

Oberlin College Student Conduct System

Updated and Approved through General Faculty as of 8/8/2017

Legal updates provided on 8/3/2020

A. Preamble

The Oberlin College Student Conduct System is designed to advance the mission of Oberlin College by establishing the responsibilities of student membership in the College community. By setting high standards of conduct, the College aims to advance the health, safety, security, and wellbeing of each member of the community and the community as a whole. The goals of the conduct system are to: create an environment that promotes excellence within and outside of the classroom, educate students about the relationship between their personal freedom and their responsibilities to their community, support the orderly functioning of the community, hold all members of the community accountable for their behavior, and encourage 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. The term **“student”** is defined as an individual who has been offered-and has accepted-the opportunity to enroll in regular credit-bearing Oberlin College courses. “Student” is also defined as those 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 conduct system.
3. The term **“faculty member”** means any person hired by the college to conduct classroom or research activities and college officials who are eligible for appointment to General Faculty committees according to the regular General Faculty appointment process.
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, one who regularly accesses campus, 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 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, building, 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 of college recognition as a campus organization.
10. 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 administrative hearing officers.
11. 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”**.

12. 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).
13. The term “**shall**” be used in the imperative and mandatory sense.
14. The term “**may**” is used in the permissive and optional sense.
15. The term “**Director of Community Life and Standards**” refers to the person designated by the Dean of Students to be responsible for the administration of the overall conduct system and the rules and regulations thereof.
16. The term “**administrative hearing officer**” is (a) person(s) appointed by the Director of Community Life and Standards to conduct administrative hearing and refer cases to the community board in accord with the rules and regulations of the conduct system.
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 Director of Community Life and Standards 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 that 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 misconduct.
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.
23. The term “**written**” means any written material including electronic correspondence.
24. The term “**complaint**” refers to a formal allegation presented to the Director of Community Life and Standards by a member of the college community.

C. Jurisdiction

Oberlin College holds its students accountable for their behavior that occurs on campus, on college controlled property regardless of the location, within the City of Oberlin, or in connection with college-sponsored events or programs regardless of the location.

The college may also choose to address behavior outside of college controlled property, college sponsored events or programs, or the City of Oberlin only when there is a direct and serious threat of harm to another member of the Oberlin community.

In addition, Oberlin College shall adjudicate all complaints and charges that occur while an individual is a student. If the student chooses to withdraw during the conduct process, the hearing may still occur. Oberlin College reserves the right to prevent a student from reaching alumni status, graduating, or participating in commencement until the completion of the adjudication process, including completion of sanctions. In these circumstances, the Director of Community Life and Standards, with approval from the Dean of Students, can put in place an expedited process from the one outlined in this policy.

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. The college reserves the right to take immediate corrective action to minimize threats to the health, safety, and security of the community.

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 *Student Regulations, Policies, and Procedures* or any other official institutional

publication. Violations of the *Honor Code* or the *Title IX Sexual Harassment Policy or Non-Discrimination and Anti-Harassment policy* are handled through process outlined in those policies.

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 wellbeing 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. Hazing of any member of the college community by campus organizations, clubs, intercollegiate or intramural athletic teams, students, employees, and volunteers. The State of Ohio acknowledges hazing as a crime. The Ohio Revised Code defines hazing as “doing any act or coercing another, including the victim, to do any act of initiation into a student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.” (2307.31)

d. Acts of sexual misconduct as defined by law in the Title IX Sexual Harassment Policy or Non-Discrimination and Anti-Harassment policy at <https://www.oberlin.edu/equity-diversity-inclusion>.

3. HARASSMENT

Any verbal, physical, or written act, directed at an individual, which 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 benefits and conditions of association with 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 able to be adjudicated. (For situations regarding alleges harassment based on protected class, see the *Non-Discrimination and Anti-Harassment and/or Title IX Sexual Harassment Policy*).

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

a. 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 their college education as a result of the perceived threat of physical harm or mental harm.

b. 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. Acts of stalking based on sex, gender identity, or gender expression will be referred to the Office of Equity, Diversity, and Inclusion (Title IX Sexual Harassment Policy, II.A).

c. Forms of harassment as defined by *the Title IX Sexual Harassment Policy* and the Non-Discrimination and Anti-Harassment Policy. (See [these policies at www.oberlin.edu/edi](#))

d. Any unauthorized use of electronic or other devices to make an audio, visual, or video record of any person while on college premises without their prior knowledge, or without effective consent when such item is likely to cause injury or distress.

