REPORT AND RECOMMENDATIONS
OF THE
UNIVERSITY COMMITTEE
ON
RIGHTS AND RESPONSIBILITIES

THE OHIO STATE UNIVERSITY
Columbus
September 15, 1968
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September 12, 1968

President Novice G. Fawcett
190 North Oval Drive
Campus

Dear Mr. President:

The University Committee on Rights and Responsibilities, which you appointed on February 20, 1968, submits the attached report and recommendations. Your charge to the Committee on February 27 directed us to report no later than September 15, to you, to the Faculty Council, to the Student Assembly, and to other interested parties.

In order to encourage deliberation and reflection on the results of our work, the Committee will mail copies to the Faculty and to the Student Assembly.

With the submission of its report and recommendations, the Committee considers itself dissolved. Members, as individuals, however, will be available to discuss this document with interested groups and councils.

Respectfully,

James A. Robinson
Chairman
MEMBERS OF THE COMMITTEE

(appointed by President Novice G. Fawcett)

JAMES A. ROBINSON, Chairman, who came to Ohio State in 1964, is Mershon Professor of Political Science and Director, Mershon Center for Education in National Security. Dr. Robinson was formerly on the Faculty of Northwestern University and has been a Congressional Fellow of the American Political Science Association. He represents the Faculty-at-Large. He has been active on panels of the National Academy of Sciences, the National Science Foundation, the Educational Testing Service, and the United States Air Force Office of Scientific Research. He is a member of the Faculty Council. His books include Congress and Foreign Policy-Making.

KENNETH E. KROUSE, Special Assistant to President Novice G. Fawcett, represents Central Administration. He is a native of Ohio, a graduate of the College of Law, a former Assistant Attorney General, and former secretary to the Governor of Ohio. Before joining the Faculty and Administration at Ohio State, he was Executive Director of The Bowling Green State University Foundation and Director of Alumni Affairs, and Director of Management Development at Kent State University. He also holds a Faculty appointment in the College of Administrative Science.

HUGH D. LAUGHLIN, who represents the Council on Academic Affairs, has been a member of the University Faculty since 1943. A native of East Liverpool, Ohio, and holder of three degrees from Ohio State, Dr. Laughlin has taught in the public schools of his hometown as well as in those of Delaware and Upper Arlington. As Professor of Educational Administration, he has been a consultant to public school systems in Ohio, Florida, Maryland, Texas, and North Carolina.

CHARLES W. MCLARNAN, Professor of Mechanical Engineering, represents the Faculty Council. He is a native of Mount Vernon, Ohio, a graduate of Ohio Wesleyan University, and recipient of three degrees from Ohio State. He has served in the
U.S. Air Force and, as an engineer, has been associated with North American Aviation and the Battelle Memorial Institute. He has recently been re-elected to the Faculty Council.

LLOYD M. PARKS, Dean of the College of Pharmacy, represents the Administrative Council. Dr. Parks came to Ohio State in 1956 from the University of Wisconsin. His leadership in pharmaceutical education and his research in pharmaceutical chemistry have earned him distinction. In 1962, his alma mater, Purdue University, conferred upon him the honorary degree of Doctor of Science. His publications include *Inorganic Chemistry in Pharmacy* and many scientific papers on alkaloids and other aspects of pharmaceutical chemistry.

HAROLD B. PEFINSKY, Professor of Psychology and Computer and Information Sciences, represents the Conference Committee of the Teaching Staff. Dr. Pefinsky has been on the Ohio State Faculty since 1961. During his tenure here, he has supervised research in the University Counseling and Testing Service and has carried out studies in counseling psychology and organizational processes. He has held Guggenheim and Fulbright Fellowships and has been active in the national affairs of the American Psychological Association and the American Personnel and Guidance Association. He is a member of the Faculty Council.

R. CLAYTON ROBERTS, Professor of European History, joined the Ohio State Faculty after receiving his Ph.D. from Cornell University in 1952. Dr. Roberts represents the Faculty Council. He has been active in curriculum and library committees on campus as well as in civic and political affairs in the community and state. His recent book, *The Growth of Responsible Government in Stuart England*, has been acclaimed for its original and careful scholarship.

BERNARD ROSEN, Assistant Professor of Philosophy, represents the Faculty-at-Large. His Ph.D. is from Brown University, and he has been at Ohio State since 1963. Active in campus affairs, he was Director of the Green Ribbon Commission during academic year 1967–68. His publications include the textbook *Moral Philosophy: A Systematic Introduction to Normative Ethics and Meta-Ethics*.

GEORGE R. ST. PIERRE, Professor of Metallurgical Engineering, represents the Faculty Advisory Committee to the President and the Board of Trustees. He has been on the Ohio State faculty since 1966 and previously was Associate Dean of the Graduate School. Holder of two degrees, including the doctorate, from Massachusetts Institute of Technology, Professor St. Pierre received the 1962 Bradley Stoughton Award given annually to the outstanding young teacher of metallurgy in the United States. He is a member of the Faculty Council.

LLOYD SIEGEL, former President of the Student body, is a native of Cleveland. He is a political science major and represents the undergraduate Student body.

PETER SIMMONS, Associate Professor of Law and Adjunct Associate Professor of City and Regional Planning, represents the campus chapter of the American Association of University Professors. A graduate of the University of California, Berkeley, Mr. Simmons joined the Ohio State Faculty in 1967. He previously served as an urban affairs consultant in New York State and as a consultant to the National Student Association on campus justice. He is a member of the Conference Committee of the Teaching Staff.

GORDON STEIN, Ph.D. candidate in physiology, is a former president of the Council of Graduate Students; he represents graduate students on this Committee. His A.B. degree was conferred by the University of Rochester. While at Ohio State, Mr. Stein has been a Research Assistant in the Department of Poultry Science and has held a Dissertation Fellowship in the Graduate School.

RUTH L. WILKINS, Associate Professor of Business Organization, is a native of Portsmouth, Ohio, a graduate of the Ohio State College of Law, and a former two-term member of the Ohio House of Representatives. A specialist in business law, Mrs. Wilkins has practiced law in Portsmouth and Columbus. She is a former general counsel for the Ohio Turnpike Commission and an active participant in community organizations. Professor Wilkins represents the Council on Student Affairs.
Adjunct Members

(Invited by the Committee)

JAMES M. BLUE, Class of 1968, studied philosophy as an undergraduate and now holds an NDEA graduate fellowship. His campus activities include chairmanship of the Student Committee on Rental Rights and Student Assembly liaison to the Black Student Union.

GARY FORD is a senior in the College of Law and a member of the Board of Editors of The Ohio State Law Journal. He is a former legislative intern with the Legislative Reference Service of the Ohio General Assembly and is a member of the Black Student Union.

JAY C. SHAFFER of Cincinnati is President of the Student body. His undergraduate activities have included membership in the Freshman Senate, the Student constitutional convention, the Student Senate, and the committee to study ombudsman proposals. He expects to enter law school upon graduation.

JAMES I. STITZLEIN, senior in the College of Agriculture, has been a Freshman Senator, President of Ohio Staters, and a member of Bucket 'n Dipper and Sphinx. He is the first Student member appointed to the newly created University Discipline Committee.

MRS. RUANN FENGOV, Class of 1968, is pursuing graduate studies in computer and information sciences. She has been a member-at-large of WSGA, a Freshman Senator, President of Mortar Board, and an active participant in many other campus organizations.

Staff

DR. JOHN W. GUSTAD, Associate Dean, Colleges of Arts and Sciences, was designated Executive Secretary.

MRS. ANNE TRUPP, Assistant to the Director, Mershon Center for Education in National Security, co-ordinated Committee activities.

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SECTION ONE: REPORT

1. Objectives of the Committee

This Committee's purpose is to recommend "to the President, to the Faculty Council, to the Student Assembly and to such other groups as may be appropriate" its considered reflections on "rights and responsibilities" on our campus in an era of change in traditional conceptions of rights and in a year of challenge to prevailing canons of responsibilities. Because the concerns that prompted the creation of this Committee are widespread, we address this report and our recommendations to a wide audience—not only to the President, Faculty Council, and Student Assembly, but to ad hoc and unofficial groups of Faculty and Students throughout the University.

The origins of the Committee are to be found in the campus-wide concern over events that occurred during the Winter Quarter of the Academic Year 1967–68. On January 31, 1968, and on February 7, 1968, protests against military recruiting in Hamilton and Hitchcock Halls resulted in arrests of 24 Students for failing to depart the premises upon being notified. The arrests were made under the direction of the University's Chief of Security by uniformed campus police. Arrested Students were taken before civil courts.

These events, so tersely summarized in the preceding two sentences, provoked widespread campus debate and not inconsiderable attention off campus. President Fawcett responded to Faculty opinion—some of which criticized the protesters, some of which deplored the resort to arrest and civil court action—by announcing "my intention to appoint a faculty group to work with us to review the present cases—which are still open to study—and to develop

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1 President Notice G. Fawcett's charge to the Committee, February 27, 1968. (See Appendix A.)

2 The Hamilton Hall and Hitchcock Hall incidents differ in several respects, including the characteristics of military advising underway in each. At Hamilton Hall, a member of the Faculty was regularly available to advise medical students about their military obligations after their medical deferments lapse. At Hitchcock Hall, representatives of the armed forces were present. Apparently, not all demonstrators were aware of this distinction.
long range plans which will insure the continued orderly operation of our University as well as protect the right to dissent in a peaceful and responsible manner."

Subsequently, the President chose eleven members of the Faculty and Administration and two Students to constitute a University Committee on Rights and Responsibilities. Faculty members and Administrators were drawn from among those active in the Faculty Advisory Committee to the President and Board of Trustees, Council on Academic Affairs, Council on Student Affairs, Administrative Council, Central Administration, American Association of University Professors, and Conference Committee of the Teaching Staff. The Students selected were the presidents of the Council of Graduate Students and of the Student body at the time. To augment its opportunities for communicating with Students, the Committee, on its initiative, added five "Adjunct Members" at the end of the Spring Quarter. The academic specialties represented among these eighteen people spanned the many disciplines and departments of the University, including agriculture, business organization, computer science, educational administration, history, law, mechanical engineering, metallurgical engineering, pharmacy, philosophy, physiology, political science, and psychology.

Our deliberations have been carried out in a continuously changing context; we have not worked in a vacuum. Since our appointment, the Administration Building has been locked by a group of protesting Students; the Trustees and the community have expressed their displeasure with campus demonstrations; and the Administration has recommended, the Faculty Council approved, and the Trustees prescribed new rules prohibiting disruptions and creating a University Discipline Committee with both original and appellate jurisdictions. Emotions have run high over these events and others. Some members of our Committee have been involved in various ways in efforts to solve these and other problems outside the Committee's jurisdiction. These personal experiences have enriched the Committee's work and have emphasized our determination not to confine ourselves to "ivory-tower" ruminations.

Indeed, the shifting context in which we worked caused an enlargement of the charge originally given us. The "problems" that motivated our appointment were demonstrations and how to deal with them. Gradually, we realized that it was not enough for us to concentrate our study and recommendations on demonstrations and disruptions and on procedures for responding to them after they occur. We believe that we should also direct attention to major sources of discontent that cause demonstrations and that contain the risk of disruptions.

In redefining the problem, we have done what any consultant, physician, or counsel worth his salt ought to do, namely, determine whether the problem that the client thinks he has actually is his problem. We conclude that "rights and responsibilities" are only part of our institution's basic problems. Beyond this, it deserves recognition that the controversy over the limits of responsibilities and the extent of rights stems partly from occasionally or frequently ineffective institutional mechanisms for responding to Student and Faculty demands for University services, for recognition, and for the right of their points of view to be heard and considered.

In the period of our study and reflection, our campus situation has altered; so has that of many other institutions of higher learning. Between September and December of the past academic year, demonstrations occurred on at least 62 American campuses, involving an estimated 15,000 students. Virtually every "developed nation" and some underdeveloped ones have been the scene of campus strife. We have not endeavored, however, to write a report that would deal with any institution other than ours: This is not a "model" Bill of Rights and Responsibilities. Whatever the similarities in techniques of protest emulated from campus to campus, the events and causes that trigger disturbances and convert disturbances into disruptions vary from campus to campus. The dissimilarities are as striking as the similarities.

We believe that no one should dismiss our problems as general, contemporary phenomena that will pass as, say, Berkeley's have. Little is to be understood about our situation by putting it in too large a context. Likewise, we have no evidence to regard the recent season of academic discontent as the consequence of some coordinated international campaign organized by communists. The clearest evidence against a communist conspiracy theory is that student riots and violence have also plagued countries such as Czechoslovakia, Poland, and Yugoslavia. Moreover, protest, peaceable assembly, and petitions against grievances are hallowed instruments enshrined in democratic and American traditions.


4 For an example of a "model" code, see "Student Conduct and Discipline Proceedings in a University Setting: Proposed Codes with Commentary," New York University School of Law, 1968, 46 pp.
Accordingly, we have set out to understand our problems and to recommend to Administration, Faculty, and Students some policies to deal with them now, in the late 1960's. New recommendations will be warranted in the future. For now, this is the situation as we see it.

2. Chronology of Events
Concerning Demonstrations and Disruptions

We address this report both to those who have been anguished by our disturbances and to those who have been apathetic about them, to those who have participated and to those who have been protested against. We find that the highly involved often have difficulty recalling the sequence of important events, and we find that the apathetic need a handy record of trends and developments. Therefore, we enumerate below some salient campus events related to rights and responsibilities during the last academic year.

December 7. A group of approximately 75 Students appeared in the lobby of the Ohio Union to protest the presence of Navy recruiters. Executive Dean for Student Relations John T. Bonner, Jr., threatened to call police; but city police and highway patrol failed to arrive before the demonstrators dispersed.

January 22 and 23. Demonstrators protested Marine recruitment on the first floor of the Main Library from shortly after noon until 3:30 P.M. Lewis Branscomb, the Librarian, did not believe that access to the recruiting table was impeded or that work of the Library was interrupted.

January 24. A demonstration occurred in the lobby of Denny Hall in protest of the presence of Marine recruiters. The demonstrators were heckled, and then a scuffle broke out between a demonstrator and a counter-demonstrator. This altercation was suppressed by the Marines and by some of the demonstrators. Soon thereafter, a young man began to kick and flail his way through the demonstrators. One young lady claimed to have been kicked in the head, and her alleged assailant was subdued and pinned to the floor. After a few unsuccessful attempts to ascertain the assailant's name, he fled through the side door of the lobby. Robert Oetjen, Acting Dean of Arts and Sciences, refused to declare a disturbance and call police.

January 31. A demonstration of about 30 people at Hamilton Hall protested counseling of medical Students on programs offered by armed services. Dean Richard Melling declared that the demonstrators interfered with regular activities of the School of Medicine. Thirteen were arrested on charges of trespassing after refusing to leave upon the Dean’s request and two requests by Officer Curry.

February 7. A demonstration by approximately 40 people at Hitchcock Hall protested appearance of four U.S. Navy representatives who had set up a table in the main lobby. Dean Harold Bolz declared that the protest interfered with regular operations. Eleven were arrested for trespassing.

February 14. President Fawcett, in a memorandum distributed to the whole Faculty, announced his intention to appoint a Faculty committee to review the cases of arrest and to recommend long-range plans to insure both orderly operations and peaceful and responsible dissent.

February 14. 174 members of the Faculty signed a letter expressing the hope that the President “will immediately seek to have the charges of trespass against our students withdrawn, appoint a representative faculty committee that is acceptable both to the Administration and the students, and through that committee formulate just policies concerning the several substantive and procedural questions at issue.”

February 16. President Fawcett met with the five originators of the letter of February 14.

February 20. The President announced the appointment of nine Teachers, two Administrators, and two Students to a University Committee on Rights and Responsibilities.

February 27. The Committee met for the first time and heard the President's charges:

While not intended to limit the studies of the Committee, the following questions represent the matters under consideration:

(1) What is the appropriate role of the University in the enforcement of local, state and Federal law?
(2) What are the appropriate interrelationships of University and external security agencies and officers?
(3) What law enforcement and investigative procedures are appropriate for intra-University agencies? What agencies?
(4) How can students, faculty and administration best be involved in accepting responsibility for the preservation of law and order on the University campus?

March 13. University Committee on Rights and Responsibilities recommended to the President

... that charges of trespass against Ohio State University students pending in the city courts be withdrawn and that University proceedings be invoked for hearing, deciding, and if necessary disciplining these students.
March 14. At the regular monthly Board meeting, four Trustees expressed their opposition to dismissal of trespassing charges.

April 1. One thousand, one hundred and twelve Students petitioned the President to withdraw trespassing charges.

April 5. Assistant Professor David E. Green of the Department of History allegedly dismissed his course on the history of American foreign policy and burned what he claimed to be his draft card. Later that same day, he appeared on the Oval to speak at a rally. At that time, he held up the charred remains of what he said was his draft card. He also circulated two envelopes. One envelope reportedly was for others' draft cards, and one was for money to aid Negroes in buying guns to arm themselves against “white racists.”

April 10. A “mill-in” on the oval led Administrators to lock the Administration Building and to call out 100 highway patrolmen and to hold 900 national guardsmen in reserve.

April 12. In a press conference, President Fawcett explained that “I have concluded that I appear to have no alternative but to let the Hamilton and Hitchcock cases proceed in due course in the hope that the civil courts will mete out justice. . . .”

April 18. Thomas A. Collelo, convicted of trespassing in Hamilton Hall by a jury in Municipal Court, was sentenced by Judge Bruce Jenkins to 15 days in the workhouse and was fined $50.00 and court costs.

April 24. Four Negro coeds, who reportedly were discussing a recent Black Student Union meeting, were ordered off one of the campus shuttle buses by the driver. When they refused to leave, the driver stopped the bus near Morrill Tower and campus police were called.

April 25. A group of 47 Black Students appeared at campus police headquarters to protest the bus incident of the previous evening, but claimed that they were not from the building by campus officials. Two Negro coeds allegedly were manhandled by University security personnel.

April 26. Black Students allegedly occupied the office of Dr. Gordon Carson, Vice President for Business and Finance. Reportedly, they locked doors, answered telephones, prevented the staff from leaving and from taking or making telephone calls, and locked the building. After negotiation between Black leaders and Vice Presidents Corbally and Carson, staff were permitted to leave their offices. Further negotiations led to agreement between Administrators and Black Students and to reopening the building.

April 27. President Fawcett announced that the Administration Building would be protected by security force.

April 29. University Committee on Rights and Responsibilities recommended procedures for handling demonstrations and reducing the risks of their becoming disruptions.

April 30. President Fawcett proposed new rules against group and individual disruption and a new University Discipline Committee. After discussion and suggestions for revision, the rules were approved in principle by a special meeting of the Faculty Council. The President recommended the rules with revision to the Trustees at a special meeting. Trustees deferred action and referred proposed rules to a subcommittee consisting of the attorneys on the Board.

The Board authorized the President to appoint a committee to hear charges against the Students who precipitated the April 26 events.

April 30. Professor Green spoke at a campus Student meeting, at which a newspaper photographer was said to have been beaten. Professor Green asked the man to identify himself and, when the man did not reply, he allegedly was beaten by a member of the audience.

May 1. The Administration announced that a five-member committee would be appointed to conduct investigations ordered by the Trustees.

May 1. The Faculty Advisory Committee, headed by Robert C. Fisher, Professor of Mathematics, and including George R. St. Pierre, Professor of Metallurgical Engineering, and Albert J. Kuhn, Professor of English, began to investigate both incidents involving Professor Green. Committee deliberations eventually led members to conclude that Green was guilty of “serious lack of judgment” (April 5) and “poor judgment” (April 30). The Committee recommended that Green be placed on probation in addition to his probationary status as a untenured Faculty member.


May 2. Judge Duncan continued the other 10 Hamilton Hall cases until May 14 on motion of prosecution and over objection of defendants.

May 3. President Fawcett appointed the following to consider charges growing out of April 26 events: Marion L. Smith, Associate Dean of Engineering, Chairman; Paul MacMinn, Associate Dean of Education; Mrs. Jeanette M. Zupancic, Assistant Professor of Social Work; James G. Martin, Associate Dean of Social and Behavioral Sciences; and Elmer F. Baumer, Associate Dean of the Graduate School.
May 8. Franklin County Prosecuting Attorney called a grand jury investigation of the April 26 incident.

May 14. Judge Duncan dismissed trespassing charges against Elliot M. Soloway in Hitchcock Hall episode.

May 15. Nine Students arrested in Hitchcock Hall on February 7 were convicted in Municipal Court. Judge Duncan set May 29 as date for sentencing. A non-Student failed to appear and forfeited her $500 bond.

May 20. About 20 Students protested the presence of Navy recruiters in Hitchcock Hall lobby. In a statement read to Dean Bolz, two Students claimed that use of the main lobby violated an Administration commitment to confine recruitment to employment offices. Students also professed the objective of demonstrating without disturbing regular activities or provoking arrests. They succeeded.

May 21. About 100 demonstrators protested the same policy as on May 20, this time on the oval, before staging a two-hour sit-in at Hitchcock Hall. The Students who sat in reportedly cleaned the floor of cigarette butts and paper before leaving.

May 21. Executive Dean for Student Relations John T. Bonner, Jr., denied that the Administration had broken promises to restrict recruiting to employment offices. The Council on Student Affairs had recommended such a policy on January 26, but its resolution had no force.

Vice President John T. Mount, then Vice President for Educational Services, said the resolution had been approved by a committee appointed by the President and that college placement offices have responsibility to assign space for recruiters and information booths. The College of Engineering placement officer said that recruiting would be assigned to offices; literature-distribution, to the lobby.

May 29. Judge Duncan sentenced nine Students in the Hitchcock Hall incident of February 7. Stephen Labash and Michele Buffington were fined $35 and court costs, and their 15 days in workhouse were suspended. Bern Anderson, Karl Braun, Joseph Hylar, William Gantz, Michael Wright, Alan Trugman, and Bernard Weiss were similarly fined; their workhouse sentences of 15 days were suspended to three days.

May 31. Franklin County Grand Jury indicted 34 Black Student Union members for the April 26 incident at the Administration Building. Indictments were for detention, conspiracy to abduct, blackmail, and menacing threats.

June 5. About 120 Faculty and Students marched in front of the Administration Building to protest treatment of Negro Students. Later, five Faculty members held a meeting with the President and Provost.

June 5. Faculty Council defeated a motion to consider improvements in processes of responding to Student and Faculty complaints.

July 2. Four Black Student Union members filed suit in Federal Court to enjoin courts and state and University officials from proscribing and disciplining participants in April 26 incident.

July 9. University announced that two Students involved in April 26 incident had been dismissed for academic failure, two had withdrawn, and four others were being dismissed for their participation. Records of the eight were tagged to prevent readmission without special permission.

July 10. About 50 Black Student Union members protested the dismissal of eight of their members. Administrators posted policemen at entrances to Administration Building.

July 11. The Board of Trustees approved rules against group and individual disruption and created University Discipline Committee, as the President had proposed on April 30.

July 11. The Board of Trustees acted upon the proposal of President Fawcett not to rehire Professor Green. The President reported that the Faculty Advisory Committee found "some degrees of truth" in charges leveled against Green last spring. The Committee recommended that Professor Green be placed on probation for his actions, but President Fawcett chose to override their proposal and recommended the firing of Green. The Trustees terminated his contract immediately.

August 13. A federal grand jury indicted Dr. David Green on two charges, one for burning his draft card and the other for not having the card in his possession.

August 14. Dr. Green's bond was set at a hearing, before a United States Commissioner, at $5,000. The bond was put up and Dr. Green released.

August 15. Eleven demonstrators arrested January 31 in Hamilton Hall and charged with trespassing were found guilty in Municipal Court. Judge Tom Moody deferred sentencing until September 27, pending appeal of a previous conviction of Thomas A. Coello. The eleven students were Dorothy Maisel, David Travers, Alan J. Gilbert, Thomas Ehrlich, Elliot M. Soloway, Michael A. Heyman, Charles O. Green, Richard M. Spencer, Penelope Boyce, Karen E. Genter, and George Bohichick.
This enumeration of events related to demonstrations and disruptions is not exhaustive. It omits reference to many parallel acts that did not necessarily reach the attention of official decision-makers. It does not take notice of many efforts at quiet diplomacy by which Students, Faculty, and Administrators sought to avoid crises or to ameliorate them. Nor does it detail the long-suffering patience that certain deprived students feel they displayed prior to protest, demonstration, and disruption. It is meant to be a résumé of salient, publicly noted events and acts.

3. Sources of Discontent, Demonstrations, and Disruptions

We come now to matters beyond our original jurisdiction, the sources of the discontent that motivate student demonstrations and disruptions. Much of this report and many of our recommendations pertain to procedures for handling legitimate demonstrations, for preventing them from becoming disruptions, and for initiating sanctions against disruptors when all efforts at mediation fail. But the underlying problems are not procedural. The problems have many elements, and some of them are world problems beyond the University's capacity to solve. Surely among the causes of discontent, however, is the despair of many Students, and even considerable numbers among the Faculty, that comes from feeling, rightly or mistakenly, that they are not heard and that, when they are heard, they are often listened to grudgingly or gratuitously. To overcome this "communication problem," some demonstrate, others disrupt. (Equally unfortunately, some withhold their full contributions and participation or withdraw altogether.) Such actions certainly are heard; they also set in motion actions that are "counter-productive" for the dissidents as well as for the rest of the campus.

Thus, both the appearance and fact of inaction, uncommunicativeness, and indifference must be removed. We believe that the President and the members of his Cabinet are cognizant of the need for better communication and for more sympathetic regard for Student and Faculty participation in the University's affairs. We believe they will act in positive ways to help heal the bitterness that has often divided Students, Faculty, and Administrators from one another. We also realize that others in the University community are not so confident of the Administration as are we; among some a sense of "no confidence" exists. Therefore, the Administration, in its own interest, deserves to take actions that confirm our faith in it and restore the faith of others.

They have already shown their willingness to find ways and means of enlarging Faculty and Student involvement in the governance of the University. The reorganization of the Colleges of Arts and Sciences promises to bring government "closer to the people." The elevation of Student Affairs to vice-presidential rank offers hope that representation and vigorous advocacy of student interests will be more effective in the highest echelons of decisionmaking. Student participants are now admitted to important committees and councils. They have a new voice in the planning and planning of the University. Yet, as a Committee, have not been reluctant to mention specific actions that could be added to the agenda of the Faculty and of the Administration. Another issue is the need to address student concerns, including but not limited to academic advising. The University should provide a more comprehensive and timely response to students' questions and concerns. This could be achieved through increased accessibility to counselors and increased resources for advising.

Intergroup conflict is often not new to The Ohio State University campus, nor has such conflict always been unproductive. On many occasions, confrontation between groups of persons, followed by an orderly resolution of matters at issue between them, produces mutually satisfying consequences. One evident result can be a stronger, more constructive Faculty participation in University government. Another can be the continued relaxation of restrictive controls imposed upon the conduct of Students by University authorities, a relaxation that accompanies far more drastic changes in standards of individual and group behavior adhered to outside the University. Changes in University rules can permit and encourage increased self-government by the Student body, and enlarged Student representation on University boards, councils, and committees. And modifications in University policy permitting non-faculty employees to have more voice in determining their working conditions and wages can be strengthened.

On other occasions, however, confrontation has spilled over into coercion. This raises serious questions about what is happening and how it should be responded to. On several occasions, recently, persons within the University have attempted to enforce their demands for change by resort to acts of coercion. These acts have invited coercive reprisal by campus, city, and state officials. None of the groups involved has seemed to derive satisfaction from the outcomes of these disruptive and even violent encounters. Yet without
sympathetic anticipation of just demands, the use of coercion on this
campus is sure to become more frequent, to entail still more drastic
methods of enforcement, and, thus, to continue a vicious cycle of
neglect, disruption, repression, and counter-repression.

This Committee has tried to provide recommendations for the
peaceful and orderly settlement of matters at issue between persons
or groups. With reluctance, for the Committee believes the use of
coelection in a free society to be a regrettable last resort, provision
must also be made for the forceful restraining of unlawful acts (a)
when other means of curbing or redirecting activity have failed or
(b) when there is an apparent, immediate danger to persons or
property. But the Committee has also keenly aware of condi-
tions that underlie recent disturbances. Some of these conditions
are to be found outside the University, it must be acknowledged:
Student disturbances appear to be pandemic among colleges and
universities throughout the world. Yet it is also evident that
particular, local conditions within our University have increased
the likelihood of disturbance to peace and order. While the tempta-
tion to institute further repressive measures must surely be great,
that kind of strategy is certain to elicit even greater troubles for the
University. And it would be incorrect to diagnose our troubles as if
their causes were the same as those at Columbia, Berkeley, or Paris.
Student techniques of demonstrations may be imitated from one
campus to another, but grievances are specific to location and time.

If conditions giving rise to present troubles within this
University are to be understood clearly, a fundamental question must be
asked. Does the University exist primarily to serve its human
membership, the bulk of which is its Students, or does its human
population exist primarily to serve “the University”—whatever that is?
Fifty years ago, this kind of question would not have needed to be
asked. Ohio State was then a far less complex organization than
now, both in the size of its membership and in the purposes it
served. The University, like others of its day, could afford to center
its attention upon the education and training of its Students, who
could be expected later to go out into the world to perform its
necessary tasks. In that sense, the idea of the University as a
“service institution” is not at all new; indeed, this and other Land
Grant universities were created to give service. The Ohio State
University of today, however, is but one of many “multiversities,”
the number of whose diverse clients, along with its students, has
greatly increased. And whatever our criticism of multiversity,
there is no going back to the halcyon days when the oval was the
campus.

As it has grown in complexity, this University has necessarily
grown more bureaucratic. It has done so in an effort to perform its
diverse tasks efficiently and in an effort to secure a procedural, if
not a substantive, integration among them. Managerial positions
have increased accordingly, both in number and in the delegated
authority vested in them. As the University has become more and
more a producer of various kinds of knowledge in the service of its
many and varying clients, it has come to look upon persons more as
things to be fitted into its production systems than as human beings
to be served. Unwittingly, the University, both some Faculty and
some Administrators, has come to act as if its human resources
existed to serve “University” demands upon them. Under this set of
conditions, as much as any others, human demands that do not ap-
pear to serve “University” purposes are responded to by that organi-
ization’s decisionmakers as if they were trouble. What adds to the
decisionmakers’ vexations, under these circumstances, is that per-
sons affected by decisions made for them in such a way in turn
make further trouble. Disruptive “protest” demonstrations and
even violence are but extreme reactions to this kind of situation.

For a number of years prior to and following World War II, this
University could act to require adaptation to its changing demands
on the part of its human recruits. Whether Faculty, Staff, or
Students, such persons could be rewarded for responding appropri-
ately to explicit and implicit requirements, and punished for failure.
At the same time, in open competition for public and private founda-
tion grants, the University found it necessary to modify its demands
in an effort to attract and retain highly qualified personnel. Because
they are potentially mobile, such persons have been able to ask
for and obtain radically different treatment at the hands of the
University. These and changing conditions outside the University
have encouraged others to press for drastic modification of Univer-
sity policies and rules affecting them. Some concessions to these
demands from Faculty, Students, and Staff have indeed been made.

In the main, however, the University environment has seemed
to remain singularly maladaptive to the demands of its members.
Many of those seeking dramatic changes in the University’s policies
and rules affecting them have regarded concessions made as slight
and as given grudgingly under pressure. In part, this state of affairs
can be attributed to consistently inadequate budgetary appropri-
ations obtained for the University. A lack of “venture capital” has
made it difficult to manage the University’s resources so as to
respond flexibly to human needs within the University. Also, the
very size of the University’s Student population has posed a formid-
able strain upon the University's human resources for communicating with Students and meeting their needs. More often than most Students realize, this condition holds for the treatment of Faculty and Staff as well. A partial solution to this kind of problem has emanated from the Office of Academic Affairs under a policy of decentralized colleges and of greater delegation of authority for the management of college activities. Ideally, this permits the creation within smaller units of a sense of community in which there is greater opportunity for values, beliefs, and attitudes to be shared. Actually, however, this has not yet obviated a sense of depersonalization and degradation among Students and Faculty members within the colleges. And for the Student body as a whole, frustration and demoralization stem from failure to receive University sponsorship in the real as distinguished from simulated management of student affairs.

For the Student, individually and collectively, there is the added frustration of being unable to find enough persons within the University, not exempting Faculty, who are able to respond sympathetically and effectively to Student demands when they are presented. Not only is there a conspicuous lack of persons who act as if they were and willing to listen to, understand, and care about Student problems; even more important, few seem able to act positively about such problems when they are presented. What many Students at this University seem to want more than anything is rights as well as responsibilities. And this means having a major share in determining what their own rights and responsibilities are to be. One difficulty in establishing such conditions appears to have been the kind of University official who mediates between Students and decisions affecting them. Recent changes in mediating personnel should help, as should the elevation of Student affairs to vice-presidential status. So, also, would a general improvement in mechanisms of communication. Even more, there is need for change in a present practice by which innumerable decisions affecting Students are handed down after such decisions have been made without the prior representation of or consultation with persons most directly affected.

What is discussed here as a legitimate source of concern for Students in this University can also be asserted on behalf of its Faculty members. Knowledgeable persons on and off the campus have often pointed to a notable sense of inferiority manifested by Faculty members at Ohio State about themselves and about their effective participation in University affairs. Important decisions affecting Faculty members' lives and work seem often to be made for them, without prior consultation with even some of them. This is particularly so when requests for constructive change, submitted through "proper" channels, often seem to be ignored or lightly dismissed by persons who are empowered to make such changes. Whatever the validity of these claims, a Faculty without pride in itself and its University cannot hope to command the respect of its Students, of its Administrative officers, or of colleagues they would like to attract to our Faculty. Under these conditions, retreat, resignation to go elsewhere, or open rebellion may rob the University of internal support for its development or of the power to attract and hold valuable new Faculty members.

