be held in connection with summer conferences or conventions or with the approval of Otterbein's Chaplain.
20. Only trained service-animals are permitted within the Campus Center. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls ([http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)).

**Center for Career & Professional Development 614.823.1456** – The Center for Career & Professional Development helps students assess their progress toward their career goals and teaches the skills necessary to make wise career decisions and obtain optimum employment. The Center for Career & Professional Development offers individualized career counseling, career testing, and written materials to assist students with career planning activities during their entire Otterbein career and as alumni. All students are encouraged to visit the office for assistance with clarifying career goals and academic majors, utilizing the alumni network, selecting and applying for internships, practicing interviews, writing resumes and cover letters, and developing post-University plans (finding a job or going to graduate school).

**Center for Student Success 614.823.1624** – The Center for Student Success serves as a resource center for students at Otterbein. The Center offers supplemental academic advising, as well as peer mentoring; helps students make individualized semester conversion plans, and refers students to different campus offices for help. The goal of the Center is to help students by serving as an advocate and removing barriers for success. The Center for Student Success is located at 172 West Main Street.

**Chaplain 614.823.1409** – The University Chaplain, Dr. Judy Guion-Utsler, serves the spiritual and personal counseling needs of students and offers many opportunities to become involved with religious activities including: Otterbein Christian Fellowship, Religious Life Council, Athletes in Action, John Paul II Society (formerly Catholic ACTS), Advisor to the Spiritual Growth House and the Gospel Choir. The Chaplain serves as advisor to the Otterbein Chapter of Habitat for Humanity, and the spring break work camp--The Collegiate Challenge.

**Commuter Information 614.823.3211** – All commuter students are invited to use the Commuter Lounge located on the lower level of Towers Hall. The lounge is open from 7:00 a.m. to 11:00 p.m. daily. The lounge is equipped with a refrigerator, microwave and vending machines, telephone for local and campus calls, study tables, lockers, and comfortable furniture for relaxing between classes. To find out more about commuter opportunities, call the Center for Student Involvement at 614.823.3211.

**Counseling – ACADEMIC:** Students are each assigned a faculty member to assist with decisions concerning courses and class scheduling. The **Dean of Academic Services** is available for counseling on academic questions at **614.823.1573**. The **Center for Student Success** at **614.823.1010** is also available to work with students on their advising, especially semester conversion concerns.

**Counseling Center 614.823.1333 – PERSONAL:** The Counseling Center offers year-round psychological health care to all students. Services include assessment, therapy, triage, and coordination of services-including referrals for medications or specialized care, and transitional treatment planning. Counselors work with students to identify their concerns and to help them invest effort in changing what is troubling them. Some students need mostly support and clarity; others may need immediate intervention for more serious impairment or risk of harm.

**Courtright Memorial Library 614.823.1215** – The library staff members are available to assist you in finding the information you need and helping you succeed here at Otterbein University. You can contact us through email, IM, phone, or by visiting the library. For more information visit our library website at <http://library.otterbein.edu>. Please ask a librarian whenever you need assistance.

The library collection includes over 350,000 books, periodicals, federal government publications, videotapes/DVDs, CDs, e-books, e-journals, and other instructional materials to support the curricular and co-curricular needs of students, faculty, and staff of Otterbein University. Both print and non-print materials (such as DVDs) are shelved together to make it easier for you to find the items you need. Course reserve materials are available to assure students access to information found in limited sources or recommended for use by their professors. Students are responsible for materials they check out and fines are assessed for overdue and lost items.

The Courtright Memorial Library is part of a statewide consortium of 24 private Universities, called OPAL. OPAL is also the name of our online catalog and can be accessed through the University network or Internet providers from computer labs, homes, offices, or dormitories. Otterbein University is also a member of OhioLINK, a statewide consortium of 86 public and private academic libraries and two public libraries (including Westerville Public Library). Through OPAL and OhioLINK, Otterbein students, faculty, and staff may request materials from member libraries, either electronically or by visiting that library. Any items not owned by another Ohio academic library can be obtained through resource sharing agreements via Interlibrary Loan.