4. BEHAVIORS THAT INTERFERE WITH COMMUNITY FUNCTION

Oberlin prohibits 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 any institutional activity, program, event, or facility, including the following: any unauthorized occupancy of the institution or institutionally controlled 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 or failure to show or surrender OCID card to a college official upon proper request.
- c.** Unauthorized entry into or occupation of college facilities that are locked or closed to student activities, or otherwise restricted 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 but not limited to the following: failure to respond to a request for an interview by the Director of Community Life and Standards 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; retaliation from either party against the other party; 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 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 for Student Conduct*)
- i.** Intentionally and falsely reporting bombs, fires, or other emergencies to a college official.
- j.** Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, email address, signature, or indicia of another person without proper authorization, or communicating under the rubric of an organization, entity, or unit that you do not have the authority to represent.
- k.** Public nudity, or when a person exposes one's private parts or engages in sexual conduct or masturbation in any public place or in any place where the person's conduct is likely to be viewed by and affront others who are in the person's physical proximity, is a violation of policy. This prohibition aligns with Ohio law on public indecency (Ohio Revised Code 2907.90). It is not intended to place constraints on academic freedom, which protects intellectual and expressive representations of the body and classroom materials which may include nudity.

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, 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.
- f. Possession or use of a false form of identification including but not limited to a state license, a passport, or a college identification card.

6. NONADHERENCE 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. 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, sparkers, or gunpowder).
- d. Unauthorized ignition of flammable materials in or surrounding college facilities.
- e. Possessing, using, or storing firearms, explosives, or weapons on college controlled property or at college events or programs (unless approved by Safety & Security; such approval will be given only in extraordinary circumstances)

7. VIOLATIONS PERTAINING TO CONTROLLED AND UNLAWFUL SUBSTANCES

- a. Unlawful and unauthorized possession of alcoholic beverages. (See the *Oberlin College Policy on Alcohol, Tobacco, and Other Drugs*).
- b. Unlawful use or possession of any illicit drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance [including marijuana]), or the sale or distribution of any illicit drug or controlled substance. (See the *Oberlin College Policy on Alcohol, Tobacco, and Other Drugs*).
- c. Use or possession of equipment (examples include but are not limited to bongos, 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. Authority in the Conduct System

Within the conduct 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. Director of Community Life and Standards

Summary

The Director of Community Life and Standards 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 student conduct functions. The Dean of Students retains the right to appoint a proxy Conduct Coordinator from among the deans in the Division of Student Life and Services to serve as a proxy for the Director of Community Life and Standards. The Dean of Students also retains the right to designate a member of their professional staff to serve in the absence of the Director of Community Life and Standards. While individuals of the college community are encourage to bring complains of the Director of Community Life and Standards, it is the responsibility of the Director of Community Life and Standards to:

- a. Determine if the alleged behavior is an infraction of the code of conduct.

- b. Determine if there is enough information or evidence to warrant charges.
- c. Bring conduct charges against students on behalf of the colleges.

Responsibilities

- a. Interpreting policies and procedures within the conduct system, in light of precedent and past practices.
- b. Training the members of the Community Board.
- c. Appointing and training residential education staff members to serve as hearing officers on cases.
- d. Maintaining conduct 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) adjudication by the Director of Community Life and Standards has been requested by the respondent, 2) the respondent admits or accepts responsibility, and 3) there is no fundamental disputation of facts.
- g. Attending (without a vote) Community Board hearings, deliberations and appeals, and speaking in such meetings upon the invitation of the chair.
- h. Recommending that the Registrar prevent a student from participating in commencement or withholding the degree of a graduating senior until a case has been heard and properly resolved.
- i. Possessing the authority – along with the Dean of Students or the dean’s designee – to impose a temporary stay-away, temporary housing relocation, and/or temporary suspension until a decision has been made by the corresponding hearing officer or Community Board.
- j. Meeting with the chairs of the Community Board to approve the consistent format of the letter(s) to appropriate parties and to advise when necessary.
- k. Meeting every other year with members of the Community Board to recommend changes to the conduct 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 website. The summary will only include information about the charges and decisions of the hearing officers/boards. The summary will not contain confidential information, including the identity of the individuals.

2. COMMUNITY BOARD

Membership

- a. Nine faculty members (appointed by the regular process for establishing General Faculty Committees) and six students (appointed by Student Senate) shall constitute the Community Board. Two students and two faculty members, plus a faculty chair, will constitute a panel.
- b. One of the three faculty members shall be appointed as chair prior to the hearing.