The growing bureaucratization of the University over the past fifty years has created one pressure leading to dissatisfaction and frustration. A second pressure has arisen from the changing view the Student has of himself. Fifty years ago, even twenty years ago, the Student accepted his status as a minor. Today he does not. He is coming to see himself as an adult, deserving the independence and respect enjoyed by adults. He wishes to choose where he shall live, to determine (within the limits of municipal, state, and federal law) how he shall live, and to express his political opinions on issues as varied as racial discrimination and the war in Vietnam. This is not the place to discuss the causes for this change; but, unless Administrators and Faculty alike are cognizant of this revolution, they cannot hope to end dissatisfaction on the campus. The redefining of the Student's role in the University is bound to be difficult and to take some years; but, once accomplished, some of the pressures now leading to disturbances will be reduced.

If disruption is to be minimized on this campus, the University's decisionmakers must take into account, far more than they have, that definition of a situation varies according to who does the defining. No matter how well intended a decision affecting other persons' lives may seem to be, it cannot succeed if it is rejected as "bad" by those upon whom it impinges. Ideally, in a representative democracy such as ours, there should be grassroots participation in the making of decisions. Most happily, this does occur in part, because there is considerable delegation of authority for the making of decisions to the cohort of persons who must live by them. But to a great extent the opposite holds true in this University: decisions are handed down from the top—with provision for their coercive enforcement if they are not lived up to. No one is happy with that kind of solution, because it does not work well. Unless this admonition can be taken seriously by the University's decisionmakers,
short-run, expedient solutions to problems in the guise of managerial efficiency will continue to create even greater long-range troubles of the sort we have recently experienced.

What is called for, then, is a marked shift in attitude among some University decisionmakers, which will be manifest in a decentralization of responsibility for the management of Student, Staff, and Faculty affairs. That point has been excellently made and demonstrated in large business, industrial, and governmental organizations, and in hospitals, as well as in universities, both in this country and abroad. On other campuses, where repressive administrative control has increased, disruption and violence have become a way of life for many persons. Very few persons would like to see that happen here. Though The Ohio State University seems to be tardy in awakening to its problems of dissent from within, it can exercise constructive leadership in solving them.

Yet, however critical one may be of the executive arm of University government, and of the Board of Trustees, one cannot look to it to provide all or even the major impetus for better days for Faculty-Student life. Surely it is not a benevolent paternalism that we want from 190 North Oval Drive.

We must look also to Faculty and Students, but especially to Faculty, for imagination and initiative in problem solving and conflict management. And our appraisal of the policymaking machinery of Faculty government is not a favorable one. We shall recommend ways by which Faculty bodies may organize themselves for more effectively initiating and deliberating upon new policies. Yet, "organization" and "machinery" must be accompanied by the will of Faculty to use these resources. If more responsive decisionmaking processes are developed, members of the Faculty, who often decry lack of Faculty participation in the University, may be less inclined to bypass Faculty institutions, such as the Faculty Council, for ad hoc committees and groups.

4. Expectations for the Future

We have tried to analyze the objectives of campus rights and responsibilities doctrine, to identify trends that reflect our degrees of success or failure in realizing these objectives, and to understand the conditions that underlie and explain the recent and present circumstances on our campus. Before recommending remedial action, some reflection is worthwhile: Is any action necessary? What expectations do we hold for a policy of no new actions? What if we do nothing? Will current conflicts pass? Suppose we regard the last six months as history and resume as usual despite what happened?

Our perspectives on the future are only conjectural, but they deserve to be made explicit, for they influence our individual and collective recommendations. First, we expect an accentuation of Student demands for attention to their educational interests and for participation in making policies governing their educational institutions. The growth of Student enrollments, a product of population expansion and greater opportunities for obtaining college education, assures two basic elements of an interest group, number and self-identification. This new political role of the Student next may even disturb contemporary Faculty-Student relations, making Students less an ally with Faculty against Administrators but more a competitor of Faculty. If the middle third of the twentieth century has witnessed the rise of Faculty influence in universities, the last third may well see the rise of Student power.

Second, we expect that our prescriptions, if timely, are time-limited. Here, as elsewhere in the world, established ideas of democracy undergo severe testing. We are now partners in the kind of dramatic convulsion that such tests have produced in other historical epochs. For example, in the nineteenth century, political institutions were democratized by reforms in electoral procedures: e.g., the abolition of property qualifications in suffrage, extension of suffrage to Negroes, the admission of women to the electorate, and the direct election of senators. In the twentieth century, labor unions and "subordinates" earned more power. Now we see still other institutions yielding to "subordinate" demand for wider participation in decisionmaking. A notable example in the case of institutionalized religion is the Church of Rome, which has recently become more democratized.

The present struggle for power in our University is one in which Students, Faculty members, and Staff persons have expected and demanded a greater share in making decisions that affect their own destinies. As in the previous examples cited, this situation illustrates one of the conditions for the devolution of power from one set of persons to another: There must be demand for change by the "subordinate" persons. Otherwise, even the willing transfer of power by well-intentioned, benevolent patrons is not likely to insure its responsible use or appropriation by those to whom it is given. In our society, at least, conflict seems to be a necessary condition for the devolution of power. Hence, we expect the rise of
Student participation to be accompanied by continuing conflict; no Administration and no Faculty policies can eliminate conflict, but only channel it constructively.

Nor can we expect that any current resolution of the power struggle on our campus will be a permanent one. Historical precedent suggests rather that this is not likely to be the case. Today’s recommended solution is for an increased decentralization of authority and responsibility. Tomorrow’s may well be for increased reconcentration of power. Businesses, government, armies, and churches—all large-scale organizations—undergo cycles of centralization and decentralization. At Ohio State we must be able to ride out the present “wave of history” for ourselves. The current need is for decentralization, and it must be acted upon.

Fifth, we expect the increasing introduction of public-interest criteria into the governance of private or quasi-public institutions. Universities, even state-supported ones, have enjoyed a special autonomy from applications of policy that govern other public bodies; e.g., Faculty salaries are not publicized at Ohio State and are set as much by a free market of competition as by seniority or abstract valuation. The transition of the University from the civic or private order to the public order will embrace rules of procedure governing sanctioning and sanctions for disciplinary actions. Thus, we may look forward to the gradual, but rapid, introduction of “due process” criteria to the evaluation of campus investigative and judicial proceedings. Universities that do not anticipate this development and extend the principle of due process will find themselves doing so after expensive and embittered litigation in courts.

Sixth, we expect that demonstrations are here to stay as a valid, acceptable mode of expression. As the picket line was long a common sight, student demonstrations will not soon disappear. They may be less a permanent feature than Student power or due process, but they will constitute a repeatedly used technique for some years to come.

If we are right that University life will reflect these characteristics for the foreseeable future, it follows that policymakers ought to take steps to adopt procedures and programs that protect basic educational objectives and to confront conflict in the interest of those objectives.

SECTION TWO:
FIFTY-THREE RECOMMENDATIONS

1. Sanctioning

A. A Judicial Code and Concurrent Jurisdiction

This Committee proposes (1) that the University community assert for itself a jurisdiction over its own members; (2) that it revise its judicial system; and (3) that it adopt the safeguards of due process. We also propose that the University develop a code to be arrived at through the deliberation of Student, Faculty, and Administrative bodies that are representative of the University community. This code should provide a total system for defining, prescribing, and protecting academic citizenship. That such citizenship is dual, or multiple, in that members of the academic community are also citizens of a city, county, state, and nation and even members of a family, subjects all participating members to several valid jurisdictions. The application of sanctions for misconduct, therefore, might legitimately occur in more than one jurisdiction without being illegal or constituting “double jeopardy.” Nevertheless, it is a minimal desideratum that the academic community not simply duplicate the rules and sanctions of society nor attempt to equate itself with society. The University needs a definite code that holds closely to special educational interests and purposes. Such a code cannot be devised in loco parentis (translated by Morris Keeton of Antioch as “crazy like parents”). It can function best in a community, not a “family” milieu. It will serve in lieu of the present “general conduct rule”—the first part of which is a worthy goal but too vague to serve as a rule, and the second part of which is a complex duplication through incorporation of public laws by reference.

1. We recommend that the University develop a Code, the purpose of which is to protect and maintain its educational activities.

1 The rule appears in the Student Handbook, under “General Regulations... C. 1.” See Appendix B of this Report.
2. We recommend that the Code be formulated by Faculty Council, Council on Student Affairs, and Student Assembly during wide consultations among Faculty and Students, including both formal and informal groups, and that it be formally and continuously subject to appraisal and revision through Faculty Council and the Council on Student Affairs.

3. We recommend the creation of the Office of Code Administrator to apply sanctions invoked under the Code, to be responsible to the Vice President for Student Affairs, and to report to the Faculty Council from time to time on campus sanctions and sanctioning policies.

4. We recommend that, within the framework of special educational interests around which the explicit standards of the code are developed, the University impose sanctions of Recorded Probation, Suspension, and Dismissal only for:
   
   (a) conduct that seriously damages or destroys University property;
   
   (b) conduct that indicates a serious continuing danger to the personal health, safety, and welfare of other members of the University community;
   
   (c) conduct that seriously obstructs or impairs University activities;
   
   (d) conduct that violates clear and special requirements and standards of a profession or occupation for which the University provides preparation and training.

5. We recommend in the first three circumstances (4[a-c]) that, when the code offense and the civil law are identical, the Code Administrator decide whether to invoke the civil law or to bring charges before appropriate Discipline Committees.

6. We recommend in the fourth circumstance (4[d]) that transfer, exclusion, and restriction be considered rather than suspension or dismissal, and the latter only after repeated violation or in aggravated cases.

7. We recommend that the University not initiate or impose sanctions when public prosecution is anticipated or is underway, and that it ordinarily accept a court decision as the final disposition of a matter. In some extraordinary cases of aggravation or of clear and present danger, the University should have the right to apply concurrent sanctions.

8. We recommend that the University, when it is the complaining party and has a choice, ordinarily take jurisdiction when there is a violation on campus of both the law and the code.

Except for the requirement that students live in University residence halls during their first years at the University, Ohio State has largely withdrawn from any in loco parentis role. This withdrawal has been accomplished with the approval, in large part, of the Student body, the Faculty, and the Administration. The Students' demands for greater freedom and the complexity of today's university have been largely responsible for the University's change in policy. But we recognize that the whole matter of the supervision of the conduct of students in residence halls and the requirement that they live there in the first place deserves further study. We therefore urge the permanent University Committee on Rights and Responsibilities (if established by Recommendation #39) to study the entire problem, paying particular attention to the possibility of ending the policy of requiring students to live in residence halls because of the financial exigencies of the University. We would also urge them to study the policies pursued at the University of Wisconsin by which any student over twenty or any student with the written permission of his or her parent may live wherever he pleases.

Withdrawal from an in loco parentis role does not mean that the University will withdraw from the regulation and maintenance of Student conduct to the extent necessary to preserve order on the campus; the duty to preserve order derives not from any in loco parentis jurisdiction, but from ordinary responsibilities.

There are, of course, matters about which the University will assert its authority because the Student has violated a University rule only and not a civil law, but there will also be matters about which the University may elect to deal with the Student under University rules rather than to seek redress or punishment in the civil courts.

In order to preclude any question as to the Committee's position with respect to the matter of "double" or "former" jeopardy, it is our opinion that "double jeopardy," as proscribed by the Fifth Amendment to the Federal Constitution and by Article I, Section 10 of the Ohio Constitution, does not protect a person whose act has constituted an offense against separate jurisdictions. In other words, certain forms of misconduct by a Student may be susceptible to the jurisdiction of, and punishment by, both the University and the civil authorities.
Indeed, this view is recognized in the Bill of Rights of the pending Constitution of the Undergraduate Student Body of The Ohio State University, as modified for acceptability by the Ad Hoc Committee of the Faculty Council, and as set forth in Section F, which reads as follows:

We recognize the right to protection from double jurisdiction except in cases of law violations which may also involve violations of university rules.

We reject the position that the University must never impose its discipline whenever any civil law is applicable. This is not to say that the University should ignore, at the time of the imposition of its sanction, a prior penalty that had been imposed by a civil court, but rather that it should consider such penalty and temper its own action as justice dictates.

One of the vexatious issues that arises concerning double jurisdiction relates to the timing of University action; that is, whether University action should await civil proceedings. Our survey of the policies of other universities, particularly those of our sister institutions in the Big Ten, indicates that the customary policy of most universities is to delay University hearing until such time as the matter has been adjudicated in the civil court. The rationale for this order of events is, simply, that a prior hearing might prejudice the Student's standing in the civil court. However, no rule of law requires the postponement of the University hearing, and indeed instances may occur in which the University should proceed with dispatch to the hearing of matters over which it has elected to exercise its jurisdiction.

9. We recommend that definite and published modus operandi should be established between the University and civil law authorities and that the University not substitute as an arm of the civil law, nor participate in secret investigations with police authorities, but cooperate in a reasonable and open manner.

10. We recommend that the University explicitly retain the option of concurrent jurisdiction in cases of bombing or arson damage, of aggravated assault, or of assault with intent to kill on campus.

11. We recommend that the University explicitly retain the option of concurrent jurisdiction in cases of violation of public laws when such violations also appear to contradict professional standards for licensing or certification.

12. We recommend that colleges, schools, divisions, or departments preparing Students for professions that require certification, licensing, or special recommendations make explicit and publish the standards of conduct that are particular to their professions.

B. Investigative and Judicial Procedures in Campus Disciplinary Cases

i. Present Procedures

Current procedures in processing cases of misconduct (excluding academic misconduct) deserve description before we recommend proposed changes. It should be noted that our present machinery is not altogether inadequate; it contains some safeguards against arbitrary or capricious sanctions. Its failures have arisen from negligence of application rather than from failure upon application. While the spirit has been that of informality, the trend in private as well as public institutions is to formalize disciplinary proceedings. We expect our campus to move in this same direction, and the sooner, the better. In any event, because of the adoption of the rule on disruption, the creation of the University Discipline Committee, and the reorganization of the Office for Student Affairs, further procedural developments are necessary.

Presently, incidents of misconduct sufficiently serious that conviction might carry sanctions of Recorded Probation, Suspension, or Dismissal are handled as a class apart from other instances involving lesser sanctions. Heretofore, the incident has been investigated by the Associate Dean, Student Relations–Discipline Coordination, a position that no longer exists in the reorganized Office for Student Affairs. Usually, the first step in such investigation is an interview with the Student who has been named as being in violation of University rules.

Reports of misconduct originate from numerous quarters—chiefly, however, from such sources as:

(a) University faculty and/or staff
(b) University Police Department
(c) City or suburban area police departments
(d) Campus area merchants and/or residents
(e) Owners or operators of Student housing.

The initial step is a fact-finding procedure to determine whether a University rule has been violated, and, if so, the specific rule and the
identity of the person or persons responsible for the violation. In the past, the Student has been requested to come to the office of the Associate Dean, Student Relations-Discipline Coordination; pending further reorganization, he would now come to the Office for Student Affairs. On his appearance, the Student is informed, prior to being asked to make any statement, that he is not required to make a statement, and that any statement made by him can be used in a later disciplinary proceeding. The Student may bring with him to this conference as an adviser a tenured member of the Faculty. When the Student requests to bring an attorney to this conference, he is permitted to do so. No other category of person is permitted to participate in this interview, however. At this meeting, the Student is informed in brief of the report of the conduct that is alleged to be in violation of University rules and is requested to make a statement concerning the matter.

The purpose of the conference with the Student is to discover facts pertinent to the reported misconduct. Additional investigation is conducted as necessary to establish other facts that are pertinent.

In those instances in which the preliminary investigation (the initial interview with the Student) reveals that the report was unfounded, results in a denial by the Student of any misconduct, fails to develop any substantial evidence of misconduct, or fails to establish that any University rule has been violated, the matter is dropped. The Student is informed that no disciplinary referral will be made and that the matter is closed, with no prejudice to him or to his record.

In those incidents that arise from criminal charges filed against a Student by either the Campus Police or off-campus police agencies, in order that the Student's case in criminal court will not be prejudiced, disciplinary action does not begin until after the case has been finally disposed of in court. If the court returns a finding of guilty, University disciplinary action is considered and the finding of the court is considered conclusive as to the question of the Students' conduct. A court finding of not guilty, coupled with a denial by the Student of any misconduct relating to the criminal charges, results in no disciplinary proceeding or referral by the University. In those instances in which the Student, who has been requested to come to the Office for Student Affairs, has in fact been involved in conduct that violates a specific University rule and this involvement is either voluntarily admitted or substantial evidence links him to the incident, the Student is provided an opportunity to explain his involvement, the degree thereof, and the reason for

the involvement. This material, plus information developed through any additional investigations, is then reduced to a comprehensive, detailed, written report. If the facts thus developed and recorded in the written report are sufficient to support a reasonable belief that a Student or Students have violated a specific rule, the matter is then referred to the College Discipline Committee of the college in which the Student is enrolled. Incidents involving several Students from more than one college are heard by a Joint Discipline Committee representing all of the colleges involved. At the initial interview with the Student, when it appears that the matter will be referred to a Discipline Committee, the Student is informed of the fact that such a committee will meet at a future date and is given a general description of the charges to be heard. At this time the procedures of the committee are described to the Student.

After the case has been referred to the College Discipline Committee by the Office for Student Affairs, the committee schedules a hearing on the matter. The Student is notified in writing by that Office of the time and place of the hearing, of the specific University rule allegedly violated, and of the facts surrounding the incident that formed the basis for the charge against the Student.

Within the several College Discipline Committees, practices and procedures vary to a limited degree. There are, however, minimum standards observed by all College Discipline Hearing Committees.

The Discipline Hearing Committee is composed of at least three persons, and one of these members is usually a Student enrolled in that college. In instances in which a woman Student is charged with misconduct, a woman Faculty member is a member of the Discipline Hearing Committee. The Student is entitled to be accompanied by a tenured member of the Faculty. No person not affiliated with the University, however, is permitted to be present or to represent the Student at this hearing.

The Student has the opportunity to testify in his own behalf, to present mitigating circumstances, and to have competent witnesses testify in his behalf.

Testimony of witnesses against the Student, if not presented in his presence, is made available to the Student prior to his testimony, in summary form, which lists the nature of the testimony and other evidence offered against him.

The Discipline Committee members are charged with the responsibility of giving full, careful, and conscientious consideration to all evidence presented, both for and against the Student, to the end that the decision reached will be fair and reasonable and supported by the evidence. The Discipline Committee is also in-
structed that, in order that the requirements of due process be met, it is essential that good cause exist for the disciplinary action taken.

The Discipline Hearing Committee informs the Student at the conclusion of the hearing that disciplinary action recommended by them may be appealed within five calendar days of receipt of notice of the Committee's recommendation. The appeal must be directed in writing to the Vice President for Student Affairs within the prescribed time.

No formal report of the hearing proceedings is prepared. The recommendation of the Discipline Hearing Committee is forwarded in writing to the Vice President for Student Affairs, who acts thereon.

Misconduct incidents of a less serious nature, i.e., those that might result in the imposition of unrecorded disciplinary probation or lesser sanctions, are administered by a limited number of Student Relations staff or by referral to the Court or Commissions within the Student Government Court system as provided in the Student Handbook, p. 8. (See Appendix B.)

ii. DISCIPLINE COMMITTEES

13. We recommend that prosecution for disciplinary infractions, except for violations of Rules 51.03 and 51.05, be heard through a newly established University Judicial Panel.

The chief argument for abolishing College Discipline Committees and substituting an all-University Judicial Panel is that the numerous existing committees are not prepared for the adjudicatory tasks assigned them. Their proceedings vary from college to college, as do the punishments assessed. Some colleges have a number of cases each year; some have hardly any. When an inexperienced committee is activated, risks of injustice arise, not because members lack good intentions but because they lack codified procedures and previous experience at using them.

The present system of a discipline committee for each college will, of course, stand until Recommendation 13 is adopted. Nevertheless, many of the procedural recommendations enumerated below can be instituted by the college committees. The extension of "due process" philosophy need not await the creation of the University Judicial Panel.

14. We recommend that the University Judicial Panel consist of 12 members, six members of the Faculty elected by the Faculty Council and six Students, four of whom should be undergraduates elected by procedures defined by the Student Assembly, and two of whom should be graduate Students elected by procedures defined by the Council of Graduate Students.

15. The University Judicial Panel should elect its own Chairman from among its members. The Chairman should appoint sub-panels to hear disciplinary cases, taking care whenever possible to assign a Faculty member or a Student from the College in which the accused Student is enrolled. A sub-panel may be of any size.

16. We recommend that decisions of Judicial Panels (sub-panels) should be appealed under Rule 29.27.25.

This rule, adopted at the July 11, 1968, meeting of the Board of Trustees, clearly assigns appellate jurisdiction to the University Discipline Committee for certain cases arising from such disciplinary bodies as the Judicial Panel that we propose. However, under Rule 29.27.25 the appellate jurisdiction of the University Discipline Committee runs only to convictions in which sanctions are as severe as or more severe than Suspension.

17. We recommend amending Rule 29.27.25 to extend the appellate jurisdiction of the University Discipline Committee to cases in which inferior discipline committees confer a sentence of Recorded Probation.

18. We recommend amending Rule 29.27.25 to extend the appellate jurisdiction of the University Discipline Committee to cases in which Administrators, Student courts, or other judicial proceedings confer a sanction against any Student.

iii. SEPARATION OF FUNCTIONS

Under present regulations, the Vice President for Student Affairs receives appeals from Students sanctioned by disciplinary hearing committees. He also supervises the officials in charge of investigating and bringing action against Students charged with disciplinary misconduct. The new procedures that this Committee proposes would give the Vice President for Student Affairs au-
authority over the Code Administrator, the Proctor, and the Director of the Student Advocate Service (Recommendations 38, 20, and 47).

Whether or not the present or proposed supervisory roles of this Vice President are in force, we believe that this mixture of pre-appeal participation in Student discipline cases by his office and appellate jurisdiction should be eliminated. Investigatory and judicial functions should be separated.

19. We recommend that existing University Rules be amended to remove the Office of Vice President for Student Affairs from participation in adjudicatory or appellate decisions.

20. We recommend that responsibility for investigating allegations of student misconduct remain with the Office of Vice President for Student Affairs, pending the creation of an office of Proctor, who shall then be responsible to the Vice President for initiating sanctions against Students.

IV. A TWO-TRACK SYSTEM

We recommend a two-track system for adjudicating discipline cases. In those cases in which the conviction for the alleged misconduct might result in Recorded Probation, Suspension, or Dismissal, we propose a more formal procedure.

Charges of Student misconduct should continue to be referred to the Office of Vice President for Student Affairs until the Office of Proctor is established. It is the responsibility of an official in Student Affairs (Proctor) to review the charges, hold a preliminary hearing if he believes that one is necessary, and determine what further action should be taken. At this point he has several options: he may decide that the charges are utterly unfounded and drop the matter after notifying the parties concerned; alternatively, he may decide that there is sufficient reason to believe that an act of misconduct has occurred and that a Student is responsible. If his decision is the latter one, the Student Affairs official (Proctor) then determines whether the alleged misconduct is of sufficient gravity that conviction might result in Recorded Probation, Suspension, or Dismissal. If Recorded Probation, Suspension, or Dismissal is a possible sanction, he would place the case on the formal track; if not, he would place the case on the informal track.

A schematic representation of the two-track system

Preliminary determination by the Administrator responsible for Student discipline.

FORMAL TRACK
If it is decided that there is reason to believe that a Student has committed an act of misconduct, conviction for which Recorded Probation, Suspension, or Dismissal might be the recommended sanction, the matter is assigned to the formal track.

1. Hearing before a University Judicial Panel (composed of Faculty and Students) according to formal procedures.

2. Appeal by the defendant as a matter of right to the University Discipline Committee.

3. Appeal by the defendant as a matter of right to the President of the University.

The preliminary investigation and the preliminary hearing that the Student Affairs official (Proctor) conducts should provide an opportunity for him to select from among three alternatives:

1. To dismiss the matter for want of substantial likelihood that an act of Student misconduct has been committed;

2. To set the matter down for a hearing on either the formal or the informal track, depending on the charge;

3. To refer the matter to another agency for appropriate treatment, counseling, or other proceedings. Here the choices include (a) University facilities, such as medical or psychological services, and (b) off-campus agencies, such as clinics, hospitals, and the law (police and courts).

The Student Affairs official (Proctor) is given one choice from among three mutually exclusive alternatives.
The decision to refer a Student for medical or psychological treatment or counseling should not be a part of the disciplinary process. If the Student Affairs officer (Proctor) believes that counseling is in order, he may suggest that the Student seek whatever counseling services are available. Such a recommendation is tantamount to a decision that the Student should not be tried before a disciplinary committee.

A Student should not be faced with the alternative of confronting a disciplinary hearing or consulting a counselor. If the Student Affairs official (Proctor) believes that the Student's conduct constitutes such a serious threat to the University community that he cannot risk the possibility that counseling will be unsuccessful, then he should proceed to prosecute the case before the appropriate tribunal. On the other hand, instances will arise in which the officer in Student Affairs (Proctor) believes that the Student might be helped by counseling and at the same time the official (Proctor) is confident that even if the Student is not helped by counseling, the Student still will not pose such a threat to the University community that he must be prosecuted.

The decision to refer a Student to a counselor should be seen as one involving a risk. If there is a likelihood that the Student will benefit from counseling, it may well be that the University has the obligation to take this risk. Similarly, situations may arise in which, because of the nature of the Student's conduct, the University cannot afford to assume the risk of sending the Student to a counselor and must choose, in the alternative, to prosecute.

Under the proposed procedures, if the Student Affairs officer (Proctor) turned the matter over to the police or the courts, further University action would not be taken, at least not until the police and the courts completed their assignments.

The preliminary investigation consists of those activities of the official in Student Affairs (Proctor) that precede his decision to dismiss the matter, to charge the Student, or to refer the Student to some other agency. He may wish to speak with the person or agency that has brought the matter to his attention, and he may wish to speak with others believed to have relevant information. Quite often, the preliminary investigation will include a conference with the Student who has been accused of misconduct; this conference is called a preliminary hearing. There may be instances in which the Student Affairs official (Proctor) will decide, after speaking with the person who has raised the matter, that there is no reason to do anything at all; this would clearly be the situation when the official (Proctor) determines that the conduct of which the Student is accused is in no way in conflict with any rule of the University or the community. If the official (Proctor) feels that he should confer with the accused Student, that conference should be conducted according to the procedures stated below.

V. PRELIMINARY HEARING

21. We recommend that the Office for Student Affairs (and upon establishment, the Office of Proctor) investigate and conduct any preliminary hearings with accused Students according to rules of procedures such as the following:

(a) The Student should be invited to attend the conference by means of a letter from Office for Student Affairs (Proctor).

(b) The letter should state specifically

   (1) the alleged acts of misconduct that the Student is accused of committing;
   (2) the particular University Rules that these acts of misconduct are alleged to violate;
   (3) the identity of the complaining party, or the source of the complaint;
   (4) the purpose of the preliminary hearing, i.e., to assist the Student Affairs officer (Proctor) to determine whether further proceedings should be held;
   (5) that the information gathered at this hearing will become part of the record of any subsequent proceeding that may take place;
   (6) that the Student is not required to testify at the preliminary hearing;
   (7) that no inference of guilt will be drawn from the Student's decision not to testify;
   (8) that if the Student does not wish to testify, he may request in writing that the hearing be cancelled;
   (9) that at the preliminary hearing the Student may be assisted by an adviser of his choice, who may be another Student, a Faculty member, or any other person whom the Student wishes to bring with him, and that, if he is unable to obtain an adviser, he will be assisted by the Student Advocate Service.
It is essential that the foregoing items be stated in the initial letter that the Office for Student Affairs (Proctor) sends to the Student. The Student needs this information at once, and it is self-defeating to establish rights for an accused Student and not inform him of them. For example, it is too late to inform a Student that he is entitled to an adviser after he has made an appearance at the preliminary hearing without one.

If, following the preliminary investigation, the official (Proctor) decides that the Student should be prosecuted for violation of a rule, conviction for which carries a penalty of Recorded Probation, Suspension, or Dismissal, the official (Proctor) should send a report of his preliminary investigation to the Student and to the Chairman of the College Discipline Committee, or of the Joint Discipline Committee (and when created, the University Judicial Panel), and should formally lodge a complaint with the appropriate discipline committee.

At present, and until the Code is adopted, assignment to the formal or informal track depends on the severity of the sanction that conviction might carry. In principle, we do not approve assignment by possible sanction. We much prefer assignment according to the character of the charge. One of the functions of the Code would be to explicate and define the categories of charges that would be referred to one track or the other.

vi. REFERRAL

In those instances in which the Office of Student Affairs (Proctor) has decided that there is probable cause to believe that an act of misconduct has been committed by a Student for which Recorded Probation, Suspension, or Dismissal would be an appropriate penalty, the Office (Proctor) should file a complaint with the College or Joint College Discipline Committee (and, upon its establishment, with the University Judicial Panel) and send a copy to the accused Student.

22. We recommend that the Office for Student Affairs (Proctor) refer cases to a Discipline Committee (Judicial Panel) when a charge is brought against a Student, conviction for which could carry Recorded Probation, Suspension, or Dismissal.

23. We recommend that the Office for Student Affairs (Proctor) dispose of cases that might result in lesser charges by informal procedures.

Before listing rules that should govern the conduct of a hearing before a College Discipline Committee or Joint Discipline Committee, (or Judicial Panel, when established), it should be pointed out, lest some be overwhelmed by the degree of formality that we propose, that we have merely attempted to anticipate questions that inevitably arise in the normal course of a hearing and to provide answers to those questions. The alternative to this is to deny the members of the College Discipline Committees or Joint Discipline Committees (or Judicial Panel) the assistance of any advice on procedural matters and perhaps to diminish the guarantees of fairness to which we believe Students are entitled. These matters may be faced explicitly and openly in advance, or they may be deferred until raised by a party in an actual hearing. In either case, these questions must be faced at some time, and decisions are inevitable. It is our feeling that we should anticipate those issues that we have reason to believe are either of a high degree of significance or are likely to be raised with a high degree of frequency.

vii. PROSECUTION

24. We recommend that cases before College Discipline Committees, Joint Discipline Committees (or Judicial Panel), or the University Discipline Committee when it takes original jurisdiction, be conducted according to rules of procedure such as and including the following:

(a) A Student should be notified in writing at least five days prior to any scheduled hearing of the following:

(1) the time, date, and place of the hearing;
(2) the specific acts of misconduct of which he is accused;
(3) the specific University Rules that he is alleged to have violated;
(4) his right to be represented at the hearing by counsel of his choice and of the fact that if he is unable to obtain counsel, the Student Advocate Service will assist him in obtaining counsel;
(5) the names of witnesses who will testify against him;
(6) his right to remain silent during the hearing;
(7) the fact that his silence will not be used against him or give rise to an inference of guilt;
It is an official in Student Affairs (Proctor) who would normally prosecute a Student, and it may be unfair to recommend that a Student be prosecuted by a member of the staff who is an attorney unless the student is defended by someone of equivalent training. The Uniform Code of Military Justice recognizes a similar inequality as a significant challenge to fairness, and it requires that whenever the prosecution is conducted by an attorney, an attorney must be provided to conduct the defense. The Committee suggests that Ohio State follow the pattern of the Uniform Code of Military Justice and require that whenever a Student is prosecuted by an attorney, the Student should be defended by an attorney. This would probably result in an official's (Proctor's) personally prosecuting only those unusual cases in which he believes that a lawyer's training is especially necessary. Under such circumstances, the University would be required to provide an attorney for the Student. It is not anticipated that many such cases would arise, particularly in light of the fact that under the present system the University has never felt it necessary to have anyone prosecute on its behalf. Most cases would therefore be prosecuted by a member of the Proctor's staff.

(e) A record of proceedings on the formal track should be made by tape recorder. The original recording should remain the property of the Committee until the final disposition of the case, and all interested parties should be provided an opportunity to obtain a copy of the recording. Either party, upon his own motion and at his own expense, would be entitled to make a stenographic record or other copy of the proceedings; if the services of a certified court reporter are used, the party employing the reporter should arrange, upon request, for other parties to obtain a copy of the transcript upon payment of a proportional share of the total cost of the original and all requested copies. When the case is finally disposed of, the tape should be erased.

(f) The College or Joint Discipline Committee's (or Judicial Panel's) decision shall be based upon the evidence that is introduced at the hearing and that is made part of the record.

(g) Following the hearing, if the Committee (Panel) determines that the Student has committed an act of misconduct, it should then proceed to determine an appropriate sanction; at this time (and not prior to this
point in the proceedings) the Committee (Panel) may examine the Student’s academic record, his prior disciplinary record, if any, and such other records bearing upon his conduct as it deems relevant. The Student should be given the opportunity to know the nature of the material the Committee (Panel) is considering and to be able to comment upon any such material that the Committee (Panel) examines, as well as to introduce evidence that may be pertinent to the Committee’s (Panel’s) imposition of a sanction.

(h) Witnesses shall be excluded from the hearing room except during periods when they are actually giving testimony.

(i) The Committee (Panel) that hears a case should have the authority, subject to review by the UniversityDiscipline Committee, to adopt additional rules of procedure not inconsistent with these rules.

(j) The Committee (Panel) should reach a decision within ten days after the close of the hearings, and it should prepare a written report in which it articulates the reasons for its decision. This report should contain a discussion of the facts that the Committee (Panel) has found to exist, and an indication of the significance it attaches to those facts. The Office for Student Affairs (Proctor) and Student should be provided with a copy of this report at the time they are notified of the Committee’s (Panel’s) decision.

(k) The Committee (Panel), upon its own motion, should have the authority to use the assistance of a hearing officer, who should be a person not concerned in the dispute and who has experience and expertise in conducting formal hearings.

(l) Pending final action on the charges, the status of a Student should not be altered, or his right to be present on the campus and to attend classes suspended, except when there is a strong likelihood of a serious danger to the safety of Students or Faculty, or of University property. Any such suspension shall be undertaken only with the approval of the Vice President for Student Affairs, and may be appealed directly to the President.

