



Student Handbook


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University Policies And Social Regulations

I. Governance and Administration of Student Discipline

II. University Policies

The following sections on student life describe policies which are applicable to Wittenberg University and which have been developed to implement the Joint Statement on Rights and Freedoms of Students adopted by Wittenberg University.

I. Governance and Administration of Student Discipline

Basic Philosophy

The submission of an application for admission to Wittenberg University is an optional and voluntary action. Institutional approval of that application, in turn, is an extension of privilege to the student to join the academic community and to remain a part of it so long as academic and behavioral expectations of the institution are met. These expectations have been established so that the educational purpose of the University may be pursued in an atmosphere conducive to such an undertaking. Consequently, the creation of academic and behavioral rules should be seen not as an attempt to repress the majority of students but rather to protect the majority from the inconsistent behavior of a minority which infringes on the rights of others.

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

Disciplinary procedures must be reasonable, fair, and effective. Effectiveness is particularly dependent on the overall attitude of the University community itself. It assumes a commitment to the principles of self-discipline and self-governance. It requires that misconduct be reported, that charges be filed by those who have the responsibility to do so, that witnesses testify if called, that findings of guilt be made when evidence so warrants, and that appropriate sanctions be imposed when guilt is found. It must also be possible for disciplinary proceedings to be conducted without fear of interruption or retaliation against those who participate, for there to be a willingness on the part of students to participate in the proceedings, and for the results to be respected.

Authority for the Administration of Student Discipline

Wittenberg University is a private institution. Its campus and facilities are private property. As officers of a private corporation, the Board of Directors and delegated University officials have the power to enact and enforce regulations they judge to be relevant to the preservation of the educational atmosphere and purpose of the institution. Members of the campus community and visitors to the campus are expected to abide by University regulations as well as federal, state, and local laws. Any person not able or willing to do so may expect disciplinary action by University and/or civil authorities.

Code of Expected Conduct

A student at Wittenberg is expected to:

1. give evidence of such attainments in self-management as to entitle one to the advantages offered by a private institution of higher learning and which indicate the desire and ability to profit by University attendance as well as provide a positive influence on fellow students;

2. respect local ordinances as well as state and federal statutes, both on and off campus. If a student violates a civil law, the University may also take disciplinary action if its interests as an academic community are clearly involved. In such instances, University action is responsive to the requisites of University life and remains independent of civil pressure or sanction;
3. be concerned and considerate of the welfare of others as well as self. Thus, continual inconsiderate or irresponsible behavioral patterns will be treated as a serious matter by University officials; and
4. exercise good judgment in all aspects of personal behavior.

Violations of the Code of Expected Conduct

The following list provides examples of violations of the Code of Expected Conduct. The list is not meant to be exhaustive; however, it does offer information on the types of behavior which could lead to disciplinary action.

1. Physical or verbal abuse, intimidation, or harassment, including sexual harassment and assault of another person or group of persons.
2. Deliberate or careless endangerment: tampering with safety alarms or equipment; violation of specific safety regulations; failure to render reasonable cooperation in any emergency; possession or use on campus of firearms, knives (except non-spring pocket knives), other weapons, explosives, or fireworks.
3. Obstruction or disruption of regular University activities, including teaching, research, administration, campus services, discipline, organized events, and operation and maintenance of facilities; interference with the free speech and movement of academic community members.
4. Dishonesty, including provision of false information or testimony to a University official or Judicial Board, alteration or misuse of documents, plagiarism, and other academic cheating, impersonation, misrepresentation, or fraud.
5. Obscene, indecent, or inconsiderate behavior, exposure of others to offensive conditions, or disregard for the privacy of others.
6. Theft, abuse, or unauthorized use of personal or public property, including unauthorized entrance into University facilities, possession of stolen property, and littering.
7. Illegal use, sale, or possession of stimulants, intoxicants, alcoholic beverages, drugs or paraphernalia.
8. Use or possession of open containers of alcoholic beverages on campus other than at approved locations and events. Possession of kegs on university property or in university facilities.
9. Gambling on campus or at organized student activities.
10. Failure to comply with the lawful directions of any University official, staff member, authorized contract agent, or student employee who is acting in performance of duties or is explicitly assuming responsibility on behalf of the University in the absence of a particular official, including refusal to identify oneself when requested.
11. Failure to comply with the regulations governing the use of campus facilities, including residence halls and the library, and to assure that guests are also in compliance with campus policies, regulations, and procedures.
12. Deliberate incitement of others to commit any of the acts prohibited above or involvement as an accessory to any of the prohibited acts by providing assistance or encouragement to others engaged in them or by failure to separate oneself clearly from a group in which others are so engaged when there is sufficient time and opportunity.

Guide for Disciplinary Decisions

Unless a specific University policy dictates adjudication by a particular person or board, the Dean of Students will determine how incidents will be adjudicated. Residence Coordinators or the Judicial Affairs Officer normally are the first to meet with the accused student. The following guide serves in deciding what type of action is appropriate, given the nature of the offense. It should be emphasized that actual decisions always take into account the attitude and situation of the accused student. Therefore, while the following are recommended sanctions, final action may be more or less severe, as appropriate.

Level I Offenses

Possible sanctions: warning, fine, work assignment

Fine level \$20-\$100

Alcohol policy

Visitation policy

Health/safety hazard

Inappropriate disposal of trash/garbage

Unauthorized pets

Failure to identify or comply

Noise

Level II Offenses

Possible sanctions: warning and fine, restrictions, work assignment, living unit probation

Fine level \$50-\$150

Second "Level I" offense

Disorderly conduct

Non-malicious damage (restitution automatic)

Fire safety (candle policy, incense, unauthorized use of fire escapes, fire doors or fire safety equipment)

Smoking in residence halls

Exhibiting a pattern of behavior that demonstrates flagrant disregard for living unit policies

Level III Offenses

Possible sanctions: university disciplinary probation and fine, work assignment, restrictions, living unit dismissal

fine level \$80-\$200

Harassment, other than sexual harassment

Disorderly conduct

Physical or emotional abuse

Minor vandalism and criminal damage

Menacing (physical, verbal, or written threat)

Fire safety (fireworks, unauthorized or inappropriate use of fire safety equipment)

Exhibiting a pattern of behavior that demonstrates a flagrant disregard for living unit or Wittenberg policies

Level IV Offenses

Possible sanctions: disciplinary suspension

fine level \$100-\$300

Theft

Disorderly conduct

Physical or emotional abuse

Use, possession, sale or distribution of illegal drugs

Major vandalism or criminal damage

Fire safety (false fire alarm, tampering with the fire fighting or safety equipment, arson) Any violation committed while on disciplinary probation

Exhibiting a pattern of behavior that demonstrates a flagrant disregard for living unit or University policies Sexual Harassment

Level V Offenses

Possible sanctions: disciplinary dismissal

Any offense or series of offenses which indicates that the student is a threat to the University community and/or himself/herself sexual assault

Note: The list of offenses does not exclude consideration of disciplinary action following violations outlined under the Code of Expected Conduct and other policies covered in this student handbook.

If violations of these policies occur and they are not listed in the above levels of offenses, a determination will be made by the Dean of Students as to which level the offense is to be adjudicated.

Disciplinary Action

A student found to be in violation of the Code of Conduct or any specific policies or social regulations in this handbook may be disciplined according to the nature of the offense. The following disciplinary actions represent standard and recognized University-wide sanctions:

Written warning—a written notice to the student offender that he/she has violated University rules and that further violations will result in more severe disciplinary action.

Fine—a monetary sanction imposed by the Dean of Students or designee(s) for violation of University regulations.

Restitution—reimbursement for damage to, or misappropriation of, University and/or private property. Reimbursement may take the form of appropriate service to compensate for the damaged or misappropriated property.

Work assignment—the requirement that a student perform some service or engage in some activity (usually having some relationship to the offense) that would benefit both the student and the Wittenberg/Springfield community.

Living unit probation—a prescribed period during which another violation of policy may result in the student

forfeiting the privilege to live in a University residence hall, Greek house, or University-owned housing. This may include moving from one hall to another.

Living unit dismissal—the requirement that a student leave his/her residence hall, Greek house, or University-owned housing by a determined time. The student may be further restricted from moving into any other University or Greek housing and is not entitled to any refund from room or board.

University probation—a prescribed period during which another violation of policy will result in added restrictions, suspension, or dismissal.

Restrictions—additional sanctions imposed along with the period of probation appropriate for the offense (work details, research, etc.). Restrictions may also take the form of revocation of the privilege to:

1. hold an office in a campus Residence Hall organization, and/or
2. represent the University in inter-collegiate athletics or other public events.

Disciplinary suspension—exclusion for the offending student from the University campus, its classes, and other privileges or activities for a prescribed period.

1. *Deferred suspension*—action on a suspension deferred when it is deemed to be in the best interests of the student and the University, thereby allowing the student to continue study in the normal manner. A further violation of policy, however, invokes the deferred suspension immediately.
2. *Interim suspension*—a temporary suspension of an accused student when there is substantial reason to fear harm to persons or property.

Disciplinary dismissal—permanent termination of student status effective upon the date of dismissal specified.

The Dean of Students, designee(s), and each hearing board may fashion other sanctions which seem more appropriate to be used in lieu of, or in conjunction with, one of the above sanctions. Disciplinary actions are entered in the student's confidential personal file maintained in the Student Development office. No disciplinary action is recorded on the student's academic transcript. The student normally receives written notice of action taken that is recorded in the personal file. Parents or guardians of dependent students and the Director of Financial Aid and Scholarships receive written notice of action that results in deferred suspension, suspension, or dismissal. Parents or guardians, faculty advisers, and/or coaches may also receive notice of disciplinary action any time it is deemed to be in the best interests of the student and the University to do so; however, disciplinary action is normally treated as confidential information.