Chair

- a. The chair of a Community Board hearing shall be a non-voting member unless there is a tie.
- b. The chair shall maintain good order, recognize who is to speak, move the process along, and preside over the hearing.

Responsibilities

- a. The Community Board will hear cases assigned to it by the Director of Community Life and Standards.

b. The Community Board reviews appeals of Administrative Hearing Officer decisions and determines if a new hearing shall be granted. Additionally, the Community Board may determine that the original sanction should be altered or set aside.

c. The Community Board will be the board of original jurisdiction for cases judged by the Director of Community Life and Standards to involve a) obstruction or disruption of the essential operations of the college or b) non-academic disputes between faculty members and students. In addition, a Director of Community Life and Standards may elect to assign a Community Board as the board of original jurisdiction for cases that they believe could result in a sanction of suspension or dismissal. This assignment may be made for incidents that follow multiple previous violations of college policies; allegation of violent behavior; illegal behavior such as drug possession, use, or sales; arson; weapons possession; or other acts that pose a credible threat to the individual or the community. (Approved by General Faculty in February 21, 2007.)

3. RESIDENTIAL EDUCATION STAFF

Membership

a. The Dean of Students invests the Director of Residential Education, who serves as a hearing officer, with the authority and responsibility to appoint qualified professional staff members in residential education to serve as administrative hearing officers.

b. Administrative Hearing Officers include all Area Coordinator positions, all Graduate Resident Coordinators, and the Residential Education Central Staff.

Responsibilities

a. Maintaining conduct records and correspondence.

b. Initiating charges on behalf of the residential education department after the Director of Community Life and Standards determines that there is enough information to warrant bringing charges.

c. Adjudicating alleged violations in an administrative hearing and determining appropriate sanctions only when:

i. the violation does not warrant a sanction of suspension or dismissal;

ii. the respondent has accepted or admits responsibility;

iii. the respondent and hearing officer agree that the respondent is not responsible for the charges;

iv. there is not fundamental disputation of facts.

d. Coordinating a Community Board Hearing when:

i. the respondent has not scheduled or not kept a previously scheduled appointment for an administrative hearing

ii. the hearing officer and respondent disagree on the responsibility for the charges;

iii. there is a fundamental disputation of facts.

e. Attending (without a vote) Community Board hearing and deliberations, and speaking in such meetings upon the invitation of the chair.

f. Meeting with the chair of a Community Board hearing to approve the consistent format of the letter(s) to involved parties and advise when necessary.

g. The assistant and associate deans for Residential Education shall also have the authority to relocate a student (temporarily or permanently) to another hall or house or to remove a student (temporarily or permanently) from the residential system.

h. Students have the right to request a hearing before the Director of Community Life and Standards, rather than with a Residential Education hearing officer. The assigned hearing officer will consult with

the Director of Community Life and Standards regarding whether or not to grant the request. If such a request is denied, a brief rationale may be provided upon the request of the respondent.

F. Filing a Complaint

1. Process

a. Any member of the college community may bring a complaint about a student to the attention of the Director of Community Life and Standards. Incident reports from the Office of Campus Safety and written reports from members of the Residential Education staff may also result in disciplinary charges.

i. Students are encouraged to report violations of the code of conduct and should consider the consequences of unreported incidents for the community.

ii. It may not be possible to adjudicate anonymous complaints because of the need for reasonable evidentiary standards. Therefore, community members should take seriously their obligation to report violations and to participate in conduct procedures.

iii. Complaints must ordinarily be filed within ten (10) business days from the date of the alleged incident. The Director of Community Life and Standards (or an administrative hearing officer) may determine exceptions on a case-by-case basis, up to a maximum of twelve (12) months from the alleged incident.

iv. Complainants are instructed to meet with the Director of Community Life and Standards (or an administrative hearing officer), who informs individuals about their rights, responsibilities, and options, as well as the hearing or mediation process.

v. If a complainant wishes to file a formal complaint following a conference with a hearing officer, they must e-mail the hearing officer with a full report and indicate a preference for mediation or adjudication.

vi. The Director of Community Life and Standards has the authority to determine whether an alleged behavior might reasonably have constituted an infraction of the code of conduct and whether there is sufficient information to proceed with a charge in the absence of a complaint (or in the event that a complaint is withdrawn) if there is sufficient information from a third source, such as a Campus Safety incident report.

vii. The Director of Community Life and Standards may also refer students involved in conduct matters to the Yeworkwha Belachew Center for Dialogue (YBCD) for mediation when both of the following conditions are met:

(1) Both parties agree to mediation as the appropriate means for addressing their dispute; and

(2) Major violations of the rules and regulations (those likely, according to precedent, to result in suspension or dismissal) have not occurred, as determined by the Director of Community Life and Standards.