(m) No evidence obtained by any means that violates human dignity or privacy should be admissible in any disciplinary proceeding.

It is anticipated that a Student will request a formal hearing only in those cases in which (1) he believes that there is a significant conflict in the facts involved in his case; or (2) he lacks confidence in the impartiality of the hearing process. The formal procedures described above are designed to insure that serious punishments are not imposed without safeguards that are designed to assure that facts are determined correctly and that sanctions that are imposed are reasonable. In addition, it is believed that confidence in the impartiality of the hearing process will be strengthened if “the rules of the game” are made clear from the beginning and if these rules deal with the common sources of “bias” that the Student may believe normally inherent in a University disciplinary hearing.

viii. APPEALS

The Student has the right to appeal the decision of the College or Joint Discipline Committee (Judicial Panel) to the University Discipline Committee under Rule 29.2725. No attempt will be made to describe an appellate process in detail in this report; rather, we illustrate several main characteristics that we believe deserve notice.

25. We recommend that appeals from College Discipline Committees or Joint Discipline Committees (or Judicial Panel) to the University Discipline Committee be subject to the following conditions:

(a) Upon appeal, the University Discipline Committee may select from among the following options:

(1) reverse the College or Joint Discipline Committee (Panel) and dismiss the charge against the Student;

(2) approve the sentence imposed by the College or Joint Discipline Committee (Panel);

(3) reduce, but not increase, the penalty imposed by the College or Joint Discipline Committee (Panel);

(4) refer the matter again to the College or Joint Discipline Committee (Panel) for further proceedings.

(b) Normally, the University Discipline Committee will conduct its review by studying the record made in the College or Joint Discipline Committee (Panel), and by reading the statement of the parties filed on appeal. However, the University Discipline Committee should
have the authority to take additional testimony or to seek additional information if it deems this necessary in the interests of a just decision.

ix. SANCTIONS

26. We recommend that suspension be defined according to the following criteria:

(a) At the conclusion of the period of time for which the Student has been suspended, he shall be readmitted automatically upon notifying the appropriate University official of his intention to return to school.

(b) Ordinarily, a Student who has been adjudged guilty of acts deserving suspension from the University will be permitted to complete the quarter in which he is enrolled at the time the sentence of suspension is confirmed on appeal. Only if there is a strong likelihood of a serious danger to the safety of Students, Faculty, or University property from the Student’s continued attendance may he be required to leave the University prior to the completion of a quarter.

(c) A Student who is suspended during the quarter in which he expects to receive a degree from the University shall not be awarded his degree until the expiration of the period for which he has been suspended.

27. We recommend that dismissal be defined according to the following criteria:

(a) A Student who has been dismissed from the University may petition the Vice President for Student Affairs for readmission one academic year after the effective date of the dismissal.

(b) In recommending dismissal of a Student, Discipline Committees (Panels) may also, at their discretion and subject to appeal, recommend conditions upon which readmission may be granted.

(c) A Student whose petition for readmission has been denied by the Vice President for Student Affairs may appeal this decision to the University Discipline Committee and, if it refuses, to the President of the University.

(d) Ordinarily, a Student shall be permitted to complete the quarter in which he is enrolled when his sentence of dismissal is confirmed on appeal. If there is a strong likelihood that the Student’s continued presence on the University campus poses a serious danger to the safety of Students, Faculty, or University property, then the dismissal may be made effective prior to the conclusion of a quarter.

(e) A Student who is sentenced to dismissal during a quarter in which he expects to receive a degree from the University shall not receive his degree until he has been reinstated.

X. STILL A THIRD TRACK

Under current Student regulations, a large class of “minor” cases are processed through courts and commissions of the Student Judicial System. The Student Judicial Board has recently and at length reviewed the procedures under its jurisdiction and with the objectives of codifying and revising them. Its report is forthcoming.

28. We recommend that the report of the Student Judicial Board receive serious appraisal by the Office for Student Affairs, with a view to its favorable adoption.

C. The Functions and Significance of Procedure

We have taken some pains to recommend and illustrate procedures that should be retained or adopted. Procedure plays at least three distinctive roles in the legal order. First, it is a means of maximizing the accuracy of determinations of fact. The integrity of the hearing process is established in part by the ability to make factual determinations of a high degree of reliability. The principal mechanism developed by the common law, and incorporated in our report, is the cross-examination of the opposing party and, perhaps, by the members of the Discipline Committee (Panel). This questioning is designed to do two things: (1) To refine the initial statement by the witness to the point that any unintended embellishments have been stripped away; (2) to permit the trier of fact to form a judgment concerning the quality of the witness’s observations and opinions. Thus, on the one hand, the witness is assisted in editing his original testimony so that he does not say more than he actually intends and, on the other hand, the tribunal is given an opportunity to ascertain the degree of
importance it should attach to the witness's testimony. In this latter regard, the tribunal gains information concerning possible sources of bias that might influence the accuracy of the witness's recollection and information respecting the witness's capacity for observation and evaluation.

Closely allied to the practice of cross-examination is the absolute prohibition upon permitting the tribunal to hear any witness or read any document that is not also available for the scrutiny of the opposing party. While it is not possible to cross-examine a document, it is frequently possible to prevent erroneous use or interpretation of a document by allowing those affected to study it and comment upon it. This explains the provision in the rules of procedure requiring that a discipline committee's decision be based solely upon the evidence in the record. All evidence that is a part of the record will have been examined by both parties, and they will have had an opportunity to cross-examine and to comment upon it. Any information that the committee receives that is not made a part of the record is less likely to be reliable because it will not have been tested, examined, and commented upon by the opposing parties, and, therefore, is not to be used under the proposed rules.

A second purpose that procedure serves in the legal order is that of allocating responsibility and power among different elements with the community. The Office for Student Affairs (Proctor) has been assigned a role that essentially resembles that occupied by the District Attorney or the United States Attorney, that of investigator and prosecutor. He is required to make an initial decision whether the facts of a case warrant prosecution and, having made a decision to prosecute, he has the responsibility of providing the Discipline Committee (Panel) with pertinent facts that it needs to support an intelligent and just decision.

A third role of procedure in the legal order is to establish ethical standards that are frequently quite apart from, if not directly contradictory to, the goal of achieving factual accuracy. Thus, our rules of procedure contain restriction upon using evidence that has been obtained in any manner that violates the privacy or dignity of a Student. For example, if evidence of Student misconduct is obtained rummaging through a Student's private papers within his desk, this evidence should not be used against the Student, not because it might be inaccurate or lead to an incorrect determination of a factual question, but because an ethical principle is involved that takes priority over the importance of convicting any particular Student of any particular act of misconduct. As members of this community, we ought not countenance the use of immoral means in order to ferret out Student misconduct. The consequence of this policy may well be that some guilty Students will go unpunished, but we believe that this is a lesser evil than permitting our community to be polluted through the use of immoral investigatory techniques.

In the same vein, the recognition of privilege against self-incrimination is incorporated within procedural rules. Some Students may go free because they are not required to answer questions of Student Affairs (Proctor) or of the Discipline Committee (Panel), but we believe that it would be inherently cruel to require a Student to be a mechanism of his own destruction.

To the extent that one believes that ethical values ought to be adhered to in the disciplinary process, it will be well to incorporate the means of achieving those ethical goals within the rules of procedure. Similarly, if one believes that certain techniques are essential to insure the accuracy of the fact-finding process, these should be enshrined in rules of procedure. And, finally, when it is desirable to alter the balance of power that "naturally" exists between accused and accuser, such alternatives should be entered into the rules of procedure if they are to be effective.

2. Rights to Demonstrate and Limits to Disruption

In Academic Year 1967–68, demonstrations and disruptions prompted the current review of rights and responsibilities. We have already noted our view that protests are only the outward and visible signs of a larger problem of institutional responsiveness. Owing to the salience of demonstrations, however, we make our recommendations concerning protests in this separate chapter.

We believe the University must be tolerant of all points of view, even of "error." John Milton, Thomas Jefferson, and John Stuart Mill eloquently bequeathed us a philosophy of tolerance. Tolerance, or respect for disagreement, is a two-way street. As the Administrators and Trustees should not endeavor to put down orderly protests, so Student and Faculty dissidents should not be permitted to close down recruiting, advising, employing, speaking, or other forms of expression that happen not to coincide with their world-view.

In accordance with this perspective, we would protect both protest and the objects of protest, and we propose procedures to protect them.

29. We recommend toleration of demonstrations until regular, authoritatively approved activities are disrupted.
30. We recommend that the University continue to cooperate with employers, both governmental and private, who wish to visit campus to inform, interview, recruit, or employ Students, provided that any prospective employing organization is not illegal under federal, state, or local law and provided that Students exhibit interest in working for such an organization.

31. We recommend that the University continue to permit Student protest against any campus activity, including private and governmental employment agency visits, provided that the protest does not deny or disrupt any other Students' opportunities to participate in that activity.

32. We recommend that, when a demonstration threatens to disrupt regular activities, the official (Student, Faculty, Staff, Administrative) responsible for the activities notify the Code Administrator.

33. We recommend that upon such notification the Code Administrator consult with the official responsible and with the demonstrators in an effort to avoid a disruption.

34. We recommend that, when the official responsible for an activity declares it to be disrupted, the Code Administrator assume responsibility for terminating the disruption.

35. We recommend that

(a) the Code Administrator first undertake to terminate the disruption by persuasion and make clear that regular activities have been interrupted;

(b) if efforts at persuasion fail, the Code Administrator instruct disruptors to depart and request uniformed campus police to clear the area of disruptors through use of techniques that will not result in arrest unless met by physical resistance;

(c) if these techniques be insufficient to terminate the disruption, the Code Administrator declare the demonstrators to be in violation of Rule 51.03 and request uniformed campus police to assist him in identifying and recording the names of the violators, who will be referred to the University Committee on Discipline;

(d) if violators fail to give names, the Code Administrator request uniformed campus police to arrest them.

36. We recommend that, when the Code Administrator is advised by campus police that they cannot remove disruptors unaided, he be authorized to summon and to use city and state security agencies to arrest and remove the disruptors.

37. We recommend that arrests made under "35(d)" and "36" be followed with prosecution in civil courts, and that only in exceptional cases would campus disciplinary action also be taken.
3. Ways to Make the Institution More Responsive to Student Discontent

By creating for itself a jurisdiction independent of the civil courts, the University makes necessary the creation of an enforcement agency, a system of courts, and a code of regulations. Other parts of the present report and its recommendations have been concerned with the appropriate agencies for enforcing the regulations of the University and with the appropriate courts for adjudicating disputes arising out of that enforcement. So far, however, we have not discussed the processes by which the regulations themselves are formulated. Yet it is obvious that the content of those regulations and the ways in which they are made lie at the heart of many of the current problems on the campus. Our Committee may recommend such regulations by defining the rights and responsibilities of members of the University community, but it cannot be expected to do so for all time. These regulations must be continuously open to definition and re-definition. Values and opinions held by members of the University community change. These changed values and opinions must be reflected in new rules and new regulations. New problems will arise that are not now foreseen. These will give rise to new rules and regulations, also now unforeseen. In 1962, it was the right of Students to invite whom they wished to speak on campus. In 1968, it was the right to have access to, or to obstruct access to, military recruiters. Next year, it may be the right to live in the place of one's choosing. Or the right not to have to take an alternative course to ROTC. Whatever the question, legislation concerning it will be necessary.

Student Assembly is an inadequate instrument for legislation. Student government does not have the professional staff, the sources of information, or the authority necessary to make its wishes felt through Student Assembly. The Administration, through the Council on Student Affairs, the Office of Vice President for Student Affairs, and the Faculty Council, dominates the legislative process. The Council on Student Affairs as presently constituted is not a representative body and, though technically a Committee of the Faculty Council, it reacts to proposals more often than it initiates recommendations. Yet, questions concerning University rights and responsibilities affect Students more than any other group on the campus.

Nor does the Faculty own an effective voice in the determination of University rights and responsibilities. The Faculty lacks effective means to initiate action. As now organized, the Faculty Council has an inadequate and incomplete system of standing committees. This is a matter of supreme importance, for the power to initiate action gives one decisive power to shape policy. At present, the effective power to initiate action lies with the Administration. The Faculty Council can only amend, assent to, or veto the recommendations of the Administration. And a veto is always characterized as obstructive. If the Faculty is to help create, formulate, and initiate policy in the realm of rights and responsibilities, it needs its own committees to promote and recommend policy. Such committees should also sit with elected representatives of the Students from time to time. Together, the elected members of the Faculty and the elected members of the Student body should study, inquire, discuss, shape, and initiate policy. They could do so with an independence and authority neither Faculty nor Students now possess.

The Administration of Michigan State University recently concluded that "student government structures must exist which will permit any and all student voices at any level to be heard. Such structures should exist from the individual house or hall unit all the way up and through faculty and administrative committees. We have concluded that student government and their participation in university should be taken seriously."

The same report concluded "that the faculty ought to be involved in the area of student affairs, and that this involvement ought to be meaningful and significant both for the faculty members and for persons holding positions of responsibility in student affairs offices. . . . there need to be visible channels through which faculty opinions can be expressed concerning campus issues. There also needs to be a structure through which the faculty can take an official position and through which faculty may endorse and formulate rules and regulations. The above points are extremely important because it is necessary that both students and faculty be involved in both the formulation and the revision of rules and regulations. A visible structure must be built so that students and faculty may have avenues through which they can participate and speak in this important area. Structures by themselves are admittedly no solution, but avenues must exist so there is an orderly process through which both formulation and revision may take place. When such a process exists, proposed changes from students, faculty, and staff may be
placed into the process where they may have an adequate hearing from all concerned."

In a similar vein, the University of Wisconsin Ad Hoc Committee on the Role of Students in the Government of the University proposed the creation of a Committee on Student Conduct Policy, of elected Faculty members and Students, which should make and state policy.

38. We recommend that the Faculty Council consider ways to improve its opportunities to initiate and recommend policies, in contrast to its recent and current typical primary role of reacting to Administration and Student proposals by either approving, amending, or rejecting them. For example, we believe that the Council’s own standing committees might contribute to its initiative-taking capacities.

Most of the present standing committees, councils, or commissions of the Council are not instrumentalities of the Council. Although they may be elected by or report to the Council, their membership is not drawn exclusively from the Council. The Council deserves permanent committees drawn from among its own members and elected by its own members, and these should enjoy the status of standing as distinguished from special committees. Creation of standing committees would require designation in the Rules (29.27, Sec. 2; see Appendix C).

Pending the establishment and appointment of such bodies, we urge the Faculty Council to revive its Program Committee, a special committee that from time to time between 1954 and 1963 existed and served some of the various purposes originally intended for it. Among these were the identification of problems and issues deserving Council attention and the setting of the Council’s agenda. Since 1963, this Committee’s existence has lapsed; sometimes members have not been appointed to it. In lieu of its work, the Secretary has arranged the agenda, according to the items brought to his attention by others. The Council has lacked an organ to seek out and anticipate issues of campus-wide concern.

This useful Committee can be revived simply by the President’s appointing members to it. Its functions, however, can be vitalized only by Council members who take its work seriously and actively direct their colleagues’ attention to basic issues.

One of the standing committees of the Council presumably would be a Committee on Rights and Responsibilities, say, of six members.

39. We recommend a permanent University Committee on Rights and Responsibilities that would consist of the six Faculty members who constitute the Faculty Council’s Standing Committee on Rights and Responsibilities; of four undergraduates; and of two graduate Students.

40. We recommend that the four undergraduates be elected by the undergraduate Student body or by the Student Assembly, according to procedures developed by Students and approved by the Assembly.

41. We recommend that the two graduate Students be elected by graduate Students or by the Council of Graduate Students, according to procedures developed by Students and approved by the Council.

42. We recommend that the Committee have the right to inquire into any matter that relates to the rights and responsibilities of members of the University community and that it possess the power to seek out information, to question members of the Administration, to hear all interested parties, and to have financial and secretarial help in collecting information.

43. We recommend that the Committee be privileged to make recommendations for changes in existing rules and regulations by reporting directly to Student Assembly, the Council on Student Affairs, and the Faculty Council, so that each may act upon the recommendations. The Committee, as a privileged Committee, should be authorized to request prompt action on its recommendations, perhaps by invoking a rule requiring a vote by Faculty Council within ninety days of filing its report, such rule, of course, to be adopted by the Council.

44. We recommend that the Committee monitor and appraise the work of campus law enforcement agencies and the various courts that adjudicate disputes on the campus, in order to discover whether they are working satisfactorily and to make recommendations for change, and that it report annually to the Faculty Council.

45. We recommend the creation of a Student-Administration Liaison Service within the Office of Vice President for Student Affairs.
The Committee repeatedly has heard that many Students find "communication" a serious problem in their relations with Faculty and Administration. Communication means many things, but basically satisfactory communication requires answers. It does not, however, always require agreement between the communicating parties.

We know that many Students, and not only "official" leaders of Student groups, have frequent access to the President, to members of the Cabinet, and to their staffs. Without meaning to restrict the present flow of personal contacts between Students and Administration, we believe that a formalized liaison service would open even more channels and maintain them in systematic and mutually satisfying ways. Every major department of the federal government maintains a liaison service with Congress, and both the departments and the legislative branch find this a helpful adjunct to all other forms of communication. A campus liaison office would encourage Student inquiry, offset the depersonalization that accompanies bureaucracy, and threaten no Administrator. If placed in the office of Vice President for Student Affairs, this agency could indeed underscore that the office is for Students.

46. We recommend that the Vice President for Academic Affairs and the Vice President for Student Affairs, together with committees of the Faculty Council and of the Student Assembly, undertake a study of the feasibility of providing a Resident Faculty Adviser, who shall be drawn from the tenured Faculty, for each residence hall.

We are committed to the view that education is not purchased over the counter by paying fees and that it is not confined to the classroom, seminar, or laboratory. Education is a form of exchange, in which both Teacher and Student learn from one another. If one holds this view of learning, it follows that he seek ways to maximize the number of mutually profitable transactions.

As one reflects on the residential quarters that the University offers, one cannot help being impressed by the disjunction between educational and living facilities. Many halls lack rudimentary libraries, adequate study area, and Faculty participation. Without importing antiquated, anachronistic, or irrelevant features of Oxbridge, Harvard, or Rice, we believe it worth considering whether Resident Faculty in dormitories might not contribute to re-integrating living accomodations with the academic mission of the University.

47. We recommend establishing a Student Advocate Service in the Office of Vice President for Student Affairs.

A Student Advocate Service should have responsibility for assisting Students who face hearings on the formal track to obtain the services of a Faculty Adviser, and to help such Students secure the attendance of witnesses from within the University community at their hearings. We believe that the office of Student Defender might well become one of the auxiliary services of the Student Advocate Service.

The Student Advocate Service could take on responsibilities other than defending Students in disciplinary hearings. It could assist members of the Student Assembly in organizing investigations and inquiries, in proposing legislation for the Student Assembly, in proposing and lobbying for rule changes with the Faculty Council, and in similar matters. In addition, such an office could maintain up-to-date contacts and information on imaginative and important programs at other institutions. We will not attempt to describe its functions beyond the Student disciplinary context, but we believe that this office would have considerable potential beyond the limited field of Student discipline.

48. We recommend a tripartite (by Students, Faculty, and Administration) appraisal of both undergraduate and graduate teaching through periodic surveys and questionnaires, with confidential reports to individual Faculty members and to their Chairmen and Deans.

The University's primary missions are to contribute to the arts and sciences, and to their applications, through the cultivation of original work, and to the transmission of the best thought and knowledge available. Both research and teaching are at the core of the academic enterprise. "Research," whether in the form of discoveries, imaginative work, or inventions, is visible, and it is readily subject to appraisal by one's peers through reviews, exhibitions, and publications. "Teaching," however, is less visible and, therefore, less readily and less easily appraised by one's colleagues. Frequently, small, unsystematic reports of good teaching or bad teaching circulate. Rarely, however, do Chairmen or Deans have opportunities for genuine evaluation of teaching comparable to their resources for judging research.

We believe that excellence in either of these missions should be equally rewarded. And reward systems are critical to motivation and achievement of basic institutional objectives. Students deserve
high quality instruction. To increase the probability that they will receive what they deserve, effective teaching must be rewarded. And rewards depend on reliable knowledge of teaching performance.

Some, we realize, object to evaluating teaching, as though judgment were a threat to academic freedom. That objection carries little weight. Book reviews do not seem to inhibit freedom of expression; why should teaching reviews?

Procedures for appraising classroom performance must be both fair and systematic. The methodology to meet these criteria are available, both in basic disciplines and in the College of Education. We urge serious efforts to maintain continuing assessments of our Faculty’s teaching.

49. We recommend that the Administrative Council and the President’s Cabinet investigate and report the possibility of developing new forms and strengthening existing forms of informal liaison and consultation with Students and Faculty in advance of major policy decisions, such as those affecting fees, campus planning, and organization.

It may seem gratuitous to make such a permissive and open-ended request of our key decisionmakers. Yet we cannot be oblivious of the repeated complaints that to be consulted has been to be informed. The Administration can save itself controversy by more genuine two-way exchange of points of view with those affected by decisions.

50. We recommend a substantial (at rates of increase comparable to Faculty salaries rather than cost of living rates only) increase in salaries paid campus policemen in order to retain the best personnel among the force and to attract high-quality replacements to fill vacancies.

51. We recommend continuing and accelerating “in-service” training programs and special seminars for campus policemen, devoted to the special problems of law enforcement within universities as distinct from the community at large.

52. We recommend that the President appoint, or that the Faculty Council elect, a Faculty Advisory Committee on Campus Intelligence and Security to consult with the President about the peculiar and important work of campus security forces.

The Committee sympathizes with the campus police for the difficult problems that they confront. Salary schedules are often inadequate to attract and retain the quality of officers that the University ideally wants to employ. Previous training and experience may not be particularly suited to the special requirements of campus security. In the face of these obstacles, present officials have made efforts to construct a security force compatible with University needs. Yet much remains to be done to harmonize security and other values.

We believe that funds must be set aside to support adequate compensation and to extend in-service training programs. Moreover, we think that Faculty and Administrators need to be better informed about the problems and possibilities of campus security. Hence, we propose the creation of a Faculty Advisory Committee. It can acquaint itself and others about these problems and propose comprehensive security policies. In conjunction with the Permanent Committee on Rights and Responsibilities, it should act to assure the integration of security with freedom, dissent, and other values.

53. We recommend that the University arrange with the Disaster Research Center to study campus demonstrations of the last academic year, with a view to determining why some became disruptions and others did not.

The Disaster Research Center ranks among Ohio State’s most distinguished institutes. It has been engaged by communities and by nations to study their riots and other civil disturbances. We ought not to overlook such a valuable resource on our own campus.

The Rights and Responsibilities Committee has not been able to study every case of demonstrations because it has lacked the resources and the time has not been opportune. As litigation is completed, however, we expect that all parties to recent disputes will be willing to cooperate with an independent, objective inquiry. A scientific study by the Disaster Research Center could be expected to confirm or disconfirm various images of the factors that convert demonstrations into disruptions. Successful studies, enjoying the confidence of the campus, might conceivably open the way for the Center to maintain a continuing appraisal of protests and help both protestors and the rest of the community avoid the unintentional and unwanted consequences of carelessly planned action or hasty and ill-considered reaction.
4. Conclusion

In closing, the Committee will forego a conventional summary of its recommended revisions and innovations in University policies pertaining to rights and responsibilities, demonstrations and disruptions. The whole report is sufficiently brief to indicate readily the directions in which we hope our Faculty and Administration colleagues will bend their efforts in the next several months. Rather than offer a résumé of our preferences and proposals for the future, we close with a personal coda, a note of urgency laced with a sense of profound commitment.

We were asked to undertake our work early in the week of February 19. We met for the first time on February 27, and for the last time on August 10. In the interim of more than five months, we averaged at least one weekly meeting of the full committee, no one of which lasted less than two hours, and some of which consumed as many as three, five, or even seven hours. In addition to these sessions, subcommittees met on so many occasions that the number is lost to memory. Some members, as one might expect, gave more time to Committee proceedings than others, yet all participated and contributed significantly in its deliberations.

We, individually and collectively, learned much about University problems not ordinarily exposed to Faculty and Students. We are better citizens of the Ohio State community for having had this unusual experience. We know each other as colleagues or friends as we would never otherwise have acquired affection and respect for each other.

Yet we adjourn in sorrow—not for the dismembering of a small, cohesive group of fellow citizens, but out of the conviction that, could we have allocated our energies and imagination and experience to long-term, constructive acts of perfecting our University, how much more pleasing and rewarding would be our individual and collective efforts.

We sense that we have had our fingers in the dike rather than in the tilling of the soil of learning, teaching, and healing. We owe it to others to say that for all the costs—and they were considerable—that we paid, they constitute only the first installment on the investment that our Faculty and Administration associates must make if our sacrifice is to have any lasting significance. It was a sacrifice: research was postponed, teaching may have suffered, future planning was put aside, personal inconveniences were endured.

Our jurisdiction has run to problems that should have been anticipated. Berkeley's experience dates to December of 1964. More than three-score other colleges and universities have had a serious protest before Ohio State had its first demonstration last academic year. Sometimes it is said that hindsight is easy and cheap. Our calendars, adjusted calendars, of the last five months evidence the contrary. Hindsight is costly in time, expensive in recrimination and, often, unenlightening about the future.

As scholars accustomed to the exact statement, appended with statistical qualifications, and composed with philosophic detachment, we appeal for the attention of every willing ear. Neither Faculty nor Administration are exempt from our demand for study, work, and action, now and soon. We have issued not a call to arms, not an alarm for hasty action, but an agenda for all with eyes to see, minds to understand, and voices to heal. Such fundamental universal assets as sensitive human senses are urgently needed in Ohio, Franklin County, Columbus, on the campus—wherever Alumni, Students, Faculty, Administrators, Trustees, Legislators, and Citizens cherish the past, care for the present, and contemplate the future of The Ohio State University.
APPENDIX A.
FROM PRESIDENT FAWCETT'S CHARGE
TO THE UNIVERSITY COMMITTEE
ON RIGHTS AND RESPONSIBILITIES,
FEBRUARY 27, 1968

For some time, University policies and procedures in the area of rights and responsibilities have been in the process of revision at Ohio State. At the suggestion of members of the faculty, the University Committee on Rights and Responsibilities is to concern itself with these policies and procedures and to report its conclusions to the President, to the Faculty Council, to the Student Assembly and to such other groups as may be appropriate.

While not intended to limit the studies of the Committee, the following questions represent the matters under consideration:

1. What is the appropriate role of the University in the enforcement of local, state and Federal law?

2. What are the appropriate interrelationships of University and external security agencies and officers?

3. What law enforcement and investigative procedures are appropriate for intra-University agencies? What agencies?

4. How can students, faculty and administration best be involved in accepting responsibility for the preservation of law and order on the University campus?

In support of the work of this Committee, I have asked Dr. John Gustad to devote his full time as staff director for the Committee and to provide clerical and other services for the group. I would hope that a final report could be provided me no later than September 15, 1968.

APPENDIX B.
SELECTIONS FROM STUDENT HANDBOOK OF RULES AND INFORMATION

G. STUDENT JUDICIAL SYSTEM

The Ohio State University Student Judicial System operates within the total framework of student government. Jurisdiction and general authority to establish policy and administer a student judicial system has been delegated to the Student Judicial Board by the Vice President for Student Affairs and the Council on Student Affairs (Faculty Rule II.1106 and 33.0701).

The Student Judicial System operates under the supervision of the Student Judicial Board. This board is composed of three members from Student Assembly (the President, the Vice-President, and the Student Government Commissioner); one from the Women's Self Government Association (the President or Second Vice-President); one to be selected by joint action of the Presidents of the recognized student government organizations of the Colleges of Dentistry, Law, Medicine, Pharmacy, and Veterinary Medicine; one from the Council of Graduate Students (the President or Vice-President); a Chairman who shall be a law student (selected by the Student Bar Association) and who shall vote only in case of a tie, and a non-voting secretary-treasurer.

1. Undergraduate College Judicial System—There are areas where the student judicial organizations have almost full responsibility for enforcement of student organization regulations insofar as they are separate from broader University rules which stem from different sources of authority, regulation and enforcement.

Each of the residence halls has its own judicial commission or standards commission. The fraternity and sorority systems each have their own judicial commission. The Men's Commission and the WSGA Women's Commission are University-wide in scope and adjudicate reported violations of University Rules on the part of individual men and women students, respectively. The Student Commission adjudicates alleged violations of University Rules on the part of student organizations. The Student Court hears and decides all cases involving interpretation of University Traffic Rules as they apply to students. Student Court also hears and decides cases involving interpretation and revision of the Constitution of the Student Senate, student elections, and decisions properly appealed from appropriate lower courts and commissions.

2. Graduate School Judicial System—The Graduate School has provisions for a judicial commission to hear and try cases involving alleged rule violations by individual graduate school students of regulations of the University and, where appropriate, other rule making bodies. Recommendations of this group as to disciplinary action go to the Graduate School Office for final disciplinary action.
General Regulations
for
All Students

A. ADMINISTRATION OF CONDUCT AND DISCIPLINE

1. General Discipline (51.01)*

Section 1. The President shall have the final responsibility and authority for the discipline of all students of the University. This responsibility and authority may be delegated by the President to the Vice President for Student Affairs. (See Rule 31.1106)

Section 2. The Deans of Colleges and of the Graduate School, the Directors of Schools, and the Chairman of Departments, respectively, are responsible to the President through regular disciplinary channels for the discipline of all students in the activities of their respective Colleges, Schools, and Departments.

2. Principles and Procedures in Administration of Discipline

The Vice President for Student Affairs, is basically responsible for student discipline. Investigation to determine the facts and circumstances which surround acts of reported student misconduct are the responsibility of the Executive Assistant to the Vice President for Student Affairs. Facts developed through such investigation, and all other facts pertinent to the alleged misconduct, are submitted in report form to the College Office of the student involved, in those serious incidents of misconduct where disciplinary action (Recorded Disciplinary Probation, Disciplinary Suspension or Disciplinary Dismissal) are possible recommendations.

After an appropriate College Discipline Committee Hearing, at which the student is present, the decision and recommendations as to disciplinary action are transmitted to the student and the Vice President for Student Affairs. The student may appeal a recommendation of disciplinary action. For procedure for appeal see 29.2275 appearing under item 7, p. 11 of this handbook.

The Student Judicial System, consisting of the various Commissions and the Student Court, hear cases of reported student misconduct in the various jurisdictional areas delegated to each. Recommendations of University disciplinary action are made either to the Office of the Vice President for Student Affairs, or College Office of the student involved.

In all discipline situations, although the welfare of the individual student is a matter of primary concern, the rights of other affected individuals and the welfare of other segments of the University or the entire University community are necessarily of some concern.

In all investigations where facts are sought and in all conferences and hearings, the legal and personal rights of the student are respected. The University's procedures have included all possible protection of student rights. In turn, the University expects its own rights to be respected as outlined in the Charters of its authority.

3. Disciplinary Penalties

Disciplinary actions taken against a student may assume one of the following forms:

   a) Disciplinary Probation—Unrecorded
   b) Disciplinary Probation—Recorded
   c) Disciplinary Suspension
   d) Disciplinary Dismissal

In addition, disciplinary action recommended by the Courts and Commissions of the Student Judicial System may take the form of a monetary fine or limitation of privileges.

Students dismissed from the University or withdrawing at the request of the University are not entitled to any refund of fees. (Rule 43.09)

B. RULES AND PROCEDURES OF THE COMMITTEE ON ACADEMIC MISCONDUCT

1. Committee on Academic Misconduct (29.2721)

   a. The Committee on Academic Misconduct shall consist of three members of the University Faculty, one student, and the Vice President for Student Affairs, without vote. The three members of the University Faculty shall be appointed by the President for a term of three years, the appointments to be made annually so that one member will retire each year. No member of the University Faculty shall serve more than two consecutive terms. The student member shall be appointed by the President for a term of one year. This appointment shall be made from nominations (no less than four in number) of students with at least junior standing, the nominations to be made by the Student Assembly in a manner prescribed by the Student Assembly.

   b. It shall be the duty of this Committee to investigate or establish procedures for the investigation of all reported cases of student academic misconduct (which term includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations) and to decide
upon suitable disciplinary action. Each instructor shall report to the Committee all instances of what he believes may be academic misconduct. It shall be the further duty of the Committee to investigate all cases of lax or irregular methods of conducting examinations which might tend to promote academic misconduct on the part of students and to make a report of its findings to the Vice President for Academic Affairs and Provost. (See Rule 35.05)

c. This Committee shall not have jurisdiction over cases involving student academic misconduct in professional Colleges having a published honor code. These colleges shall follow their own codes in investigating reported cases of academic misconduct and in determining suitable disciplinary action. When the action taken involves suspension, dismissal, or an entry on the student’s permanent record, a recommendation to that effect shall be made to the Vice President for Student Affairs for review and action.

In the course of following its own procedures, any professional College may consult with the Committee on Academic Misconduct.

2. Academic Misconduct

Dishonest academic practices are acknowledged and dealt with by the University in order to protect the academic standards of the University. In protecting these standards, the University recognizes its moral as well as its educational function and authority.

3. The Operation of the Rules

The following procedures are recommended to the instructor for the handling and disposition of cases involving cheating and plagiarism in colleges not having their own honor codes and procedures. The instructor shall describe the case fully in a written report to his chairman. The department chairman shall endorse the report and transmit it to the chairman of the Committee on Academic Misconduct.

The report should be as complete as possible. The instructor should attach to his report all relevant documents, such as the code used in an examination, or the paper of the student from whom the material was copied.

When a thesis or report has been plagiarized, all borrowed passages should be set off in square brackets, and their location in the original source clearly indicated. Either the original source or a copy of it should be attached to the student’s paper.