Students suspended or dismissed from the University for failure to maintain academic standards or for infringement of University regulations are allowed no refund of any kind other than pro-rata return of board charges paid in advance or tuition as mandated by federal financial aid policies.

Dangerous and Threatening Behavior

If a student has engaged in or has threatened to engage in behavior that endangers self or others or which causes significant property damage, or directly and substantially impedes the lawful activities of others, and there is reason to believe that the threatened or actual behavior is caused by or derives from a psychological, emotional, or substance- abuse problem, the Dean of Students may refer the student for a mandatory psychiatric, psychological, and/or substance abuse evaluation at any time during the pendency of disciplinary procedures. Pending completion of the evaluation, the Dean of Students may bar the student from classes, University housing, or University property. The parents or guardians of a dependent student may be informed of his/her action. Following completion of the evaluation, the student's status at the University will be reviewed by the Dean of Students, who may require that the student comply with a recommended treatment plan before the student is permitted to resume normal activities. The Dean may also require a leave-of-absence from the campus.

Procedures for the Student Senate Hearing Board

Student Senate Hearing Board procedures include giving an accused student, herein referred to as respondent, notice of the charges filed against the student, notice of the time of adjudication, a fair and impartial hearing of those charges before an institutional representative or judicial body, the right to present the student's own defense including witnesses, the right to question the accuser, herein referred to as complainant, and the right to appeal the decision to a higher authority.

All hearings of judicial bodies are closed except to the accused student, the accuser, their advisers, members of the judicial body, and the judicial body adviser. Witnesses may appear as requested by the judicial body.

The accused has the right to know the nature of the charge and enter one of three pleas: "in violation" (wherein the respondent admits that the charges are valid); "not in violation" (wherein the validity of the charges is denied); or "no contest" (wherein guilt is neither affirmed nor denied, but the evidence is presented and judged).

The respondent has the right to be present at the hearing and to hear all the evidence presented to the Board. This includes the right to know the identity of the complainants.

The respondent has the right to present evidence and to call such other persons as wish to speak in his/her behalf at the hearing.

The respondent or complainant has the right to request an appeal of either the verdict or of any sanction that the Board may assess. If an appeal is submitted by either the complainant or respondent, any action taken by the judicial body is deferred until the case is considered by a higher body.

Note: All action by hearing boards is in the form of a recommendation to the Dean of Students or a designee(s), who must approve the action.

Appeals of Disciplinary Action

An appeal to a disciplinary decision must be made in writing within three class days following written notification of the action taken. The right of appeal does not entitle a student or organization to a full rehearing of the entire case. At least one of the following three conditions must exist for an appeal to be considered:

1. new and significant evidence can be introduced which may further clarify and support the defense of the student involved;
2. there is reason to believe clearly that the sanction is not consistent with the seriousness of the action; or
3. the respondent's rights to a fair and impartial hearing were violated.

The next higher judicial representative or body reviews the appeal only if there is a belief that sufficient and appropriate grounds for appeal exist.

Student Appellate Board

Unless a specific University policy provides that an appeal be taken to and decided by a different person or board, the Student Appellate Board shall review and hear appeals from decisions of the Dean of Students.

Composition

The Student Appellate Board is comprised of four faculty (the faculty members of the Faculty-Student Senate Conference Committee) and four students appointed by the President of Student Senate and confirmed by Student Senate.

Jurisdiction

The Student Appellate Board has appellate jurisdiction over the decisions of the Dean of Students. It has no original jurisdiction. Decisions of the Student Appellate Board may be appealed by the complainant or respondent, according to the guidelines for appeal, to the President or the President's designee. If in the

opinion of the appeals committee the appeal lacks merit, it has the power to refuse to accept it. If the appeals committee accepts the appeal, it shall review the record of the hearing and shall also meet with the complainant, respondent, the Chief Justice of the Student Senate Hearing Board, and representatives from the Dean of Students' Office.

Decisions

After hearing an appeal, the Student Appellate Board may decide as follows:

- a. accept the report and decisions of the Dean of Students,
- b. direct that the case be reheard in accordance with suggestions of the Student Appellate Board,
- c. reverse the decision of the Dean of Students and dismiss the case, or
- d. accept the decision of the Dean of Students but reduce the sanction. However, the Student Appellate Board may not increase the sanction.

Appeals beyond the Student Appellate Board are made to the President or the President's designee.

II. University Policies

The following policies represent standards of conduct expected of all students and are based upon the educational climate deemed necessary for a private, church-related University. Violations of these policies will lead to disciplinary action and service/work assignments.

A. Alcohol Policy

Alcohol use and abuse takes an enormous toll on our campus. Some people spend a great deal of time figuring out how to obtain and use alcohol while others try to cope with the impact of personal alcohol abuse or that of their neighbor or friends. Yet another group is trying to figure out ways to improve our educational efforts about the effects of alcohol on our community. Regardless of which group or groups you fall into, we all want what is best for Wittenberg and our students, a campus atmosphere that contributes to the health and safety of our students.

Sanctions:

- First offense: Fine \$100, referral to alcohol education (on-line)
- Second offense: Referral for alcohol assessment and any continued treatment recommended as a result of the assessment
- Third offense: Disciplinary probation, referral for continued assessment/treatment, parental notification
- Fourth offense: Suspension

Additional sanctions (not in the form of fines) will be given if there are other incidents that accompany the alcohol charge (vandalism, fights, providing alcohol to others, etc.)

We do not actively seek out students using alcohol. The typical incident comes to a resident advisor or security staff member's attention because of noise or some other behavior on the part of the student or students involved. Our campus policies reflect our desire to follow state and local laws. While some of us may wish the laws were different, they are not. As a campus we are committed to teaching moral responsibility and ethical behavior. We would be modeling just the opposite if we choose to ignore laws or policies we don't happen to like.

B. University Commercial Solicitation Policy

Neither students nor non-students may use campus grounds and/or facilities for commercial purposes unless

written permission has been obtained from Student Development.

1. It is the policy of Wittenberg University to prohibit any and all solicitation or sales in the Student Center other than operations by a lease or agent whose contract with Wittenberg permits such solicitation or sale.
2. As defined for this policy statement, the terms "solicitation" and "sales" mean any effort by an individual or an organization to
 - a. ask for, seek, beg, or entreat passersby to make a monetary contribution;
 - b. seek membership applications from passersby to any organization not organized by Wittenberg University; or
 - c. offer for sale any item, symbol, or product, whether or not there is an actual on-the-spot monetary transaction.
3. Guidelines for vendors, solicitation, and fundraising are available at the Office of Student Activities and the Student Center.

The above policy is not construed to prohibit the membership drives and activities conducted by recognized Wittenberg University organizations. Permission for such activities is granted by the Director of Student Activities on a first-come, first-served basis.

Ohio law states that any organization conducting more than six sales per year must obtain a vendor's license

C. Wittenberg Policy on Communicable Diseases (Including HIV, ARC, AIDS)

Policy Statement

Wittenberg University, as a church-related school in partnership with the Evangelical Lutheran Church in America, supports and defends the church's position that discrimination in any form is destructive to God's gift of personhood. In the Christian perspective, the ill should be aided with compassion. No communicable disease should be used as a reason to judge or dehumanize the person afflicted. Wittenberg recognizes the tension between the rights of the afflicted individual and the safety of all members of the campus community. It strives to balance the concern for well-being of the total community and the rights of the individual in making policy decisions.

Wittenberg University has a commitment to treat all faculty, students, and staff fairly and openly. This policy represents the intention to inform all people of the Wittenberg community about the risk of exposure to communicable diseases. This policy also represents a commitment to strive to preserve and protect the confidentiality of faculty, staff, or students who have developed a communicable disease. The University protects those affected from discriminatory or imposed isolation from the community if possible. Wittenberg assumes that informed community members take necessary steps to protect themselves from infection. This policy applies to contagious (measles, mumps, chicken pox) and infectious (AIDS, STDs, hepatitis) diseases.

I. Education

The major focus for protection from disease is to educate all personnel and students. Education efforts may include alert messages, informational brochures, invited speakers, films, and class discussion. Students are informed of methods to avoid contracting the disease and are encouraged to take responsibility for their actions.

When a communicable disease approaches epidemic proportions or is judged to be a threat to the University community, Wittenberg initiates a program of education on that disease. Information alerts both students and staff to incidence rates of the disease, methods of transmission, known methods of prevention and/or cure, and the employment of universal precautions.

II. Administrative Response

When a disease is identified by the University Physician to be a threat to the community, Health and Counseling Services reviews all of its procedures for education on prevention and treatment of the disease. The University Physician and Director of Health and Counseling Services notify the Dean of Students and Director of Human Resources of the dimensions of the disease and of any recommended changes in the University procedures pursuant to managing the disease. The administration may at any time request the University Physician for an opinion on the danger of a disease and recommendations for containment. Students are informed of incidence rates on the college campus but are not told whether a given individual carries the disease.

Reasonable accommodation is made on a case by case basis by the Director of Human Resources or the Dean of Students in consultation with health officials.

All contract services are expected to adhere to the policy and guidelines established on communicable diseases by Wittenberg University.

All applicable federal, state, and local laws apply, and recommendations of the Center for Disease Control are followed.

The Dean of Students is charged to appoint a Communicable Disease Team which meets when necessary to ascertain the seriousness of a communicable disease outbreak and to recommend to the President the necessary appropriate action to be taken.

III. Confidentiality

Communicable disease-related diagnostic information reported to the University is treated as confidential, privileged information. Faculty, student, and staff confidentiality is protected to the best of our ability. Public health reporting requirements for the State of Ohio are observed by Health and Counseling Services.

The HIV antibody test is not used for employment-retention decisions.

The HIV antibody test is not used for student-retention decisions unless the student's behavior endangers the community.

IV. Testing

Students requesting information regarding testing for AIDS or other infectious diseases are counseled by the professional student health services staff. Students are informed about confidential testing, anonymous testing, and locations available. The student is advised of the limitations of the test.