Make sure you visit the library, get a cup of coffee or other food or beverages from the Otter Bean Café, visit the Academic Support Center on the 2<sup>nd</sup> floor, study with friends or alone, meet with your professors or other students, use the resources available within the library, obtain assistance from a library staff member, or read a good book. So many options are available for you as a member of the Otterbein community.

**Dining Services 614.823.1611** – All students living in University residence halls are required to participate in a full meal plan, unless they have senior class academic standing by the first day of fall semester. Residents of the Commons Apartments and Theme Houses are not required to have a meal plan. Non-residential students may add Munch Money to their Cardinal Card by contacting the Business Office. Meal plans may not be cancelled during an academic semester except when a student officially withdraws from the University. Changes to meal plans may only be made during the first week of each semester. All food served in the Cardinal's Nest should be consumed on the premises unless prior arrangements have been made with the Dining Service director. Students with special dietary needs should meet with the Dining Service director to discuss how their needs can be met.

**Emergency Loans/Mercedes Blum-Graber 614.823.1250** – Small, short-term, interest-free loans are available to all Otterbein University students through the Mercedes Blum-Graber Emergency Loan Fund. Students interested in applying for a loan should visit the Student Affairs Office.

**Emergency Telephones/Otterbein Police 614.823.1222** – Emergency telephones are located in numerous areas of the campus and are to assist you in contacting the Office during an emergency. Yellow boxes marked “Emergency” contain the emergency telephones. To use, push the button and talk.

To view the emergency phone locations, please visit the following website and select “Emergency Call Boxes”:  
<http://campustour.otterbein.edu/> or refer to the list below:

- 25 West Home Street, outside north entrance
- 25 West Home Street, inside south entrance
- 25 West Home Street, northeast elevator)
- 33 Collegeview, outside front entrance
- 33 Collegeview, outside rear entrance
- 33 Collegeview, outside in rear kiln area
- Barlow Hall, on Cochran Alley
- Battelle Hall, elevator
- Campus Center, elevator
- Campus Center West/Stadium Lot
- Center Street Parking Lot, north side
- Clements Recreation Center (CRC), elevator
- Clements Recreation Center (CRC), outside front entrance area
- Cowan Hall, elevator
- Cowan Hall, outside north entrance
- Davis Annex, outside east entrance
- Davis Hall, east courtyard
- DeVore Hall, elevator
- DeVore Hall, outside south entrance
- DeVore Hall, inside south entrance
- Garst Hall, outside center south door
- Hanby Hall, outside front entrance
- Home Street Commons, outside in front
- Library, outside east lawn entrance
- Library, elevator

Mayne Hall, outside front entrance  
McFadden Parking Lot, on Cochran Alley  
North Triad Parking Lot  
Police Department, outside front door  
Police Department, outside rear door  
Park Street Commons Parking Lot  
Park Street Parking Lot entrance  
Rike Center Parking Lot  
Roush Hall, outside east handicap door  
Roush Hall, outside southwest entrance  
Roush Hall, elevator  
Scott Hall, outside west entrance  
Science Building, outside west entrance  
Science Building, elevator  
Stadium elevator  
Towers Hall, elevator  
Towers Hall, outside west entrance

**Employment of Students – Federal Work Study (FWS)** is funded both by the University and the Federal Government and provides for part-time employment to students who demonstrate financial need. Students must meet the eligibility requirements for FWS. Award amounts are determined each year by the Office of Student Financial Services.

**Department Paid Student Wages (DPSW)** is funded entirely by the University. These positions are for students who are paid through stipends, or who do not qualify for FWS. **Summer Employment** is allowed for students (undergraduate and graduate) enrolled at least half-time in the summer or registered for at least half-time enrollment in the fall. Summer session begins the day after commencement and ends the day before fall semester. All summer employment is considered DPWS.

The student must be meeting Standards of Academic Progress and eligibility requirements to continue working on campus as an FWS or DPSW student employee. Jobs are posted on Cardinal Careers at: <https://candidate.gradleaders.com/Otterbein/Candidates/Login.aspx?pid=3474>

Otterbein University complies with Equal Employment Opportunity laws and the Fair Labor Standards Act. Please see the Office of Student Financial Services work study webpage for more information: <http://www.otterbein.edu/public/FutureStudents/FinancialAidAndScholarships/WorkStudy.aspx>

**Off Campus-Employment** opportunities with local businesses can be found via Cardinal Careers, our online job board via the Center for Career & Professional Development website. Students apply directly to the business.