If the accused is a freshman and if he admits his guilt, the instructor may recommend in his report that hearing of the case by the Committee be waived. Such a report should indicate the academic penalty that has been imposed. But, whether the student admits his guilt or not, the instructor may request that the case be heard if he believes that Committee action is desirable.

If no previous offense appears on the student’s record, the Committee may accept a recommendation that hearing be waived.

When hearing is waived, the Vice President for Student Affairs shall notify the student that his offense has been recorded in the Vice President’s files; that administrative disciplinary action has been suspended; that any future offense shall be subject to formal action by the Committee, and that suspension or dismissal may result. When the Committee deems it appropriate, it will send a copy of this letter to the student’s parents or guardian.

If hearing by the Committee is waived, the student is still subject to whatever academic penalty the instructor, in consultation with his department chairman, considers appropriate, e.g., reduction of grade or failure in the course.

The student shall always have the right to be heard by the committee, if he so requests.

A non-freshman who is accused but who has not been previously reported shall be subject to the procedures above or to Committee action. The choice of the procedure shall be made by the Committee chairman after consultation with the instructor.

No matter what his rank, an accused student who has been involved in a previous case of academic misconduct must be brought to hearing by the Committee. If he is found guilty a second time, he shall normally be subject to suspension or dismissal.

4. Procedure in Committee Hearings

a. When the Committee receives the report of a case from a department, the Office of the Vice President for Student Affairs, checks its files to see if the student has been previously reported.

b. If it is decided to give the case a hearing, a date is set for a Committee meeting in the Office of the Vice President for Student Affairs.

c. The student’s letter of notification contains a copy of the instructor’s letter charging him with the alleged offense. The student is asked to submit a written statement in sufficient time that it may be circulated to the Committee prior to the hearing.

d. The student is permitted to consult a tenured member of the faculty, a staff member from the Office of Student Affairs, the personnel dean of his college, and the Director of the Counseling Center for their counsel in preparation for his hearing with the Committee. He is also permitted to bring witnesses to the meeting.

e. Present at the meeting are the student, his instructor (or a representative from his department), the three faculty members (one of whom serves as chairman), the student member, the Vice President for Student Affairs, a staff member from the Office of Student Affairs, the personnel dean of the student’s college, the Director of the Counseling Center, and the tenured faculty member.

f. Any separation of witnesses is determined by the Committee. Both the instructor and the student are questioned by the Committee. When the student is excused, he is told that he will be notified of the Committee’s decision by mail.

g. After the case has been discussed, the three faculty members and the student member of the Committee make the decision regarding guilt. If
guilt is determined, the Committee is informed of any previous disciplinary actions and the academic record of the student is made available to the Committee upon request. The Committee then determines the appropriate disciplinary action to be taken.

h. When the student is informed in writing of the decision of the Committee, he is also notified that he has five days in which to appeal the decision to the Vice President for Student Affairs.

i. In the absence of any appeal or in the denial of an appeal by the Vice President for Student Affairs, the action of the Committee stands. If the appeal is granted and the decision of the Committee is modified, the Vice President for Student Affairs notifies the Committee of his decision and the reasons for the modification.

C. SPECIFIC UNIVERSITY RULES AND REGULATIONS

1. General Conduct:

Individuals and organizations must consider themselves obligated at all times and all places to so conduct themselves, individually and as groups, as to reflect only credit on the University.

All students, as members of the University community, whether residing on campus or in adjacent areas, are expected to observe all applicable city ordinances and state statutes. Failure to comply with such laws and regulations can result in the assessment of disciplinary action.

2. Drinking and Possession of Alcoholic Beverages:

a. Individual Responsibility

Alcoholic beverages in any form shall not be permitted nor possessed nor consumed on University property* nor in University living units nor on the premises. This shall include all University Residence Halls without exception; all social fraternity and sorority houses without exception, and off-campus and/or undergraduate residences of all types including rooming houses and apartments except for students living off campus in categories as follows:

1) Commuting students who reside with their parents or guardians.
2) Married students who reside in their own homes, single or multiple living units or apartments, but not in rooming houses where students under age 21 reside.
3) Students, age 21 or over, who reside in their own homes, single or multiple living units or apartments, but not in rooming houses where students under 21 years of age reside.

* This rule was modified by action of the Board of Trustees 7/11/68 to permit the serving of 3.2 beer in restricted areas in the Ohio Union and alcoholic beverages after 5 p.m. in the Faculty Club.

b. Organizational Responsibility

Where blocking is involved at athletic contests, an organization and its officers shall be responsible for any and all persons seated in their block.

The officers of each organization shall be responsible for the eviction of any individual attending a social or recreational event if he seems to be under the influence of alcohol.

c. Penalties. The penalties for such use or possession shall be as follows:

1. Individual persons. A fine of not more than $50 and/or recommendations of University disciplinary action.

2. Organizations. Where the said use is participated in by several individuals as members of an organization recognized by the University, the penalties shall be as follows:

a. First offense:

1. Closing of housing unit for a period of not more than 90 days.
3. Suspension of social privileges.
4. Recommendation of withdrawal of the charter of the organization.
5. Removal of officers, if found derelict in their duty.
6. Recommendation of suspension from the University.
7. Any or all of the above penalties may apply.

b. Second offense: Any violation within three (3) years from the date of judgment on the first violation shall constitute a second offense. The Student Commission may recommend a penalty as follows to the Council on Student Affairs for referral to the President of the University:

1. Any or all of the penalties listed under First Offense may be applied.
2. Closing of the housing unit for not less than 90 days.
3. Social probation for a period of not less than 90 days.
4. Any or all of the above penalties may apply.


a. Any student found guilty of setting off a false fire alarm or knowingly reporting a false emergency in any University building, will be subject to suspension from the University.

b. Any student found guilty of tampering with emergency equipment, such as fire fighting equipment, will be subject to suspension from the University.

4. Fire Drills or Building Emergency Evacuations.

All occupants of University residence halls are responsible for following emergency evacuation procedures designated for each of these University build-
ings. Failure to follow such procedures, such as willful disregard of the emergency or fire alarm signal, can result in disciplinary action.

5. Firearms, Possession of

No firearms of any description shall be kept in any recognized University student housing facility, nor shall they be in possession of students while in the University area. The term student housing facility shall include Organized Women’s Rooming House, Men’s Rooming House, Residence Hall, Fraternity or Sorority House.

6. Fireworks

Possession or use of fireworks by students is prohibited.

7. General Student Disturbances

a. All students are prohibited from participating in, or observing general student disturbances including raids on student places of residence.

b. Rule on Group Disruption. (51.03)

1) No student shall, by joining with one or more persons, enter or remain in any building or facility or upon any land of the University where not authorized or where not legally in or upon same or though authorized or legally in or upon same and after being notified to depart therefrom by a University official in charge thereof, faculty member, uniformed police officer or any person delegated such authority by the Board of Trustees or the President of the University.

2) No student shall, by joining with one or more persons, commit or make preparation for or movement toward or continue in the performance of an act which is intended to disrupt any authorized program, operation or function of the University, after having been advised by a University official or faculty member in charge of such program, operation or function, uniformed police officer or any person delegated such authority by the Board of Trustees or the President of the University that such act is in disruption of such authorized program, operation or function.

3) No student shall, by joining with one or more persons, detain, hold, intimidate, injure or threaten to injure or coerce by bodily harm any person lawfully within any buildings, facilities or upon lands of the University, or any University officer or staff member in the pursuit of his University duties, or to seize, hold, commandeer, damage or threaten to do damage to such buildings, facilities or lands.

4) Any student who violates any section or sections of Rules 51.03 and 51.05 shall, upon being found guilty after hearing by the appropriate committee, be suspended from the University for not less than one academic quarter but such penalty may include expulsion with or without criminal prosecution in municipal, state or federal courts.

5) University police officers are authorized to enforce the By-Laws and Rules of the University as authorized by Section 3345.04 and Section 3345.21 of the Ohio Revised Code and to eject or to arrest, detain, and bring before the appropriate committee, official or tribunal of the University any student upon view or information alleged to be in violation of University Rules.

Nothing in the foregoing shall prohibit police officers or other University personnel from bringing appropriate civil or criminal actions.

Any individual student who is found to have been engaged in disruptive acts enumerated in Rule 51.03 by the University Committee on Discipline shall be subject to penalty including expulsion as may be determined by the University authority or authorities who are authorized by the Board of Trustees to impose discipline, with or without prosecution in the civil court.

d. University Committee on Discipline. (29.2725)

1) The standing University Committee on Discipline shall be composed of six members appointed by the President for terms of three years each, two retiring each year, four of whom shall be members of the University faculty, one of whom shall be a University administrator and one of whom shall be a student.

2) Such Committee shall hear on first appeal student discipline cases where an appeal is taken either by the appropriate University official or by any student from any disciplinary action by his College, University Committee or other properly authorized University adjudicatory body, only of those cases where the penalty originally assessed was suspension, dismissal or expulsion; and such Committee shall have original jurisdiction to hear cases of alleged student violation of the Rules 51.03 and 51.05 brought before it by any University police officer, or University employee or officer or any member of the faculty, and shall determine whether such rules have been violated.

3) The Committee shall have authority to order, upon a temporary hearing, forthwith and immediate suspension of a student pending a full hearing upon the merits under the Rules of 51.03 and 51.05 and shall enact such procedural rules as it deems appropriate, but all such hearings upon the merit shall be conducted pursuant to procedural rules requiring notice to the student of charges against him and affording him opportunity to present witnesses, evidence and testimony and to have representation.

8. May Week Dunking Rules

There will be no dunkings in Mirror Lake or the river during May Week. All recognized participants in unauthorized group or mob dunking parties at the lake or river during May Week will be subject to University disciplinary action.
9. Non-Payment of Debts and Fines by Students

When it appears that any student has left unsatisfied a legitimate debt(s) or fine(s) owed under any of the following circumstances:

a. To the landlord of a city licensed rooming house, a fraternity, a sorority, an organized student boarding club, or a residence hall; provided that the creditor was in good standing with the University at the time such indebtedness was incurred, that he has used every reasonable means of collection, and that he has submitted to the University satisfactory written evidence of such indebtedness.

b. To the University for lodging and/or for meals.

c. A fine for the infractions of rules imposed in accordance with University regulations.

Penalty. At the discretion of the President, subsequent registration or graduation may be denied.

10. Regulations Governing Visits to Living Units

a. Visits to Apartments

Apartments are defined as rooming spaces which either provide living rooms separate and apart from sleeping rooms or rooming spaces designed as efficiency apartments and which do not have a head resident.

1) Women Visitors to Men's Apartments

Women students visiting in apartments are expected to maintain the high standards of conduct expected of all University students. Undergraduate women students ineligible for the extended hours privilege may not be in a man's apartment or a woman's apartment with men present after calling hours specified for women students' organized living units.

Those undergraduate women eligible for extended hours by class rank and/or age may visit apartments after calling hours specified for women students' organized living units on those nights to which the extended hours privilege applies.

Insofar as undergraduate men student hosts are concerned, these regulations also apply to non-student women visitors. These regulations apply to men students enrolled in Graduate School, the Colleges of Medicine, Dentistry, Veterinary Medicine, and Law, only insofar as undergraduate women visitors to their apartments are concerned.

2) Men Visitors to Women's Apartments

Visits to undergraduate women student apartments by male guests must occur during calling hours specified for the women students' organized living units.

Men may visit women's apartments after calling hours specified for women students' organized living units on those nights to which the extended hours privilege applies if the woman student is eligible for the privilege by class rank and/or age.

These regulations apply to women students enrolled in Graduate School, the Colleges of Medicine, Dentistry, Veterinary Medicine, and Law, only if undergraduate women students ineligible for extended hours by class rank and/or age are present in the apartment.

b. Visits to Organized Living Units

1) Women Visitors to Men's Living Units

University women students and non-student women visitors have no visiting privileges in University men's rooms in rooming houses, fraternity houses, and residence halls of whatever type and wherever located with the exception of open-open houses.

Undergraduate women students ineligible for the extended hours privilege may not be in a man's living unit after calling hours specified for women students' organized living units.

Those undergraduate women students eligible for the extended hours privilege by class rank and/or age eligible by WSGA guest regulations may visit the public areas of men's living units on those nights to which the extended hours privilege applies according to the implementation plans of the men's living units approved by the appropriate University Administrative office.

2) Men Visitors to Women's Living Units

University men students and non-students have no visiting privileges in University Women's rooms in rooming houses, fraternity houses, and residence halls of whatever type and wherever located with the exception of open-open houses.

3) Local Hotel or Motel Rule

No freshman woman student may stay in a local hotel or motel in the Franklin County area, without permission obtained only from the head of her living unit.

All students regardless of their place of residence are responsible for observance of all University rules as stated in the Student Handbook.

Note: Regulations concerning Open-Open House for Living Units may be found in the Student Handbook in the Social Function section.

11. Smoking—Use of Tobacco (61.03)

The use of tobacco in any form in lecture rooms and libraries is prohibited; its use elsewhere on the campus shall be within the discretion of the President, who is authorized to issue instructions concerning such use.

12. Student Addresses (41.15)

Upon entering the University, each student shall give, in writing, his local and his home address to the Registrar, and shall report promptly all subsequent
changes in either address to the Registrar’s Office, his College office, and to the Student Housing Office as long as he is connected with the University.

NOTE: Each change of address must be made within five days of its occurrence to the Office of the Registrar. As a convenience, the Registrar will notify the student’s College office and the Student Housing Office. Failure to maintain his current local and permanent address may result in the cancellation of the student’s registration in the University including loss of fees and credit for the quarter.

To furnish a fictitious address or any address other than the actual place of residence is a violation of this requirement.

13. Use of Official Identification

It is prohibited for any student to transfer or use another student’s University fee or schedule card, health insurance card, Athletic Activity ticket or any other official identification.

14. Use of University Telephones

The making of long distance telephone calls from any University telephone and charged to that telephone without proper authority is expressly prohibited.

15. Duplication of Keys (61.07)

a. No person shall knowingly make or cause to be made any key for any building, laboratory, facility, or room of any college or university which is supported wholly or in part by the State of Ohio, contrary to any regulation respecting duplication of keys adopted by the board of trustees of such college or university.

b. No student shall reproduce or cause to be reproduced a key to an organized living unit issued to a woman student resident of such a living unit.

16. Absences, Group (45.03)

a. Whenever possible, group absences shall be planned so that they do not conflict with regularly scheduled classes.

b. Group absences which are a necessary part of a class scheduled in the University must be authorized by the Chairman of the Department in which the class is scheduled.

c. In all instances of group absences in which women students will be absent from the University before 6:30 a.m. or after midnight adequate supervision must be provided by the person authorizing the absence. All such proposed group absences for women students must be transmitted in advance to the Office of the Dean of Students.

d. Conceded, unauthorized absence of a group of students shall render the individual students liable to suspension from the University.

17. Automobile Registration

ALL MOTOR DRIVEN VEHICLES PARKED ON THE CAMPUS BY STUDENTS, AT ANY TIME, INCLUDING BETWEEN QUARTERS AND LEGAL HOLIDAYS WHEN CLASSES ARE IN SESSION, REGARDLESS OF OWNERSHIP, MUST BE REGISTERED, AND THE PERMIT DISPLAYED. Fees will be charged and permits issued, which will admit the driver of the vehicle to the parking areas to which he is assigned. Registration is considered complete when the decals are affixed to the vehicle. Decals must be picked up at St. John Arena from 9/9/68 through 9/26/68. After 9/26/68, decals are to be picked up in Room 155 at 2003 Service Building Road between 8:00 A. M. and 4:30 P.M.

Registration of the vehicle must be completed at the beginning of each academic year or at the time the student secures access to the vehicle.

The complete rules of officially approved Motor Vehicle Traffic and Parking regulations are available for review by any person in the Office of The Ohio State University Traffic Division. Students who expect to operate any type of motor vehicle on the campus should obtain the folder, STUDENT MOTOR VEHICLE REGULATIONS.

18. State Criminal Statutes Regulating Conduct of Particular Interest to College Age Students:

Set out below are sections from applicable State Criminal Statutes governing the possession, consumption and use of alcoholic beverages and State Criminal Statutes prohibiting gambling. These sections are set forth herein for the information and guidance of all students.

a. Drinking and Possession of Alcoholic Beverages (Ohio Revised Code 4301.03)

Under Ohio Law, persons below age 18 are prohibited from buying or consuming, or attempting to buy or consume, any kind of intoxicating liquor or beer. The penalty for violation may be a fine of up to fifty dollars.

Persons over age 18 but below 21 are prohibited from buying or using intoxicating liquor. Penalties may range from a fine of twenty-five to three hundred dollars, or imprisonment up to six months, or both.

b. Gambling

University students are expressly prohibited from gambling for money or other things of value.

1) Playing a Game or Making a Bet for Money
   (Ohio Revised Code, Section 2915.06)
   No person shall play a game for money or other thing of value or make a wager for money or other thing of value.

2) Selling Tickets for Lottery or Schemes of Chance
   (Ohio Revised Code, Section 2915.10)
   No person, for his own profit, shall vend, sell, barter, or dispose of a
ticket, order, or device for, or representing a number of shares or an interest in a lottery or scheme of chance, by whatever name, style, or title denominated or known, located in or to be drawn, paid, or carried on within or without this state.

c. Fireworks

1) No person shall possess for sale or sell at retail, or discharge, ignite, or explode any fireworks.

(Ohio Revised Code 3743.22)

2) Whoever violates 3743.22 of the Revised Code shall be fined not less than $25 nor more than $500 dollars.

(Ohio Revised Code 3743.99)

d. Hazing (Revised Code, Section 2901.20)

No student or person in attendance at a public, private, parochial, or military school, college, or other educational institution shall conspire to, or engage in, hazing or committing an act that injures, frightens, degrades, disgraces, or tends to injure, frighten, degrade, or disgrace a fellow student or person attending such institution. Whosoever violates this section shall be fined not more than $200 or imprisoned not more than six months, or both, and in case of fine, the sentence shall be that the defendant be imprisoned until such fine is paid.

APPENDIX C.
EXCERPTS FROM RULES FOR THE UNIVERSITY FACULTY

29.27 Committees.

Section 1. The Faculty Council shall have the power to designate committees (whether called Councils, Boards, Commissions or Committees) from time to time. Membership to these committees shall be appointed by the President unless specified by these Rules or by the Council. The announcements of membership for the year shall be made through the Official Bulletin in October. Each committee shall effect its own organization unless a chairman has been designated by these rules or by appointment.

Section 2. Committees may be special or standing. Standing committees are to be designated in these Rules.

Section 3. Subject to the Board of Trustees, all committees shall have such responsibility and authority as assigned by these Rules or as assigned by delegation from the Council.

29.2725. University Committee on Discipline.

Section 1. The standing University Committee on Discipline shall be composed of six members appointed by the President for terms of three years each, two retiring each year, four of whom shall be members of the University faculty, one of whom shall be a University administrator and one of whom shall be a student.

Section 2. Such Committee shall hear on first appeal student discipline cases where an appeal is taken either by the appropriate University official or by any student from any disciplinary action by his College, University Committee or other properly authorized University adjudicatory body, only of those cases where the penalty originally assessed was suspension, dismissal or expulsion; and such Committee shall have original jurisdiction to hear cases of alleged student violation of the Rules 51.08 and 51.09 brought before it by any University police officer, or University employer or officer or any member of the faculty, and shall determine whether such rules have been violated.
Section 3. The Committee shall have authority to order, upon a temporary hearing, forthwith and immediate suspension of a student pending a full hearing upon the merits under the Rules of 51.03 and 51.05 and shall enact such procedural rules as it deems appropriate, but all such hearings upon the merit shall be conducted pursuant to procedural rules requiring notice to the student of charges against him and affording him opportunity to present witnesses, evidence and testimony and to have representation.

51.08. Rule on Group Disruption.

Section 1. No student shall, by joining with one or more persons, enter or remain in any building or facility or upon any land of the University where not authorized or where not legally in or upon same or though authorized or legally in or upon same and after being notified to depart therefrom by a University official in charge thereof, faculty member, uniformed police officer or any person delegated such authority by the Board of Trustees or the President of the University.

Section 2. No student shall, by joining with one or more persons, commit or make preparation for or movement toward or continue in the performance of an act which is intended to disrupt any authorized program, operation or function of the University, after having been advised by a University official or faculty member in charge of such program, operation or function, uniformed police officer or any person delegated such authority by the Board of Trustees or the President of the University that such act is in disruption of such authorized program, operation or function.

Section 3. No student shall, by joining with one or more persons, detain, hold, intimidate, injure or threaten to injure or coerce by bodily harm any person lawfully within any buildings, facilities or upon lands of the University, or any University officer or faculty or staff member in the pursuit of his University duties, or to seize, hold, commandeer, damage or threaten to do damage to such buildings, facilities or lands.

Section 4. Any student who violates any section or sections of Rules 51.03 and 51.05 shall, upon being found guilty after hearing by the appropriate committee, be suspended from the University for not less than one academic quarter but such penalty may include expulsion with or without criminal prosecution in municipal, state or federal courts.

Section 5. University police officers are authorized to enforce the By-Laws and Rules of the University as authorized by Section 3345.04 and Section 3345.21 of the Ohio Revised Code and to eject or to arrest, detain, and bring before the appropriate committee, official or tribunal of the University any student upon view or information alleged to be in violation of University Rules.

Nothing in the foregoing shall prohibit police officers or other University personnel from bringing appropriate civil or criminal actions.

51.05. Rule on Individual Disruption.

Any individual student who is found to have been engaged in disruptive acts enumerated in Rule 51.03 by the University Committee on Discipline shall be subject to penalty including expulsion as may be determined by the University authority or authorities who are authorized by the Board of Trustees to impose discipline, with or without prosecution in the civil court.
APPENDIX D.
AMENDED SUBSTITUTE SENATE BILL NO. 468

AN ACT
To enact section 3345.21 of the Revised Code relative to the authority of a board of trustees of a state supported college or university to maintain law and order on its campus and to regulate the use of its facilities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3345.21 of the Revised Code be enacted to read as follows:

Sec. 3345.21. The board of trustees of any college or university which receives any state funds in support thereof, shall regulate the use of the grounds, buildings, equipment, and facilities of such college or university and the conduct of the students, staff, faculty, and visitors to the campus so that law and order are maintained and the college or university may pursue its educational objectives and programs in an orderly manner.

The board of trustees of each such college or university shall adopt regulations for the conduct of the students, faculty, visitors, and staff, and may provide for the ejection from college or university property, suspension or expulsion of a person who violates such regulations. All such regulations shall be published in a manner reasonably designed to come to the attention of, and be available to, all faculty, staff, visitors, and students.

The board of trustees shall provide for the administration and enforcement of its regulations and may authorize the use of special policemen provided for in section 3345.04 of the Revised Code to assist in enforcing the regulations and the law on the campus of the college or university. The board of trustees, or appropriate officials of such college or university, when the authority to do so has been delegated by the board of trustees, may seek the assistance of other appropriate law enforcement officers to enforce the regulations and to enforce laws for the preservation of good order on the campus, and to prevent the disruption of the educational functions of the college or university.

The regulations of the board of trustees shall not restrict freedom of speech nor the right of persons on the campus to assemble peacefully.

Effective 6/10/68
APPENDIX E.
MEMBERSHIP OF THE
UNIVERSITY DISCIPLINE COMMITTEE
APPOINTED AUGUST 1, 1968

SALVATORE M. MARCO, Professor of Mechanical Engineering, Chairman, Three-year term.

JAMES H. BURK, Professor of Education, One-year term.

SAMUEL G. HUBER, Associate Professor of Agricultural Engineering, Three-year term.

MARGARET A. MORLEY, Professor of Physical Education, Two-year term.

JAMES L. STITZLEIN, Undergraduate, One-year term.

RONALD B. THOMPSON, Executive Dean, Two-year term.

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Report Proposes
Code of Discipline

BY PETER ECHSTAEKDT
Lantern Staff Writer

Fifty three policy recommendations dealing with the causes, control, and discipline of student demonstrations were released Wednesday by the University Committee on Rights and Responsibilities. The recommendations were prepared for the President's Office, the Faculty Council, and the Student Assembly, and are aimed at preventing legitimate demonstrations from becoming "violent disruptions."

Principal Suggestions

Major recommendations include: standardization of student conduct rules; formation of a "code of discipline" by student and faculty groups; formation of a new office and appointment of a "code administrator" to supervise the regulations and mediate between protest groups and campus officials; appointment of a "proctor" to prosecute alleged violations of the code, and designation of a student defender to represent accused violators and insure "due process" committees by a university-wide judicial panel. The panel, according to the report, would be more likely to follow uniform procedure than the present decentralized committees.

The committee recommended that the university tolerate protests that do not impede or interrupt regularly scheduled activities.

Distinction Is Made

The report makes a distinction between disruptions and demonstrations, stating that disruptions should be countered with campus discipline and by police arrest, if necessary.

Much of the committee's report concerns the sources of student unrest and ways of making the University more responsive to student demands. The panel indicated that greater attention be paid by administrators to student proposals.

To evaluate teachers, the committee proposed a systematic appraisal by students, faculty and administrators, replacing the present "unsystematic reports" used in judging good and bad teachers.

Formed in February

The committee was appointed in February by President Fawcett following protests against military recruitment on campus, and the subsequent arrests of 23 demonstrators and their convictions for trespassing.

James A. Robinson, Mershon professor of political science, headed the 13-member committee. Student representatives were Lloyd Siegel, former president of the student body, and Gordon Stein, former president of the Council of Graduate Students.
Fawcett Reacts Cooly to Report

President Fawcett said Thursday that he wished the report on the recommendations of the Committee on Rights and Responsibilities, which was released Wednesday and deals with student demonstrations, had shown more of the positive steps the University has taken to respond to faculty and student demands.

"The report contains many recommendations that I personally agree with, some that University officials are already in the process of establishing, and some that I feel require further study or postponement," he said.

"I realize, however, that the committee, which I appointed, could only examine part of the whole record concerning rights and responsibilities, and in the several months in which they had to work, Committee members naturally concentrated on the critical side of the ledger," he added.

President Fawcett expressed hope that the Faculty Council would give the report serious consideration, especially the part directed to strengthen the council's committee system necessary to make it a more responsive body.

President Fawcett said he shared the committee's view that legitimate protests should be protected, but that as chief administrative officer of the University, he would have to be prepared to prevent disruptions, "lock-ins," and other interruptions of the University's schedule.

"I agree that we should do all we reasonably can to eliminate the grievances that breed demonstrations, which can erupt into disturbances and violence," he said, "but if despite our best efforts, a protest appears to be of a size or character that it might get dangerously out of hand, I have no other alternative than to take special precautions.

Prof, Mount To Confer On Rights Code

James A. Robinson, chairman of the former University Committee on Rights and Responsibilities, will serve as a consultant in carrying out that committee's recommendations.

In announcing Robinson's appointment Thursday, John T. Mount, vice president for student relations, said Robinson will help him "deal with the codification of policies and procedures relating to the disciplinary and judiciary systems of the University."

The committee, appointed in February by University President Novice G. Fawcett, made 53 policy recommendations in September mainly concerning student disciplinary procedures.

Robinson, director of the Mershon Center for Education in National Security, and a political science professor, described his additional task as a "coordinating job." He said he would aid Mount and student and faculty councils in developing a "comprehensive approach" to disciplinary and judicial problems.
Forum: Rights and Responsibilities

By JAMES BLUE

On Feb. 27, 1968, President Novice G. Fawcett issued instructions to a new University Committee on Rights and Responsibilities. This committee was to concern itself with University policies and procedures in the area of rights and responsibilities "and to report its conclusions to the President, to the Faculty Council, to the Student Assembly and to other such groups as may be appropriate." This it did.

I was a member of that committee, one of five "adjunct" student members asked to join the committee at the end of Spring quarter, and I believe that the report we issued was significant and that it could be used as an excellent blueprint or at least a general directive for bringing about some important and much-needed changes in this University.

The report has been given little public attention; on and off campus news media have given it little play. Few students know about it, even fewer know what it is about, and almost none know what it says.

Yet it probably concerns students, both present and future, more than any other single group at this University. Therefore I will try as best I can in this series of forums to explain what we, the committee, have had to say about University rights and responsibilities. At the same time I will try to give some background on the milieu in which we worked, some information I have picked up as to what is being done now by administrators, students, and faculty members to implement the recommendations of the committee, and some ideas of my own about what the role of individual students should be in making their voices heard on this matter.

Time of Many Problems

Anyone who has been around Ohio State during the past year should have little reason to wonder why a report such as ours was called for. The formation of the committee came on the heels of campus demonstrations in which students of the University were arrested by city police and charged by officials of the University with trespassing in the buildings of the University. It came during a time of intensive debate, discussion, and arguing among members of the student body and administrators of the University over the problems of minority group students on this campus, and it came just prior to a whole series of incidents which put very serious strains on relations among students, faculty members, administrators and trustees of the University. There was a lot of action here last spring.

6 Months of Research

From March until September the committee read pounds of documents, interviewed numerous people, held many open talk sessions with members of the university community and met as a unit on the average of twice a week. Sub-committees did "in depth" study on specific issues and prepared reports of their own which they submitted to the rest of the group. In short a great deal of hard work was done and considerable thought was given to the problems at issue.

One of the first topics covered in the report was the sources of the discontent that motivate student demonstrations and disruptions, without which the questions of rights and responsibilities would probably not have come up when it did. An even though this and other issues were beyond our original jurisdiction we found that it was not possible to draw a clean line between what happened, and what kinds of things brought about such happenings.

To quote from the report: "Surely among the causes of discontent, (however) is the despair of many Students, and even considerable numbers of the Faculty, that comes from feeling, rightly or mistakenly, that they are not heard and that, when they are heard, they are often listened to grudgingly or gratuitously. To overcome this "communication problem" (some demonstrate, others disrupt. Equally unfortunately, some withhold their full contributions and participation or withdraw altogether.) Such actions certainly are heard: they also set in motion actions that are "counter-productive" for the disidents as well as for the rest of the campus."

All Are Affected

It is because I agree with this statement that I am writing this series of articles. Very few of the students who will read this will ever be involved in a demonstration at this University, let alone a disruption. Many will be strongly opposed to such activity, others will fear the possible consequences and an even great number will simply be disinterested. But it is a mistake for any of these people to think that their non-involvement leaves them unaffected by either the activism of other students or the reactions it brings on.

This University is now in the process of being "restructured" and the form this restructuring will take is going to be largely dependent upon the pressures that are brought to bear on those who make decisions here. Only those who care
The committee tried to study the problems of rights and responsibilities both in general and in relation to these specific incidents. And though it was generally agreed by members of the committee that the incidents at this university during the past year were certainly related to many similar ones at other universities around the world, it was also felt that these events should nevertheless be seen as particular to our time and place more than part of a general epidemic. Our problems have grown out of our particular situation and to solve these problems we must deal with things as they are at this University now.

enough about what happens to make their voices heard will have anything to say about what is done.

The restructuring of a university is an open ended, ongoing series of actions and decisions—many of which come in reaction to specific pressures—and however pure the motives and however fine the intentions of those who take these actions and decisions, they cannot help but be influenced by the pressures, the demands and the suggestions which come to them. All squeaking wheels may not be greased, but the silent ones are nearly sure to be ignored.

Those who apply no pressure and make no demands or suggestions will have no influence on what happens. They will, however, have to live with all that comes from this process for as long as they are here and for as long as they are graduates of this University. If this school becomes an uncontrolled mob scene we all become associated with the mob. It this school becomes a model of authoritarian oppression we will have the reputation of being the oppressed. And in either of these or of other equally frightening cases which would be certain to diminish both the quality of an education here and the value of a degree from here, we will all be the losers. What could be more stupid or more suicidal than to have so much at stake and yet to do nothing.

If our committee was correct then we can "expect an accentuation of student demands for attention to educational interests and for participation in making policies governing their educational institutions," and we can "expect the rise of student participation to be accompanied by continuing conflict." We can either try to have something to say about the form of such conflict and the resolution of it or we can ignore it and let others control our environment as they wish. It may not be possible for us to direct what happens or even to influence it very much no matter how hard we try. I don't believe that this is the case but it is certainly possible. However, one other thing is certain. We stand no chance whatever of controlling the situation if we pretend that it doesn't mean anything to us, for it certainly does.
Forum: Bureaucracy Student Unrest

By JAMES BLUE

The document issued by the University's Committee on Rights and Responsibilities on Sept. 15 has two main sections, the first of which is the report and the second, a list of recommendations. This document was prepared by an 18-member committee, 13 of whom were appointed by President Novice Pawcett and five of whom were asked by the committee. The membership included two administrators, one administrator-professor, eight faculty members and seven students.

There was far more agreement than disagreement about what we should report and recommend and I believe this was due in large part to the process of education we underwent together. It became clear as we studied the matter of student unrest that there was reason for the unrest.

I agree with the committee's statements that "no one should dismiss our problems as general, contemporary phenomena that will pass."

Must Stop Coercion

At times the demonstrations have seemed coercive—in response, the demonstrators would say, to institutional coercion on the part of the University—and these coercive measures have met with coercive reprisal.

"Without sympathetic anticipation of just demands, the use of coercion on this campus is sure to become more frequent," the report states, "to entail still more drastic methods of enforcement, and, thus, to continue a vicious cycle of neglect, disruption, repression and counter-repression."

To quote further: "If conditions giving rise to present troubles within this University are to be understood clearly, a fundamental question must be asked. Does the University exist primarily to serve its human membership, the bulk of which is its students, or does its human population exist primarily to serve the 'University.'"

"As it has grown in complexity, this University has necessarily grown more bureaucratic. It has done so in an effort to perform its diverse tasks efficiently. It has come to look upon persons more as things to be fitted into its production systems than as human beings to be served. Unwittingly, the University has come to act as if its human resources existed to serve "University" demands upon them. Disruptive "protest" demonstrations and even violence are but extreme reactions to this kind of situation."