Administrative hearing officers shall consult with the Director of Community Life and Standards if a student requests a referral to the YBCD.

viii. The Director of Community Life and Standards files charges on behalf of the college, or authorizes administrative hearing officers to initiate charges after determining that there is enough to warrant bringing charges.

ix. In instances where there is a lack of clarity about whether a case falls under the jurisdiction of the Student Conduct System, Honor System, or the Office of Equity, Diversity and Inclusion, the Dean of Students or the dean's designee in consultation with the Director of Community Life and Standards and Title IX Coordinator will determine which system shall hear the case.

G. Responding to a Complaint

1. PROCESS

- a.** The respondent shall normally receive written notice regarding a complaint within seven business days after it was reported to the Director of Community Life and Standards.
 - i.** This notice may be delayed if the investigation of the case takes a longer process or if the academic calendar impedes the progress of the case (i.e. Winter Shutdown, Summer Break, etc.).
- b.** The respondent must meet with that hearing officer within three business days after receiving notification of the charge in order to discuss:
 - i.** The nature of the charge(s);
 - ii.** The rights and responsibilities of the respondent;
 - iii.** The student conduct process and possible board hearing;
 - iv.** The slate of potential hearing board members.
- c.** The respondent may bring an advisor to the meeting with the hearing officer. An advisor may be any member (student, faculty, or staff member) of the Oberlin College Community. A list of trained advisors will be sent out with the notification of complaint; however, students may bring an advisor that is not including on that list as long as they are an Oberlin student, staff, or faculty member.
- d.** If the respondent fails to arrange a conference with the hearing officer within three business days, the matter will be referred to the Community Board for adjudication. All parties involved will be notified of the date and time of the hearing; however, the Community Board can still adjudicate even without a complainant and/or respondent present.
- e.** If both parties to the dispute agree that mediation is appropriate, the matter may be referred to the Yeworkwha Belachew Center for Dialogue (YBCD). The hearing officer may also refer students involved in student conduct matters to the Office of the Ombudsperson for mediation when both of the following conditions are met:
 - i.** Both parties agree to mediation as the appropriate means for addressing their dispute.
 - ii.** Major violations of the rules and regulations (those likely, according to precedent, to result in suspension or dismissal) have not occurred, as determined by the Director of Community Life and Standards. If they do not agree, the matter will be referred to a Community Board.
- f.** The Director of Community Life and Standards may determine whether mediation will be the sole means of conflict resolution. While the Director of Community Life and Standards may require the formal adjudication of a complaint regardless of mediation, the successful mediation of an incident prior to a Community Board hearing may be regarded as a mitigating factor in the board's determination of sanction.
- g.** If the respondent accepts responsibility or the hearing officer agrees that the respondent is not responsible for the charges, the case can be resolved administratively. If the respondent accepts responsibility, that hearing officer reserves the right to immediately resolve the case and sanction. Only the Director of Community Life and Standards or designee can suspend a student as a result of an administrative hearing.
- h.** All relevant security reports, witness reports, complaint forms, respondents' statements, and other relevant written materials are to be shared with the respondent and complainant two business days prior to the hearing.
- i.** The hearing officer will present a list of all applicable board members to the respondent at the meeting. The respondent and the complainant have the opportunity to request in writing to the hearing officer (within 24 hours) that a specific member (or members, up to five) not participate in the hearing due to a conflict of interest or perceived bias. The rationale for the request shall be included.
- j.** After the respondent has been contacted, the complainant (if applicable) will be kept informed of developments and will be advised of procedures.
- k.** The respondent and complainant must be properly informed of the date and time of the hearing in writing and must have at least five business days to prepare.