V. Medical Follow-Up

To receive better protection and appropriate medical care, the student with an infection should inform the professional student health services personnel.

Medical follow-up for the student with AIDS is urged by the college. Medical services are provided by Health and Counseling Services within the limitations of staff expertise and resources.

The student with AIDS who desires treatment at Health and Counseling Services must identify his or her private health care provider to the professional student health services personnel. Upon request, professional health services personnel refer an individual to health care providers and/or agencies with expertise in AIDS.

A student with AIDS is exempt from the requirement to take live virus vaccinations, e.g., measles, rubella.

VI. Residential/Academic/Work Considerations for the Student with AIDS

A student who has AIDS is invited to discuss his or her condition with another appropriate campus official, e.g., Director of Residential Life and Dean of Students. Those offices have information about resources within

the community.

The student's knowledge about transmission of HIV is assessed by professional student health services personnel. Detailed information is given to the student regarding high-risk behaviors and appropriate self-care.

The student must properly govern his or her behavior in light of known risks of transmission of AIDS based on current medical knowledge. A student whose behavior endangers others, through appropriate procedures, is isolated or removed from the campus. The decision to restrict or exclude is rendered on a case-by-case basis with medically based judgments to assure the welfare of the college community and the individual.

Residential housing issues are considered on a case-by-case basis.

The student is allowed regular classroom attendance unless physically unable.

The student is allowed to perform regular duties unless physically unable.

The student has access to all facilities.

The student may participate in inter-collegiate athletic programs and intramural sports following individual assessment by the University Physician or the Health and Counseling Services Physician.

Special consideration is afforded to the student with AIDS to prevent his or her exposure to certain communicable diseases, e.g., influenza, measles, and chicken pox.

VII. Work Considerations for the Employee with AIDS

Faculty and staff who have positive HIV antibody tests are encouraged to seek medical attention and advice on obtaining proper treatment for themselves and ways to reduce the risk to others.

They are encouraged to inform the Director of Human Resources and to obtain the Public Health Service recommendations for the treatment from the Human Resources office.

Food Service workers and medical staff follow appropriate governmental regulations regarding infection control.

The faculty or staff member must properly govern his or her behavior in light of known risks of transmission of AIDS based on current medical knowledge. A faculty or staff member whose behavior endangers others is isolated or removed from the campus. The decision to restrict or exclude is rendered on a case-by-case basis with medically based judgments to assure the welfare of the college community and the individual.

Employees and contract personnel are informed of the use of universal precautions pertinent to their area.

D. Cooperation with Campus Security

The Board of Directors and University officials have delegated to Wittenberg security/police officers the duty of assisting in the observance of those regulations necessary to maintain the desired climate of the University. It is, therefore, an expectation that students respect and cooperate with security/police officers as they carry out their duties. The falsification of identification or information given to security/police officers constitutes a serious matter and is handled as such by appropriate University officials.

E. Access and Use of Computing Resources

A wide range of information technology is provided to students, faculty and staff in support of the University mission. Standards of behavior are spelled out in a variety of university regulations and apply to computing resources. In general, acceptable use of computing facilities and network resources includes those activities consistent with learning, the university's academic mission and general communication on and off campus. The Wittenberg Computing Center is responsible for the integrity of computing systems and resources and for establishing guidelines for access and use of computing resources.

Faculty, staff and students are expected to use the university's computing resources in an ethical manner, including:

1. Use of hardware/software/periphery devices,
2. Legal use of licensed software,
3. Access to and use of data, including the confidentiality of data or information,
4. Safeguarding of security passwords, user identity and system access.

All users must comply with all federal, Ohio, and other applicable law; all generally applicable university rules and policies; and all applicable contracts and licenses.

A user is responsible for all activity originating from his or her account and for insuring that passwords or other security measures are not breached. Users may not share passwords, attempt to circumvent security measures, interfere with the ability of others to use the network, nor make any commercial use of university network resources. Users may not use university computing resources for obscene or harassing communication. Users must abide by the provisions of copyright law. Computing resources may not be used to operate a personal business.

All staff are expected to use good judgement in determining the appropriate amount of time spent in exploration on the Web and other computer applications.

Users who violate this policy may be denied access to university computing resources and may be subject to other penalties and disciplinary action, both within and outside of the university.

Use of hardware/software

Equipment in offices, computer hardware, software and data is the property of Wittenberg University. Copying university purchased or leased software is not permitted. Users are responsible for taking all required precautions against importing of computer viruses.

Legitimate use of a computer or network system is based on the requirements of a user's position, not on the knowledge of the user or whatever is technically possible. Although some limitations are built into computer operating systems and networks, those limitations are not the sole restrictions on what is permissible. Users must abide by all applicable restrictions, whether or not they are built into the operating system or network and whether or not they can be circumvented by technical means.

The University owns licenses to a number of proprietary programs. Users who redistribute software from the computing system break agreements with its software suppliers, as well as applicable federal copyright, patent and trade secret laws. Copyright protection also applies to many resources found on the Internet, including but not limited to images, audio and video files, and electronic versions of print materials. The redistribution of any software or other copyrighted materials from computing systems is strictly prohibited except in the case of software that is clearly marked as being in the public domain.

Protection of confidential information

Once an individual is granted access to data, he or she is responsible as a custodian of that data. Data custodians are held accountable for maintaining the security and confidentiality of those records to which they are granted access. Additionally, all faculty, staff and students must comply with the Family Educational Rights and Privacy Act (FERPA) guidelines regarding the release of student information.

Access to and use of data

Material that is illegal, proprietary, in violation of university contractual agreements, or otherwise is damaging to the university may not be downloaded or posted to university computers or transported across university networks. Violations include, but are not limited to:

- Accessing, or attempting to access, data or information without proper authorization regardless of the means by which this access is attempted or accomplished;

- Giving another person access to data or information to which they are not authorized;
- Obtaining, possessing, using, or attempting to use passwords or other information about someone else's account;
- Forging, fraudulently altering, or willfully falsifying electronic information identified as university records in support of electronic communications;
- Using electronic resources to hoard, damage, or otherwise interfere with academic resources accessible electronically;
- Using electronic resources to steal another individual's works or otherwise misrepresent one's own work;
- Interfering with the work of another user;
- Supplying or attempting to supply false or misleading information or identification in order to access another user's account;
- Deliberate, unauthorized attempts to access, use or manipulate University computers, computer facilities, networks, systems, programs or data.

Right to privacy

Though users can expect the University to respect their privacy, the privacy rights of individuals using university owned equipment have some limits. In particular, Wittenberg reserves the right to monitor volume of traffic, investigate potential policy abuses, and take steps necessary to suppress viruses and Trojan horses. Computer Center personnel will not access programs, files or data without permission from one of the following:

- The owner of the materials,
- The Dean of Students or President if the owner is a student or prospective student, or
- The respective Vice President or President if the owner is a member of the faculty, staff, alumni or parent.

Computer files are a form of property and the contents of a file will be treated as physical property. Users are expected to respect the privacy and restrictions placed upon information stored or transmitted across computers and network systems, even when that data or information is not securely protected.

Users may not change, copy, delete, read or otherwise access files or software without permission of the custodian or the files or the Director of Computing. Users may not attempt to modify software except where permitted.

Safeguarding of security passwords, user identity, and system access

From time to time, especially when you are away from your desk, your supervisor or another employee may need to access your computer or files. You should not expect information left on your computer or in your files to be unconditionally private.

Investigating or reading another user's files is considered the same as reading papers on someone's desk – a violation of the person's privacy. Reading protected files without authorization, by whatever mechanism, is prohibited.

Students, faculty and staff should report misuses of computing resources or potential loopholes in computer systems security and cooperate with the Director of Computing in the investigation of abuses.

Only users who have valid, authorized accounts and may use computer resources that are specifically authorized. Users may only use their account in accordance with its authorized purpose and are responsible for safeguarding their own computer account. Users should not let another person use their account. Passwords should be changed often to ensure that private and secure files are kept secure.

E-mail

Wittenberg maintains an electronic mail system to facilitate university business. Although e-mail correspondence can take on a more informal tone, all messages composed, sent, or received on the electronic mail system should be considered official university correspondence and could be subpoenaed by a court of law.

The university expects e-mail messages to be treated as confidential by other employees and accessed only by the intended recipient. The university does not permit employees to use a code, access a file or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without permission.

Communications via e-mail are subject to all university standards and policies that govern other forms of communication.

Worldwide Web applications

The university provides bulletin boards and chat rooms for communication purposes. As such, the university reserves the right to delete posted materials that violate standards of appropriate conduct.

The university also provides the opportunity for students, faculty and staff to post individual web pages. The University does not censor nor monitor web pages but individual students or staff members should be aware that university policies regarding harassment or inappropriate conduct may be brought based on web page materials posted.

Vandalism

Any user's account, as well as the operating system itself, is a possible target for vandalism. Attempted or detected alteration of user system software, data or other files, as well as equipment or resource disruption or destruction, is considered vandalism.

Members of the university community are expected to follow all other policies, rules, or procedures established to manage computers or network systems, including those established to control access to or the use of, computer data, files, or other information. Computer accounts may not be transferred or used by other individuals including family and friends.

Violations

Violations of computer use policies may result in sanctions by the university. Student violations will be referred through the student conduct or academic misconduct system as outlined in the Student Handbook. Faculty and staff violations will be referred through conduct processes outlined in the Faculty Manual and the Administrative and Hourly Staff manuals. Violations can result in discipline up to and including termination of employment.

The Computing Center may terminate or restrict any person's access to its resources, without prior notice, if such action is necessary to maintain availability, security, and integrity of operations for other users of the resources, or in the case of egregious policy violations. The Computing Center will notify the user and the appropriate Vice President when access has been restricted or terminated.