Strain on Human Resources

The report mentions other tension creating difficulties. "Many of those seeking dramatic regarded concessions made as slight and as given grudgingly. In part, this state of affairs can be attributed to consistently inadequate budgetary appropriations obtained for the University. Also, the very size of the University's student population has posed a formidable strain upon the University's human resources for communicating with students and meeting their needs. More often than most students realize, this condition holds for the treatment of faculty and staff as well."

"For the student, individually and collectively, there is the added frustration of being unable to find enough persons within the University who are able to respond sympathetically and effectively to Student demands. Even more important, few seem able to act positively about such problems when they are presented."

Will Not Be Second Class

The growing bureaucratization of the University over the past 50 years has created one pressure leading to dissatisfaction and frustration. A second pressure has arisen from the changing view the student has of himself. Fifty years ago, even 20 years ago, the student accepted his status as a minor. Today he does not.

"What is called for, then, is a marked shift in attitude among some University decisionmakers, which will be manifest in a decenteralization of responsibility."

"Yet however critical one may be of the executive arm of University, one cannot look to it to provide the major impetus for better days for faculty-student life. Surely it is not a benevolent paternalism that we want from 190 North Oval Drive."

Committee's Expectations

The committee listed some possible expectations for future events. "Our perspectives on the future are only conjectural, but they deserve to be made explicit, for they influence our individual and collective recommendations. First, we expect an accentuation of student demands for attention to their educational interests and for participation in making policies governing their educational institutions."

"Second, we expect that our prescriptions, if timely, are time-limited. Here, as elsewhere in the world, established ideas of democracy undergo severe testing."

There must be a demand for change by the "subordinate" persons. Hence, we expect the rise of student participation to be accompanied by continuing conflict: no Administration and no Faculty policies can eliminate conflict, but only channe it constructively.

"Nor can we expect that any current resolution of the power struggle on this campus will be a permanent one. Historical precedent suggests rather that this is not likely to be the case."

"Fifth, we expect the increasing introduction of public-interest criteria into the governance of private or quasi-private institutions. Universities, even state-sponsored ones, have enjoyed a special autonomy from applications of policy that govern other public bodies; . . . The transition of the University from the private order to the public order will embrace rules of procedure governing sanctioning and sanctions for disciplinary actions. Thus, we may look forward to the gradual, but rapid, introduction of "due process" criteria to the evaluation of campus investigative and judicial proceedings. Universities that do not anticipate this development and extend the due process will find themselves doing so after expensive and embittered litigation in courts."

"Sixth, we expect that demonstrations are here to stay as a valid, acceptable mode of expression. As the picket line was long a common sight, student demonstrations will not soon disappear."

"If we are right that University life will reflect these characteristics for the foreseeable future, it follows that policymakers ought to take steps to adopt procedures and programs that protect basic educational objectives and to confront conflict in the interest of those objectives."

Thus ends the first section of the committee's document. I have tried, and I shall continue to try to let the document speak as I summarize it, but I am aware that as I edit, I select, and by selecting I am no doubt giving a tone to my summary that is more mine than the committee's.

Nevertheless, the words quoted are from the report and the spirit expressed is that of a University committee. Tomorrow, I will present the recommendations for change.
Forum: Rights and Responsibilities

By JAMES BLAYE

is the third in a series of articles dealing with the report of the University Committee on points and responsibilities. Having already used the background in which the committee worked and the first section of the report, I will turn to the set of recommendations the committee made to the University community.

Twenty eight of these fifty-three recommendations concern the establishment of university Judicial Code, and deal with the question of double jeopardy and concurrent jurisdiction. First, the committee proposed that the University community assert for itself jurisdiction over its own members, that it set its judicial system and that it adopt the guards of due process. We also propose that University develop a code to be arrived at through the deliberation of Student, Faculty, and Administrative bodies that are 'representative of the University community.' The code should provide for a total system of registering, prescribing, and protecting academic tenure... it is a minimal desideratum that academic community not simply duplicate rules and sanctions of society not attempt to equate itself with society. The University is a definite code that holds closely educational objectives and purposes."

Internal Unity

is well to notice that the committee did not recommend simply that the administration n up its messy judicial system. The new code should be drawn up by representatives of the various groups within the university to try to all the various groups within the university, and as we shall see as we look at the sections of the report, all the various ups within the university are to have a hand in administering the code. And this type of system would have the effect of strengthening the bonds of the university community by involving all of us in the process of keeping our collective house in order. Also, the existence of such a system, r and well defined as it would be, should it clear to outside authorities that it is our intention to regulate our own affairs.

Further recommendations of the committee for the establishment of an Office of Code Administrator to apply sanctions invoked under the Code after a hearing before a University Panel comprised of six faculty members elected by Faculty Council, four graduate students, and two graduate faculty members, all of whom would be chosen procedures defined by the Student Assembly and the Council of Graduate Students. The office of vice president of students affairs would still be responsible for suspending allegations of misconduct, but that would lose the conflicting judicial action now holds. At the same time it is immended that a Student Advocate Service established to assist students who face rings.

Major Sanctions

The committee recommends the University reserve the imposition of such sanctions as recorded probation, suspension, and dismissal for only four types of offenses:

(a) Conduct that seriously damages or destroys University property; (b) conduct that indicates a serious continuing danger to the personal health, safety, and welfare of other members of the University Community; (c) conduct that seriously obstructs or impairs University activities; (d) conduct that violates clear and special requirements and standards of a profession or occupation for which the University provides preparation and training.

The University shall only impose sanctions if student government should be restructured so that students on all levels can be heard. A standing committee on rights and responsibilities was chosen by their respective groups which would review University policy, make recommendations for policy changes, and monitor and apprise the work of campus law enforcement agencies and various courts that adjudicate disputes on the campus.

Three-way Check

A tripartite (students, faculty, and administration) appraisal of both undergraduate and graduate teaching, is recommended, through periodic surveys and questionnaires. Such a method would make it possible to reward the excellent teacher as well as the excellent researcher. "To increase the probability that we will get what we deserve, effective teaching must be rewarded."

Finally, there are suggestions to increase the pay and the training program for campus policemen in order to retain the best personnel among the force and to attract high-quality replacements to fill vacancies. I have, of course, left out a great many of the recommendations. My purpose here— an admittedly dangerous one—is to summarize the document as best I can, and to comment on it where I think comment will be helpful. It is my hope that I have not violated the spirit of the text and that by saying a little I will generate interest and concern among the members of the university community who have not had the entire document to study.

Protection for Students

The code recommended for adoption is designed to give maximum protection to a student faced with a disciplinary hearing. This code is complex, lengthy, and difficult to summarize, so I refer any who are interested to the text of the Committee Report. I will only say the code is excellent and that the need for it is enormous.

On the matter of demonstrations, the Committee recommends that any and all of them be tolerated unless regular, approved activities are disrupted, and that once a disruption has been declared disruptive only the Code Administrator (who would be a member of the central University Administration) would be responsible for ending it. He would attempt to do so first by persuasion, and failing that would ask uniformed campus police to remove the demonstrators. Only if such removal proved impossible would the Code Administrator attempt to identify the demonstrators for purposes of prosecution.

Inadequate Means

The third group of recommendations deals with "ways to make the institution more responsive to student discontent, and is one of the most important sections of the report. Student Assembly is an inadequate instrument for legislating in the student's behalf, and the Council of Student Affairs as it is presently constituted is not a representative body. "Nor does the Faculty own an effective voice in the determination of University rights and responsibilities. The Faculty lacks effective means to initiate action... At present, the effective power to initiate action lies with the Administration... If the faculty is to help create, formulate, and initiate policy in the realm of rights and responsibilities, it needs its own (standing) committees to promote and recommend policy."
Revised code introduced

By Linda Howard and James H. Wigton

The vague general conduct rule which required students and student organizations to "reflect only credit" on the University "at all times and all places" has been eliminated in a revised Ohio State Code of Student Rights and Responsibilities to go into effect Monday.

The revised code applies only to University or University-related premises (those leased or owned by the University). It does not, however, transgress or supersede any of the regulations or laws set by the Board of Trustees, faculty or state.

Clair Carlin, a third-year law student from Youngstown who assisted in the drafting of the code, explained that it allows for concurrent jurisdiction, not to be confused with double jeopardy. According to concurrent jurisdiction, when an individual breaks the regulations and laws of the state and the private or professional institution to which he belongs, he may be tried under both judicial processes.

The code reflects more than three years of work by the office of Ted R. Robinson, vice president for student affairs, the Council on Student Affairs (CSA) with assistance from Carlin, and the office of Edward Q. Moulton, executive vice president.

Changes student judiciary

It establishes two major changes in student judicial boards. The Student Judicial Committee replaces the Student Judicial Board and serves as a training and orientation program for lower level leaders and judicial courts.

The Student Commission, formerly consisting of two commissions for men and women, is now combined into one co-educational commission.

The Student Judicial Committee will determine and establish the composition for Student Commission, authorize establishment of living unit commissions, review and approve appointment procedures for these commissions and review and approve all supplementary procedures adopted by other student commissions and University Court.

Eliminates "recognition"

Eliminating the concept of "recognized" student organizations which connotated official University approval, the code now allows that "a group shall become an organization when registered with the dean of students."

Student organizations also need register only once a year instead of twice as was previously required. "The major purpose of the code is to reduce vagueness of these existing regulations," Robinson said. "The new publication is a codification, with some modifications of existing rules and regulations affecting students." Who are included for the first time.

Dismissal for drug conviction

Following state and federal law for drug offenses, the code carries dismissal for a student found guilty of the sale of various drugs or the possession or use of narcotics, and suspension is the maximum sanction for the use of "less dangerous" drugs.

The code, which also eliminates hours for women, was specifically recommended by a 1968 report on University rights and responsibilities.

Drafted by a special subcommittee of the CSA, it was approved this summer by Robinson and Moulton. Moulton was responsible for the administration of student discipline in his former job of executive vice president for administrative operations when the project began. That responsibility is now held by Bernard J. Lachner, vice president for administrative operations.

Appointed by Robinson, the CSA subcommittee drafted the code. Carlin attended 18-and-a-half hours of meetings, serving as "the devil's advocate," in his terms, as he pointed out phrases in the code which could be contested.

Some recommendations by the subcommittee were not accepted, including changes in the penalty for gambling and providing false information from suspension to dismissal.
Students ask revision

New code requested

10-8-71
By David Claypool

A group of students critical of the newly revised Ohio State Code of Student Rights and Responsibilities has recommended that the Council on Student Affairs (CSA) draft a new code.

Daniel Goodman, a graduate student from Cincinnati and a member of the Faculty Council, said the present code is invalid because it was changed after it was submitted to the administration. CSA was not consulted about the changes, Goodman said.

He claimed that this action constituted a violation of a faculty rule which states that CSA must be consulted before the code may be modified.

Goodman also asserted that the code is invalid because "a quorum was not present when CSA met July 6 to approve the code."

The code was approved this summer by Ted R. Robinson, vice president for student affairs, and Edward Q. Moulton, executive vice president. Goodman said the final draft contained changes from the one drawn up by the CSA subcommittee.

However, Robinson said he pointed out throughout the drafting of the code that CSA had "final authority" in "certain parts" and only had "authority to make recommendations" in some areas of "administrative decision."

He termed the code an "attempt to pull together established rules and regulations" for students.

"CSA had the authority to make recommendations," Robinson explained. "That didn't mean they would be implemented. Once established, if there are changes to be made in the code, CSA will be consulted, but we had to start somewhere."

Goodman recommended that the CSA draw up a report on its recommendations for changes in the present code. This report should then be sent to Faculty Council for its approval before being submitted to the administration, Goodman said.

3 Recommendations

Michael Saks, a graduate student from Columbus and a member of Faculty Council, recommended that CSA:

- Review the changes made in the CSA draft of the code.
- Review the procedures under which these changes were made.

- Hold an open hearing at which faculty and students could recommend changes in the current code.

Goodman was critical of what he termed "internal contradictions and vagueness" in the code as approved by Robinson and Moulton.

"Contradicts Right"

"For example," Goodman said, "the code lists privacy as one of the rights to be enjoyed by students. Section 15 of the code, dealing with search and inspection procedures, seems to contradict that right."

"The section in the code covering the right of petition is very vague," he continued. "Procedures for petition are not mentioned."

Robinson said, "If you read the section on rights, and privacy, it talks in terms of unreasonable searches and seizures. The University does have the right to inspect property for cleanliness and damages."

Example. But if searching has to be done, it cannot be done without reasonable cause.

"Of course, we cannot prohibit the possibility of search by law enforcement agencies," he added.

'Another Deletion'

Goodman said that a provision drafted by CSA that would have allowed students access to all of their University records was also deleted from the final version of the code.

Steve Cole, a senior from Cincinnati, said that the code "contains only one and one-third columns listing students' rights, which are largely nullified by the rest of the 34 pages in the code."

Cole, who is director of student rights for Undergraduate Student Government, said that a CSA proposal to drop sanctions against students on probation also was not used in the final draft of the rights code.
Campus courts baffling

By Kathy Zinser

Students enrolled in universities and colleges throughout the nation are demanding more and more rights and expressing a desire to become more active in the system which governs their academic and non-academic lives.

However, as these requested rights are becoming institutionalized, the campus judicial system becomes more formalized and complex, according to Alexander Smith, assistant dean of students at Ohio State.

Smith administers the Code of Student Rights and Responsibilities in addition to advising and training members of the various student judicial panels and boards at the University.

Due to the judicial system's complexity, few students understand how the system operates or what various parts of the system constitute the whole.

Therefore, when a student becomes involved in any case - be it theft, disruption, possession of drugs or traffic violation - he often has little knowledge of his rights, the manner in which his case will be handled, and to what judicial body his case will be referred.

"I believe in the student system and encourage the use of it," Smith said. "It provides learning experience."

Not only is it a learning process for the students who make up the various judicial bodies and who act as prosecutors and defenders, but there is also learning value for those students who bring their cases before the various bodies, he said.

The Code of Student Rights and Responsibilities describes the rights guaranteed to students, prescribes conduct expected of students and lists the sanctions for violating University rules and regulations.

The code also defines the jurisdiction and membership of the University adjudicatory bodies, outlines the procedural standards in discipline proceedings and provides explanations and interpretations of House Bill 1219 and the Rule on Group Disruption.

The code was drafted in light of a 1968 report on University rights and responsibilities which specifically recommended revision in the old code.

Other codes examined

A subcommittee, appointed by the Council of Student Affairs (CSA), examined the codes of other institutions and the latest literature on student rights and responsibilities.

The subcommittee used the code of the American Bar Association as its model, according to Clair Carlin, a third-year law student from Youngstown who also advised in the writing of the code.


The code was promulgated by Robinson, who has the authority to institute rules governing conduct.
Student groups to participate in responsibility code

By Kathy Zinser

Under the present student court system, student groups can take part in the actual operation of the new Code of Student Rights and Responsibilities.

Students are now able to use a whole series of judicial sanctions at a more serious level, Alexander Smith, assistant dean of students, said.

The student court system is composed of University Court, Student Judicial Commission, Graduate-Professional Commission, Living Unit Commission and Panhellenic and Inter-fraternity Commissions.

The University Court is the final appellate body. It consists of an undergraduate and a graduate panel.

Jurisdiction noted

The University Court has jurisdiction in cases of election disputes, impeachment proceedings against Undergraduate Student Government (USG) officers, contested traffic violations and interpretation of the USG Constitution as it is applied to both students and registered student organizations.

"Contested traffic cases constitute the greatest workload," Smith said.

"Election disputes are sensitive, but few," he added.

The number of appeals are also minimal. Less than five appeals were heard last year, Smith said.

Student prosecutors and defenders make the University Court significantly different, Smith said.

Law students participate

These "attorney posts" are paid positions for law students. Their offices are located in the Law building.

The University Court is made up of three graduate students appointed by the president of the Council of Graduate Students with the advice and consent of the Executive Committee of the Council; a chief justice, who is a student enrolled in the College of Law and two law students appointed by the Student Judicial Committee; and five undergraduate students appointed by the president of USG with the advice and consent of Student Assembly.

The Student Judicial Commission has jurisdiction over issues of undergraduate students' conduct in violation of the Code of Student Rights and Responsibilities.

When a code violation occurs, a designated University official refers the case to a proper channel.

Smith explained that the designated official can be a residence hall director or, as it is quite often, the assistant dean of students. "It works like the chain of command," he added.

Options stated

The designated official has the option of either referring the case or handling it administratively.

When handling a case administratively, the official can do one of several things — take no action; recommend staff counseling; refer the student to a counseling center; conduct probation or invoke lesser "sanction; or recommend University Disciplinary Probation.

"Administrative action is preferred by most students," Robinson said.

This type of action tends to be quicker and also more private, he explained.

The Student Commission is new this year. There are no longer two separate commissions — one for men and another for women.

Lesser sanctions may be imposed

The Commission's maximum sanction is University Disciplinary Probation, though lesser sanctions may be imposed, such as payment for a misdeed, fines and warnings.

"This is the first time students have been allowed to recommend University disciplinary probation," Smith said.

Typical offenses heard by the Student Commission are the alcohol rule violation and theft.

The Student Commission also has appellate jurisdiction in cases arising from the lower commissions or panels.

The commission is composed of student representatives of the University community appointed by the Student Judicial Committee.

Commission decides issues

The Graduate-Professional Commission hears and decides issues of graduate or professional students' conduct in violation of the rights' code.

As in the Student Commission, there must be a referral to the Commission made
by a designated University official. Its maximum sanction is also University Disciplinary Probation. "The Graduate-Professional Commission has not been operational in the past. It meets very rarely," Smith said. Previously, the few cases they have had were handled administratively, he explained. The Living Unit Commission has jurisdiction over cases of violations of living unit regulations and violations of the code.

Offenses heard
Typical offenses heard include violation of visitation rights and possession of marijuana.

The Panhellenic Commission adjudicates violation of Panhellenic rules. Similarly, the Inter-Fraternity Commission adjudicates violations of the Council of Fraternity Presidents Rules. However, the Panhellenic rules are much more elaborate than that of the fraternity rules, Smith said. Both of these commissions may appeal to the Student Commission before a final appeal to the University Court.
Judicial Panel hears serious Code violations

By Kathy Zinser

When the more serious violations of campus regulations occur, the cases are handled by judicial bodies composed of both student and faculty members.

Violation of House Bill 1219 and the Disruption Rule also require special procedures.

The University Judicial Panel handles those cases of students who violate the code and which may result in the maximum sanction of suspension or dismissal. The panel is composed of a chairman and five other members. These are: one faculty member, one student, one faculty member and one student from the college or school where the accused student is enrolled, and the dean of students.

Serious offenses recorded

Since these are the more serious offenses, they can be entered into the student's permanent record, Alexander Smith, assistant dean of students, said.

"That's not a whole lot considering that there are 46,000 students who go here," he said.

The most typical offenses brought before this body are theft and possession of firearms.

Smith emphasized that this panel and its jurisdiction does not include academic misconduct, House Bill 1219 violations, or disruption.

In cases where the student has been suspended or dismissed, he may appeal to the University hearing officer.

Academic misconduct

The Committee on Academic Misconduct handles cases of student academic misconduct, such as plagiarism, forging an instructor's signature, and dishonest practices in connection with examinations.

Whenever there is an effect on the academic grade itself, the Committee on Academic Misconduct conducts an investigation. It then makes a report of its findings to the provost and vice president for academic affairs.

Composition of this body includes three faculty members, one graduate student, and one undergraduate student.

Appeals are taken to the hearing officer in cases of suspension or dismissal.

The committee also has the duty to investigate cases of lax or irregular methods of conducting examinations.

In this type of case, a faculty member would be involved. Maximum sanction for the Committee on Academic Misconduct is dismissal.

Honor codes prevail

Jurisdiction does not include cases of conduct in professional colleges, such as law and medicine, which have their own honor codes.

In the appendix of the code is an interpretation of the Rule on Group Disruption. According to this rule, picketing that blocks entrances, exits or other passageways is prohibited. Also, demonstrations inside buildings are prohibited.

As a matter of practice, when students are found violating the disruption rule, the hearing officer reads the rule and orders them to disperse. They must be told they are violating the rule," Smith said.

The maximum sanction that can be invoked for violation of the disruption rule is expulsion from the University.

Appeal is made to the president of the University or to his designated official, the executive vice president.

The University hearing officer, Charles Gambs, presents the case.

All rights of the accused are read and an impartial hearing is held, according to Smith.

The two types of disruption are individual and group disruption.

21 Offenses punishable

House Bill 1219 was enacted by the state legislature in the summer of 1970. It makes 21 offenses under Ohio law made punishable by the Board of Regents as applicable to the University.

"It's a case of concurrent jurisdiction," said Clair Carlin, a law student who advised on the writing of the code. "It's the University over the students and the state, over its citizens," he explained.

Assault and battery is one of those offenses.

"The student is then subjected to dismissal from the University as well as to the criminal charge," Carlin said.

An impartial referee is chosen by the Board of Regents. This referee can choose to have the student dismissed, suspended, or take no action on the case.

House Bill 1219 applies to staff and faculty as well as to students, said Carlin. Appeals are taken to the common pleas court.
Commission to judge student code violations

1-18-72
By Tom Brennan

A commission to deal with undergraduates who violate the Code of Students' Rights and Responsibilities is being formed by the Student Judicial Committee.

Alexander Smith, assistant dean of students, said that the committee is currently receiving applications from undergraduates for membership on the commission.

"We are hopeful that the nine-member commission can be made as representative as possible of the entire University community," Smith said.

Along with original jurisdiction in judging violations of the code, the student commission's jurisdiction will extend to appellate jurisdiction in cases arising from lower commissions and panels authorized by the Student Judicial Committee.

All cases will be referred to the commission through the Dean of Students office, Smith said.

The commission will determine the guilt of the individual accused of a violation and then recommend the corresponding sanction in the code, Smith said.

Smith added that the commission may only recommend disciplinary probation as the maximum sanction.

Any violation calling for suspension from the University is subject to the University Judicial Panel, Smith said.

The student commission was established in the Code of Students' Rights and Responsibilities which became effective Oct. 4.

Previously, all cases involving violations in student codes were subject to women's and men's disciplinary commissions.

Violations occurring between the abolition of the women's and men's commissions and the formation of the student commission are subject to administrative processes.

Students who wish to be on the student commission should contact the Student Judiciary Committee.
Revised rights code published

By Karen Blocher

The revised Code of Student Rights and Responsibilities has been published and is now available to students.

Freshmen may get copies of the code from University College (UVC) academic advisers, or in the residence halls. Upperclassmen will find copies in college offices, in the Ohio Union Communications Center and in the Dean of Students Office.

Lex Smith, assistant dean of students, who helped revise the Code, said no new rules have been added, but some changes have been made.

Smith listed the following as major changes:

- All references to expulsion have been deleted. Suspension and dismissal remain as disciplinary measures;
- Reinstatement probation has been eliminated. This means that "a person can be suspended or dismissed and come back without reinstatement probation after they've been out the prescribed amount of time," Smith said.
- Suspension may extend for not more than three full quarters and dismissal for not less than four full quarters, he said.

In these cases, reinstatement probation used to be automatic, and additional conditions were sometimes imposed, Smith said.

The conditions which may still be imposed — but which are not automatic — include ineligibility to participate in intercollegiate sports events and ineligibility to hold a major student position such as membership in University Senate.

The group hearing the case decides which conditions, if any, to impose. Hearing groups include the Committee on Academic Misconduct, the University Judicial Panel, and for less serious violations, the student judicial bodies;
- Registration of new student organizations will no longer be subject to the "advice and consent" of campus groups such as the Undergraduate Student Assembly or the Women's Panhellenic Association Student Assembly, for instance, used to have a voice in the registration of any new undergraduate student organization. But now, Smith said, "there are certain procedures they must go through, and that's it;"
- Restrictions have been placed on use of the University name by student organizations. The limitations are meant to avoid the implication that the University officially endorses any group, Smith said:
  - If a student, a group, or a registered organization wishes to print and post material such as handbills, it will no longer be necessary for them to put their name on that material, as was previously required. This rule is in line with recent court decisions which say such requirements limit freedom of speech;
  - University officials are to make "reasonable effort" to give "at least 24-hour notice" before beginning inspection of residence halls for damages or cleanliness. Previously, no mention of prior notice was made.

Smith, who is administrator of the Code, said his office will be open to students who need clarification of Code statements.
Students dissatisfied

Code draws protest

10-12-72
By Karen Blocher

Three students who helped revise the "Code of Student Rights and Responsibilities" are not entirely satisfied with the new Code.

Although they differ as to the extent of their dissatisfaction, the student representatives, who were members of the Council on Student Affairs, concur in disapproval of the accepted revisions regarding inspections and searches, and interim suspension.

The three—Michael White, president of Undergraduate Student Government (USG), and graduate students Catherine Rudder and Michael Saks—see these revisions as infringements on student rights.

Commenting on the section titled "Access to University property," White said, "As far as I'm concerned, this is the most detrimental section in the whole code when it comes to dorm students."

The section states that University officials have the right to enter University-owned property to make inspections for damages, and that they are to make "reasonable effort" to give 24-hour notice before inspections.

Prior notice asked

White said he believed officials could give notice for cleanliness and damage inspections, explaining, "If something is totally wrong in emergencies, I know they can't give prior notice.

"The students are paying the money to live there," he said, "and the University is saying, 'You must stay in the dorms so we can snoop on

you.' The administrators who dealt with that section are taking away rights of students that they wouldn't want taken away (by their landlords)."

Regarding interim suspension, White said, "The students asked that the University prove its case three days after interim suspension is issued. The point was turned down. I think that's important, because interim suspension can drag on for months."

Student suspension

"We asked that compensation be given to a student who is not in school, for an extended period, (because of suspension) say a month—that something be worked out so that the student can finish the quarter without penalty, or receive a fee waiver for the next quarter, if he is exonerated." This was to apply only to students found innocent of charges, he said.

"If the University disrupts someone's life," White commented, "it has the responsibility to repay this to the student."

University protection

The graduate students' statements on specific revisions which they disliked were similar to White's. "They (administrators) refuse to make any clear-cut, firm restrictions on search," commented Michael Saks. "The reason they give is that sometime it's going to be very inefficient to let people know that cleaning crews are coming." This, he said, reflected a "reality" faced by administrators—"the difficulty of schedule changes—

(taking precedence) over the rights of students."

In discussing the interim suspension provision, Saks stated, "The idea is that you get the person off campus so that he can't do the same thing again before the first charge can be adjudicated. I asked one of the University hearing officers whether he could ever remember hearing such a case."

"He said he couldn't remember any such case," Saks continued. "But he said he wished he had had that kind of rule, for some people."

Catherine Rudder said even if a suspended student is found innocent, "he is not reimbursed."

Saks said if students do not like the Code they "don't have to accept this code as gospel."
Rules Set for Returning Student Papers

APPROVAL by the Committee on Academic Freedom and Responsibility is all that remains to institute new policies regarding student access to materials submitted to meet course requirements.

In February, the Council on Academic Affairs gave its endorsement to three rules changes:

"One of the primary responsibilities of an educational institution is to provide appropriate feedback to students with regard to the progress which they are making in the courses they are pursuing in fulfilling institutional requirements for the various degrees. These modes of evaluation appear in many ways but are generally recognized by students in such characteristic forms as quizzes, examinations, reports, drawings and papers. To provide students with a maximum opportunity to benefit from completed course assignments, the following statements will be incorporated in the Code of Student Rights and Responsibilities and in the Faculty Handbook:

1. Materials submitted by the student to satisfy course requirements are in the absence of unusual circumstances to be returned as soon as possible with clear indications made of the quality of the student's work. Instructors shall make materials available to the student by the first day of the following academic quarter, except as provided for in paragraph 2.

2. An individual instructor or an academic department or school or college may establish a policy that provides for the retention of submitted work. Such policy is to be communicated to students through promulgation of a college or school or departmental rule or by the individual instructor at the beginning of each course. If the retention of materials is deemed necessary, the instructor shall provide reasonable opportunity for the student to view the grade materials.

3. The instructor shall provide students with a reasonable opportunity to discuss the strengths and weaknesses of all submitted work regardless of whether materials are returned or retained.

4. Essays, written exams, and research papers submitted by the student for evaluation or to meet course requirements which are not claimed or reviewed by the student by the last day of classes of the second week of the second quarter following the quarter in which the material is submitted may be discarded. Other materials so submitted that are not claimed or reviewed by the student by the last day of classes of the third week of the quarter following the quarter in which the material is submitted may be discarded."
Revision of student code called sloppy, insensitive

By Steve Goble
Lantern staff writer 9-20-82

The proposed revision of the Code of Student Rights and Responsibilities shows “sloppy draftsman ship and insensitivity toward the rights of students,” claims James R. Shockley, a third-year law student from Cincinnati.

The Board of Trustees is to vote on the revised document Friday.

No section in the proposed code specifically lists OSU students’ rights as stated in the original code, Shockley said.

“For example, nowhere in the proposed draft are the rights of student publications to be free of censorship guaranteed,” he said.

“Nowhere (in the proposal) is the right to petition the university for redress of grievances or amendment of rules guaranteed,” Shockley added.

He said his statements are based upon the eleventh draft of the revised code — not the twelfth and final draft.

However, comparison of the eleventh and twelfth drafts reveals that Shockley’s claims also apply to the final draft.

Joan E. Long, coordinator of judicial programs, said many of the rights not in the revised code are guaranteed to all citizens by state law, the Bill of Rights or other OSU documents.

“All publications have constitutional protection from censorship. All students have a right to appeal grievances noted in OSU’s operating manual,” she said. “We saw no reason to repeat the obvious.”

Other rights, such as freedom from discrimination because of sexual orientation, are included in the code.

The purpose of the revision is to simplify the code and make it an understandable, useful document, not take away the students’ rights, said Dean of Student Life Mitchel D. Livingston. It is unnecessary to repeat what is guaranteed elsewhere, he added.

Shockley said he feels the revision committee did not seek enough input from students when working on the document.

He said his own requests to see a final draft of the revision were refused by Livingston. Shockley did not say how he obtained his copy.

“It is shocking that administrators ... would be so hesitant to allow students effective input into decisions that will affect student life for the next several years,” Shockley said. “If students can’t see it (the revision), they can’t have any input.”

“I have always been willing to talk about the revision with any student,” Livingston said. He said he is reluctant to give students copies of the proposed code because “it is a working document, and it would be inappropriate for it to be released to the public as ‘the new code’ before it has been approved and implemented.”

Other students and faculty have come to him with ideas, he added.

“Do you have to have a ‘town meeting’ to do something like this?” Livingston asked.

“Students must work through their representative government,” he said.
Revised code simplifies violations of conduct

By Steve Goble
Lantern staff writer

The Board of Trustees will consider approving a revised version of the Code of Student Rights and Responsibilities on Friday.

The revision is the first major change in the code since its adoption 11 years ago and was supervised by dean of Student Life, Mitchel D. Livingston, along with representatives from his office and the Office of Student Services.

Approval of the code has been recommended by the Council on Student Affairs and by OSU’s attorneys.

The Code of Student Rights and Responsibilities spells out students’ rights, rules students must follow and the disciplinary actions that can be taken against them if they violate conduct guidelines.

According to Livingston, the main difference between the proposed Code of Student Conduct and the former code is that the new one is much shorter and easier to understand.

The original code’s section on Proscribed Student Conduct had about 40 rules prohibiting various types of behavior, he said, but the revised version has about 11, which include:

- Academic misconduct, such as cheating and plagiarism.
- Infliction or threat of physical or emotional harm, whether intentional or by not exercising reasonable care.
- Damaging OSU property or any other property while on campus.
- Unauthorized use, storage or possession of weapons.
- Dishonest conduct, such as false reports of emergencies, academic misconduct and forgery or alteration of OSU documents.
- Theft, attempted theft or unauthorized use of university property or other property while on OSU premises.
- Failure to obey orders of authorized OSU officials in specific situations, including violation of university disciplinary action such as probation.
- Violation of drug and alcohol laws.
- Unauthorized entrance to OSU premises.
- Conduct disrupting OSU-authorized activities, but not including peaceful demonstration.

The new code also outlines the steps OSU officials will follow when hearing cases of alleged misconduct and the possible punishment for violations.
COLUMBUS, Ohio -- The Ohio State University Board of Trustees Friday (10/1) adopted a new "Code of Student Conduct" to replace the "Code of Student Rights and Responsibilities" which was first published 11 years ago.

The new code has little substantive change in the rules or procedures, but its format and language is intended to be less intimidating and more comprehensive than the old code, according to William Nester, executive associate vice president for student services.

Nester appointed a task force which during the 1981-82 academic year drafted the new code. The revision was subsequently approved by the Council on Student Affairs on Sept. 21.

The code's major purpose continues to be to compile in one concise document all the basic rules, regulations and policies that govern student conduct. The code also delineates the disciplinary process and potential consequences of violations of the rules.

The changes in the code include:
* Proscribed student conduct is condensed from more than 40 items to 11 general rules, plus regulations regarding disruption.
* The statement on student rights is recast in a university policy section.
* Proscribed conduct is no longer listed by severity of
sanction. Greater flexibility is permitted in matching the appropriate sanction with the individual violation.

* The new student sexual harassment policy and anti-hazing policy are included.

The task force which drafted the new code was chaired by Joan Long, coordinator of student judicial programs. The task force was composed of six students, a faculty member, three student services administrators, two other administrators and the university ombudsman.

The chairman of the Council on Student Affairs is Nester. The council is composed of nine student leaders and four faculty members. Mitchel Livingston, dean of student life, is a non-voting, ex-officio member.

-sas-
University Court joins fight against new student code

By Cindy Dill and Deborah Levine
Lantern staff writers

A university judicial body has joined the Ohio State chapter of the National Lawyers Guild in voicing opposition to the new Code of Student Conduct.

University Court, one of at least seven hearing bodies at OSU, sent a letter Monday to President Edward H. Jennings opposing the change in university hearing procedures.

The guild sent a similar letter to Jennings on Thursday. Its letter stated that sections of the new code are unconstitutional.

Jennings could not be reached for comment.