- l.** The respondent and complainant shall have the opportunity to request that witnesses testify on their behalf. The Director of Community Life and Standards retains the authority to admit or dismiss witnesses, based on the relevance of their testimony.
- m.** The respondent and complainant must notify the Director of Community Life and Standards of any advisors and witnesses attending the hearing at least two (2) business days prior to the hearing. Any scheduling must be addressed at that time.
- n.** The respondent and complainant will be notified of each other's witnesses at least twenty-four (24) hours prior to the hearing.
- o.** The Director of Community Life and Standards will encourage respondents to notify their parents or guardians of pending deliberations and in advance of any college notification of outcome.
- p.** If a conduct case is also being heard by a civil or criminal court, the college retains the right to hear the conduct case before, after, or during the same time as the civil or criminal case. However, the Director of Community Life and Standards, in consultation with the Dean of Students, will entertain a request from a respondent to postpone a hearing until after a civil or criminal case if the respondent believes that the admission of information in the college's conduct process could compromise their ability to a fair trial in the court.
- q.** The intimidation or harassment of witnesses or board members is a violation of the code of conduct and will result in conduct charges.
- r.** In consultation with the Dean of Students, the Director of Community Life and Standards maintains the right to outline an expedited conduct process if a student is about to study abroad, graduate, or other extenuating circumstances. Respondents and Complainants will be notified of the expedited process and rationale in the notification of complaint.

H. The Hearing

1. PROCESS

- a.** The Director of Community Life and Standards or designee shall assemble a panel of five (5) Community Board members (from those available) for individual cases based upon their availability, overall caseload, and level of experience. Each available panelist must indicate to the Director of Community Life and Standards whether they have knowledge of the participants in the case that may impair—or may be perceived to impair—their ability to judge a case impartially, and recuse themselves if their participation might reasonably compromise the integrity of the process.
- b.** Board members must be provided with all documentation at least twenty-four (24) hours prior to the hearing.
- c.** The respondent and complainant must have the opportunity to select an advisor from the Oberlin College community (current student, staff, or faculty member) and the opportunity to have that advisor present at both the meeting with the hearing officer and the hearing. The advisors are present not to act as legal counsel, but to assist and support the student and to give advice on procedural matters. The advisors do not have speaking privileges during the hearing. A hearing will not be canceled or postponed in the event a scheduled advisor does not attend. Disruptive or uncooperative advisors can be removed from the meeting at the request of the board chair or the Director of Community Life and Standards.
- d.** Prior to the hearing, Community Board members must select a chair. The chair selected must be a faculty member and only votes in a case of a tie from the other four (4) members. The chair is responsible for maintaining good order, recognizing who is to speak, moving the process along according to the hearing procedures, and presiding over the hearing and the deliberations.
- e.** The chair shall determine the relevance and admissibility of information in consultation with the Director of Community Life and Standards. Respondents and complainants may address questions of the witnesses and one another when recognized by the chair. Witnesses are to speak only when they are addressed.
- f.** Present at the hearing are:
 - i.** Community Board Members;

- ii.** the Director of Community Life and Standards;
- iii.** the respondent(s);
- iv.** the complainant(s);
- v.** approved witnesses;
- vi.** advisors to the respondent and complainants (as previously defined)

Parents, attorneys, or other observers (with the following exception) are not permitted at the hearing.

g. If the respondent or complainant fails to appear at the hearing, the matter will be resolved in his or her absence.

h. Witnesses may be present at the hearing only as they are called to testify. A hearing will not be canceled or postponed if a scheduled witness does not attend.

i. Written, video, or audio statements of witnesses not in attendance due to extreme emergencies shall be considered and may be approved by the chair.

k. At the start of the hearing, the chair shall ask the respondent whether they are acquainted with the charges that have been filed and whether they understand them. All written testimony previously made available to the respondent, complainant, and board members is relevant information at this time.

l. The remainder of the hearing shall customarily proceed in the following order with all of the elements occurring at least one:

- i.** Opening Statement from the respondent;
- ii.** Opening Statement from complainant, if appropriate;
- iii.** Board questioning of respondent and complainant;
- iv.** Board questioning of witnesses;
- v.** Respondent and complainant questioning of each other, and of witnesses;
- vi.** Final questions from the board;
- vii.** Complainant's closing statement, if appropriate;
- viii.** Respondent's closing statement.

m. The respondent and complainant must have all information (upon which a decision may be based) introduced at the formal hearing.

n. The audio at all hearings will be recorded. A transcription of the audio may be made in the event a request for an appeal is filed.

