B. When students incur penalties prescribed by civil authorities, they may also be subject to further discipline by the College judicial systems if there are distinct and clear College community interests involved. The appropriate judicial body will rule as to its jurisdiction in the case.

C. When students of the College are charged with a violation of federal, state, or local law, the College has no obligation to assist them.

IV. Judicial System

A. Preamble

The purpose of the Oberlin College Judicial System is to create an environment that is conducive to excellence within and outside of the classroom, that educates students about the relationship between their personal freedom and their responsibilities to their community, that promotes the orderly functioning of the community, that holds all members of the community accountable for their behavior, and that promotes habits of effective and engaged citizenship.

B. Definition of Terms

1. The term “College” means Oberlin College, including the College of Arts and Sciences and the Conservatory of Music.

2. For the purposes of the Oberlin College judicial system, a “student” is defined as an individual who has been offered and has accepted the opportunity to enroll in regular credit-bearing Oberlin College courses. Students who are not officially enrolled for a particular term but are participating in study abroad or domestic exchange programs, or who are on leave from the College, remain subject to the College’s judicial system.

3. The term “faculty member” means any person hired by the College to conduct classroom activities.

4. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.

5. The term “staff member” means any person employed by the College.

6. The term “member of the College community” includes any person who is a student, faculty or staff member, College official, or any other person employed by the College. A person’s status in a particular situation shall be determined by the Office of the President, the Dean of the College, the Dean of the Conservatory, or the Dean of Students.

7. The term “business day” ordinarily refers to a weekday (Monday through Friday) during those weeks in which the College is in session, excluding vacations.

8. The term “College property” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Oberlin College (including adjacent streets and sidewalks). This definition shall not be interpreted to infringe on any appropriately recognized jurisdiction of the Oberlin City Police or other law enforcement officials.

9. The term “organization” means any number of persons who have complied with the formal requirements for College recognition as a campus organization.

10. The term “judicial board” means the group of individuals appointed by the Student Senate and authorized by the College to determine whether a student has violated the rules and regulations and to impose sanctions.

11. The term “Community Board” means the group of individuals authorized by the College to hear defined categories of cases and to review cases heard by the Judicial Board.

12. The term “review” refers to the process of reviewing a hearing upon request, and determining if a new hearing shall be granted. The term “review” is synonymous to the term “appeal.”

13. The term “advisor” refers to a person assisting the complainant or respondent at a formal hearing. This person must be a member of the Oberlin College community (staff, faculty member, or student).

14. The term “shall” is used in the imperative sense.

15. The term “may” is used in the permissive sense.

16. The term “judicial coordinator” is (a) person(s) designated by the Dean of Students to be responsible for the administration of the overall judicial system and the rules and regulations thereof.

17. The term “policy” is defined as a written regulation of the College as outlined in, but not limited to, the published Rules and Regulations.

18. The term “complainant” refers to the individual(s) initiating a complaint under the Rules and Regulations.

19. The term “charge” refers to formal action taken by the Judicial Coordinator on behalf of the College. A charge is made when alleged behavior constitutes a violation of the Code of Conduct.

20. The term “respondent” refers to the person(s) or group cited in the complaint who is (are) alleged to have violated the Rules and Regulations.

21. The term “victim” refers to the individual(s) who has been harmed by the alleged offense.

22. The term “complaint form” means a written statement of the provisions of the Rules and Regulations alleged to be violated and the factual circumstances surrounding the alleged violation.
students’ rights and responsibilities (cont.)

23. The term “written” means any written material including electronic correspondence.

24. The term “complaint” refers to a formal allegation presented to the Judicial Coordinator by a member of the College.

C. Jurisdiction

Oberlin College holds its students accountable for their behavior on campus. The College may also choose to address off-campus behavior whether that behavior constitutes a violation of local, state, or federal law, or a violation of College regulations if that behavior:

1. Occurs within public or private areas adjacent to the campus.

2. Occurs in connection with a College-sponsored event or when students are acting as representatives of the College.

3. Directly affects another member of the Oberlin community.

D. Code of Conduct

Students are expected to be responsible for their actions and to conduct themselves in accordance with the Rules and Regulations of the College. Violation of the Oberlin College Code of Conduct shall be grounds for disciplinary action. Violations include but are not limited to the following:

1. VIOLATIONS OF PUBLISHED REGULATIONS
   A. Violations of the general rules and regulations of the institution, College Policies or Faculty Statements as published in the Rules and Regulations or any other official institutional publication, excepting those that fall under the jurisdiction of the Honor Code or the Sexual Offense Policy.