The court's letter stated that it believes "this complete turnabout from the previous Code of Student Rights and Responsibilities represents an unfortunate and ill-considered departure from Ohio State University's traditional policy of respect for the rights of students."

"We are not asking that it (the hearing) be run like a full court trial," said Jim Shockley, a member of University Court. "What we are asking is that the university give students the rights that existed under the old code."

The old code stated that an accused person has the right to a representative who may actively participate in the student's defense. The code was revised in September.

The court's letter stated many students are not aware of their rights. Under the stress of a disciplinary hearing, students also may forget to present important information and arguments.

The letter states further that some of the many foreign students at OSU may have difficulty adequately expressing their views in disciplinary hearings.

OSU is not bound by Ohio law to have an adviser actively represent a student, but only must let a student have a counselor present, according to Mitchell D. Livingston, dean of Student Life.

Students need to build a rapport with the judicial body at the hearing because the issue is between the student and the university, he said.

"A person could provide more and better information about their alleged involvement (in a code violation) than if they were communicating through a third party, however, that's not to imply that students should not have counsel present," Livingston said.

James E. Meeks, dean of the College of Law, said he does not see anything wrong with OSU not having advisers actively participate in university hearings. "It's common to internal procedures of that type," he said.

"It's more a matter of judgement of what kind of process you want to use — formal or informal," he said.

Lou Jacobs, an associate professor of law, said, "These (disciplinary hearings) are not the easiest hearings for students to attend. Their (students') entire future may be on the line," he said. "They may face criminal and civil penalties, so they don't want to be deprived of representation."

Jacobs also said most administrators do not want a hearing that has an adversary quality.

"The problem is the law has developed over decades in a way that suggests when there is an adversary proceeding the truth can come out," Jacobs said.

"The Due Process Clause (of the U.S. Constitution) guarantees a meaningful opportunity to be heard. The problem is, can this be meaningful when the adviser has his or her hands tied?" Jacobs asked.

Although Shockley has said the new code is a step backwards from student right gains of the 1970s, Livingston said the new code is an adjustment to a new era.

"The substance . . . and the spirit of the code have not changed," Livingston said. "What has changed though is that our code is more reflective of current student climate on campus."

However, Shockley said, "It doesn't matter if it's 1973 or 1983, students should be accorded their full rights and be treated as dignified human beings."

Livingston said "if the contingency is that the Code of Student Conduct does not provide the same protection for students today that it did before, that (complaint) is untrue."

"Just as always, we (the Office of Student Life) will review every complaint and where there's a deficiency, we'll make a revision, but we won't just change the code because someone has a complaint," he said.

Any change the office might recommend must be approved by the Council on Student Affairs, University Senate, the OSU Board of Trustees and the Ohio Board of Regents.
Proposal would make student code Constitutional

By C.M. Keough
Lantern staff writer

Parts of Ohio State's code of student conduct are going to be brought in line with legal protection granted by the Constitution, if the university accepts a proposed change to the code.

Under the proposal, made by a USG task force appointed to study the code, students would not be subject to stiffer penalties if they appeal their punishment. Currently, the code allows stiffer penalties if new evidence against the student is presented at the appeal hearing.

In its report, the task force also proposed 19 other changes to the code — which governs students' conduct at the university — including a provision allowing students the right to inspect all their records.

Currently, students only have access to grade transcripts. The task force, however, said students should be allowed to inspect all records that relate to their enrollment, including financial aid records.

Paula Jung, a senior from Elyria who headed the task force, said it is necessary to change the rule allowing two hearings for the same violation. Under the code, if new facts are brought before a disciplinary body, a student may face a second hearing on the same charge.

And, if the student is found guilty at that hearing, stiffer penalties can be imposed.

Jung and Patrick Piccinnini, a senior from Worthington who co-sponsored the revisions, said this ruling subjects students to double jeopardy.

"The student is tried twice for the same violation," Jung said "and an appeal can bring a more serious sanction than the first hearing did."

Richard Hollingsworth, assistant dean of Student Life, said double jeopardy does not apply to the code of student conduct because the code is an administrative document and not a statement of criminal law.

"The constitutional definition of double jeopardy applies only in criminal cases, and the code does not deal with criminal cases," Hollingsworth said.

Piccinnini said the code covers all of students' responsibilities but does not address their rights.

"It is a condescending document," Piccinnini said, "it includes everything that we cannot do and says very little about our rights."

Although the code was enacted in the early 1970s, it was never approved by the university senate because until recently, it was inadvertently left out during the approval process, said James R. Leitzel, associate professor of mathematics and secretary of the senate.

The present code was withdrawn from the university senate agenda earlier this month and sent back to the Council of Student Affairs with the newly suggested changes. With senate approval, the code will be submitted to the Board of Trustees for final approval.
Students receive more rights as USG's proposals accepted

By C.M. Keough
Lantern staff writer

Changes in the code of student conduct proposed by a USG assembly task force in February were passed with few exceptions by the council of student affairs last week.

The council accepted nearly all of the USG proposals, including a student's right to inspect all educational records that pertain to the student's enrollment in the university. The only exception includes records retained by the Office of Public Safety and medical and counseling records that are used only for treatment.

Paula Jung, a senior from Elyria and head of the USG task force, said the office of public safety keeps records of criminal incidents on campus that remain private information.

The Student Affairs Council also accepted the student's right to be present when a unit of university housing, in which he lives, is being searched by university officials. The elimination of the university's right to apply a more serious penalty on a student who appeals a disciplinary hearing was also accepted.

The changes also state that the second hearing, if initiated by an appeal and new evidence regarding the case is presented, would be administered by a new hearing body or hearing officer. The results of the original hearing would take no part in the second panel's decision.

The council rejected regulation changes concerning the report of a criminal incident. The code now allows six months before any such incident must be reported.

Jung said the USG proposal called for a 90-day limit for reporting criminal incidents, but was turned down by the student affairs council on the grounds that their suggestion went against Ohio law which enforces the six month limit.

Jung said the university is still responsible for notifying a student accused of an incident within one week after charges are filed.

Patrick Piccinini, a junior from Worthington and a co-sponsor of the revisions, said the assembly task force is pleased with the council's decisions.

"We're pretty happy with everything that we got," Piccinini said. "The only thing they did to our recommendations was change the wording in some cases, but their meaning wasn't changed."

The other change not accepted by the council is the rule in the authority section of the code that states the Office of Student Affairs is responsible for the promulgation or broad publication of the conduct code.

The authority section of the code defines the responsibilities of the president of the university, the Office of Student Affairs and the deans of the individual colleges in the enforcement and publication of the regulations in the code.

The USG task force asked in its recommendation that the student affairs office be charged with the enforcement of the rules.

Russel Spellman, vice provost of student affairs, said the recommendation was turned down because the definition of promulgate was clearly stated in two other revisions that were accepted by the student affairs council.

Spellman said he is happy with the changes but does not expect it to come before the University Senate for approval before its October meeting.
University Senate OKs conduct code

By Lucy Wolstenholme
News editor

A revised Code of Student Conduct was approved at Saturday's University Senate meeting, but two of the most controversial provisions were not included in the approved package.

Despite much lobbying by the Undergraduate Student Government and Ohio State Student Assembly, two provisions pertaining to dormitory room search and seizure and minor deviation from discipline procedures were sent back to the Council on Student Affairs to be re-evaluated. Those provisions will then be voted on Dec. 6.

Charles E. Corbato, a professor of geology and mineralogy and a member of the senate, suggested the two provisions be re-worded because, he said, he was afraid the university was relinquishing some of its influence in student affairs.

The entry, search and seizure provision being questioned states, "when entering and searching university housing in such a case, a resident of the unit being searched must be present."

Corbato wants the provision to read, "when entering and searching university housing in such a case, a reasonable effort must be made to have present a resident of the unit being searched."

Corbato said the amendment's purpose is to protect the rights of the university and the students. He explained that in the past the university had the right to enter a room if it is under suspicion. As the revision is stated, the university would give up that right.

"The Council of Student Affairs will be meeting very soon and I feel a compromise can be found," Corbato said.

But USG President Brian Hicks said the changes were not needed because if the resident could not be found before their room was entered, the university was still protected by other provisions.

Tom Sydnor, chairman of Student Assembly, said the re-wording that Corbato seeks makes the provision vague and university officials would decide the definition of a "reasonable effort."

"The change is ridiculous and is a deliberate attempt to make things vague. This will stack the cards against the students and gives the officials the edge," Sydnor said. "The students have to live by the rules and this will be a strike against them."

The second amendment sent back for re-evaluation was the "minor deviation from procedure" which states if disciplinary procedures are violated, both the university and the student involved will decide if the violation is harmful to either party. Corbato wants an impartial panel to decide whether the violation is harmful.

"As it is stated the student is both the judge and the accused," Corbato said.

"This is an insult to the intelligence of the students, a slap in the face," Sydnor said. "It is offensive and puts the decision back into (university officials') hands."
Conduct code revised to protect students

By Lucy Wolstenholme
Lantern staff writer

The revised Code of Student Conduct will better protect the rights of students, USG president Brian Hicks said.

"The code is in the best form the university has seen. It explains the students' rights and responsibilities, and will better protect them in this form," said Hicks.

The code exists to protect the persons, their rights and the property of the university community.

The code's evaluation began 18 months ago, after a USG task force was formed to investigate its potential problems.

The committee submitted 20 proposals to the Council of Student Affairs with changes in the wording of amendments and better definitions of rules for both the university and students.

The council, who has the final decision on the form of the code, evaluated these changes and accepted 16 of the proposals with minor variations.

The University Senate passed 14 of the proposals. Two major provisions were questioned and sent back to the Council of Student Affairs to be re-evaluated. The 14 provisions that were passed will now be voted on by the Board of Trustees and if approved, will be officially documented.

"The code has been around for a long time but has never been an official document of the university. This was the first time it has been passed by the senate," explained Tom Sydnor, chairman of Student Assembly.

Sydnor said most of the changes were in the tone and wording of the code.

Some examples of the changes include:

- "The Code exists to protect the persons and property of the university," now reads "the Code exists to protect the persons, their rights and the property of the university."

- "Failure to obey directives of authorized University officials," now reads "failure to comply with directives of authorized University officials."

- "Students have the responsibility to refrain from sexual harassment," now reads "sexual harassment is prohibited."
The University cracks down on cheating

By Patricia Mower

John Sera is an expert on cheating. There are few types of cheating that he has not seen. Sera is the coordinator of Ohio State's Committee on Academic Misconduct. The committee investigates about 300 cases of suspected student academic misconduct annually.

Academic misconduct is any activity that compromises the academic integrity of the educational process. "Typical cases include altering grades or forgeries, University forms, plagiarism, the use of "ringers" or substitutes for class work or examinations, providing or receiving information during testing, laboratory work, or computer exercises; or violating course rules."

The most common cases are cheating on an exam (through "wandering eyes" or crib notes), plagiarism, or copying someone else's computer program.

When academic misconduct occurs, written notification is sent to the student as soon as the incident is reported to Sera's office. A hearing panel of at least three faculty and two students decides cases based on written statements, evidence, and oral testimony.

Hearings generally last one hour, but a few have lasted up to three hours.

Accused students are entitled to be present at the hearing and may invite advisors and parents. Legal representation is allowed, but is generally not necessary. "If a professor believes that someone has been dishonest, he or she cannot be the accuser, the judge, jury, and executioner," Sera explained. "The case is brought before an impartial, objective group to weigh the evidence."

"The rights of the students are well protected," he said. "The very fact that there is a committee composed of faculty and students is a major element in that protection." Sera said there are common reasons students get into trouble. Inevitably, problems arise from pressure, time management, or lack of planning. Students often can't balance a heavy course load with a part-time job or may spend too much time discussing their class in a nearby coffee shop. And sometimes it's self-induced pressure or pressure from home, Sera said. "Academic misconduct at times is a form of rebellion against a curriculum or course."

Sera offered this advice for parents if your student has been accused of academic misconduct, don't overreact. He or she will be treated fairly, impartially, and humanely. If the committee decides that a violation of the Code of Student Conduct has occurred, that information does not appear on a transcript, nor is such information ever released without the student's consent. The decision does not follow the student for the rest of his or her life.

"Additionally, remember that we care about the welfare of our students," Sera said. "If we didn't, we wouldn't have become professional educators." And if a student is found to be in violation, that does not mean the student cannot go on to have an outstanding academic career at Ohio State.

The number of cases of academic misconduct has increased at Ohio State in the recent past. Despite that, Sera doesn't feel today's students are less honest. "Honor hasn't changed. I think people are basically honest and have enough self-esteem not to compromise themselves."

"The change is due more to faculty involvement. "Faculty are more vigilant, more aware of the need to be vigilant. So I think the increase in cases is not because there is more cheating, but because the faculty is more conscientious in reporting it."

Code sets student conduct

Every student who attends Ohio State agrees to live by a Code of Student Conduct. The agreement is part of the admissions process, which formally sets down student guidelines and responsibilities.

Students who violate the code are sent to see Sandra Schuster, Ohio State's coordinator of judicial affairs.

Schuster deals with cases of nonacademic misconduct. Every quarter, Schuster presides over about 100 cases that involve theft, falsifying identification, unauthorized possession on University property, lying, and harassment.

The most common cases are theft or the switching of price tags in the University's bookstores. But theft from other buildings or libraries is also a major problem, she said.

Cases are generally referred to her by campus police or security.

Schuster said most cases take about an hour and are handled confidentially between herself and the student. Nine out of 10 times, the student admits to the accused violation.

But about three times a quarter, students prefer to have their cases heard by a judicial panel of three faculty and two students. Similar to the Committee on Academic Misconduct, students may use written statements, evidence, and witnesses to present their case. Students are entitled to have advisors, parents, and legal representation present, if they choose. Cases are generally settled within three to six hours.

"We're very particular about providing due process," Schuster said.

Students found in violation of the Code of Student Conduct may face one of four University sanctions: warning, disciplinary probation, suspension, and dismissal.

The least serious is a warning, a formal written admonition for the student's actions. Disciplinary probation may be assessed for a specified period of time and carry a number of conditions and restrictions. This is usually accompanied by an "educational sanction," which can include research, restoration, or community service. If the student is suspended, he or she must leave the University and stay away from any University property for at least four academic quarters. Eligibility to return is restored at the end of the suspension.

Disciplinary probation separates the student from the University for at least four academic quarters. Enrollment is not guaranteed. Schuster said repeat offenders are dealt harsher discipline.

"We try to conduct the process in a way which will add to the educational development for the student," she said.

All sanctions remain confidential and do not appear on transcripts or in student files. Students may review their judicial records at any time. The right to appeal also exists, she added.
Resident's presence not needed for room search

By Maureen Kilkenny
Lantern staff writer

University officials can now search a dorm room without the presence of the resident if they believe the room is being used for illegal activities.

This policy was approved by the Board of Trustees Friday, along with several other revisions in the Student Code of Conduct.

Previously, a residence hall resident had to be present in order for university officials to conduct a search.

The Office of Student Life, the University Senate, the Council of Academic Affairs and various other committees from President Edward H. Jennings' staff and the provost's staff, have been revising the code for the past year.

Mitchel D. Livingston, dean of student life, said the majority of the changes involved wording.

"A lot of the language needed to be cleaned up. We needed a uniform language," Livingston said. He said some legal terms also needed clarification.

Livingston said the issue of search and seizure was the most controversial.

The code on search and seizure states, "A university official may enter and search university premises if there is reason to believe that the premises are being used for an illegal purpose or a purpose which violates health or safety regulations or interferes with normal university operation."

Livingston defined illegal purpose as selling or manufacturing drugs, harboring contraband, prostitution, or other activities that would be illegal under state or federal law.

Livingston said the new policy is controversial because a resident of the room does not have to be present during the search.

"There are those who believe, under any circumstance, the resident must be present. The general

ruling of our group was that (requiring the student's presence) was not reasonable because the community may be in jeopardy," Livingston said.

According to the new code, "Reasonable efforts must be made to have present a resident of the room or apartment being searched. If a resident of the room or apartment is not present after such reasonable efforts have been made, an officer of the hall or complex student council shall witness the search."

Livingston said if something is happening and the resident cannot be reached, it is not realistic for a university official to wait for the resident. He said the activity could end before hall officials had time to find the resident and get into the room.

USG President Brian Hicks, also helped with the code revisions. He said part of the discussion about the search and seizure code dealt with misuse of entry into rooms.

"We did not want a university official alone to be able to key into a room." He said people who live in the residence halls "don't want university officials to key into rooms whenever they want and do whatever they want."

Hicks said he and others were also concerned with protecting the officials. "If something comes up missing, it could be construed that the university official has stolen something," Hicks said.

The university's jurisdiction on hazing has also been changed. Livingston said any incidents of hazing, either on or off campus, are within OSU regulations. The jurisdiction previously was confined to campus activities. Hazing is now a violation in the Ohio Revised Code.

Livingston said another important change in code deals with the type of representation that students may have in any university hearing. The new code states a student cannot have an attorney or adviser represent them unless it is an appeal.
Correction

A front-page story in Monday's Lantern dealing with student code revisions of residence hall room searches incorrectly reported the old policy required "a residence hall resident had to be present in order for university officials to conduct a search." The story should have stated that the old policy did not require a resident to be present during a search. The revisions of the Student Code of Conduct require the student or an officer of the residence hall must witness a search.
STUDENT CONDUCT CODE TO COVER OFF-CAMPUS BEHAVIOR

COLUMBUS -- The Ohio State University has expanded the jurisdiction of its Code of Student Conduct to include off-campus activity. The university's Board of Trustees on Friday (7/10) approved revisions to the code which make it applicable whenever students are taking part in a university-related activity, no matter where that activity takes place. Previously, the code covered conduct only on university premises, except for academic misconduct and hazing.

Now, the code covers student conduct during such off-campus activities as student teaching assignments, internships, band events, sports club trips, and fraternity or sorority parties -- anytime students are involved with a university-related activity or an activity sponsored by a registered student organization.

Saundra Schuster, assistant dean of student life, said the revisions were made for two reasons: to better reflect the nature of the university as a community of people rather than a geographic area, and in response to a growing national trend in which universities have increasingly been held liable for student behavior.

"The courts are saying that universities must take responsibility in cases where their students are participating in
activities sanctioned by the universities," Schuster said.
"Expanding the jurisdiction of the Code of Student Conduct allows
us to articulate standards of behavior for students in broader
venues than merely the university property and have the medians to
address student behavior."

Other revisions to the code included: modifying the
university's definition of hazing to conform with the Ohio
Revised Code; formalizing the procedures for "suspension in
abeyance," a form of sanction in which students may remain in
school unless they commit another violation; and a more detailed
description of the appeals process.

The Code of Student Conduct is the set of rules and
procedures that govern student behavior and are designed to
protect persons and property of the university community. The
code is in addition to city, county, state and federal laws,
which students also must obey. Among the behaviors covered by
the code are academic misconduct (cheating, plagiarism, altering
grades, etc.), destruction of property, hazing, theft, illegal
use of drugs or alcohol, disorderly conduct, sexual harassment,
and infliction of bodily or emotional harm.

Cases of academic misconduct are heard by the Committee on
Academic Misconduct. Other violations are brought before the
University Judicial Panel, which may impose sanctions ranging
from a warning to dismissal from the university.

Contact: Saundra Schuster, (614) 292-6091.
Two OSU code changes made

By Bonnie Butcher
Lantern staff writer

The OSU Board of Trustees approved two amendments to the Code of Student Conduct, extending the code's jurisdiction and changing the suspension policy on Friday.

The most significant change is in the jurisdiction of the code, said Saundra K. Schuster, assistant dean of Student Life.

Previously, the code did not cover events occurring off campus. Now, with this change, all events that are university sponsored or endorsed, or that are held by a registered student organization, are subject to the code, Schuster said.

"We thought it was important to include registered student organizations as part of the code because nationally the courts are increasingly holding universities responsible for circumstances (of misconduct) that occur within a group — whether on or off campus — that has been officially recognized, sanctioned, or supported by the university," Schuster said.

Schuster said another significant change is in the Suspension and Abeyance section of the code. Previously, the only response the university had for serious behavior was suspension, Schuster said.

"Now, if the student has been a model citizen, and we have reason to suspect that (the misconduct) was probably very aberrant behavior, we're going to be much more interested in keeping that person in the system so that we can direct them in supportive mechanisms, whether it be anger/aggression workshops, drug and alcohol counseling, or co-dependency counseling, or something that addresses the behavior," Schuster said. "We feel that this is a much better way to be educationally and developmentally supportive of our students."

Schuster said with this change, a student could stay in school under supervision during his or her suspension. However, if the student is found in violation of any of the codes of conduct during this probationary period, the original suspension might be enforced immediately, and the student would be subject to further sanctions for the second violation.

Richard A. Hollingsworth, dean of Student Life, said the amendments were developed and approved by the Council of Student Affairs, reviewed by the Office of the President and the Office of Academic Affairs, and approved by the University Senate prior to being submitted to the board for approval.
Code of Student Conduct now enforced off-campus

By Erin Keeling
Latern staff writer

Changes in the OSU Code of Student Conduct might provide students with more opportunities to get into trouble.

The Code of Student Conduct is "the set of rules that protect persons and properties of the university community." It covers a wide variety of misconduct, including cheating, sexual harassment, discrimination and unlawful use of alcohol and drugs.

Revisions to the code, which were initiated in the Legislative Judicial Subcommittee on the Council on Student Affairs, were approved by the OSU Board of Trustees in July. With these revisions, even university-sponsored events held off campus will be subject to the code.

"Now, if a student organization violates the code off campus they will be held accountable," said David Strauss, coordinator for Greek Affairs.

The current Code of Student Conduct applies to all registered students and registered student organizations only while on university premises. The only exceptions are for actions that deal with academic misconduct, such as cheating, or actions that deal with hazing, such as initiation pranks, which can cause harm.

The new code applies to all students and registered student organizations while on university premises, professional practice assignment, on assignments associated with academic course requirements, such as internships or student teaching, or while involved with a university-related activity, including registered student organizations.

The code has always applied to student teaching and internships, said Richard Hollingsworth, dean of Student Life. The real changes are with university-related activities and registered organizations.

Hollingsworth said a student-organization event is one that is officially approved or a natural part of the activities of the organization. This can include a solo-function, tour, hay ride, or party. Hollingsworth said. Along those same lines, university activities may include the Student Bowl Tour held each year or a marching band performance, he said.

"The basic principle is that by being a part of the university community, certain priorities are granted to groups. In return, these groups are obligated and responsible to conduct business in a manner consistent with the education mission of the university," Hollingsworth said.

"It really makes student organizations, particularly fraternities, say, 'Hey, you're going to be accountable for your actions,'" Strauss said.

Student Trustee Kristen Cusack said the new code provides the university with an approach to bring a student or an organization representing Ohio State forward for review.

"Registered student organizations go into the name of Ohio State, so any problems that occur are attached to Ohio State," Cusack said. "When the registered student organizations are in the public, Ohio State is in the public. And until the new code, they (Ohio State) had no control."

The changes are now in effect, but the university is waiting until the university community is properly notified, said Saundra Shuster, assistant dean for Student Life.

A plan is currently being put together for that purpose, said Jay Young, coordinator of Judicial Affairs. He also said the new code will be enforced through word of mouth.

"We depend on incidents being reported to us," Young said. "Anyone could call this office and allege that a student or an organization has violated the code. The code allows us to act upon a reported violation."

When someone reports a code violation, the university is obligated to investigate, Young said. Then, if there is enough cause, the student or group is charged and a hearing is scheduled, he said.

The purpose of a hearing is to administer a fair process, Young said. "It is not to prosecute and not to defend."

Some students are not overly concerned with the revisions.

"What are they going to do, go to our event and police it?" asked Tracie Wilson, a senior from Columbus. Wilson is the president of the Advertising Federation, an OSU registered student organization.

I don't think it's going to be very effective," Wilson said. "I don't think it will really change anything unless someone decides to go back and tell."

Julie Comstock, a senior from Marion and an alumni member of Alpha Delta Pi, said the changes are good.

"We want to get closer ties with the university," Comstock said. "What we do reflects them, so it (the new code) makes sense."

Sororities and fraternities are already well regulated, Comstock said. For example, only those over the age of 21 are permitted to drink, and everyone who drinks must provide their own alcohol, she said.

"Where it really is going to have an effect on the greeks is in the area of sexual harassment," Strauss said. "We now have an avenue to discipline where we never had that before."

Besides expanding jurisdiction, the code has other revisions that provide greater specifications to existing rules. For example, the definition of hazing will change from a broad one to a more defined one that is used in the Ohio Code.

See CONDUCT Page two
OSU considers hate speech code

By Chris Davey
Lantern staff writer

The conflict between the First Amendment and political correctness has reared its head at Ohio State.

The Office of Legal Affairs has prepared a draft of a proposed addition to the Code of Student Conduct that would place limitations on freedom of expression in an effort to protect members of the university community from speech and conduct that "a reasonable person would consider...to be hostile or patently offensive."

The policy was drafted in response to a demand by the group Afrikans for a Committee to Improving Our Nation. It would prohibit harassment of individuals based on "race, color, creed, religion, sexual orientation, national origin, sex, age, disability or Vietnam-era veteran status."

The draft states: "Conduct constitutes harassment when it has the purpose or effect of unreasonably interfering with or creating an intimidating, hostile or offensive environment for, another members' full enjoyment of any educational or other university-related program, activity or opportunities."

Similar codes at the University of Michigan and the University of Wisconsin, Wis., were rejected by federal courts as unconstitutional. The OSU policy was drafted by OSU Chief Legal Council and Vice President Robert Duncan and was reviewed for possible implementation by the Office of Student Affairs.

Unlike the current OSU non-discrimination policy that deals exclusively with conduct and employment practices, the proposed policy would allow for punishment of constitutional right to free speech.

"When I first came as president of this institution, I thought that perhaps there was a way to draft a code that wouldn't interfere with freedom of expression. But now, the more I think about it, it seems other forms would be better," Gee said.

The university administration to engage in very heavy-handed censorship.

"I think it ought to be fought tooth and nail," he said.

OSU President E. Gordon Gee has said repeatedly that he is opposed to disciplinary codes that would limit students' and faculty members' Amendments to the University. Originally, these anti-discrimination amendments to the Civil Rights Act of 1964 were applied to the private sector, and their application to state universities is still not established by the courts, she said.

Dean of Student Life Richard Hollingsworth said there will be open, universitywide debate on the proposed policy, and he doesn't expect it to go through until next academic year at the earliest.

"The most difficult thing is to balance among the conflicting constitutional rights. It is good that there will be wide spread debates," Hollingsworth said.

But Goldberger is not so sure.

"There should be a campuswide debate, and it feels as though they've done everything they can to avoid that," he said. "It's just basically a major step backwards for the university, and it acquiesces to the pressures for political correctness."
OSU drops hate speech code

Gee concerned policy might not withstand constitutional muster

By Shannon Libby
and Chris Daviey
Lantern staff writers

OSU President E. Gordon Gee has announced that Ohio State will not go forward with the proposed hate speech code that has been criticized as unconstitutional.

"That draft is dead in the water," Gee said of the code that was drafted in response to a demand from the group Africanos Committed to Improving Our Nation. The code is similar to other universities' codes that have been struck down by federal courts.

Gee said he has "come to realize that such codes probably would not withstand constitutional muster, and probably are not in keeping with what an institution such as Ohio State should be doing."

Robert Duncan and Steve McDonald, from the Office of Legal Affairs, prepared the draft and submitted it to the Office of Student Affairs to be considered as a possible addition to the Code of Student Conduct, said Dean of Student Life, Richard Hogansworth.

The policy would place limitations on freedom of expression in an effort to protect members of the university community from speech and conduct that "a reasonable person would consider... to be hostile or patently offensive."

Gee said he would consider a narrower code that would restrict "frightening words," or words the Supreme Court has ruled "by their very nature tend to pose a clear and present danger of inciting an immediate breach of the peace."

But no one in the Offices of Legal or Student Affairs said Gee has anything to them about dropping the current policy or attempting to draft a new one.

President Gee left for Europe yesterday for two weeks and was unavailable for comment.

Meanwhile, campus reaction to the idea of hate speech codes and specifically the proposed OSU anti-discrimination policy has been mixed.

Thomas Schwartz, associate professor of journalism and First Amendment scholar, said he is opposed to all unconstitutional speech codes. But, Schwartz said, it is possible to create a constitutionally valid speech code. Instead of focusing on specific kinds of expressions and specific groups, such a code should prohibit "fighting words," which the Court has ruled are not protected by the First Amendment.

Professor Daniel Farrell, chair of the Department of Philosophy, supported the idea of a speech code but only if it is "properly understood and implemented."

Farrell said freedom of speech is important, but people should not be allowed to "use derogatory speech simply to abuse people."

"People have to be allowed to say outrageous things but not in an obnoxious manner," Farrell said. "We must understand that free speech goes hand in hand with civility, and people should show respect for each other."

There will not be equal public discourse if women, minorities and other groups are verbally abused, Farrell added.

Farrell also said that any judicial committee to judge such offenses should definitely include non-faculty staff and students, as well as members of the faculty and administration.

Mark Conte, president of the Bisexual, Gay and Lesbian Alliance, said he is dismayed by how some people use speech, but he said he still sees freedom of speech as an important right.

"We need to recognize that speech is used to intimidate and harass people," Conte said, citing the verbal harassment of gay students in Bradley Hall as an example.

Nevertheless, Conte thinks freedom of speech should not be infringed.

Conte also thinks there are already laws aimed at punishing threatening kinds of verbal behavior, but they are not adequately enforced.

Steve Conley, president of OSU Student Libertarians, said he is completely opposed to any limitations on speech.

"It is impossible to have a society in which no one is going to get offended," Conley said.

Conley also said freedom of speech should be allowed in all environments and no opinion should be suppressed, no matter how ignorant.

"Personally, I think people who use hate speech and ethnic slurs are expressing their own ignorance. Why stop people from showing who they are?" Conley said.

Weasley Bishop, a law student and president of the Inter-Professional Student Council, said he supports the idea behind the code. He said he is a supporter of ACTION, which he said is a credible organization that works to improve things for all students, not just African-Americans.

As an African-American, Bishop said he has experienced an attitude of intolerance. "It is important to make sure that comments regarding race don't go unchallenged," Bishop said. Too often such comments are never dealt with, he added.

However, Bishop said he worries such a policy would infringe on free speech. He said such a policy, which punishes certain verbal behavior, "flies in the face of the first amendment."

Bishop said the draft of the policy is not clear enough. "Quite honestly, I don't know what the standards are."

He said there should be more explanation of what a "hostile" and "intimidating" environment as is as well as what is necessary to ensure a student's "full enjoyment of university-related programs, activities and opportunities."

Christopher Norman, president of USG, said he is also opposed to hate speech codes. "You can't monitor people's thoughts and speech."

Norman said he met with President Gee last week, who he said is also opposed to speech codes. He said Gee indicated to him that there were no plans to implement such a code in the near future.

Norman added that an anti-discrimination policy that focused on "fighting words" was a possibility.
Policy’s revision irks professor

By Michael Zawisza
Lantern staff writer

An OSU law professor said he disagrees with the process being used in the revision of a sexual harassment policy for OSU students.

David Goldberger, director of the OSU clinical law program, said the university community should be involved in the revision of the policy, which he says is not happening.

“What are they trying to hide? They're freezing out the rest of the university from the draft and that's outrageous,” Goldberger said.

“We want to know what is going on. This should not be a matter of secrecy. It should be something that the whole community participates in.”

Goldberger is a former ACLU lawyer and constitutional scholar who argued the controversial “Skokie” hate speech case before the Federal Court of Appeals for the Seventh Circuit.

He raised concerns this summer about the constitutionality of the sexual harassment policy, saying it would infringe on First Amendment rights.

“Legal Affairs thinks it is constitutional, but they are wrong,” he said.

Allan Amanovsky, the University Senate representative for the College of Law, said the policy struck from the Senate agenda in June because it shared some of Goldberger's concerns.

“I was concerned by the First Amendment issues involving that policy that were not considered,” he said.

But university administrators have stood by the policy since its inception.

“Don't think that, as drafted, that the policy is unconstitutional,” said Steve McDonald, OSU associate legal counsel in the Office of Legal Affairs.

The proposed policy defines sexual harassment as “any unwelcome sexual advance, request for sexual favor, offensive reference to gender or sexual orientation or other conduct of a sexual nature.”

The proposal goes on to say that an action is considered sexual harassment when it falls under one of two categories. The first is when “submission to or rejection of such conduct is used either explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual’s employment, participation in any program or activity, or status in an academic course.”

The second category is virtually identical to criteria in the proposed OSU hate speech code that was withdrawn by the university over the summer because OSU President E. Gordon Gee said it "probably wouldn't withstand constitutional muster.

The sexual harassment policy states that conduct constitutes harassment when it “has the purpose or effect of unreasonably interfering with an individual’s work performance or educational experience or creates a hostile, intimidating or offensive environment for working, learning, or living while associated with activities involving the university.”

Sandra Schuster, OSU assistant dean of Student Life, said there have been no revisions to the policy since it was pulled from the University Senate agenda this summer, and the policy will not be ready to be resubmitted to the Senate until the Nov. 6 meeting.

Schuster said the controversy surrounding the proposed policy lies in the fact that much of the terminology in the proposed policy comes from Title VII of the 1964 Civil Rights Act, which covers sexual harassment in the workplace.

Title VII says sexual harassment occurs when a person’s work environment is compromised, or if a person’s employment or advancement is affected.

If accepted by Ohio State, the policy, which would be added to the OSU Code of Student Conduct, would apply to students during all activities at Ohio State.

Goldberger remains wary of the constitutionality of the proposed policy saying that it would be better suited for a business environment.

“This is a state university, and they want to turn Ohio State into a General Motors manufacturing plant,” Goldberger said. “The use of Title VII is too broad.”

In a similar situation in 1991, the University of Wisconsin Board of Regents went to court to defend its rule, also derived from Title VII, that stated "students are prohibited from directing discriminatory epithets at particular individuals with intent to demean them and create a hostile educational environment.”