F. Policy on Dissent and Disorder

All individuals within the Wittenberg University community share one prime common obligation: to maintain the creative educational atmosphere which is both the life and the goal of this institution. This atmosphere can be achieved only by a community committed to a policy of continuous, progressive growth and change by individuals who, in their search for truth, acknowledge the vital interdependence of freedom and responsibility.

Since situations which are destructive to this atmosphere often arise when the available means of self-expression and communication prove inadequate, free and open channels of communication have been established; every member of the Wittenberg community can express concern with the expectation that they are to be brought to the attention of the proper authorities or to a broad segment of the University community. If an individual or the members of a group should find the existing channels inadequate, the University supports their right to call immediate attention to their ideas by petition, public protest, or any innovative means so long as the means employed do not infringe upon established rights of others and do not violate local, state, or federal laws.

The presence of new points of view which may be expressed in innovative ways can produce conflict and tension within the University community. The policy to be adopted in a given instance cannot be determined in advance by prescribed rules; it can be determined only within the situation by resolute exercise of wisdom and understanding.

Whenever dissenting individuals or groups of individuals challenge the established community, two fundamental values must be preserved:

1. the freedom to criticize, to protest, or to organize for the purpose of changing the community, and
2. the right to enjoy the privileges and immunities of an order which protects the rights and freedoms of all and insures the peace and security of the community.

The vital coexistence of these two values imposes certain rights and responsibilities upon all members of the community. The community, as a corporate whole, has the responsibility to develop an organizational structure receptive to new ideas and to promote serious evaluation of these ideas. It has the right to insist that growth and change come about through peaceful, orderly processes. The dissenter has the right to communicate and publicize ideas and to use irregular and innovative means of expression if the normal channels prove inadequate. This freedom is limited only by the responsibility to maintain the order established on this campus. An act of dissent must not seriously disturb this order.

Clearly, the rights and freedoms of dissent cannot be appealed to in justification for actions that harm or threaten harm to individuals or that destroy property. In such cases the University is obligated to take steps necessary to safeguard individuals who may be infringed upon by various nonviolent actions which, when they disrupt the functioning of the University, cannot be condoned. The seriousness of a given offense depends upon the circumstances of the occasion.

When, in the opinion of the Dean of Students or representative, a disturbance threatens to disrupt campus life, the Dean of Students must take immediate steps

1. to offer to establish within a stated length of time special channels of communication with spokespersons of the disturbing group and
2. to request immediate cessation of the disturbance so that discussions may be carried out under suitable conditions.

If order is not restored after these steps have been taken, then the disturbance may be regarded as a disruption. Should a serious disorder occur, it is the immediate responsibility of the Dean of Students, acting in consultation with the President and the Provost, to determine that a disruption does in fact exist, to take initial steps as outlined above, and to call upon such agencies and authorities as deemed necessary to restore order.

Once order has been restored, and if the disorder has been declared a disruption, the University then acts as follows: The Dean of Students, believing there is need for judicial action, refers the case in writing to the Faculty/Student Senate Conference Committee, which then, with the aid of such additional parties as it deems appropriate, determines what action be taken. The Dean of Students presents the case before the Faculty/Student Senate Conference Committee and does not vote.

In the event that an individual charged with creating a disruption wishes to challenge the decisions of the Committee, the faculty acts as the court of final appeal.

G. Policy Regarding the Distribution of Political and Other Non-Wittenberg Printed Material

Rationale

Wittenberg University, a private, church-related, liberal arts institution, promotes the free and responsible articulation by and exchange and debate of ideas among the members of its community. This is the essence of an academic institution. Nevertheless, Wittenberg declares its prerogative, as a private university, to

maintain an orderly community that is conducive to the rights of all persons by reasonably restricting such exchanges and debate and by upholding its previously adopted policies and opposing discrimination against or harassment of any person or group.

1. An individual or group may address political and other non-Wittenberg printed material to other persons directly. In addition, an individual or group may hand out to others political and other non-Wittenberg printed material in which others may have an interest. In the case of individual mailings, the material must be addressed by name and mail box number, and the individual or organization sending the material must also be identified.

2. In other cases, political and other non-Wittenberg printed material must be distributed in a way that does not involve the University in its distribution. For instance, to leave political and other non-Wittenberg printed material at the Recitation Hall mail desk, Library, residence hall desks, or the Student Center information desk implies that the University is distributing it and is prohibited. Individuals may stand on public streets and sidewalks to distribute such literature on campus or the designated area on the lower level of the Student Center.

H. University False Alarms Policy

Students are advised that Ohio law imposes the following penalties for false alarms made by persons 18 years of age or over: Section 2917.32A—Whoever violates this section shall be charged by the Springfield City Fire Marshall with a misdemeanor of the first degree carrying a penalty of imprisoned up to six months and a maximum fine of \$1,000 for the first offense. A violation of inducing panic: Section 2917.31 may also be imposed, which would be an additional first degree misdemeanor charge.

The setting off of a false fire alarm jeopardizes the safety and welfare of students and other members of Wittenberg University as well as members of the Springfield community. Therefore, any student found to be in violation of this policy is subject to suspension from Wittenberg University.

I. University Policy on False Information

Students are advised that the University expects full cooperation, respect, and honesty when University officials, security officers, or civil officers are making a report of an incident or theft or inquiring about one's identification. The failure to act in such a manner results in formal disciplinary action.

J. University Firearms Policy

The possession or use of firearms or other materials which endanger student welfare is strictly prohibited and is sufficient cause for immediate dismissal from the University. Students wishing to bring firearms to campus for hunting or leisure must store them in the Office of Security and Safety.

K. University Policy on Fireworks

The possession or use of firecrackers or fireworks is strictly prohibited in University buildings and on University property and is sufficient cause for immediate disciplinary action.

L. University Gambling Policy

Gambling of any sort is not permitted on the Wittenberg campus or in any University facility. This includes lotteries, raffles, and other games of chance unless proceeds are designated for charitable purposes only.

M. Policy on Hazing

Hazing in any form is an inappropriate activity and a violation of Wittenberg's Statement of Mission ("to develop the whole person—intellectually, spiritually, socially, and physically") and is contrary to the purpose of this academic institution and the positive development of individual members of our community.

By definition, an act of hazing includes all conditions described by Ohio statutes and/or any activity or attitude, mental, emotional, or physical, which ridicules, degrades, embarrasses, leads to confusion or frustration,

causes discomfort, or jeopardizes the health, welfare, and safety of an individual or a group.

Specifically, hazing includes but is not limited to the following:

1. any activity that might reasonably bring embarrassment or emotional harm to the individual(s),
2. any activity that might reasonably bring physical harm to the individual(s),
3. any activity that requires an unreasonable or inordinate amount of the individual's time or in any manner impairs the individual's academic efforts,
4. any activity that requires consumption of any liquid or solid matter,
5. any activity that would degrade or otherwise compromise the dignity of the individual, or
6. any requirement which compels an individual to participate in any activity which is illegal or contrary to an individual's genuine, moral, and/or religious beliefs or contrary to the rules and regulations of the University.

Therefore, all acts of hazing, both on- and off-campus by an organization or any of its members, are strictly forbidden.

Any organization that engages, through any or all of its members, in an act of hazing is subject to severe disciplinary action, including revocation of recognition as an organization at Wittenberg University.

Sanctions

Any instance of substantiated hazing can be cause for the revocation of recognition of an organization. However, in cases where revocation is not deemed necessary by the Dean of Students, the following sanctions may be recommended by the Student Senate Hearing Board, Panhellenic Council, or the Interfraternity Council to the Dean of Students.

1. An act of hazing by an organization normally results in a period of probation for at least one academic year, a \$500 fine, a thorough review of the organization's membership recruitment and initiation program by the Office of Student Development, and notification of the action taken forwarded to the advisers and the national office of the organization.
2. A second incident of hazing is cause for the revocation or recognition of the organization involved.
3. Individuals involved are held responsible for their actions according to Wittenberg's disciplinary procedures.

N. Motor Vehicle Regulations

Students are reminded that all motor vehicles must be registered with the University. It is the operator's responsibility that registered vehicles have the validation tag affixed to the vehicle in a visible, prescribed manner. Vehicle registration is accomplished in advance by mail or by filling out an application at the Student Center Service Center.

All students are expected to familiarize themselves with the University motor vehicle regulations received at registration and found herein and operate their vehicles with caution and good judgment. Validation tags are valid only for areas designated as student parking. Faculty, staff, and visitor areas are not for student parking. It should be noted that careless operation, driving at an excessive speed, driving while under the influence of alcohol, or driving on any campus grounds other than campus roads are among the more serious abuses of the motor vehicle code and are not tolerated. The maximum speed limit on campus roadways is 15 m.p.h. Parking in any University cross-walk is prohibited.

Wittenberg is a walking campus with limited parking space. Parking on campus is a privilege closely regulated by the University. Traffic and parking violations are cause for University disciplinary action. Regulations are enforced by the Security Department.

Legal parking areas for students are the lot at Ferncliff Hall, the lower end of Ward Street, the non-designated section of East Campus Drive below Myers Hall, the lot at Tower and Firestone, and the lot at the Benham-Pence Student Center. Students may also park in any legal spot on city streets. There are no other legal parking spaces on campus either signed or unsigned.

Parking regulations are enforced in the following manner: vehicles parked illegally receive citations; vehicles receiving more than one citation for the academic year may be towed whenever found in violation. The fee associated with recovering towed vehicles is separate and unrelated to University fines. Fines assessed by the University are credited to the bill of the offender. Extended non-payment or non-identified vehicles are still subject to the total fine when identified. These fines are placed on the student bill and, if not taken care of, can delay graduation or prevent registration. It is the responsibility of students who operate and own vehicles to ensure that their vehicle is parked legally on campus. Loaned vehicles are the financial responsibility of the owners and no differences in enforcement are shown to multiple offenders who claim their car was not within their control.