2. DELIBERATIONS

a. Deliberations shall occur in closed session immediately following the hearing or as soon as practicably possible but not more than one business day after the hearing.

b. During deliberations, board members must first review the hearing and determine the responsibility of the respondent based solely on the information presented at the hearing.

c. Once the level of responsibility has been determined, board members shall then determine the appropriate sanction(s), if necessary. Board members must not be notified of a respondent's prior disciplinary record until the sanctioning stage of the deliberations.

d. A majority vote will be used when determining the level of responsibility and the appropriate sanctions, if any.

e. The standard of proof used for making a decision regarding the level of responsibility is preponderance of evidence. This means there is belief that, on balance, it is more likely than not that the available facts support a particular outcome.

f. In the interest of fairness, sanctions must be determined with due regard for precedent. For reference, the Director of Community Life and Standards should prepare in advance a log of previous similar infractions and their sanctions for the board.

g. At the conclusion of the deliberations, the chair shall draft a letter to the respondent, to be sent by registered mail within twelve (12) hours of the conclusion of the deliberations. This letter shall include:

i. The decision as to responsibility for infractions;

ii. Any sanctions imposed, and;

iii. Information regarding the review process.

h. Complainants may be notified of the outcome by the Director of Community Life and Standards at the conclusion of a board hearing and any subsequent appeals. While complainants may be informed of the respondent's culpability, they may not ordinarily be informed of sanctions imposed.

I. The Review

1. PROCESS

a. The respondent shall have the opportunity to request a review of a decision.

b. The complainant does not have the right to request a review of a decision.

c. A request for a review shall be based on one or more of the following criteria:

i. New information not reasonably available at the time of the hearing;

ii. Procedural error that could reasonably be judged to have materially affected the outcome of the hearing;

iii. Unreasonable or inappropriately severe sanctions.

d. A request for a review must be submitted in writing to the Director of Community Life and Standards within five (5) business days from receipt of notification of the decision. The request for a review must include a detailed rationale that addresses one or all of the criteria. The respondent shall be notified in writing of the decision within ten (10) business days after it was submitted.

e. The review will be conducted by five (5) members of the Community Board; three faculty members (including the non-voting chair) and two students. The board members shall not have been part of the original hearing. If the Community Board was the board of original jurisdiction, an appeal shall be made to a new panel.

f. The Community Board shall meet with the Director of Community Life and Standards to review the case. The review will ordinarily include, but not be limited to, a review of the taped proceedings of the original case and the written request of the respondent. While copies of a written transcript may be made available, deliberations should ordinarily be based upon a review of the tape itself.

g. The Director of Community Life and Standards does not have a vote, but is there primarily to assist with the process and to provide any information relevant to the criteria.

h. In the event that the Director of Community Life and Standards adjudicated the case that is in question, they will not be present at the meeting to determine if there should be a new hearing.

i. The Community Board shall meet, reach a decision, and notify the respondent of the decision within ten (10) business days from the time a review has been requested.

j. The Appeals Community Board shall decide if there is sufficient reason to grant a new hearing of the Community Board. The board may also determine that the original sanction should be altered or set aside.

k. The Community Board shall meet with members of the original hearing board in the event additional clarification is needed.

l. In the event that a new hearing is granted, it will be conducted by the board of original jurisdiction (student conduct or community). Members of the original hearing or appeal board cannot be involved with the new hearing. The decision from a new hearing is final and is only appealable to the President.

m. The chair shall draft a letter immediately to the respondent once a decision is reached. The letter shall outline the decision of the board and the rationale. If there is no additional appeal, The Director of Community Life and Standards may acquaint the complainant (in such cases as there is one) with the final determination.

n. In the event that a request for an appeal is denied by the Community Board, an ultimate appeal may be made to the Dean of Students (or the Dean of Student's designee) in writing within ten (10) days of the Community Board's decision. The determination of the Dean of Students (or designee) is final.

J. Mediation

1. BACKGROUND

Due to some conflicts between two or more individuals being better resolved through mediation, college community members are encouraged to consider mediation as a means to resolving disputes as often as possible.

2. DEFINITION

Mediation is an avenue by which people in conflict can attempt to state their view, express their feelings, work through their issues, and arrive at a solution that is agreeable to all parties. Impartial mediators work with individuals to explore options and to achieve outcomes that meet the needs of all involved. The Director of Community Life and Standards may refer students involved in conduct matters to the Yeworkwha Belachew Center for Dialogue (YBCD) through the Office of the Ombudsperson.

3. PROCESS

a. Mediation is made available by the Yeworkwha Belachew Center for Dialogue (YBCD) through the Office of the Ombudsperson when both of the following conditions are met:

i. Both parties agree to mediation as the appropriate means for addressing their dispute.

ii. When the violation is sufficiently minor that it would not likely result in suspension or dismissal, as suggested by precedent.

b. Requests for mediation should be filed with Yeworkwha Belachew Center for Dialogue (YBCD) through the Office of the Ombudsperson.

c. Because the parties must voluntarily enter into mediation, the Ombudsperson will work with the parties to determine their willingness to participate in mediation and to verify that mediation is their choice among the alternatives provided by the college's student disciplinary system.