   B. Violations of local, state, and federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.

2. PHYSICAL VIOLENCE

Conduct that physically harms, or might reasonably be regarded as a threat to the physical safety, health, or well-being of another individual or individuals, including but not limited to the following examples:

A. Individual or group behavior that is violent or that unreasonably disturbs other groups or individuals.

B. Threats to cause harm or abuse.

C. Acts of hazing by any individual or group. The College adheres to the definition of hazing as articulated by the Ohio Revised Code: “doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.”

D. Acts of stalking, defined by the State of Ohio Stalking Law as knowingly engaging in a pattern of conduct, related in time, that causes another to believe that the offender will cause that other person physical or mental harm.

E. Acts of sexual offense as defined by law and/or defined by the Sexual Offense Policy. (See Students’ Rights and Responsibilities Section V. Social Conduct and Regulation J.3.)

3. HARASSMENT

Any verbal, physical, or written act, directed at an individual, that might reasonably be construed to intimidate, coerce, or create a hostile environment for him or her and, in turn, prevent him or her from fully enjoying the educational benefits of the College. At the same time, proscriptions of verbal harassment must not have the effect of limiting the free exchange of ideas or opinions; rude or obnoxious behavior or speech – whether inside or outside the classroom – is not necessarily in itself adjudicable. (See Students’ Rights and Responsibilities Section V. Social Conduct and Regulation H.).

Harassment includes, but is not limited to, the following examples:

A. Defamation, libel, or slander.

B. Forms of intimidation or harassment including patterned verbal (oral, written, or electronic communications, including: e-mail, text messages or other electronic media devices) acts or physical behavior related in time that deprive a reasonable person of the ability to enjoy the full benefits of his/her college education as a result of the perceived threat of physical harm or mental harm.

C. Acts of stalking, defined by the State of Ohio Stalking Law as knowingly engaging in a pattern of conduct, related in time, that causes another to believe that the offender will cause that other person physical or mental harm.

D. Forms of harassment as defined by the Sexual Offense Policy and the Faculty Statement on Racial Abuse and Harassment.

E. Any unauthorized use of electronic or other deives to make an audio or video record of any person while on College premises without his or her prior knowledge, or without his or her effective consent when such a recording is likely to cause injury or distress. This example is adapted from Ed Stoner’s Model Code of Conduct.
4. BEHAVIORS THAT INTERFERE WITH COMMUNITY FUNCTION

Oberlin forbids conduct that interferes with, impinges upon, or otherwise disrupts any legitimate function of the College or its representatives, including but not limited to the following examples:

A. Unreasonable interference with or obstruction of any institutional activity, program, event, or facility, including the following: any unauthorized occupancy of the institution or institutionally controlled facilities or blockage of access to or from such facilities; interference with the right of any member of the College or other authorized person to gain access to any College or College-controlled activity, program, event, or facility.

B. Failure to comply with directions or requests of College officials acting in the performance of their duties, including any obstruction or delay of a campus security officer or College official in the performance of their duty. Failure to show or surrender ID card to College official upon proper request.

C. Unauthorized entry into or occupation of College facilities that are locked, closed to student activities, or otherwise restricted as to use.

D. Failure to comply with the provisions of the College parking and traffic regulations. Unlawfully blocking or impeding normal pedestrian or vehicular traffic on or adjacent to College property.

E. Misuse of disciplinary procedures, including the following: failure to respond to a request for an interview by the Judicial Coordinator during the investigation of a violation; knowingly falsifying or misrepresenting information before a hearing body; knowingly making a false statement; attempting to influence the impartiality of a member of a hearing body prior to, during, or after a hearing; harassing or intimidating a member of a hearing body or a witness; failing to comply with the sanction(s) imposed by the hearing body; and presenting false information or a false complaint.

F. Forgery, alteration, or unauthorized use of College documents, forms, records, or identification cards, including the giving of any false information or the withholding of necessary information, in connection with a student's admission, enrollment, or status in the College.

G. Unauthorized sales, solicitation, or door-to-door canvassing, as well as the unauthorized use of the Oberlin College name for commercial purposes.

H. Conduct that is disorderly, lewd, or indecent; breach of peace, or aiding and abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by the College, or members of the academic community. Adapted from Ed Stoner's Model Code of Conduct.