Visitors are required to follow the same regulations as their relatives or sponsors. They are expected to obey parking regulations just as are other members of the University community. Persons with a temporary handicap may receive a special parking permit to cover the period of their disability by applying directly to the Director of Security. Non-traditional students attending night and weekend classes may park in areas designated for their use.

Only citations issued in error, to the wrong party, or in verifiable emergencies are considered for review by the Director of Security. Financial hardship is not a cause for review. This review must occur within five working days of the violation. Citations are not reviewed outside the five day time frame. Violations not subject to the appeal process include unsafe operation of a motor vehicle and fire lane occurrences.

O. Policy on Providing and Distributing Condoms on Campus

As a church-related school, Wittenberg respects the Evangelical Lutheran Church in America's position on human sexuality which states that sexual intercourse is a gift from God intended for use in a relationship of lasting commitment between two people. In addition to supplying a forum for debate on such critical lifestyle issues, Wittenberg also has the responsibility to supply appropriate education concerning sexually transmitted diseases and their prevention. Wittenberg cannot regulate student sexual activities or behavior between consenting adults even when they participate in sexual practices that may endanger their health. Wittenberg does encourage students to take responsible precautions if they choose to be sexually active. Although Wittenberg assists students to study options of responsible lifestyle, students must take responsibility for their own decisions and actions.

P. Wittenberg University Policy and Procedures Regarding Sexist, Racist, and Other Discriminatory Conduct

I. Policy Statement

Wittenberg University, as a church-related school in partnership with its supporting synods and the Evangelical Lutheran Church in America, respects and defends the church's position that the practice of using harassing conduct based upon the gender, race, religion, color, creed, disability, sexual orientation, national origin, veteran status, ancestry, or age of a person or persons as a means of discrimination is destructive of God's good gift of personhood. In the Christian perspective, any form of harassment is a means of exploitation that dehumanizes the individuals involved. Harassment is a form of conduct which undermines the integrity of the student/student, student/faculty, student/staff, and student/employer relationships. Retaliation by anyone for filing a complaint of sexist, racist, or other discriminatory conduct is also considered to be harassment and, thus, a form of discrimination.

It is the policy and intent of Wittenberg University that all students, faculty, staff, officials, and guests be free from all types of discrimination. Therefore, Wittenberg University does not tolerate sexist, racist, and other discriminatory conduct by or towards students, faculty, staff, officials and guests. Discriminatory behavior and

expressions that reflect discrimination are inconsistent with Wittenberg University's efforts to foster an environment of respect for all members of the University community and to eliminate all manifestations of discrimination within the University. Such behavior is dealt with according to established University disciplinary procedures.

A copy of this policy and the procedures for implementing it is distributed annually to all Wittenberg University students, faculty, and staff by publication in the student handbook, faculty handbook, and staff employee handbook. In addition, educational programs are conducted regularly to sensitize members of the University community to the issues covered by this policy.

Racial Discrimination

Discrimination on the basis of race is also prohibited by law. Racial harassment is a type of discrimination and is defined at Wittenberg as "any behavior which intentionally threatens, seriously embarrasses, or harasses a person or persons on the basis of race and:

1. submission to such conduct is made (either explicitly or implicitly) a term or condition of an individual's employment or educational program,
2. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or educational environment."

Racial discrimination also is understood to include a wide range of other behaviors. It refers to behavior which is not welcome, which is particularly offensive, which debilitates morale, and which therefore interferes with the work or academic effectiveness of its victims, their co-workers, and their peers. This definition does not impinge on standards of mature responsible behavior, academic freedom, or freedom of expression.

Specific examples include, but are not limited to:

- Racial-oriented teasing or abuse, both verbal and written
- Disparaging racial remarks about one's gender or anatomy
- Racial-stereotyping jokes, references, examples, or depictions
- Sounds or expressions that are racially offensive
- Unwelcome pressure, both subtle or overt, for membership in racially discriminatory organizations

Complaints of racial discrimination are processed through the established University disciplinary process.

Q. Sexual Harassment and Misconduct of Students, Faculty and Staff

PART I: POLICY STATEMENT

Sexual harassment undermines the mission of the university and threatens the careers, educational experience and well-being of students, faculty, staff and visitors to the campus. Therefore, it is the policy and goal of Wittenberg University that all students, faculty, staff and guests be free from sexual harassment and sexual misconduct. Although founded on and guided by the laws of the United States and of the State of Ohio, the university's policy against sexual harassment and misconduct is not limited by these laws. The policy is an expression of the academic, residential and professional standards of the Wittenberg community. The university reserves the right to investigate circumstances that may involve harassment in situations where no complaint, formal or informal, has been filed.

Scope

This policy applies to all faculty, staff and students. All community members are expected to abide by this policy, whether on campus or away from campus, when engaged in activities sponsored by the university or which otherwise relate to the university or its business. This policy also applies to the activities of recognized student organizations. Those who contract to use Wittenberg's campus, conduct business on campus or visit the university are expected to adhere to the principles established by this policy.

Responsibilities

Members of the university community are responsible for knowing and understanding the university's policy prohibiting sexual harassment and misconduct. Students who do not understand the policy should contact the Office of Student Development. Faculty and staff who do not understand the policy should contact their department chair or supervisor. Department chairs or supervisors who need assistance in understanding, interpreting or applying the policy should contact the director of human resources.

Once a member of the faculty or staff learns of a sexual harassment or sexual misconduct complaint, written or unwritten, that faculty or staff member is required to notify the director of human resources so that a record of such complaint can be kept for the purpose of recognizing patterns of harassment.

Supervisors have a special responsibility for monitoring adherence to this policy. Supervisors are expected to model good behavior and to act promptly to correct any harassing behavior and to ensure that there is no reprisal.

Sanctions

Appropriate sanctions will be imposed upon anyone who violates this policy. Sexual harassment may be considered adequate cause for dismissal of a student or termination of employment, including termination of a tenured faculty appointment.

Retaliation

The university will not permit intimidation, threats, coercion or other retaliation against persons who complain or express concerns about sexual harassment. Appropriate sanctions will be imposed on anyone engaged in such activity.

False Reporting

Persons who make false allegations or testimony also will be subject to disciplinary action. Failure to substantiate an allegation of sexual misconduct in the course of a hearing, however, is not sufficient proof that the charges are intentionally false.

The Sexual Complaint Grievance Board

The president of the university will appoint a standing Sexual Complaint Grievance Board (SCGB) to adjudicate formal complaints of sexual harassment or sexual misconduct. The board will be composed of at least four faculty members, four staff members, the chief justice of the Student Senate Hearing Board and three other students appointed by the Student Senate. The president will appoint faculty and staff members to three (3)-year staggered terms and student members to two (2)-year staggered terms. Incumbent board members may be reappointed.

In making the appointments, the president will be guided by considerations of continuity, experience and sensitivity to the concerns of students, faculty and staff. If necessary, the president may make a temporary appointment to the board. To the extent possible, the board will be gender-balanced. No faculty member shall serve simultaneously on the SCGB and on the Faculty Hearing Board on Academic Freedom and Tenure.

The president of the university will designate one of the faculty members as chair of the SCGB and one of the staff members as vice chair.

Confidentiality

The university aspires to treat inquiries and complaints about sexual harassment or misconduct with discretion. Although the university gives no assurance of confidentiality to any party or witness who participates in any proceeding under this policy, it is committed to informing only those who need to be involved with a complaint.

If a person wishes to ensure that a discussion about sexual harassment remains confidential and that no action is taken, it is essential that the person making the inquiry not disclose information sufficient to identify the accused. This is necessary because the university may be legally obligated to investigate, even without the inquirer's consent, once it is informed that harassment may be occurring. The university counselor or campus pastors are able to maintain the client privilege of confidentiality to the extent that the law permits.

Retention and Disposal of Records

All records of complaints will be kept in a separate file from other university records. If the respondent is a faculty or staff member and a violation of university policy is found, a copy of the hearing panel's report will be placed in the respondent's permanent personnel record. If the respondent is a student, the report will be placed in the respondent's student disciplinary file.

Records of complaints closed by Assisted Resolution will be retained in the department of human resources for a period of six (6) years after the case has been closed. Complaints resolved through Adjudication will be retained for five (5) years after the case has been closed if no violation of university policy has occurred. Records will be retained indefinitely if a violation has occurred.

Description and Definitions of Behavior

- **Sexual Harassment**

Sexual harassment may be verbal, visual or involve physical contact. It can be overt, such as a professor's suggestion that a person could get a higher grade or a supervisor's offer to an employee for a higher salary in return for submission to sexual advances. The suggestion or advance need not be direct or explicit but may be implied by the conduct, circumstances and relationship of the individuals involved. Sexual harassment can also consist of persistent, unwanted attempts to change a professional or educational relationship to a sexual one. It can range from abusive remarks about individual persons to sexual misconduct including serious criminal abuses such as assault.

A person does not have to be the target of sexual harassment to be sexually harassed. The harassment of others can be so offensive, demeaning or disruptive as to constitute a hostile work environment, even though the harassment is not specifically directed at the observer.

Although no exhaustive listing of behaviors that constitute sexual harassment is possible, some examples could include: unwelcome sexual flirtations or advances; repeated sexually oriented kidding, teasing, joking and flirting; verbal abuse of a sexual nature; graphic commentary about an individual's body, sexual prowess or presumed sexual deficiencies; derogatory or demeaning comments directed to one's gender; derogatory or demeaning comments about sexual orientation; leering, whistling, touching, pinching or brushing against another's body; touching of an erogenous zone, offensive, crude language; displaying of pornographic materials on personal computers; and displaying objects or pictures that are sexual in nature. All such conduct can be threatening and coercive and may create a hostile or offensive working environment that is not conducive to teaching, learning and working.

Sexual harassment also may consist of patterns or episodes of speech or other behavior that create a hostile or offensive environment for individuals based on their gender or sexual orientation; it may or may not involve unwanted sexual attention.