d. Once the parties have agreed to mediation, the Ombudsperson will assign two mediators agreed upon by the parties to mediate the dispute and set up a date, time, and location for the session(s).

e. The only parties who will be present at the mediation session(s) will be the persons directly involved in the dispute and the mediators. During the mediation, the mediators will:

i. Ask the parties to relate their respective versions of the incident in question, including both factual information and feelings.

ii. Identify key issues that emerge in the first step and make these known to the parties.

iii. Seek the agreement of the parties on the issues as they have been identified or as they need to be modified.

iv. Facilitate discussion between the parties to consider each issue more completely and generate solutions for each.

v. Work with both parties to develop a written document that will include a statement of agreement on each issue.

vi. Request that participants adhere to the ground rules.

f. A statement of agreement shall become a part of the contract drawn up and signed by the parties at the completion of the mediation process. Any activity or behavior that a party has agreed to perform following the mediation shall be included in the contract. All parties must agree upon any outcome of mediation.

g. In cases referred by the Director of Community Life and Standards, the parties must give permission to have the Director of Community Life and Standards notified of the outcome. A case may be referred to the conduct system if a mutually satisfactory resolution is NOT possible. **NOTE:** to confirm the points of agreement, the parties are expected to provide a copy of the contract to the Director of Community Life and Standards who shall keep the document in confidential file separate from the disciplinary records of the parties.

h. If mediation is unsuccessful, the case is referred to the conduct system. No information from the mediation process will be used as evidence by either party.

i. A copy of the contract will not be kept by the ombudsperson and cannot be used for any formal conduct process.

j. If a party is dissatisfied with the mediation process at any stage, prior to the signing of a written agreement, that party may request that the mediation process cease.

k. Because participation in the mediation process is entirely voluntary and the final result is a product of mutual agreement, the individuals participating in the mediation own the outcome.

K. Sanctions

This non-exhaustive list of sanctions should serve to alert students to the range of possible sanctions. A record of all educational interventions and sanctions, including verbal warnings, becomes a part of a student's disciplinary record that is stored electronically in the Office of the Dean of Students for a minimum of seven years.

1. WARNING

A written or verbal warning may be issued in situations involving minor violations. Though only issued in person, verbal warnings are still documented in a student's conduct record.

2. FINES

Fines may be used in cases of damage to college or personal property. In addition, fines may be associated with certain educational sanctions that have an operating expense. In cases of serious or repeated acts of destruction or vandalism, the imposition of fines may likely be combined with other disciplinary penalties.

3. LIMITATIONS ON PARTICIPATION

A student may be barred from participating in campus or other college activities. A clear rationale for this decision will be presented by the board, hearing officer, or Director of Community Life and Standards including an assessment of the impact on the student's educational career.

4. CAMPUS/COMMUNITY WORK AND EDUCATIONAL WORKSHOPS

A hearing officer or a board can impose particular forms of community work, on- or off-campus, and a specified number of hours to be worked, and will monitor the student's fulfillment of the requirement. The hearing officer or board may also require attendance at educational workshops or other similar alternatives suitable to the nature of the infraction.

5. RESIDENTIAL LIVING ROOM CHANGE

A student may be required to move to a different on-campus room or residence hall.

6. RESTITUTION

Compensation for loss, damage, or injury may be required. This may take the form of appropriate service, monetary, or material replacement.

7. DENIAL OF RESIDENCE ON-CAMPUS

A student who violates standards of conduct associated with residential or social life at the college or those involving respect for persons, or who is found to have engaged in assault, stalking, or harassment, may be required to vacate their residence and denied permission to live on campus, either for a specified time or permanently. In the event that a student is suspended or expelled from a campus residence, they will be entitled to a refund only of that portion of the housing bill that is consistent with the established refund policy. Other penalties may be imposed as well, but if this is the only penalty, the student will continue to be enrolled as a degree candidate and will be allowed to attend all academic exercises.

8. PROBATION

A warning in writing which specifies that further infractions of the code during a student's time at Oberlin will, in most instances, lead to suspension or dismissal from the college. A student on disciplinary probation may be barred from some or all extracurricular activities for a defined period of time. This penalty will become part of a student's disciplinary record and may be disclosed in response to requests for information with the permission of the student. It will not be a part of a student's academic record. After a certain amount of time has passed, probation can be removed or reduced with participation in the *Probation Adjustment Program*. Please see that document for more information.