5. ABUSES PERTAINING TO COMMUNITY OR PERSONAL PROPERTY

Theft or misappropriation of College or individual property, including but not limited to the following examples:

A. Acts of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials, safety devices, and/or other College property.

B. Misappropriation or unauthorized possession or sale of College property.

C. Making or causing to be made any key for a College facility without authorization.

D. Acts of theft, misappropriation or malicious damage to the private property of other College community members.

E. Embezzling, defrauding, or procuring any money, goods, or services under false pretense.

6. NON-ADHERENCE TO COMMUNITY SAFETY REGULATIONS

Infractions include but are not limited to the following examples:

A. Failure to evacuate College facilities or willfully disregarding any emergency or fire alarm signal.

B. Unauthorized or illegal possession of or use of Firearms (including but not limited to bb-guns and all other types of air or spring powered weapons), dangerous weapons (such as knives, swords, and martial arts weapons) or hazardous materials of any kind. With the exception of law enforcement officers, the possession of firearms on Oberlin College property or in Oberlin College buildings is forbidden.

C. Unauthorized detonation of any object or substance, including but not limited to those considered being and used as fireworks (for example: firecrackers, or sparklers, gunpowder).

D. Unauthorized ignition of flammable materials in or surrounding College facilities.
students' rights and responsibilities (cont.)

7. VIOLATIONS PERTAINING TO CONTROLLED AND UNLAWFUL SUBSTANCES

A. Unlawful and unauthorized use or possession of alcoholic beverages. (See Students’ Rights and Responsibilities, Section V. Social Conduct and Regulations, N.)

B. Unlawful use or possession of any illicit drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or the sale or distribution of any illicit drug or controlled substance. (See Students’ Rights and Responsibilities, Section V. Social Conduct and Regulations, N.)

C. Use or possession of equipment (examples include but are not limited to bongs, hookahs, and bowls), products, or material used or intended for use in manufacturing, growing, using (unless prescribed by a licensed medical provider), or distributing any illicit drug or controlled substance.

E. Judicial Authority

Within the judicial system, there are a variety of individuals and groups who have responsibility for making decisions and resolving conflicts. Listed below are the decision-making bodies that have been given authority to serve within the system and a brief description of their roles.

1. JUDICIAL COORDINATOR

A Judicial Coordinator is an agent of the College and of the Dean of Students who acts on behalf of the College and the Dean of Students in carrying out all judicial functions. The Dean of Students retains the right to appoint Judicial Coordinators from among the deans in the Division of Student Life and Services. The Dean of Students also retains the right to designate a member of her/his professional staff to serve in the absence of a Judicial Coordinator. While individuals of the College community are encouraged to bring complaints to the attention of a Judicial Coordinator, it is the responsibility of the Judicial Coordinators to:

A. Determine if the alleged behavior is an infraction of the Code of Conduct.

B. Determine if there is enough information to warrant bringing charges.

C. Bring judicial charges against students on behalf of the College.

Responsibilities

A. Interpreting policies and procedures within the judicial system, in light of precedent and past practices.

B. Training members of the Judicial and Community Boards.

C. Training Residential Education staff members who hear cases.

D. Maintaining judicial records and correspondence.

E. Investigating reports of misconduct, determining if the alleged behavior is an infraction of the Code of Conduct, determining if there is enough information to warrant bringing charges, and initiating charges on behalf of the College when appropriate.

F. Adjudicating alleged violations and determining appropriate sanctions only when 1) the violation does not warrant a sanction of suspension or dismissal, 2) adjudication by the Judicial Coordinator has been requested by the respondent, 3) the respondent admits responsibility, and 4) there is no fundamental disputation of facts.

G. Attending (without a vote) Judicial and Community Board hearings, deliberations and appeals, and speaking in such meetings upon the invitation of the Chair.

H. Recommending that the Registrar withhold the degree of a graduating senior until the case has been heard and properly resolved.

I. Possessing the authority – along with the Dean of Students and his or her designee – to impose a temporary stay-away, temporary housing relocation, or temporary suspension until a decision has been reached by the Judicial Board.

J. Meeting with the Chair of the Judicial Board to approve the consistent format of the letter to the respondent and to advise when necessary.

K. Meeting every other year with members of the Judicial Board and Community Board to recommend changes to the judicial system and process. Changes to this document shall be approved by the Student Life Committee (SLC) and the General Faculty (GF).

L. Reporting a summary of all cases at the end of each semester to the Oberlin College community. These will be posted in the campus newspaper and on the Oberlin web site. The summary will only include information about the charges and decisions of the boards. The summary will not contain confidential information, including the identity of the individuals.

2. JUDICIAL BOARD

Membership

A. Fifteen students will be appointed by the Student Senate to serve as members. Appointments will be made in the spring semester for the upcoming year and as vacancies arise. If fewer than five Judicial Board members will be on campus and available during the summer and winter term, the Student