The university will determine that a behavior or series of behaviors constitutes sexual harassment when one of the following four criteria exists:

1. Submission to such behavior is made either explicitly or implicitly a term or condition of a person's employment or education; is used as the basis for academic or employment decisions affecting the person; or is a condition to participate in a university activity;
2. The behavior has the purpose or effect of creating a threatening, hostile or offensive environment;
3. The behavior unreasonably interferes with an individual's work, academic performance or living environment or otherwise interferes with required tasks, career opportunities or learning;
4. The behavior causes a person to engage in a sexual act through force, threat of force, or without the person's consent.

Sexual Misconduct

Sexual misconduct is a form of physical sexual harassment that includes a range of behaviors from unwanted touching and fondling to acts of sexual assault or rape. Any genital or oral penetration, however slight, by a part of the respondent's body or by an object without the consent of the complainant is sufficient to constitute sexual assault, and such acts are subject to criminal charges.

Sexual misconduct is defined as engaging or causing another person to engage in a sexual act through force, threat of force or without the person's consent. Consent must not be impaired by mental or physical condition, by advanced age or by any drug or intoxicant, regardless of who administered the drug or intoxicant, even if it was self-administered. In sexual encounters, each participant has a duty to communicate clearly by words or actions the desired level of intimacy. Consent is not presumed.

Academic Freedom

The use of valid pedagogical materials will not constitute sexual harassment. The university encourages consultation with professional colleagues to determine if the use of the materials chosen may create a hostile or offensive atmosphere within the classroom. The university does not wish to stifle valid academic expression.

Terminology

- **Complainant** Any member of the Wittenberg community who reports or files a sexual harassment or misconduct complaint.
- **Respondent** A person named as an offender in a harassment complaint.
- **Facilitator** Facilitates resolution of a complaint under the Formal Assisted Resolution Process.
- **Investigative Officer** Responsible for obtaining all of the facts of the case and for presenting the Hearing Panel with a written report.
- **Hearing Panel** Conducts hearing on complaints of sexual harassment or sexual misconduct. The Hearing Panel is composed of members of the SCGB as empaneled by its chair.
- **Hearing Advisers** Current or former members of the SCGB. The Director of Human Resources assigns a hearing adviser to the complainant and one to the respondent. The advisers can provide information about the grievance board process and offer assistance as to help prepare a complainant or respondent to testify, question, rebut

and make closing statements. The advisers do not prepare statements, question witnesses, or provide testimony during the hearing. The advisers are not counselors or legal advisers. They can help guide each party in his or her thought process, ask clarifying questions and offer advice regarding the presentation of information, not to present or advocate the case. Each party is responsible for establishing the validity of a complaint or presenting a defense.

- o Intake Officers Help the complainant prepare a written complaint. May also be assigned to facilitate the Assisted Resolution process.
- o Office of Record Department of Human Resources.
- o Days For purposes of this policy, all days are considered working days

PART II: COMPLAINT AND REPORTING PROCEDURES Wittenberg strives to provide an environment that promotes and supports positive, effective resolutions for any kind of complaint or concern. A person wishing to make a complaint about sexual harassment or sexual misconduct has the following options under this policy:

(1) Informal Resolution - does not require a signed complaint

- (a) Direct--by the complaint directly with the respondent
- (b) Assisted by a university official as set forth

(2) Formal Complaint - requires submission of a signed written complaint

- (a) Assisted Resolution
- (b) Adjudication

(3) Seek Assistance Outside the University

Anyone who believes he or she has been sexually harassed or assaulted may also elect to make a complaint outside the university by initiating civil and/or criminal charges against the offending party or parties. If you request, the university will assist you in reporting an assault and filing a criminal charge. You should be aware that the Ohio criminal and civil justice systems and the Wittenberg process for investigation, adjudication and discipline are separate and distinct ways in which to seek redress. If any party initiates and civil, criminal or agency proceeding, the university reserves the right to initiate, to suspend, to terminate or to continue the internal proceeding.

A. Informal Resolution

Any member of the university community who believes he or she has been subjected to harassment may try to resolve the matter informally. The goal of an informal resolution is to stop any harassment that has occurred or is occurring without pursuing a fact-finding process or seeking sanctions. This can be done directly or with the assistance of a university official.

If an attempted direct resolution does not bring a satisfactory result, one may initiate a formal complaint.

Direct

The option means that the person who believes he or she has been subjected to harassment directly communicates with the person doing the harassing. This can be done through a conversation or by written communication. The communication should include a description of the offensive behavior and a request that such a behavior stop.

With the Assistance of the University

Under informal resolution, the role of the university official is to help stop the harassing behavior. At this point, the role of the university official does not include mediation or adjudication. A person seeking help with the direct resolution process may consult with one of

the following persons:

- Associate Dean of Students
- Assistant Provost for Academic Services
- Chair of the SCGB
- Director of Human Resources
- Assistant Director of Human Resources for Benefits and Recruiting
- Associate Director of Athletics
- Dean of Students (except in student-to-student cases)

These university officials can talk with you about options for handling a direct resolution and also can provide guidance on the procedures for filing a formal complaint. Upon request and at their discretion, such persons may serve as a go-between with you and the offender and may do so without revealing your name.

University officials may not assist with an informal resolution when the complaint falls under the definition of sexual assault. All complaints concerning sexual assault are handled through the formal complaint process. Once a university official recognizes that the complaint cannot be resolved by direct resolution, the official must remove himself or herself from the direct resolution process.

B. Formal Complaint Procedures

Two mechanisms:

1. Assisted Resolution
2. Adjudication

The university believes that for a variety of reasons including privacy, speed of the resolution and a return to normal relations, it may be in the interest of both the complainant and the respondent to resolve the complaint through Assisted Resolution rather than Adjudication. Thus, unless the complainant or respondent specifically requests for resolution through adjudication, the university will attempt to resolve formal complaints through Assisted Resolution. Experience has shown that Assisted Resolution is particularly appropriate in situations where there are different perceptions about whether consent was given or where thoughtless or unintentional behavior has caused distress.

Initiating the Complaint

All formal complaints must be written, signed and filed with the Department of Human Resources, which will be the Office of Record for all sexual conduct complaints. One who wishes to file a formal complaint may do so by contacting any of the following university staff who are trained to serve as intake officers for complaints:

- Associate Dean of Students (student-initiated complaints)
- Assistant Dean of Students (student-initiated complaints)
- Associate Director of Athletics (student-initiated complaints)
- Director of Human Resources (student-, faculty- or staff-initiated complaints)
- Assistant Provost for Academic Services (student-, faculty- or staff-initiated complaints)

The director of human resources will forward the written complaint to an appropriate university officer (which may be the intake officer) for Assisted Resolution. When the respondent is a faculty member, the director of human resources will seek the participation of the provost when presenting the complaint to the respondent.

Resolution of Complaints by Adjudication are initiated under the following conditions:

1. A formal complaint has been filed and the complainant or the respondent decides to bypass the Assisted Resolution process.
2. If the complaint has not been resolved by Assisted Resolution within fifteen (15) days

after filing, the intake officer will declare an impasse and send all relevant records to the director of human resources for resolution by Adjudication.

3. **University initiated** - Even if the complainant does not wish to pursue a resolution, the university may determine that the issues raised by the complainant are sufficiently serious to initiate the adjudication process.

Resolution of Complaints by Assisted Resolution

Under Assisted Resolution, a university officer is appointed as a facilitator to help the complainant and respondent reach a mutually satisfactory resolution. The facilitator does not make a determination about whether the university's policy has been violated. Generally, the facilitator meets separately with the complainant and respondent. Examples of resolutions include an apology, counseling and education requirements, access restrictions, disciplinary action, other affirmative steps to be initiated or dismissal of the complaint.

a. The director of human resources will refer complaints seeking Assisted Resolution to the following persons, according to the status of those involved:

- o If the respondent is a student, to the Associate or Assistant Dean of Students.
- o If the respondent is a faculty member, to a grievance officer who is a member of the faculty.
- o If the respondent is any other employee, to a grievance officer who is a member of the administration or administrative staff.

b. The facilitator will contact the complainant and respondent within five (5) days after receiving the complaint. The facilitator is responsible for documenting the facts as presented and will forward this information to the Hearing Panel should resolution by Adjudication become necessary.

c. If the complaint is resolved by Assisted Resolution, the facilitator will forward a written report of that resolution to the director of human resources. The complainant and respondent will sign the report to signify their agreement with the resolution and to forego their rights to an adjudicated hearing for the complaint that they mutually resolved.

d. If at any point the respondent or complainant rejects the Assisted Resolution process, the complaint will be returned to the director of human resources for resolution by Adjudication. In such a case, the director of human resources will send the complaint to the chair of the SCGB for resolution by Adjudication and also will attempt to present a copy of the complaint to the respondent within five (5) days after the complaint is filed.

2. Resolution of Complaints by Adjudication (SCGB)

Under Resolution by Adjudication, the Chair of the SCGB appoints a Hearing Panel to determine if the respondent has violated the institution's policies concerning sexual harassment or sexual misconduct.

Support

The director of human resources will designate two members of the SCGB who are not serving on the Hearing Panel to serve as hearing advisers. One adviser will be assigned to the complainant, and one will be assigned to the respondent. The hearing advisers are available to listen and provide general information about the hearing process. Although the adviser is to be an aid, each party is responsible for establishing the validity of a complaint or presenting a defense.

Furthermore, the complainant and the respondent may each select one person to provide emotional support in any proceeding under this policy and procedure or in the preparation and filing of any complaint. If a support person is selected, the complainant or respondent may ask the respective support person to accompany them in any fact-finding or appeals hearing; however, the support person will not be permitted to speak or participate in the proceedings.

The complainant and respondent must notify the chair of the identity of the support person at least 48 hours in advance of the hearing, absent good cause to the contrary. If the chair determines that the selected support person will or may potentially cause a conflict of interest, the chair may require that another support person be chosen. For example, the presence of witnesses, girlfriends, boyfriends, or parents present an inherent conflict and will not normally be permitted to attend the hearing.