A U.S. District Court decided in that case that "Title VII addressed employment, not educational settings, and, since Title VII is only statute, it cannot supersede requirements of the First Amendment.”

A separate sexual harassment policy, applying to all OSU faculty, staff and students working at Ohio State, will be presented to the University Senate on Oct. 9.

Hein Ninos, director of Dispute Resolution Services, said this policy will feature an expanded definition of sexual harassment.

She would not further elaborate on the policy, and because it is still in draft form, Ninos would not release it to the Lantern.
Sex crimes added to conduct codes

By Jana Hahn
Lantern staff writer

Rape is a violation of state law, but it does not specifically violate the current OSU Student Code of Conduct.

Lenora Barnes-Wright, director of community development and student judicial affairs said rape is not specifically mentioned in the current code, but sections 01B and 03B of the code prohibit bodily or emotional harm.

Presently, the current code of conduct is undergoing a massive overhaul, said Assistant Dean of Student Life Saundra Schuster.

"Including specific mention to rape has absolutely been brought up in our meetings. There will be specific changes related to sexual assault in relation to procedural guidelines as well as victims' rights," Schuster said.

She said the code has not undergone an overhaul in 12 years and the current document is not in tune with the times or student needs.

"We are looking at the code to really reorganize it and streamline it; to make it an easier document for students to make use of rather than making substantial policy changes," Schuster said.

Schuster said the process of changing the code will involve legal audits and a legal review. The review is being conducted by the Office of Legal Affairs and representatives from student life. Once the changes to the code are proposed, it must then go through an approval process which can be very lengthy.

In addition, a legislative judicial subcommittee will meet on a weekly basis and work closely with the legal review body to review the way in which the code will be reformatted. "This body, in addition, will be filtering some pretty substantial changes to wordings in the code or things that would involve such things as an expungement policy and sanction enhancements," Schuster said.

After the code goes through the legislative judicial subcommittee, it must be approved and voted on by the Council on Student Affairs and then reviewed and voted on by three other bodies. Finally, the code will be voted on by the University Senate and the revised code will be in place.

Schuster said the process is probably only one-third of the way completed at this time.

Willa Young, coordinator of the Rape Education and Prevention Program at Ohio State, said rape is not currently addressed in the code as she feels it should be. She is definitely supportive of the changes being made in the code.

Barnes-Wright said, "I think the code could certainly be clarified and made more easily understandable. The goal is to make the code much more user-friendly."

Including mention to rape is a definite concern, but even more so — not only should rape just be mentioned, but also dating violence. Many times when we think of rape we think of forced sexual contact and do not take into consideration other forms of dating violence that play into it," said Heather Schmidt, of Women's Affairs, a cabinet of the Undergraduate Student Government.
OSU may make more student acts punishable

By Alan D. Miller
Dispatch Higher Education Reporter

Students who assault each other at off-campus bars or steal from other students’ apartments could be covered under a revised code of student conduct at Ohio State University.

In the first comprehensive review of the code since 1979, OSU officials are considering extending their jurisdiction to nearly any situation that involves OSU students. The revision should be done by spring quarter, said Saundra Schuster, assistant dean of student life.

The university code of conduct already extends to university-sanctioned events that occur off-campus. But the code doesn’t apply to assaults, thefts and rapes on non-university property.

“What the university is really removed from these situations because it, in a sense, brought these people together,” Schuster said. “It’s a really complicated and controversial area.”

One problem that students and administrators reviewing the code must wrestle with is the liability to the university that comes with that much involvement in student affairs, Schuster said.

“If we say to a student, ‘Your behavior is accountable to us,’ then we also extend to the university the liability,” she said. “That’s why for years our jurisdiction was strictly limited to university buildings and grounds.”

Even though many violations addressed by the code are criminal offenses and criminal charges can be pressed, the student conduct code exists to hold students to a high standard. In some cases, the university might take action before the courts.

A discussion on extending jurisdiction is a response to concerns about date rape and neighborhood crime.

Rape and sexual assault are not addressed in the current code.

One thing that won’t appear in the revised code is a “hate speech” provision. Other public universities have instituted controversial policies to regulate speech, only to have them ruled unconstitutional. Ohio State officials drafted a speech code earlier this year, but it was scrapped, Schuster said.

“It is dead,” she said. “Some private institutions can trample the First Amendment all they want, but we can’t.”

Other issues that will be discussed in the review:
- A victim-advocate system that would counsel crime victims and help them through the judicial process.
- A process to compel witnesses to speak out after observing a crime. Universities do not have subpoena power, and sometimes cases are not pursued because witnesses cannot be compelled to testify in university judicial proceedings.
- A policy on harassing behavior, including stalking.
- Enhanced sanctions for violations related to race or other discriminatory action.
- A policy that would allow students to seek expungement of disciplinary actions from student records.
Sexual harassment policy approved by University Senate

By Amy Schafer
Lantern staff writer

Despite strong opposition, the University Senate approved revising the Code of Student Conduct’s sexual harassment policy Saturday.

The proposal to revise the code was sponsored by the Council on Student Affairs, and it was presented by Kathleen Carberry, chairwoman of the council.

Carberry said the revision will make the Code of Student Conduct consistent with the sexual harassment policy as approved by the Board of Trustees. “Students need the benefits of a consistent policy,” she said.

Chris Smith, USG commuter representative, agreed that the university needed a uniform policy, but objected to the policy because of its vagueness.

Those opposed to the revision thought the policy was unconstitutional, and that students did not have adequate input into the revision process.

The question of constitutionality was raised by USG member Chris Meade, who said the policy seemed so broad, he could be brought up on charges for almost anything. “I would hate to tell a joke that could be overheard by someone who was offended, and then be brought up on charges,” Meade said.

OSU professor and faculty council member Harry Allen said debate the constitutionality of the policy, but the debates should be done in the courts. “The constitutionality can not be debated today,” Gee said. “At this point, it is assumed that the policy is constitutional.”

Another objection to the policy came from Rob Edmund, USG assembly speaker, who said many USG members needed time to discuss the revision with their constituents.

Edmund made a motion to postpone the vote for one month so that USG members could have time to adequately research the issue.

Edmund said even though he agrees with the policy, he felt obliged to make the motion because of his position with USG.

The code revision was brought before the Senate even though the Board of Trustees approved the policy November 5. Because of this earlier approval, the policy applied to OSU students even though it had not been approved by the USG.

According to the policy, sexual harassment is defined as “unwelcome sexual advance, request for sexual favors, reference to gender or sexual orientation, or other physical or verbal conduct of a sexual nature when the conduct is used as a basis for any decision.” This includes behavior which affects employment, participation in a program or activity, or status in an academic course.

The policy also prohibits any behavior which “unreasonably interferes with an individual’s work performance or educational experience, or creates an intimidating, hostile or offensive environment for working, learning, or living on campus and has no legitimate relationship to the subject matter of a course.”

Carberry said the Council on Student Affairs thought any delay in the policy’s implementation jeopardized the need of students to know exactly what the policy states.

USG member Jared Brown said most students have no idea about the policy, and they need to be made aware of its implications before it can be approved. Brown said he could profit with the extra time because he is a new member of USG and could use the time to confer with students and evaluate their opinions.

“One month will not be detrimental to the students. We need a little more time. One month is not much to ask,” Brown said.

Bobbi Montgomery, Council on Student Affairs member and USG treasurer, said many students were aware of the policy because some students drafted it. Montgomery cited student activity in open forums and noted several articles in the Lantern that explained the policy.

Students deserved to be informed of policies they are expected to follow, Montgomery said.

She hopes the updating process does not stop because there are new USG leaders.

“Let’s represent and do for the students what we were elected to do,” Montgomery said.

Vincent Lucas, a university senator, put forth an amendment to change certain features and wording in the policy, but this amendment failed.

Lucas said the purpose of the amendment was to present a more definite standard of sexual harassment, and to address the constitutionality of the policy.
Senate clears new student sexual harassment rule

Wording of conduct code now matches with policy

By Gemma McLuckie

After what President Gee called a "healthy" debate that lasted more than an hour, the University Senate April 9 approved the wording of the Code of Student Conduct rule on sexual harassment.

The four paragraphs will make the definitions in the conduct code consistent with the 10-page sexual harassment policy approved Nov. 5 by the Board of Trustees. The University policy already applies to students, faculty, staff, customers, vendors and contractors.

Kathleen Carberry, chair of the Council on Student Affairs, told the Senate that the code of conduct rule should be changed because "it is in the best interest of the students to have a consistent policy throughout the University." Carter is a graduate student.

The Senate defeated a motion to postpone its vote until student leaders could study the wording again, and defeated another motion to add examples to the definitions.

It also defeated an amendment by graduate student Vincent Lucas to change the proposed wording. In both a written 14-page report and during discussion, Lucas said he doubted the constitutionality of the conduct rule. President Gee, who is professor of law, and Steven McDonald, associate contracts officer for legal affairs, both gave professional opinions that the rule was constitutional.

The Senate also heard a report on the Council of Graduate Students' Research Forum, which will be held 8 a.m.-1 p.m. April 23 in Fawcett Center. Judges are still needed, noted Frank Chloupek, president of CGS, especially in administrative science, agriculture, biological sciences, engineering, English and history. Faculty should call 292-4380 to volunteer.

Some 65 graduate students will present papers. Judges for physical sciences and mathematics include Edward Hayes, vice president for research, and George E. Walker of Indiana University. Gregory A. Schoppener of Wright-Patterson Air Force Base will help judge engineering sciences. Edwin Black of the University of Wisconsin will hear papers in the humanities, and Ohio State alumnus Willard W. Hartup of the University of Minnesota will judge social and behavioral sciences research.

The next scheduled Senate meeting is at 9 a.m. May 7 in 103 Kottman Hall. However, there may be a special session May 21 to deal with restructuring.

The Committee on Academic Affairs is preparing recommendations on proposals from the colleges of Agriculture, Engineering and Veterinary Medicine. Also, the Office of Academic Affairs just sent the College of Human Ecology restructuring plan to CAA for consideration. The Oversight Committee on University Restructuring also has been studying proposals and holding forums in order to write reports for the Senate's information.
OSU law students can't serve on panel

Panel evaluates students' misconduct

Nancy Snavely
Lantern staff writer

Ohio State students accused of violating the student code will not be judged by law students on the academic misconduct panel because there is not enough money.

Placing law students on the panel will not be possible until the resources are available and law students can earn credit, said Vice President of Student Affairs David Williams.

A massive restructuring of the law school and $250,000 to $500,000 would be needed to add enough faculty to allow students to sit on the panel, said David Goldberger, director of the OSU law clinic.

Two types of infractions will land students in the university judicial system - academic misconduct and violations of the student code.

Students who violate the academic misconduct code by cheating or plagiarizing will go before the Committee for Academic Misconduct.

Students charged with violating the code will face either the administration or the panel, which is comprised of faculty, staff and students.

The OSU law clinic does not have enough people to sit on the panel.

The clinic is only able to select very few of the hundreds of cases presented to it each year. The cases are selected on their teaching potential because the clinic is actually a class for law students. The cases are usually selected at the end of the summer in order to correspond with the academic schedule of the law school.

"This is a big campus and there are a lot of legal problems," said Mark Cooper, a spokesman for Capital University.

Even at criminal hearings, lawyers and law students may only advise the student, Cooper said. They may not question witnesses or take part in any other way, he said.

Goldberger said that is probably because administrators in the hearing are not legally trained, and the participation of lawyers would create an uneven playing field.

However, Goldberger does not agree with that thinking because the stakes for the students are high.

"I don't believe there are any such restrictions at Ohio State," Goldberger said.

Other universities have been able to start legal assistance programs for students. The University of Illinois and the University of Iowa both include students from their respective law schools, and Michigan State has a good program, even though the university does not have a law school, Williams said.

"I don't know where they get their lawyers," Williams said.

Some schools around the country allot a portion of the student fee to legal services for students. The university then has a contract with lawyers and the services provided sometimes include tenant/landlord disputes.
Student voices bring reform

By Heather Evans
Lantern staff writer

Due to student uproar an off-campus Student Code of Conduct will not be included in the "Final Final Draft" of Campus Partners Revitalization Concept plan. It is set to be presented to the Ohio State Board of Trustees on July 12.

During spring quarter, students reacted to a recommendation to "develop and enforce an off-campus Student Code of Conduct" which led Campus Partners to consider the removal of the sentence, said Steve Sterrett, spokesperson for Campus Partners.

The new recommendations read to "inform students about and enforce the existing provisions of the university's Code of Student Conduct which prohibits certain misconduct by students while involved with a university related activity or a student organization activity."

Jenny Nelson, an undergraduate student trustee on the Campus Partners' board, is happy with the revisions, including the removal of the off-campus code of conduct for students.

"It demonstrates your voice can be heard and make a difference," Nelson said.

Many students mentioned concerns with the previous plan, especially with the off-campus student code of conduct, she said. OSU students already have a code of conduct that applies to university activities on and off-campus.

As stated in the OSU Student Handbook, under 3335-23-01 Introduction, the "code applies to the conduct of all students and registered organizations while on University premises... or, while involved with a university related activity, or a registered student organization activity."

"We heard from many students," said Sterrett. "The (original) language was aimed at problems we were concerned about."

A lot of students raised objections to a code of conduct that crossed High Street, Nelson said. Because people spoke up, the recommendation was changed.

"I think it's an invasion of privacy to try to apply a code of conduct," she said.

Nelson said she understands students are representatives of Ohio State. Although faculty are as well, there isn't a code of conduct following them to Dublin, for example.

"If a faculty member is arrested for drunk driving they are not automatically fired," Nelson said. It's not fair to impose a code of conduct on individuals in their private life outside of the university.

The "Final Final Draft" will also be presented to the Columbus City Council in mid-July, Sterrett said, but neither group will move on the plan until fall.
Suspended students challenge OSU

By Tina Daniel
Lantern staff writer

Of the three Ohio State students suspended Tuesday, two said they would fight the action.

William Garfield, 20, of 63 W. 10th Ave. and Matthew Harding, 19, of 1850 Covington Road said they were preparing written appeals for today's deadline, set by the Office of Student Affairs.

Attempts by the Lantern to reach the third student Christopher Galgoczy, 22, of E. 12th Ave., were unsuccessful.

Garfield was issued a suspension letter from David Williams, vice president of Student Affairs, for defying the Code of Student Conduct.

According to the letter, Garfield "violated some or all of the following university rules in connection with the events on 12th avenue on Saturday evening, September 28:"

- Infliction of bodily or emotional harm.
- Destruction of property.
- Dangerous weapons or devices.
- Theft/unauthorized use of property.
- Drugs or alcohol.
- Disorderly conduct.
- Drug and alcohol policy.

According to the Code of Student Conduct, a student can be charged with disorderly conduct if the activity "interferes with university authorized activities, or other activities conducted, sponsored, or permitted by the university."

Garfield said he denies violating OSU's code and any involvement in the violent occurrences off-campus.

"I can't emphasize enough that I was not one of the rioters," he said. "What they are doing is absolutely absurd, and I will appeal the ridiculous charges."

Garfield was arrested by Columbus Police for disorderly conduct and pled not guilty, but he disagrees with the charges OSU administrators have leveled against him.

"Gee pulled these out of his ass," Garfield said. "It sounds better for them [OSU]. They are definitely looking for someone to make an example of -- sacrificing a few for the good of the many."

The immediate suspensions were necessary because OSU recognizes violence as a serious issue, Williams said.

"When one feels that those actions could constitute to a reasonable threat to the campus community, we do have the power to suspend pending outcome," Williams said. "We have the reasonable belief that these students present a danger to campus."

Harding said he was more outraged when he received the suspension letter than when he was arrested on Saturday.

"I can't believe they would suspend me, even though I was arrested," Harding said. "They should wait to see proof because their facts are not true."

Both Harding and Garfield said they are concerned by the classes they have missed.

"I'm behind in my classes, and I don't want to sacrifice my grades," Garfield said. "The damage has already been done."

Garfield plans to withdraw from OSU and get a full tuition refund.

His arrest was a "big mistake," Harding said.

He said he was one of the 500 students fleeing when police evacuated the area.

"I went to my friend's house on the corner of 12th and Indianola," he said. "We walked outside on the balcony to see what was going on outside. The police came into the apartment without authorization and arrested us."

Harding has also pled not guilty to the charges in Franklin County Court.

Garfield has consulted an attorney about the Franklin County civil suit for disorderly conduct and OSU hearing.

David Goldberger, OSU professor of law, said the rules and boundaries of OSU jurisdiction are obscure, but not free from interpretation.

"The activity on 12th was a consequence of a university function," Goldberger said. "It's not entirely clear [in the Code of Student Conduct] that the university can do that, but it's hard for me to believe that they can't."

Students and faculty live off-campus and they are a part of OSU, Goldberger said.

"I don't want a set of rules where students can build a barrier on High Street and say it's got nothing to do with me, because it does," he said.

Williams said he believes OSU has the authority to respond to off-campus activities when harm or damage is done to students.
OSU officials say code justifies suspensions

By Lina Hill
Lantern staff writer

Pointing to the Code of Student Conduct, Ohio State officials stand by their decision to discipline students beyond High Street.

Section 3335-29-05 of the Ohio State Code of Student Conduct states that "When the vice president for academic affairs and provost is given reasonable cause to believe that a student has violated University rules and there is reasonable cause to believe that the student's presence on campus constitutes a clear danger to the University community or creates a substantial risk of injury to any person on University premises, the student may be immediately suspended from University premises."

This section of the code gives OSU President Gordon Gee the right to suspend the three students that were involved in the riots Saturday night after the Ohio State-Notre Dame football game, said Steve McDonald, associate legal counsel.

Gee said this case is different from other student arrests because it was a very intense, volatile situation.

"In this instance that took place very close to the university, a number of innocent bystanders could have been hurt," he said.

OSU is a place that should be associated with civility and respect, not with the assumption that after every big win a riot is going to take place, he said.

The riots could have been avoided, Gee said.

"A number of students in the area chose to leave the situation, common sense should have told everyone to do that," he said.

Although William Garfield, 20, of 63 W. 10th Ave., Matthew Harding, 19, of 1060 Covington Road and Christopher Galkocz, 22, of E. 12th Ave., have not been found guilty, officials at the Office of Student Affairs said the students pose a threat to campus.

"One can present a danger and not be found guilty for a number of reasons," said David Williams, vice president of Student Affairs.

Some Judicial Affairs officials agree the suspensions were justified.

"In this instance, the students were suspended because the arrests were made during a disturbance that involved OSU students in a building adjacent to the OSU campus," said Stephanie LeDuff, director of Student Judicial Affairs.

Legally, the university has every right to temporarily suspend students involved in a dispute until a court date is set, McDonald said.

Administrators and Judicial Affairs officials said the riots reflect poorly on OSU.

"We understand that people want to celebrate, but they need to do it without endangering the lives of others," LeDuff said.
Fate of OSU students still not decided

By Andrew Huff
Lantern staff writer

Students arrested last weekend will hear Monday whether their actions will have consequences at Ohio State, said David Williams, vice president of Student Affairs.
Williams said Wednesday that Student Affairs will go through a case-by-case examination of the students arrested over the weekend.

Student Affairs will announce Monday any university charges against the students, he said.

OSU spokeswoman Ruth Gerstner told The Columbus Dispatch Thursday that nothing would happen to the students, but Williams said she may have been misunderstood.

"I think what she meant was that there will be nothing via a via the interim suspensions of two weeks ago," Williams said.

He said it was unlikely that anyone would be suspended for their charges from last weekend.

"That does not mean that we won't be charging students," Williams said.

Possible punishments range from suspension to community service, he said.

The students would receive punishment under Chapter 3335-25 of the University Student Code of Conduct, Williams said.

This chapter allows for discipline of students who, among other things, inflict bodily or emotional harm or destroy public or personal property.

OSU President E. Gordon Gee said he hoped that this weekend wouldn't garner the "massive destruction" of two weeks ago.

Both Williams and Gee said that if the behavior from Notre Dame weekend reoccurs this weekend, they would deal with it the same way.

The riots Notre Dame weekend led to the interim suspensions of Bill Garfield, 20, of 63 W. 10th Ave.; Christopher Galgocy, 22, of 50 E. 12th Ave.; and Matthew Harding, 19, of 1060 Covington Rd., who were all arrested for disorderly conduct. Harding said his Judicial Affairs hearing is scheduled for today.

Williams said he felt positive about the coming weekend.

"If students keep it under control I think it will be a really good weekend," he said.
OSU says control extends off campus

By Tina Daniel
Lantern staff writer

High Street is not the boundary that sets apart off-campus life from Ohio State University, and OSU can intervene when the situation calls for it.

After off-campus, post-football celebrations Sept. 28 on 12th Avenue, three students were arrested by Columbus police for disorderly conduct and later suspended from OSU.

The following weekend, another student was arrested for disorderly conduct by Columbus police, but there was no immediate disciplinary action taken by OSU.

Because of such discrepancies, some students are questioning OSU’s jurisdiction and guidelines when it comes to off-campus activity.

“I think OSU needs to define its boundaries,” said Penny LeMaster, a senior pre-med student. “They stuck their noses where they didn’t belong.”

The judicial system should take charge of the off-campus area because 12th Avenue is not university property, LeMaster said.

Williams said the line separating on- and off-campus areas cannot be clearly defined.

“If there is a nexus between the activity and the university, then we will feel there is jurisdiction,” Williams said. “That could be on High Street, on Summit, that could be in Cleveland, that could be in Singapore.”

The administration is now working on a draft to make OSU’s code more clear for students, Williams said.

“We will try to clarify the language of the code,” he said. “We don’t want to be too vague, but at the same time we don’t want to be too restrictive.”

Taking disciplinary action in off-campus activity is not unique to OSU, Williams said.

Myrtils Powell, vice president of Student Affairs at Miami University, said that Miami’s student code considers the surrounding area part of the university community. Students must abide by university rules there, she said.

“I don’t care who sponsors the event, students need to conduct themselves in a way that doesn’t violate the law,” Powell said. “We do act on off-campus activity and take our community into consideration.”

Williams said that because the arrests were treated differently after the Notre Dame game and after the Penn State game does not mean Student Affairs and Judicial Affairs are inconsistent.

“We felt that in the first case, (Notre Dame game) there was a high level of destruction and explosiveness,” Williams said. “These people were involved in behavior that we found very detrimental to the safety of our campus. We did not see that in the Penn State case.”

The suspensions were a last resort, Williams said.

Stephanie LeDuff, director of Judicial Affairs, said the circumstances after the Penn State game were different because there was no destruction of property, and no one’s life was in danger.

“We have to put our action into the context of the situation,” LeDuff said.

In the past, OSU has tried to prevent weekend riots on 12th Avenue by communicating with residents and holding a public forum, but these attempts were unsuccessful, Williams said.

“There were a lot of things we’ve done in the last year and a half that just weren’t working,” he said. “There was no way we could not step in. For too long a period of time, we (OSU) didn’t play the role that we should have.”

Not only must the university exert authority to protect students, but it also has a responsibility to the community, Williams said.

“For the safety of students, there is a responsible way to celebrate,” he said. “We are going to play a vital role in making this a safe learning experience and environment, and if we have to enact jurisdiction to suspend students, we will. No doubt, I would do it again.”
Student conduct

Ohio State extended its jurisdiction on hazing violations and refined search and seizure policies when the trustees authorized amendments to the Code of Student Conduct.

The Code of Student Conduct states the rights and responsibilities of students in both academic and nonacademic matters.

The code is used annually in about 200 cases of academic misconduct, 250 cases of nonacademic misconduct and 1,700 cases of misconduct in residence halls.

Academic misconduct is any activity that compromises the academic integrity of the educational process. Typical cases include altering grades or forging University forms, plagiarism, the use of "ringers" for class work or exams, or violating course rules.

Nonacademic misconduct generally involves theft, falsifying identification, unauthorized presence on University property, hazing and harassment. Theft from campus buildings or libraries also is a problem.

Saundra Schuster, coordinator of judicial affairs, says the amendments do a better job of assuring students their rights. "Many of the changes have been in response to further definition and expansion of students rights in the judicial process," she says.

Changes in the code will extend the University's disciplinary jurisdiction. The jurisdiction previously was limited to activities on campus.

For example, the University could not enforce hazing violations if the activity occurred at band camp away from campus or within a fraternity or sorority house.

Another major change in the student code involves refinement of language describing entry, search and seizure proceedings.

University officials may still enter an area under suspicion of illegal activity or in violation of regulations. However, now the University is required to make a "reasonable effort" to have a resident of the room or apartment present. If a resident is not available, an officer of the hall or member of the hall's student council will witness the search.

The third major change is a procedural one that requires students to authorize any deviation from the normal appeal process.

The changes were initiated by students and are the result of two years of study by students, faculty and University officials. The University Senate approved the revised code in December.
Hazing jurisdiction widened

By Maureen Kilkenny
Lantern staff writer

Before Feb. 6, the university was not allowed to enforce anti-hazing laws off campus. But amendments to the Student Code of Conduct now allow the university to broaden its boundaries.

The Board of Trustees approved several amendments to the student code last Friday, including an amendment to the university's jurisdiction. Ohio State now has jurisdiction in any activity that involves hazing in any student organization.

Incidents of hazing in fraternity or sorority houses, or at band camp now come under the jurisdiction of the university.

The Code of Student Conduct defines hazing as, "any activity that might reasonably bring embarrassment or emotional, psychological, or physical harm to the individual or that might degrade or otherwise compromise the dignity of the individual."

Saundra Schuster, coordinator of Judicial Affairs, said if a group is involved in an activity away from campus, but presents itself as part of the university, then it is under university jurisdiction if any hazing occurs.

Schuster said the university code was changed because Ohio law specifically deals with hazing.

"We should be able to uphold Ohio law as well as university law as it relates to our students," Schuster said. "Students who are acting in the name of an organization need to have a degree of accountability to the institution."

She said she averages about three or four cases of hazing per quarter and, with the new jurisdiction, the number of cases she hears will increase.

Hazing that occurs in the greek system has been handled by the Women's Panhellenic Association and the Inter-fraternity Council in the past. Paula Jung, chief justice of the Panhellenic Association and a senior from Elyria, said she does not think the new code will change its governing power.

But Schuster said the greek system does not have complete jurisdiction any longer in cases of hazing. She said it will not affect the power of the councils because most serious cases went through her office before.
Code change protects witnesses

By Lisa Cayton-Stockdale
Lantern staff writer

Students can be punished for not reporting incidents of academic misconduct, but that will change as soon as the new Student Code of Conduct goes into effect.

Russell J. Spillman, vice provost for student affairs, said he expects the new code to go into effect by mid-spring or early summer.

The code has been approved by all the necessary university offices, including the University Senate, the President's office and the Board of Trustees, but still has to be reviewed by Ohio's Secretary of State.

Spillman said failure to report incidents of academic misconduct has been removed from the definition of academic misconduct because the rule was too difficult to enforce.

John F. Sena, coordinator for the Committee on Academic Misconduct, said it was unrealistic for a school that doesn’t have an honors code, such as the one at West Point, to punish students for not reporting cases of academic misconduct.

In addition, he said, it was difficult for professors to be sure they saw someone see someone cheating.

"Even if they were relatively sure that a student knew about someone's cheating, I'm not sure they would have reported it," Sena said.

Academic misconduct is defined as any activity which tends to compromise the academic integrity of the institution or subvert the educational process.

Falsification, fabrication and dishonesty in reporting research results will be considered academic misconduct when the code goes into effect.

"We want to be sure graduate students understand that the code affects them also," Sena said.

In addition to these changes, the definition of academic misconduct will be extended to include behavior that might compromise the academic integrity of the university but is not listed as a way to commit academic misconduct, Spillman said.

For example, the definition does not say anything about electronic cheating but if someone was caught he or she could be punished because academic misconduct will no longer be limited to the particular ways in which it is defined, Spillman said.

Electronic cheating might involve a student taping the answers to a test and listening to them on a headset during an exam.

Sena said 75 percent of the cases reviewed either involve plagiarism or cheating on tests.

He said bribery has increased as a way of cheating in the past few years. Some students have tried to bribe their teaching assistants with money, he said.

"The teaching assistants were outraged that someone would try to corrupt the system that way," he said.

"Quarters rarely run smoothly," Sena said. "There are always emergencies happening, but cheating is never a reasonable option."
Officials set drug, alcohol abuse policy

By Znie Chen
Lantern staff writer

The university plans to take a firm stance on drug and alcohol use by students, faculty and staff.

The Council for Student Affairs of the University Senate has formulated and passed a drug and alcohol policy, which is proposed for addition to the OSU Code of Student Conduct.

Russell Spillman, vice provost for student affairs, said proposed changes in the Code of Student Conduct must be reviewed by the University Senate, the provost's office and the president before taking effect. He said the changes could be revised if necessary.

The proposed policy formally states that the university prohibits the use, possession, sale, manufacture and distribution of illegal drugs.

In addition, medically unauthorized use of prescription drugs or the misuse of substances which could cause physical or psychological hazards to individuals is prohibited.

Students, faculty, staff, student organizations, university departments and administrative units choosing to provide, sell or otherwise permit alcoholic beverages at their events shall:

- Comply with applicable state and local laws and OSU policies and guidelines regulating beer and intoxicating liquor.
- Discourage abuse or excessive consumption of alcohol.
- Respect the rights of persons who are of legal drinking age who choose to drink responsibly as well as the rights of persons who choose not to drink.

According to the proposal, policy violations would result in disciplinary action by the university and possibly by law enforcement authorities.

Spillman said the Code of Student Conduct is applicable only to students, not to faculty and staff.

However, he said, "When the University Senate reviews the proposal, if they assume this is a good idea, then they would also have to make appropriate changes, either in the operating procedures of the university or faculty rules in the Senate, as it applies to faculty and staff."

Spillman said it is going to take time before the proposal goes into effect.

The proposal also states that because alcohol and drug use could be associated with medical and psychological problems, students might be referred, or refer themselves, to university counseling and medical resources.

Carol Ludtke, member of the Council for Student Affairs, said the policies are intended to make (The policy) establishes a philosophical statement on drugs and alcohol.

— Saundra Schuster

Ludtke, a graduate student in German, said the Council for Student Affairs has discussed counseling and treatment for those with problems associated with alcohol and drug use.

On-campus services include the Student Health Center, which can be covered by student health insurance, and the Counseling and Consultation Services in the Ohio Union.

Some people also could be referred to off-campus treatment programs, Ludtke said.

Saundra Schuster, director of student development for the Office of Student Life, said the policy "establishes a philosophical statement on drugs and alcohol."

Schuster said there are policy guidelines as well for the serving of alcohol at university events. These guidelines state that drug use is not permitted, and attempt to define what is reasonable in terms of alcohol.

"If there is alcohol at social functions and let's say someone gets hurt, and injuries and lawsuits result, a judicial body would decide what's reasonable in terms of an organization's responsibility, by referring to the guidelines," Schuster said.
Senate defines policy for drugs, alcohol, plagiarism

By Steve Sterrett

A drug and alcohol policy and a definition of plagiarism were approved by the University Senate on Jan. 28. The revisions to the Code of Student Conduct were proposed by the Council on Student Affairs.

The drug and alcohol policy prohibits "the illegal use, possession, sale, manufacture, or distribution of drugs... In addition, the misuse of substances which present physical or psychological hazards to individuals is prohibited."

The code also requires those serving alcohol at University events to comply with laws and University regulations.

The Senate inserted a definition of plagiarism in the section of the code that offers examples of academic misconduct. The revision reads: "Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriate, unacknowledged use of another person's ideas."

Another revision clarified the appeal process for students accused of violating the code.

The Senate, however, asked the student affairs council to further study a revision dealing with the separate honor codes published for each professional college. Several senators questioned why the professional colleges traditionally handle their own cases of academic misconduct.

In other action, the Senate approved amendments to the Rules of the University Faculty regarding regular clinical faculty in the College of Medicine. The amendments were recommended by a committee that studied the need for changes in this faculty category.

The revisions to the Code of Student Conduct and the amendments to the faculty rules both must go to the Board of Trustees for adoption.

Roger Musgrave, president of the Council of Graduate Students, publicly thanked University officials for their efforts to refund money withheld for city income tax during 1988 when the tuition remission for graduate associates was taxed under federal law.

Congress last October retroactively reinstated and made permanent the federal tax exclusion for tuition remission of graduate associates.

Work by several University offices permitted a refund of the city income tax for more than 4,000 graduate associates with their paychecks Jan. 31. The filing of tax forms to obtain the refund was avoided.

Musgrave praised University Controller Janet Achterman and her staff; Helen DeSantis, assistant vice president for compensation services, and her staff; and the staff of University Systems.

He also urged that Ohio State raise the stipends for graduate students. In its quest for excellence, the University must reach for excellence in its support of its graduate associates, he said.
New code of conduct to police off-campus

By Rebecca Jamrozik
Lantern staff writer

The Council of Student Affairs passed a new Code of Student Conduct yesterday that will discipline Ohio State students and organizations for their actions both on and off campus. The council passed this code after nearly four years of planning.

According to the new Code of Conduct, students could be brought before OSU Judicial Affairs for off-campus matters, including activities that involve a police report, an indictment, a summons that has been issued or an arrest that has occurred for any crime of violence that can be found in the Ohio Revised Code, with the exceptions of menacing and rioting. Some acts of violence include, but are not limited to burglary, assault, murder, manslaughter and rape.

Students on CSA, which include representatives from Undergraduate Student Government, Interprofessional Council and the Council of Graduate Students, pushed to get criminal complaints removed from the code.

The Code of Conduct will now be sent to University Senate for discussion, followed by the Board of Trustees, before becoming the new official code of conduct, according to Robert "B. J." Schuerger, USG president.

"I think it's a great step forward in beginning to tell students off campus that their behavior makes a difference in their safety," said Ron Meyers, CGS president and CSA representative.