9. DEFERRED PROBATION

A notation on a student's permanent conduct record that the student will be placed on probation automatically by a hearing coordinator if:

- i. All sanctions imposed are not satisfactorily completed and by a specified date and/or;
- ii. The student is found responsible for another violation.

10. SUSPENSION

The rights and privileges of being a student at Oberlin College may be suspended for a specific period of time, the minimum of which will be to the end of the current semester. The student must leave the campus and may return at the end of the period of suspension without petitioning for readmission. The following will normally accompany this sanction:

- i. Parental Notification
- ii. Restriction from college property for the duration of the suspension.

This penalty will be a part of a student's permanent disciplinary record, academic record and transcript for a specific amount of time to be determined by the board or Director of Community Life and Standards. In the event a student leaves the college prior to graduation, the penalty will remain on both the academic and disciplinary records.

NOTE: Normally, suspended students may not earn credits toward their Oberlin degree until after they have been reinstated at Oberlin College. Under special circumstances, a suspended student may be permitted to transfer credits from another accredited college or university toward their Oberlin College degree. However, the student must receive permission in advance of taking coursework at another school, and must make arrangements for the transfer of credit prior to enrolling in the courses to be transferred. The maximum number of credits that may be transferred in per semester (or summer) during the suspension period is six for work complete at an institution that operates on a semester system (four from an institution that operates on a quarter system). If special permission is granted for a suspended student to transfer in credits earned while on suspension, the number of credits transferred shall not exceed the overall limits set by college policy. It is the student's responsibility to consult with the Office of the Dean of Studies and the Office of the Registrar to understand the limits that apply in each individual situation. Students seeking transfer credit must apply in writing to the Dean of Studies providing the following information: title and description of each course; number of credit hours; name and location of institution, an explanation of how each course fits into the student's Oberlin program; why it is more appropriate to the course(s) while suspended than upon return to Oberlin.

Only the Director of Community Life and Standards or a board can impose Suspension as a sanction.

11. DEFERRED SUSPENSION

A notation in the student's permanent disciplinary record stating that if all sanctions imposed by a board or hearing officer are not satisfactorily completed by a specified date the student will be automatically placed on suspension by the hearing officer or board that heard the case.

Only the Director of Community Life and Standards or a board can use Deferred Suspension as a sanction.

12. WITHHOLDING OF DEGREE

In disciplinary cases involving second-semester senior when probation or suspension might otherwise be imposed, the college may withhold the student's Oberlin College degree for a specific period of time. When this occurs, the student may be permitted to remain on-campus to complete the required for the degree, although its award will be delayed. Any recommendation for withholding a degree must be approved by a community board. Note: Withholding a degree consists of Oberlin College holding both the diploma and the transcript from the respondent when all requirements for the degree are completed.

13. DISMISSAL

This means the permanent termination of student and degree-candidate status at Oberlin College. It may be imposed only in the most serious of cases, or when a student has been suspended previously and commits another misconduct judged to be worthy of a second suspension. This penalty will permanently remain on a student's academic record.

Only a Community Board can impose Dismissal as a sanction.

A Note about the Release of Information Pertaining to Disciplinary Records

The Office of the Dean of Students will only release information regarding a current or former student's disciplinary record to third parties (including, but not limited to law schools medical schools, graduate schools, and military branches) after receiving a written request from that individual and a signed waiver for the third party. As a rule, the college only reports information pertaining to cases that have resulted in probation, suspension, or dismissal alone or in combination with other lesser sanctions.

Current and former students desiring the Office of the Dean of Students to report disciplinary history that it does not customarily report (such as cases that resulted in deferred probation or less) may authorize the office to share such information by making a specific written request. Individuals wishing to speak with someone about a dean's letter or dean's certification may contact the Office of the Dean of Students at (440) 775-8462.

L. Interim Measures

The Director of Community Life and Standards, in consultation with other campus officials, may implement interim supportive measures as needed to protect the individuals involved and the larger College community. Interim supportive measures may include separation of the parties' academic and living situations or other interventions deemed appropriate. These measures may be kept in place until the end of any review or appeal process. Failure to abide by the interim supportive measures may be a violation of this policy resulting in disciplinary action. Interim supportive measures may be provided even if there is not a formal complaint with the College, when those measures do not impede educational access for the Respondent.

M. Approval of Changes

The Director of Community Life and Standards and a subcommittee Community Board will review the student conduct system every other year. Changes to this document will be approved by the Student Life Committee (SLC) and the General Faculty (GF).

Copies of the Oberlin College Student Code of Conduct are available online at www.oberlin.edu/studentpolicies/ and in the Dean of Students Office.