The major steps in the Adjudication Process include:

1. Investigation
2. Hearing Process
3. Determination and Sanction
4. Right to An Appeal

1. Investigation

The director of human resources will designate an investigative officer(s) who will be responsible for obtaining all of the facts of the case. This may include gathering documents and conducting interviews with all individuals reasonably believed to have relevant information, including the complainant, the respondent, witnesses and individuals who are alleged to have been the victims of similar conduct. The investigative officer will be designated according to the classification of the respondent:

- If the respondent is a student, the Associate or Assistant Dean of Students will be designated.
- If the respondent is a faculty member, a grievance officer who is a member of the faculty will be designated.
- If the respondent is any other employee, a grievance officer who is a member of the administration or administrative staff will be designated.

In cases of sexual misconduct, the director of security or the director's designee will be assigned to co-investigate.

Within seven (7) days of receiving the complaint, the investigator(s) will consult with the complainant and with the respondent in order to ascertain the facts and views of both parties. The investigator will report his or her findings in writing to the chair of the Hearing Panel. The investigative findings will be given to the complainant and respondent.

All individuals are expected to cooperate in the investigation and are expected to abide by the university's code of conduct, including honesty. Individuals who obstruct the investigation process or who are dishonest and hinder the institution's ability to conduct a prompt and thorough investigation of allegations will be subject to discipline.

Hearing Panel

Cases will be heard by an impartial hearing panel. Any person who has a significant conflict of interest regarding the case may not serve on the hearing panel for that case. A party who believes that a member of a hearing panel may not be impartial may bring that concern to the attention of the chair of the hearing panel, who will determine if a member should be excused. The chair of the SCGB will preside over meetings and hearings of the board, and the vice chair will discharge those responsibilities if the chair is unavailable. If both the chair and the vice chair are unable to sit as chair, the president will designate another member of the board as chair pro tem.

The chair of the SCGB will appoint a hearing panel within five (5) days of receiving a complaint. A hearing panel consists of at least one faculty member, one staff member, , and, in cases where the complainant or the respondent is a student, one student member. The chair of the SCGB may choose to impanel additional members of the board.

Hearing Procedures

The director of human resources will refer all complaints requiring resolution by Adjudication to the chair of the SCGB and to the designated investigator. The director of human resources will also give a copy of the complaint to the respondent.

The hearing panel will hold a formal hearing and receive testimony from the designated investigator, the complainant, the respondent and other witnesses, as the panel deems necessary. The chair of the hearing panel will exercise discretion in determining which witnesses are necessary to the hearing process.

Although the hearing procedures are to respect fundamental standards of fairness, they are not intended to be equivalent to those employed in a civil or criminal judicial process. They are set with an aim of providing the hearing board with the best opportunity for determining the truth of the matter's dispute. Minor deviation from these prescribed procedures will not render a decision invalid or constitute grounds for an appeal unless a matter of fundamental fairness has been violated.

1. The hearing panel will convene as promptly as possible but not later than ten (10) days after receiving the investigative officer's report.

2. The respondent and complainant will be provided with a written copy of the charges with sufficient specificity to prepare for the hearing, including the names of any witnesses and copies of any documents that will be presented by the complainant and the investigative report.

3. Both parties are expected to offer their own testimony. The chair may call witnesses, including expert witnesses, to aid the hearing panel in its consideration of the complaint.

4. Members of the hearing panel may make written notes of the testimony. The Chair may make an official tape recording of the testimony, but not of the deliberations, for the sole use of the Panel. Any notes or tapes will be destroyed after the Panel has reached its determination.

- o **Determination and Sanctions**

The hearing panel may choose to reconvene as often as it deems necessary to hear additional information. Within five (5) days after the conclusion of its hearings, the panel will prepare a written report. The report will include a summary of the evidence before the panel, the testimony heard and state its findings of fact and its conclusion as to whether the university's policy has been violated.

The hearing panel will rely on the preponderance of evidence standard when making its determination. This means the determination will rest on whether the evidence indicates it is more likely than not that sexual harassment or misconduct occurred in violation of the institution's policy.

For Complaints Against Students

The panel will use the disciplinary guide as stated in the university Student Handbook to determine a sanction. The panel will consult with the associate dean of students to find out if the respondent has prior violations.

The chair of the hearing panel will give a written report of the decision and the sanction to the complainant and the respondent. Simultaneously, the chair will forward the report and the sanction, if any, to the director of human resources and to the dean of students. If the chair of the hearing panel is unable to deliver the decision to the complainant and respondent in person, the chair may mail the decision by the ordinary United States Mail. The chair will use the local addresses of the respective parties, and the decision will be deemed delivered upon mailing.

For Complaints Against Faculty or Staff

The hearing panel will file the report with the director of human resources. The director of human resources will forward the report to the provost if the respondent is a member of faculty and to the president if the respondent is a member of the President's Cabinet; otherwise, the director of human resources will forward the report to the vice president for business and finance.

If the panel has concluded that a violation of university policy has occurred, the provost or the vice president for business and finance, as the case may be, will consult with the hearing panel and thereafter will impose a sanction. If the respondent is a tenured faculty member, the provost shall observe the procedures set forth in the Bylaws of the Board of Directors. If the respondent is a faculty member, the provost will impose the sanction. If the respondent is a member of the President's Cabinet, the president will impose the sanction. Otherwise, the vice president for business and finance will impose the sanction.

The senior administrative officer who received the panel's report will inform the complainant and respondent in writing of the decision and the sanction, if any, and will simultaneously send the report to the director of human resources. If the university officer is unable to deliver the decision to the complainant and respondent in person, the report may be sent by ordinary United States Mail. The officer will use the home address of the respective parties, and the decision will be deemed delivered upon mailing.

- o **Right to Appeal**

An appeal of a disciplinary decision by the complainant or the respondent must be made in writing to the director of human resources within seven (7) days after receipt of the decision. The right to appeal does not entitle the complainant or respondent to a full rehearing of the entire case. If the senior administrator reviewing the appeal determines that there is a new and significant evidence or that the rights to a fair and impartial hearing were violated, the administrator will either reconvene the hearing panel or appoint a new panel to hear the case. If there is clear reason to believe the sanction is not consistent with the seriousness of the action, the senior administrator will revise the sanction in consultation with the hearing panel. The appeal process does not allow a senior administrator to change the decision of the hearing panel independently. The administrator will issue a written decision on the appeal and provide that decision to the respondent, the complainant and the director of human resources within ten (10) days after the appeal is filed.

At least one of the following three conditions must exist for an appeal to be considered:

- (1) New and significant evidence can be introduced;
- (2) There is clear reason to believe that the sanction is not consistent with the seriousness of the action; or
- (3) The respondent's or complainant's right to a fair and impartial hearing was violated.

For Complaints Against Students

The director of human resources will send the appeal to the dean of students for review.

For Complaints Against Faculty or Staff

The director of human resources will send the appeal to the president of the university for review. If the president of the university has imposed the sanction, a request for reconsideration may be filed with the president. Furthermore, a faculty member may choose to invoke the procedures set forth in the Bylaws of the Board of Directors with respect to the imposition of discipline on faculty.

Any appeal challenging the procedures applied in the formal resolution of a complaint may be directed to the president of the university, or, if a faculty member lodges the appeal, the appeal may be processed under the Faculty Grievance Policy.

PART III: USE OF LEGAL COUNSEL

The University proceedings are not a court of law, and licensed attorneys are not permitted to be present in any fact-finding or appeals hearings.

Nevertheless, any person involved in any proceeding under this policy and procedure may be assisted by legal counsel chosen by that person. Any expense associated with retaining legal counsel in internal proceedings under this policy and procedure will be the responsibility of the person engaging such counsel. The board of directors of the university has determined that the university will not pay the expense of legal counsel in internal proceedings.

Under the university's indemnification policy, adopted by its board of directors, the university may provide coverage under various indemnification and/or insurance policies for external proceedings, and the board of directors decides such cases on an individual basis.

PART IV: SUPPORT SERVICES

For Students

1. The university counselor provides counseling services and referrals that are available to the complainant and respondent.

2. Students may seek counseling from the university pastors. The university counselor or campus pastors are able to maintain the client privilege of confidentiality to the extent that the law permits.

3. The Office of Student Development has various educational aids to help students understand what they can do if they are assaulted. In addition, the annual security report and the Student Handbook contain information on designed educational programs to promote the awareness of sexual offenses, sanctions for such offenses and the campus disciplinary procedures. Both also identify available counseling and other campus support services.

For Faculty and Staff

1. The university provides an informal employee assistance program for its faculty and staff. The Office of Human Resources can provide information about community resources and educational programs, and can make appropriate referrals. Eligible employees may receive financial assistance.

2. Faculty and staff may also seek counseling from the university pastors. The campus pastors are able to maintain the client privilege of confidentiality to the extent that the law permits.

PART V: COMMUNITY NOTIFICATION

At least annually, the Office of Record shall submit a report to the president that includes the number of individuals who have filed a complaint, the number of cases that were resolved through adjudication, the kinds of behavior that gave rise to complaints and the determination of the hearing panel. The report shall not mention the name of any individual or identifying details of any case.

The president shall make the report public.

PART VI: REVIEW OF PROCEDURES

The president has appointed an advisory council which includes the vice president of student development/dean of students, director of human resources and chair of the SCGB to annually evaluate these procedures. The advisory council will consult with the full SCGB and thereafter forward its recommendations to the president. After review by the president these changes will be brought to a faculty meeting and to Student Senate before presentation to the board of directors for consideration for adoption.

All members of the Wittenberg community are encouraged to raise questions about this policy with one of the community members, and to offer suggestions for policy revision.

PART VII: EFFECTIVE DATE OF POLICY

This policy will be effective for all matters processed on and after the date that this revised policy is approved by the board of directors.