The board voted unanimously, with the exception of one abstention, that a student will not be

see CODE page 3
found in violation unless a preponderance of the evidence supports the charges in academic misconduct cases. A preponderance of evidence means having enough proof for reasonable suspicion and clear and convincing evidence means enough proof exists to greatly increase chances of a guilty verdict.

In all other judicial cases, students will not be found in violation unless there is clear and convincing evidence supporting the charges, according to the revised code.

Keller Blackburn, USG representative to CSA, said that he was mostly concerned with removing criminal complaints from the code and switching preponderance to clear and convincing.

Bill Hall, interim vice president for Student Affairs, said he was delighted that student leaders negotiated and compromised to provide the leadership needed for moving the code forward.

"I think once students analyze what has passed, they're going to be in favor of it," Hall said. "I think if we do act arbitrarily in calling students in, which I don't see happening, I would understand their concerns. But there are some things that are happening in the university area, such as arson and other crimes against other students, that we can't act on now and I think the revisions give us the opportunity to address those kind of crimes."
7-11-2003

Contact: Elizabeth Conlisk, (614) 292-3040

Board of Trustees approves revisions to Code of Student Conduct

Bystanders at riots may face disciplinary action from university

COLUMBUS - The Ohio State University Board of Trustees on Friday (7/11) approved a revision to the Code of Student Conduct that requires students to disperse from a riotous crowd when requested by either university or law enforcement officials. Failing to do so would subject students to the university's judicial process.

The University Senate, Ohio State's internal governing body of faculty, administrators and students, approved the provision at its June meeting.

William H. Hall, vice president for student affairs said that, while the Code of Student Conduct was last revised in 2001 to extend the university's jurisdiction over students living in the off-campus area, it did not address the issue of crowd watchers at riots.

"When you look at the recent off-campus disturbances, it has been clear that onlookers contribute significantly to the problem," Hall said. "The code now allows the university to pursue disciplinary action against students who encourage others to commit senseless acts of violence, and makes them responsible for their actions."

"At the same time, the code specifically protects students' rights to be involved in peaceful demonstrations, picketing, boycotts or other forms of peaceful dissent;"

The Council on Student Affairs, a Senate committee primarily composed of students, brought the new language to the full Senate after reviewing the Code following the riots that occurred after the Ohio State/Michigan game.

J. Briggs Cormier, chair of the Council during the review and former president of the Council of Graduate Students, said the group wanted to do its part to prevent riots from recurring.

"Students felt strongly that the code should be more explicit about riot behavior and that the issue of onlookers should be addressed," Cormier said. "Two years ago, part of the reason for extending the Code's off-campus jurisdiction was to set a clear standard. But the code still didn't take care of the people standing around and watching the riots. The new provision to the code will address that issue;"

In addition to the "failure to disperse" provision, Code language was modified to
make it clear that students on interim suspension are not permitted to participate in or to complete academic work, including by email or other electronic means.

The board's approval of the Code revision comes as state lawmakers enact legislation that requires students convicted of participating in riots or other disturbances to be immediately expelled from state-supported colleges for a year and to be ineligible for state financial aid for two years.
CHAPTER 3335-23 CODE OF STUDENT CONDUCT
As of February 22, 2019

3335-23-01 Introduction and purpose.

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

(Board approval date: 4/6/2012, 2/22/2019)

3335-23-02 Jurisdiction.

The code applies to the on-campus conduct of all students and registered student organizations, including conduct using university computing or network resources. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

(A) Academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad or student teaching;

(B) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;

(C) Any activity sponsored, conducted, or authorized by the university or by registered student organizations;

(D) Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community, or creates or could reasonably create a hostile environment on campus as defined in the sexual misconduct policy; or

(E) Any activity which could constitute a criminal offense as defined by local, state or federal law, regardless of the existence or outcome of any criminal proceeding.

The code may be applied to behavior conducted online, via e-mail, text, or other electronic medium. Students should also be aware that online postings such as web postings and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The university does not routinely search for violations of this code, but may take action if and when such information comes to the attention of university officials.

Students or a registered student organization may also be held accountable for their guest’s or member’s behavior when the student or members of the registered student organization has knowledge of, facilitates or contributes to the guest’s or member’s misconduct.

The code governs all campuses of the university. Students attending regional campuses, centers, or institutes are advised to consult their local resources for additional information or rules pertaining to those locations.

The university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the
definition of a student while a disciplinary matter is pending. The university may, within its discretion, place a hold or other notation on the student’s transcript while the matter is pending.

Students continue to be subject to federal, state, and local laws while at the university, and violations of those laws may also constitute violations of the code. In such instances, the university may proceed with university disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student’s favor.


3335-23-03 Definitions.

As used in the code:

(A) “University premises” includes all lands, buildings, facilities, and resources owned, leased, managed, or operated by the university.

(B) “Student” includes an individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the university to take instruction.

(1) Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two complete, consecutive terms, and includes those with a continuing educational relationship with the university.

(2) “Student” also includes registered student organizations.

(3) This Code also applies within the discretion of an appropriate university official to former students for violations committed while a student.

(C) “Members of the university community” includes, but are not limited to, students, faculty, staff, and visitors to the campus.

(D) “Complaint” includes information alleging a violation of the code of student conduct or other published rule, policy, standard, or guideline applicable to students at the university, provided to the university, per paragraph (A) of rule 3335-23-05 of the Administrative Code.


3335-23-04 Prohibited conduct.

Any student found to have engaged, or attempted to engage, in any of the following conduct while within the university’s jurisdiction, as set forth in rule 3335-23-02 of the Administrative Code, will be subject to disciplinary action by the university. For the purposes of this section, attempt shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct.

(A) Academic misconduct.

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

(1) Violation of course rules as contained in the course syllabus or other information provided to the student;
(2) Knowingly providing or receiving information during examinations such as course examinations and candidacy examinations; or the possession and/or use of unauthorized materials during those examinations;

(3) Knowingly providing or using unauthorized assistance in the laboratory, on field work, in scholarship or on a course assignment;

(4) Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriately unacknowledged use of another person's ideas;

(5) Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement. This includes submitting the same work for courses that the student is retaking pursuant to the university's grade forgiveness rule;

(6) Falsification, fabrication, or dishonesty in creating or reporting laboratory results, research results, and/or any other assignments;

(7) Serving as, or enlisting the assistance of a substitute for a student in any graded assignments;

(8) Alteration of grades or marks by the student in an effort to change the earned grade or credit;

(9) Alteration of academically-related university forms or records, or unauthorized use of those forms or records;

(10) Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system;

(11) Violation of program regulations as established by departmental committees and made available to students; and

(12) Providing falsified materials, documents, or records to a university official in order to meet academic qualifications, criteria, or requirements, including but not limited to submitting falsified doctor's notes and/or falsified transcripts.

(B) Endangering health or safety.

(1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.

(2) Stalking: Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action. When stalking is sex- or gender-based, it falls under sexual misconduct.

(3) Operating a vehicle while impaired by alcohol or drugs in a manner that endangers the safety of the university community.
(C) Sexual misconduct.

Sexual misconduct in any form is never acceptable. Students are responsible to know and adhere to the sexual misconduct policy which can be found at http://hr.osu.edu/public/documents/policy/policy115.pdf.

(D) Destruction of property.

Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.

(E) Dangerous weapons or devices.

Storage, or possession of dangerous weapons, devices, or substances including, but not limited to, firearms, ammunition or fireworks, unless authorized by an appropriate university official or permitted by a university policy, even if otherwise permitted by law. Use or misuse of weapons, devices, or substances in a manner that causes or threatens serious harm to the safety or security of others. As required by Ohio Revised Code Section 2923.1210, this section does not prohibit a student who has been issued a valid concealed handgun license from transporting or storing a firearm or ammunition when both of the following conditions are met:

(1) Each firearm and all of the ammunition remains inside the person’s privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of 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;

(2) The vehicle is in a location where it is otherwise permitted to be.

(F) Dishonest conduct.

Dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making false accusation of conduct; misuse or falsification of university or related documents by actions such as forgery, alteration, or improper transfer; possession, use or manufacturing of a false identification document; submission of information known by the submitter to be false to a university official.

(G) Theft or unauthorized use of property.

Theft or the unauthorized use or possession of university property, services, resources, or the property of others.

(H) Failure to comply with university or civil authority.

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

(I) Drugs.

Use, being under the influence of, production, distribution, sale, or possession of drugs and/or drug paraphernalia in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.
(J) Alcohol.

Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

(K) Unauthorized presence.

Unauthorized entrance to or presence in or on university premises.

(L) Disorderly or disruptive conduct.

Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.

(M) Hazing.

Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section.

(N) Student conduct system abuse.

Abuse of any university student conduct system, including but not limited to:

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

(O) Violation of university rules or federal, state, and local laws.

Violation of other published university rules, policies, standards, and/or guidelines, or behavior that could violate federal, state, or local law. University rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.
(P) Riotous behavior.

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

(2) Proscribed behavior in the context of a riot includes, but is not limited to:
   
   (a) Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and
   
   (b) Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and
   
   (c) Failing to comply with a directive to disperse by university officials, law enforcement or emergency personnel; and
   
   (d) Making explicit or implied threats in a manner that causes a reasonable fear of harm in another; and
   
   (e) Impeding, hindering or obstructing a university official, law enforcement or emergency personnel in the performance of their duties.

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

(Q) Recording or distribution without knowledge.

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

(R) Public urination or defecation.

Urination or defecation in a place such as a sidewalk, street, park, alley or yard, residence hall space, or on any other place or physical property that is not intended for use as a restroom.

(S) Retaliation.

Any intentional adverse action against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in any university investigation or proceeding.

3335-23-05 Initiation and investigation of code violations.

(A) Initiation.

Person(s) witnessing or experiencing what they believe to be a possible code violation should provide an authorized university official with the information.

(1) Complaints about possible code violations occurring in residence halls should be provided to the residence hall director;

(2) Complaints about possible non-residence hall related code violations should be provided to the director of student conduct, or chief student conduct officer for the regional campuses;

(3) Complaints regarding academic misconduct should be referred to the coordinator of the committee on academic misconduct; and

(4) In cases when the alleged activity may involve a violation of criminal law in addition to a violation of the code, complaints should be provided to the Ohio state university police or other appropriate law enforcement agency. The university will review all complaints received and may conduct a preliminary investigation of the alleged violation.

(B) Investigation.

(1) Role of the university.

(a) The Ohio state university police or other appropriate law enforcement agency shall have primary responsibility for the investigation of acts that involve suspected criminal violation of federal, state, or local laws;

(b) Residence hall directors, assistant hall directors, the director of student conduct, the chief conduct officer for the regional campuses, and other designated university personnel are authorized to investigate alleged violations other than those involving paragraphs (B)(1)(c) and (B)(1)(d) of this rule;

(c) The coordinator of the committee on academic misconduct is authorized to investigate allegations involving academic misconduct;

(d) Only those personnel designated by the sexual misconduct policy shall investigate charges involving sexual misconduct.

(2) Role of other participants.

(a) During the investigation, the student allegedly involved in misconduct may be:

i. Notified of the alleged violation;
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ii. Requested to make an appointment to discuss the matter; and

iii. Provided a date by which the appointment must be made.

(b) Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter.

(3) Failure to comply with a request to make and keep an appointment relevant to an investigation may result in a disciplinary hold being placed on a respondent’s registration and records and/or the initiation of charges for student conduct system abuse.

(4) Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include, but is not limited to:

(a) Taking no further action,

(b) Deferring further action with or without conditions, or

(c) Initiating charges with the appropriate university student conduct body.


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

A complaint alleging a violation of the code of student conduct should be filed with the university as soon as practicable following the discovery of the alleged violation. Absent extraordinary circumstances, the complaint must be filed within six months for cases of non-academic misconduct (paragraphs (B) to (R) of rule 3335-23-04 of the Administrative Code), and one month for academic misconduct (paragraph (A) of rule 3335-23-04 of the Administrative Code), from the date upon which a university official becomes aware of the alleged violation and identifies the student(s) who allegedly committed the violation. Absent extraordinary circumstances, the university must initiate charges, if any, within one year of the filing of the complaint. This time limitation does not apply to complaints of sexual misconduct. In all cases, a student charged with one or more violations of the code of student conduct has the right to be heard, subject to the student conduct procedures.


3335-23-07 Notice of charges.

(A) Notification.

Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in the respondent's residence hall mailbox, by email to the respondent's official university email address (which may direct the student to view the notice on a secure website), or by mail to the respondent's local or permanent address on file in the office of the university registrar.

(B) Current address.

All students are required to maintain an accurate and current local and permanent address with the university registrar.

(C) Meeting with university official.
Following notification of charges, respondents are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university student conduct process and discussion of the charges.

(D) Failure to respond.

Failure of the respondent to respond to the initiation of charges or schedule a preliminary meeting shall in no way prevent the university from scheduling and conducting a hearing in the absence of the respondent.


3335-23-08 Administrative decision.

In a case where a respondent admits to a violation(s) in writing, the student may request in writing to have a decision as to appropriate sanction made administratively by a hearing officer rather than have the charges referred to a hearing body. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing body. Administrative decisions in academic misconduct cases involving graduate students are to be made in consultation with the graduate school. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.


3335-23-09 Notice of hearing and request for postponement.

(A) Notice.

If a hearing is to be held, written notification will be provided to the respondent, and in charges involving sexual misconduct to the complainant. The notice may be hand delivered, placed into a student’s residence hall mailbox, sent by email to the student’s official university email address, which may direct the student to view the notice on a secure website, or mailed to the last known address of the student, by first class mail, no fewer than ten calendar days prior to the hearing. Unless already provided to the student, the notification will include the charge(s), date, time, and location of the hearing, the designated hearing body, a statement of the student’s rights, and information on the hearing procedures.

(B) Postponement.

The respondent and the complainant may request a postponement for reasonable cause or a separate hearing from other respondents. A request for a postponement for reasonable cause must be made in writing, include supporting rationale and be received by the person sending the hearing notification at least two business days before the scheduled hearing.


3335-23-10 Hearing procedures.

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

Attendance at hearings is limited to those directly involved or those requested by the hearing body to attend. The hearing body will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.

(B) Advisor.

The respondent and the complainant may have an advisor throughout the disciplinary process. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing body.

(C) Written statements and witnesses.

The respondent and the complainant, in charges involving sexual misconduct, may submit a written statement, invite relevant factual witnesses to attend, invite character witnesses to submit written statements, ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The respondent and the complainant must submit a list of potential witnesses to the hearing body at least two business days prior to the hearing. The university may present witnesses as well as question those presented by the respondent and the complainant.

(D) Witness absence.

The hearing body may allow written statements if, for good reason, a fact witness cannot attend the hearing.

(E) Consultants.

In cases requiring special expertise, the hearing body may appoint individuals with appropriate expertise to serve as consultants to the hearing body. The consultants may be present and provide information as called upon during the hearing but will not vote.

(F) Standard of evidence.

A student will only be found in violation if a preponderance of evidence supports the charges. In the event of a tie, the board will continue to deliberate. If after the board determines that exhaustive deliberations have occurred and a majority decision is not reached the student will be found not in violation.

(G) In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the accused may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The accused student may decline such expedited review without the expectation that the process can be completed on an expedited timeline.


3335-23-11 Attandance.

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

(Board approval dates: 3/2/2001, 4/8/2016)

3335-23-12 Record of proceedings.

A single record consisting of written notes, tape recording, or other method selected by the hearing body, will be made of all hearings. Such record will remain the property of the university but will be made available to the respondent, and the complainant in charges involving sexual misconduct, for review during the appeal period. A written notice of the decision will be provided to the respondent and the complainant, where privacy laws allow. If the respondent is found in violation, information regarding appeal procedures will be provided to the respondent and complainant in cases involving sexual misconduct.

(Board approval dates: 3/2/2001, 4/6/2012, 4/8/2016)

3335-23-13 Hearing bodies.

(A) In addition to the committee on academic misconduct, the university conduct board, the director of student conduct, hearing officers within the student conduct system, the coordinator of the committee on academic misconduct, university housing professional staff are to be considered as official university hearing bodies, and may hear cases of alleged violations of the code affording the respondent the same procedural guarantees as provided in hearings by a committee, or board.

(B) The respondent has the right to accept responsibility for the charges, which will result in an administrative decision, or choose to have a hearing.

(C) Students will generally be afforded the right to choose an administrative or board hearing, except under special circumstances when, in order to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue.


3335-23-14 Committee on academic misconduct.

(A) On behalf of the committee, the coordinator may investigate and resolve all reported cases of student academic misconduct that fall under the committee’s jurisdiction. The coordinator and chair shall establish procedure for the investigation and resolution of cases. The committee does not hear cases involving academic misconduct in professional colleges having a published honor code. These colleges shall follow their own codes and procedures which can be obtained in their respective central offices. Some allegations against graduate students that fall under the committee’s jurisdiction may also implicate the university policy and procedures concerning research misconduct and/or graduate school policy on the investigation of allegations of research misconduct by a graduate student. Upon receipt of such an allegation, the coordinator shall meet with the dean of the graduate school or designee, and/or the senior vice president for research or designee, and these parties shall mutually agree on the appropriate procedure for adjudicating the case. Notice of this decision and a description of the procedure to be used shall promptly be given to the student who has been charged. The coordinator or chair may refer complaints to the student conduct system if it is determined that the academic misconduct allegation is incidental to some other misconduct.
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(B) The committee on academic misconduct is constituted according to rule 3335-b-48. of the Administrative Code.

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

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

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

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


3335-23-16 University conduct board.

(A) Membership.

The respondent may elect for the university conduct board to adjudicate charges involving prohibited behaviors listed in rule 3335-23-04 of the Administrative Code, except paragraphs (A) (academic misconduct) and (C) (sexual misconduct). For charges involving sexual misconduct to be heard by the board, there shall be no student membership. For charges involving prohibited behaviors listed in rule 3335-23-04 of the Administrative Code, except paragraphs (A) (academic misconduct) and (C) (sexual misconduct), the board consists of:

(1) Fifteen faculty and/or administrative members recommended by the director of student conduct to the vice president for student life for three-year terms which begin with the autumn term;

(2) Twelve undergraduate student members, appointed by undergraduate student government;

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

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

(5) The director of student conduct or designee shall serve as board coordinator ex-officio without vote.

(B) Quorum.

A quorum for a hearing shall be no fewer than four voting members of the board which shall include no fewer than two student members, except for charges involving sexual misconduct when there shall be no student members. A hearing board shall consist of no more than eight voting members.

(C) Appointment.

All student appointments shall be for staggered two-year terms beginning in the autumn term. Six of the undergraduate student members, three of the graduate student members, and one of the professional student members shall be appointed in odd-numbered years, with the remainder appointed in even-numbered years.

(1) To be eligible for appointment or service, a student must possess a minimum 2.5 cumulative grade point average and not be under current disciplinary sanction from the university
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(2) Additional alternate members may be appointed as needed.

(D) Removal.

The director of student conduct may remove university conduct board members for cause, including but not limited to, not attending training, falling below the minimum grade point average, repeated absences, violating the code of student conduct or other applicable laws or rules, policies, standards, or guidelines, or not responding to repeated attempts at communication. Notification shall be made in writing to the university conduct board member prior to removal, whenever possible.


University Sanctions

3335-23-17 General guidelines for sanctions.

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

(A) Informal admonition.

An oral or written admonition issued by a hearing officer or residence hall advisor resulting from the student's misconduct. No formal charges are required before the issuance of an informal admonition. However, following issuance of an informal admonition, the student shall be entitled to a hearing upon written request, under the procedures provided in the code of student conduct. A written request for such a hearing must be filed with the university official who administered the informal admonition, within five working days of the student's receipt of the informal admonition. An informal admonition shall not be considered a disciplinary sanction, but may be considered in any subsequent hearings.

(B) Disciplinary sanctions.

(1) Formal reprimand.

A written letter of reprimand resulting from a student's misconduct.

(2) Disciplinary probation.

This probationary condition is in effect for a specified period of time and may involve the loss of specified privileges. Further violation of university rules, policies, standards, or guidelines during the probationary period will additionally be viewed as a violation of the probation, which shall result in further action up to and including suspension or dismissal.
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(3) Suspension.

Suspension is a sanction that terminates the student’s enrollment at the university for a specified period of time. Satisfactory completion of specified stipulations may be required for readmission at the end of the suspension period.

(4) Dismissal.

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

(C) Conditions of suspension and dismissal.

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

(D) Failing or lowered grades.

In cases of academic misconduct, a hearing body may authorize the instructor to award a failing or lowered grade in the course, a loss of credit on the graded coursework, and impose any of the above-listed sanctions including suspension or dismissal from the university.

(E) Other sanctions.

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


Appeal Process

3335-23-18 Appellate process.

(A) Right to appeal.

(1) A student found to have violated the code of student conduct has the right to appeal the original decision. The appeal is not intended to re-hear or re-argue the same case and is limited to the specific grounds outlined in this rule. The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal must be postmarked or hand delivered to the appropriate appeal officer, or sent via email, as provided below, within five working days after the date on which notice of the decision is sent to the student. Each student shall be limited to one appeal. The decision of the appeal officer is final.
(2) In cases involving charges involving sexual misconduct as defined by applicable university policy, the complainant may appeal the original decision in accordance with the appeals procedures provided in this rule.

(3) A student who has accepted responsibility for violating the code of student conduct waives the right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.

(4) Each party shall be limited to one appeal. The decision of the appeal officer is final.

(B) Grounds for appeal.

An appeal may be based only upon one or more of the following grounds:

(1) Procedural error that resulted in material harm or prejudice to the student (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;

(2) Discovery of substantial new evidence that was unavailable at the time of the hearing and which reasonably could have affected the decision of the hearing body; or

(3) Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.

Non-attendance by the respondent or the complainant may not be the sole grounds for an appeal.

(C) Appropriate appeal officers.

(1) Appeals from residence hall hearings:

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

(b) All appeals, when the sanction imposed by the residence hall hearing is contract termination, shall be submitted to the director of student conduct or designee.

(2) Appeals of a decision of a hearing body will be submitted for decision to the vice president for student life or designee.

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

(D) Appeal proceedings.

(1) The appeal officer will dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in paragraph (B) of this rule.

(2) The appeal officer will decide the appeal based upon a review of the record and supporting documents (e.g. prior disciplinary history).

(3) The appeal officer may consider additional relevant information from any party to the proceeding and then decide the appeal based upon the enhanced record.

(E) Possible dispositions by the appeal officer.

The appeal officer may, after a review of the record:
(1) Uphold the original decision and/or sanction(s);

(2) Dismiss the case or individual charge(s) against the student and vacate any portion or all of the sanction(s);

(3) Modify or reduce the sanction(s); or in cases involving charges relating to sexual misconduct as defined by applicable university policy, enhance the sanction; or

(4) Remand the case to the original hearing body or refer the case to a new hearing body to be reheard. If possible, a new hearing body should be different from the one that originally decided the case. If a case is reheard by a hearing body, the sanction imposed can be greater than that imposed at the original hearing.


3335-23-19 Minor deviations from procedure.

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


3335-23-20 Interim suspension.

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


3335-23-21 Administrative disenrollment and other restrictions.

(A) A student may be disenrolled from the university; prohibited from all or any portion of university premises, university-related activities or registered student organization activities; and/or permitted to remain only under specified conditions when the vice president for student life or designee finds that there is clear and convincing evidence that the student’s continued presence poses a significant risk of substantial harm to the health or safety of themselves, others, or to property.

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

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

(1) The conditions found to have existed under paragraph (A) of this rule no longer exist and will not recur, and

(2) The student meets all normal and appropriate standards for admission and enrollment in any academic unit in which the student seeks to re-enroll. Upon receipt of such a petition, the vice president for student life or designee shall evaluate the evidence and may consult with the student, any appropriate university personnel, and any other persons whom the vice president for student life or designee deems appropriate. The vice president for student life or designee may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition.


3335-23-22 Authority.

The bylaws of the university board of trustees and rules of the university faculty provide that the university president shall have the final responsibility and authority for the discipline of all students of the university (see paragraph (A) of rule 3335-11-01 of the Administrative Code). This responsibility and authority has been delegated by the president to the vice president for student life, whose office is also charged with responsibility for promulgation of rules governing student conduct (see paragraph (H) of rule 3335-1-03 of the Administrative Code).

The deans of colleges and of the graduate school, the directors of schools, and the chairpersons of departments, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective colleges, schools, and departments (see paragraph (B) of rule 3335-11-01 of the Administrative Code). Likewise, the deans and directors of the regional campuses are responsible to the president through the executive vice president and provost for the discipline of all students in the activities of their respective campuses.

The Ohio state university code of student conduct is an official publication of the university board of trustees. All petitions for revision and amendment of this code of student conduct should be submitted through the office of the vice president for student life. The code shall remain consistent with the sexual misconduct policy; any code of student conduct changes related to that policy shall be done in consultation with the Title IX coordinator. Proposed revisions to the code shall be reviewed, in draft form, by the office of the president, the office of academic affairs, and the steering committee of the university senate before being presented for approval to the university senate by the council on student affairs. No revision shall become effective unless approved by the university board of trustees and until printed notice of such revisions is made available to students.

CHAPTER 3335-23 CODE OF STUDENT CONDUCT
As of February 22, 2019

3335-23-01 Introduction and purpose.

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

(Board approval date: 4/6/2012, 2/22/2019)

3335-23-02 Jurisdiction.

The code applies to the on-campus conduct of all students and registered student organizations, including conduct using university computing or network resources. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

(A) Academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad or student teaching;

(B) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;

(C) Any activity sponsored, conducted, or authorized by the university or by registered student organizations;

(D) Any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community, or creates or could reasonably create a hostile environment on campus as defined in the sexual misconduct policy; or

(E) Any activity which could constitute a criminal offense as defined by local, state or federal law, regardless of the existence or outcome of any criminal proceeding.

The code may be applied to behavior conducted online, via e-mail, text, or other electronic medium. Students should also be aware that online postings such as web postings and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The university does not routinely search for violations of this code, but may take action if and when such information comes to the attention of university officials.

Students or a registered student organization may also be held accountable for their guest’s or member’s behavior when the student or members of the registered student organization has knowledge of, facilitates or contributes to the guest’s or member’s misconduct.

The code governs all campuses of the university. Students attending regional campuses, centers, or institutes are advised to consult their local resources for additional information or rules pertaining to those locations.

The university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the
definition of a student while a disciplinary matter is pending. The university may, within its discretion, place a hold or other notation on the student's transcript while the matter is pending.

Students continue to be subject to federal, state, and local laws while at the university, and violations of those laws may also constitute violations of the code. In such instances, the university may proceed with university disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.


3335-23-03 Definitions.

As used in the code:

(A) "University premises" includes all lands, buildings, facilities, and resources owned, leased, managed, or operated by the university.

(B) "Student" includes an individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the university to take instruction.

   (1) Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two complete, consecutive terms, and includes those with a continuing educational relationship with the university.

   (2) "Student" also includes registered student organizations.

   (3) This Code also applies within the discretion of an appropriate university official to former students for violations committed while a student.

(C) "Members of the university community" includes, but are not limited to, students, faculty, staff, and visitors to the campus.

(D) "Complaint" includes information alleging a violation of the code of student conduct or other published rule, policy, standard, or guideline applicable to students at the university, provided to the university, per paragraph (A) of rule 3335-23-05 of the Administrative Code.


3335-23-04 Prohibited conduct.

Any student found to have engaged, or attempted to engage, in any of the following conduct while within the university's jurisdiction, as set forth in rule 3335-23-02 of the Administrative Code, will be subject to disciplinary action by the university. For the purposes of this section, attempt shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct.

(A) Academic misconduct.

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

   (1) Violation of course rules as contained in the course syllabus or other information provided to the student;
(2) Knowingly providing or receiving information during examinations such as course examinations and candidacy examinations; or the possession and/or use of unauthorized materials during those examinations;

(3) Knowingly providing or using unauthorized assistance in the laboratory, on field work, in scholarship or on a course assignment;

(4) Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriate unacknowledged use of another person's ideas;

(5) Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement. This includes submitting the same work for courses that the student is retaking pursuant to the university's grade forgiveness rule;

(6) Falsification, fabrication, or dishonesty in creating or reporting laboratory results, research results, and/or any other assignments;

(7) Serving as, or enlisting the assistance of a substitute for a student in any graded assignments;

(8) Alteration of grades or marks by the student in an effort to change the earned grade or credit;

(9) Alteration of academically-related university forms or records, or unauthorized use of those forms or records;

(10) Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system;

(11) Violation of program regulations as established by departmental committees and made available to students; and

(12) Providing falsified materials, documents, or records to a university official in order to meet academic qualifications, criteria, or requirements, including but not limited to submitting falsified doctor's notes and/or falsified transcripts.

(B) Endangering health or safety.

(1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.

(2) Stalking: Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action. When stalking is sex- or gender-based, it falls under sexual misconduct.

(3) Operating a vehicle while impaired by alcohol or drugs in a manner that endangers the safety of the university community.
(C) Sexual misconduct.

Sexual misconduct in any form is never acceptable. Students are responsible to know and adhere to the sexual misconduct policy which can be found at http://hr.osu.edu/public/documents/policy/policy115.pdf.

(D) Destruction of property.

Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.

(E) Dangerous weapons or devices.

Storage, or possession of dangerous weapons, devices, or substances including, but not limited to, firearms, ammunition or fireworks, unless authorized by an appropriate university official or permitted by a university policy, even if otherwise permitted by law. Use or misuse of weapons, devices, or substances in a manner that causes or threatens serious harm to the safety or security of others. As required by Ohio Revised Code Section 2923.1210, this section does not prohibit a student who has been issued a valid concealed handgun license from transporting or storing a firearm or ammunition when both of the following conditions are met:

1. Each firearm and all of the ammunition remains inside the person’s privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of 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;

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

(F) Dishonest conduct.

Dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of university or related documents by actions such as forgery, alteration, or improper transfer; possession, use or manufacturing of a false identification document; submission of information known by the submitter to be false to a university official.

(G) Theft or unauthorized use of property.

Theft or the unauthorized use or possession of university property, services, resources, or the property of others.

(H) Failure to comply with university or civil authority.

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

(I) Drugs.

Use, being under the influence of, production, distribution, sale, or possession of drugs and/or drug paraphernalia in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.
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(J) Alcohol.

Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

(K) Unauthorized presence.

Unauthorized entrance to or presence in or on university premises.

(L) Disorderly or disruptive conduct.

Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.

(M) Hazing.

Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section.

(N) Student conduct system abuse.

Abuse of any university student conduct system, including but not limited to:

(1) Failure to obey the summons or directives of a student conduct body or university official;

(2) Falsification, distortion, or misrepresentation of information before a student conduct body;

(3) Disruption or interference with the orderly conduct of a student conduct proceeding;

(4) Knowingly instituting a student conduct proceeding without cause;

(5) Discouraging an individual’s proper participation in, or use of, a university student conduct system;

(6) Influencing the impartiality of a member of a student conduct body prior to, and/or during the course of a student conduct proceeding;

(7) Harassment and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;

(8) Failure to comply with one or more sanctions imposed under the code of student conduct; and

(9) Influencing another person to commit an abuse of a university student conduct system.

(O) Violation of university rules or federal, state, and local laws.

Violation of other published university rules, policies, standards, and/or guidelines, or behavior that could violate federal, state, or local law. University rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.
(P) Riotous behavior.

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

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

(a) Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and

(b) Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and

(c) Failing to comply with a directive to disperse by university officials, law enforcement or emergency personnel; and

(d) Making explicit or implied threats in a manner that causes a reasonable fear of harm in another; and

(e) Impeding, hindering or obstructing a university official, law enforcement or emergency personnel in the performance of their duties.

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

(Q) Recording or distribution without knowledge.

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

(R) Public urination or defecation.

Urination or defecation in a place such as a sidewalk, street, park, alley or yard, residence hall space, or on any other place or physical property that is not intended for use as a restroom.

(S) Retaliation.

Any intentional adverse action against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in any university investigation or proceeding.

OSU rule to let guns be stored in cars

By Jennifer Smola

The Columbus Dispatch

A settlement agreement and related litigation between Ohio State University and gun-rights advocates has resulted in a change in the university’s policies to allow students with concealed carry permits to store firearms in their vehicles on campus.

A lawsuit filed more than two years ago by two gun-rights groups and Mike Newbern, an OSU Marion student and instructor, charged that Ohio State policies prohibiting storage of guns in vehicles went against state law.

In December 2016, the General Assembly passed and Gov. John Kasich signed a law that lifted a longstanding statewide ban on carrying concealed guns at colleges, day care centers and airports, but left it up to universities whether to actually allow them. Ohio State continues to prohibit weapons and firearms on its campuses unless authorized by an appropriate university official, but now does not prohibit the storage of firearms inside a locked vehicle on campus.

In February, Ohio State’s board of trustees approved changes to the student conduct code that the parties negotiated in a settlement agreement, and the case in Marion County Common Pleas Court was dismissed last week.

“We’re happy that Ohio State has changed the student code of conduct so that vetted, trained, licensed students will be able to store their lawfully possessed firearms in their cars parked on campus,” Newbern said in a news release. “It’s unfortunate that the rights of those students codified by the General Assembly some 15 years ago (when Ohio implemented its concealed carry program) weren’t recognized until we challenged the University in court at great expense to the Ohio taxpayer.”

Ohio State spokesman Ben Johnson said the university already had been enforcing rules about storing guns in vehicles in accordance with state law, and the recent move by the board simply updated the language in its student code of conduct.

“Ohio State was already enforcing its rules to allow any locked-vehicle storage that state law required the university to allow,” Johnson said in an email. “Therefore, Ohio State was willing to amend the student code, given that the change in language would not amount to any change in Ohio State’s enforcement practice.”

Gun-rights advocates said they are hopeful other schools will follow suit after the Ohio State case.

“This settlement recognizes a right the General Assembly was very careful to protect when it implemented the concealed carry program in Ohio in 2004,” Derek A. DeBrosse, one of the attorneys who represented the plaintiffs in the case, said in a news release. jsmola@dispatch.com @jennsmola