**Health Center 614.823.1345** – The Health Center provides health care for full time Otterbein students who pay full time fees to the University. The Health Center is open, 8:00 a.m. to 4:00 p.m., Monday through Friday; a doctor is available four hours a week. In case of emergency, students should call 911. Students are advised to see the physician at times other than their regular class hours except in the case of an emergency. When a student misses class, for one day or several, it is the student's responsibility to let their professor(s) know the reason for the absence. The University provides a student accident policy to all full-time students. This insurance is not intended to replace coverage held by parents or student, and is secondary to other insurance coverage. All claims are filed through the Health Center. Full time students are required to have a completed health record (history, physical & required immunizations) on file at the Health Center prior to beginning classes. All questions concerning medical bills, and/or services provided, should be directed to the Health Center.

**Information and Technology Services 614.823.1747** – ITS offers: Student Help Desk (823.1060) located in Roush 15A, instructional equipment delivery to classrooms; equipment maintenance and repair; production of audio, visual, video, and computer based instructional materials; and technical and administrative support for video conferencing and interactive video based distance learning.

**Reserving Rooms on Campus** – The University will not rent campus facilities to outside groups when school is in session. No rental fees will be charged for official student, faculty or alumni groups of Otterbein University. Any faculty, organization, student or off-campus group or individual must make reservations for use of University rooms or buildings as follows:

**Communication Bldg.** – Call the office at 614.823.3380.

**Battelle Fine Arts Center** – Contact the Battelle Fine Arts Center Office, 614.823.1504.

**Campus Center** – Reserve rooms online through My Ozone, go to Quick Links, then to Schedule an Event/Reserve a Room. For questions, please call 614.823.3202.

**Chapel** – The Chapel reservations should be made with the Chaplain's Office, 614.823.1409 or Center for Community Engagement at 614.823-1270.

**Computer Labs** – (Roush 15A & 204, Library 200 & 201 and Library Basement, Collegeview 142 & 155, Science 244, and residence halls). Reserve online at: <http://www.otterbein.edu/its> or call 614.823.1359 with any questions.

**Cowan Hall/Fritsche Theatre or Lobby** – Contact the Production Manager's Office, 614.823.1899.

**Library** (classrooms) – Eight classrooms are available and can be reserved online on the library web site. Please call the Library at 614.823.1215 with any questions.

**Rike Center/Clements Facility (All Athletic Facilities)** – Academic classes, varsity athletics, fitness and recreational sports have priority with recreational activities scheduled on a space-available basis. Contact Kathy Mazza, 614.823.3530 or Connie Richardson, 614.823.3517.

**Roush Hall** – Contact the Registrar's Office, 614-823-1351; Caroline Viebranz 614.823.1420 for President's Boardroom or Conference Room.

**Science Building (classrooms and atriums; not labs)** – Contact the Registrar's Office, 614-823-1351.

**Towers Hall (classrooms and Nationwide Plaza) & the Philomathean Room** – Contact the Registrar's Office at 614.823.1351.

**Student Mail Center (SMC) 614.823.1882** – The Student Mail Center (SMC) distributes US and campus mail to students. Anyone with a campus mailbox should check the mailbox on a regular and frequent basis.

**Addressing Mail:** All mail must be clearly addressed. Please be sure to include the campus box number as part of the mailing address to ensure prompt and accurate delivery. Do not refer to the campus mailbox as a "Post Office Box." Please refer to the address example below when addressing mail to University students, faculty or staff. Improperly addressed mail or mail received with no SMC (student mail center) box number can delay mail delivery.

Address Example: Student's name  
SMC (5-digit number)  
Otterbein University  
1 South Grove Street  
Westerville, OH 43081-2006

#### CAMPUS OFFICE PHONE NUMBERS, LOCATIONS AND HOURS

Office Name	Phone	Location	Hours
Academic Affairs	823.1154	Roush Hall 3 <sup>rd</sup> Floor, 27 S. Grove Street	M-F 8:30 AM – 5:00 PM
Academic Support Center	823.1610	Courtright Memorial Library, 2 <sup>nd</sup> Floor 40 W. Main Street	M-F 8:30 AM – 5:00 PM
Business Office	823.1150	25 W. Home Street	M-F 8:30 AM – 5:00 PM
Campus Bookstore	823.1364	Campus Center 100 W. Home Street	M-F 9:00 AM – 5:00 PM Sat 10:00 AM – 2:00 PM
Center for Career & Professional Development	823.1456	60 N. Grove Street	M-F 8:30 AM – 5:00 PM Closed from 12-1 PM
Center for Community Engagement	823.1270	82 W. Main Street	M-F 8:30 AM – 5:00 PM
Center for Student Involvement-Greek Life, Orientation, Student Activities, Commuters, Cardinal Card	823.3202	Campus Center 100 W. Home Street	M-F 8:30 AM – 11:30 PM

Center for Student Success	823.1624	172 W. Main Street	M-Th 8:30 AM – 7:00 PM Friday 8:30 AM – 5:00 PM
Chaplain	823.1409	82 W. Main Street	M-F 8:30 AM – 5:00 PM
Clements & Rike Centers	823.3530	Clements & Rike Centers	M-F 7:00 AM – 11:00 PM Sat 10:00 AM – 11:00 PM Sun 10:00 AM – 11:00 PM
Copy Center	823.1658	Towers Hall Basement 1 S. Grove Street	M-F 8:30 AM – 5:00 PM
Counseling Services	823.1333	146 W. Home Street	By Appointment Urgent Walk Ins: 1:00 PM and 1:30PM
Development and Institutional Advancement	823.1400	Howard House 131 W. Park Street	M-F 8:30 AM – 5:00 PM
Dining Service	823.1116	Campus Center 100 W. Home Street	M-F 8:30 AM – 5:00 PM
Financial Aid	823.1502	88 Cochran Alley	M-F 8:30 AM – 5:00 PM
Graduate Programs	823.3210	Roush Hall, Room 208 27 S. Grove Street	M, Th, F 8:30 AM – 5:00 PM T, W 8:30 AM – 6:00 PM
Health Center	823.1345	78 W. Home Street	M-F 8:00 AM – 4:00 PM
Human Resources	823.1805	25 W. Home Street	M-F 8:30 AM – 5:00 PM
Information & Technology Services	823.1747	Roush Hall Basement 27 S. Grove Street	M-F 8:30 AM – 5:00 PM
Library	823.1215	Courtright Memorial Library 138 W. Main Street	M-Th 7:45 AM – 2:00 AM F 7:45 AM – 6:00 PM Sat 12:00 PM – 6:00 PM Sun 12:00 PM – 2:00 AM
Mail Services	823.1309	Towers Hall Basement 1 S. Grove Street	M-F 8:30 AM – 5:00 PM Sat 11:00 AM – 1:00 PM
Marketing & Communications	823.1600	Cellar House 141 W. Park Street	M-F 8:30 AM – 5:00 PM
Office of Adult & Transfer Admission	823.1356	Towers Hall 1 S. Grove Street	M-Th 8:30 AM – 8:00 PM F 8:30 AM – 5:00 PM
Otterbein Police Department	823.1222	194 W. Main Street	M-F 8:30 AM – 5:00 PM <b>Phone answered 24/7</b>
President	823.1656	Roush Hall, 3 <sup>rd</sup> Floor	M-F 8:30 AM – 5:00 PM
Registrar's Office	823.1350	Towers Hall Room 27 1 N. Grove Street	M TH 8:30 AM – 7:00 PM T W F 8:30 AM – 5:00 PM
Student Affairs- University Calendar & Posters, Emergency Loans, Office of Social Justice & Activism, Residence Life, Student Conduct & Wellness	823.1250	Back of Hanby Hall 65 W. Home Street	M-F 8:30 AM – 5:00 PM
Student Computer Help Desk	823.1060	Roush Hall Basement 27 S. Grove Street	M-Th 8:30 AM – 9:00 PM F 8:30 AM – 6:00 PM SA 8:00 AM – 2:00 PM SU 1:00 PM – 5:00 PM

**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.**