Adopted by the Board of Directors -- October, 1994

Revised by the Board of Directors -- June 5, 1995

Revised by the Board of Directors -- May 3, 1996

Revised by the Board of Directors -- May 3, 1997

Revised by the Board of Directors -- May 8, 1999

Revised by the Board of Directors -- May, 2000

Non-material revisions -- August, 2001

R. Smoking Policy

1. Background and Purpose

The Surgeon General of the United States has determined that cigarette smoking is the largest preventable cause of illness and premature death in the United States. Moreover, new research findings indicate that nonsmokers who are regularly exposed to tobacco smoke also are at increased risk of illness and death.

2. Policy

Wittenberg University, in an attempt to respect the preferences of both non-smokers and smokers, has taken the following measures to provide as close to a smoke-free environment as is practicably possible. Wittenberg is dedicated to providing a healthy, comfortable, and productive work environment for its employees and students.

3. Regulations

Smoking shall be prohibited in all areas of residence halls and non-resident buildings on the Wittenberg campus (including, but not limited to, classrooms, labs, offices, food preparation areas, lobbies, libraries, elevators, hallways, restrooms, and other common interior spaces) with the exception of designated areas in the Student Center, Commons, Student Dining Room, designated smoking lounges, such as the staff lounge in the Commons and designated smoking lounges.

4. Conflict Resolution

The success of this policy depends completely upon the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All of us share the responsibility for adhering to and enforcing this policy. Any concern should be brought to the attention of your supervisor, department head, or the Director of Human Resources.

5. Smoking Cessation

The University will offer access to smoking cessation programs to those individuals who wish to enroll.

Fines

The first response for violations of the smoking policy will be a warning. A second violation will result in a \$50.00 fine. Further violations will result in more serious judicial action. Educational sanctions may

be mandated at any time.

R. Substance Abuse Policy

Wittenberg University, as a church-related school in partnership with its supporting synods of the Evangelical Lutheran Church in America, respects and defends the Church's position that substance abuse is destructive of God's good gift of personhood.

The University recognizes drug/alcohol dependency as an illness and a major health problem. The University also recognizes drug abuse as a potential health, safety, and security problem. Students needing help in dealing with such problems are encouraged to contact one of the resources listed under Alcohol and Drug Resources.

Illegal and/or irresponsible use of alcohol or drugs will not be tolerated and may subject involved students to dismissal and referral for prosecution. Please see references in the *Student Handbook* for specific rules and sanctions for both the University Alcohol Policy and the University Drug Policy.

This policy is mandated by the Drug-Free School and Communities Act of 1990.

Wittenberg University seeks to promote an atmosphere in which abstinence from alcohol use is supported and respected, where responsible use of alcohol by persons of legal age is accepted, and irresponsible use is not tolerated.

Wittenberg accepts the responsibility to provide education about responsible alcohol use and to intervene in situations in which individuals misuse and abuse the chemical. The University will intervene out of concern for both the individual and the wider community. The University will make provision for a full social life without the use of alcohol available to all students. The University recognizes five obligations in the implementation of this alcohol policy:

1. to support those who choose to abstain from the use of alcohol;
2. to provide educational opportunities to the Wittenberg community (resident advisers, student managers, residence coordinators, security, faculty, staff, and students) to sensitize them to the implications and effects of alcohol use, misuse, abuse, and addiction;
3. to expect individuals who use alcohol to act responsibly and respect the rights, needs, and lifestyles of other members of the community;
4. to formulate and maintain guidelines for appropriate responses to the misuse and abuse of alcohol on campus; and
5. to provide assistance and referral for those with alcohol-related problems.

Guidelines

Responsibility

1. Students are held responsible for their behavior when under the influence of alcohol in the same manner in which they are held responsible for their behavior when not under the influence of alcohol.
2. The Dean of Students or a designee(s) has the option of revoking the privilege to consume alcohol of an individual, any organization, or off-campus property lease if recurring patterns of irresponsible behavior should occur.

Federal, State, and Local Penalties

Ohio law prohibits illicit selling, cultivating, manufacturing, or otherwise trafficking in controlled substances, including cocaine, heroin, amphetamines, and marijuana, knowingly or recklessly furnishing them to a minor, and administering them to any person by force, threat, or deception with the intent to cause serious harm. These offenses are felonies. The law also prohibits knowingly obtaining, possessing, or using a controlled substance and permitting drug abuse on one's premises or in one's vehicle. These offenses may be either felonies or misdemeanors. The law further prohibits obtaining, possessing, or using hypodermics for unlawful administration of drugs and the sale to juveniles of paraphernalia for use with marijuana. These offenses are misdemeanors.

Ohio law provides for mandatory fines, which must be at least \$500, and possible imprisonment of any person who sells or furnishes beer or intoxicating liquor to an underage person or who buys beer or liquor for an underage person in violation of the law. Persons found knowingly to allow underage persons to possess and/or consume alcoholic beverages on their premises are guilty of a misdemeanor.

A felony conviction may lead to imprisonment or both imprisonment and fine. The maximum prison term is 25 years. A misdemeanor conviction may lead to imprisonment for up to six months and/or a fine up to \$1,000.

With regard to beer and intoxicating liquor, Ohio law provides that a person under 21 years of age who orders, pays for, attempts to purchase, possesses, or consumes beer or liquor, or furnishes false information to effect a purchase, commits a misdemeanor. Ohio law prohibits the possession of beer or liquor which was not lawfully purchased, and a court may order that any place where beer or liquor is unlawfully sold not be occupied for one year, or that the owner or occupant of the premises be required to furnish a surety bond of \$1,000 to \$5,000. Ohio law requires the mandatory suspension of an individual's license from six months to five years for violation of the Controlled Substance Act.

Federal law forbids the illegal possession of and trafficking in controlled substances. A person convicted for the first time of possessing a controlled substance, other than crack cocaine, may be sentenced to up to one year in prison and fined between \$1,000 and \$100,000. A second conviction carries a prison term of up to two years and a fine of up to \$250,000. Subsequent convictions carry prison terms of up to three years and fines of up to \$250,000. Imprisonment for 5-20 years and fines of up to \$250,000 apply to persons possessing more than five grams of crack cocaine on the first conviction, three grams on the second, and one gram on subsequent convictions. In addition to the above sanctions, a person convicted of possessing a controlled substance may be punished for forfeiture of property used to possess or facilitate possession, if the offense is punishable by more than one year in prison, forfeiture of any conveyance used to transport or conceal a controlled substance, denial of federal benefits, such as student loans, for up to five years, ineligibility to receive or purchase a firearm, and a civil penalty of up to \$10,000.

Federal trafficking penalties are set forth in the chart on the previous page.

Rules and Regulations — Location

1. Possession and/or use of alcoholic beverages in academic buildings is prohibited at all times.
2. Possession and/or use of alcoholic beverages at all athletic events, including intercollegiate, club, and intramural sports, is prohibited at all times.
3. Consumption of alcoholic beverages on University property is prohibited except as provided in the guidelines below:

a. University-Owned Rental Properties

Tenant shall neither hold nor permit to occur, any porch or lawn party on the premises. Social gatherings must be held within the house or apartment. Consumption of alcoholic beverages by lessee or guests is the responsibility of the lessee. Kegs are not permitted in university rental properties.

b. *Greek Houses*

The use of alcoholic beverages within each Greek house by its own membership (actives, pledges/associates only) is the responsibility of the chapter. Each Greek chapter is held responsible for adherence to federal, state, and local laws, their national policy and guidelines, and the chapter's Statement of Mutual Understanding, relating to possession and consumption of alcoholic beverages. Use of alcoholic beverages for rush and pledge activities is prohibited.

c. *Residence Halls — Student's Room*

Consumption of any alcoholic beverage by a student of age or guest of age may take place within the confines of a student's room in accordance with the law of the State of Ohio. When such consumption does take place, the student's room door must be closed. Kegs, beer balls, or similar types of containers are not permitted in student rooms. Underage students may not be present in rooms where alcohol is being consumed. Open containers, carriers, or cups of alcoholic beverages are not permitted in any lounge, hallway, restroom, or other public area of a residence hall. A minimum fine of \$100 is levied for violation of this policy.

d. *Open Containers* — Consuming or possessing alcohol in an open container in any University district location is not permitted and will subject the violator(s) to disciplinary action. The fine for the first offense is a minimum of \$100.

Fines

Following is a schedule of fines for the first offense. Subsequent offenses are handled on a case-by-case basis.

1. a. Open container—minimum \$100 fine

b. Serving, receiving, or possessing illegal beverages—\$250 fine for organizations, possible probation

c. Not serving food and nonalcoholic beverages together with alcoholic beverages—\$250 fine for organizations, possible probation

d. All other violations—appropriate disciplinary action as determined by the appropriate judicial body

2. Driving under the influence of alcohol either on- or off campus is grounds for disciplinary action which may include loss of driving privileges, probation, or suspension.

Cleanup and Damage

1. All cleanup should be completed immediately following any social event. The sponsoring group will be charged a minimum of \$100 for improper cleanup. Additional charges may be levied, as necessary, by the Dean of Students or designee.

2. Any damages that occur on campus which are a result of any social event shall be charged to the sponsoring group (officers, organizers) and/or the responsible individual(s).

Student Development's Response to Alcohol-Related Behaviors

Alcohol Sanctions for individual students:

First offense, sanction to include standard minimum response of a \$100 fine, referral to alcohol education (on-line).

Second offense, sanction to referral for alcohol assessment and any continued treatment recommended as a result of the assessment.

Third offense sanction to include disciplinary probation, referral for continued assessment/treatment, parental notification.

Fourth offense: Suspension.

Alcohol assessments are referred to the Mercy Hospital - Mercy Reach program. Students incur the expense of this program in addition to the requirement that they follow through on any recommendations from the assessment (students can use their insurance benefits to cover the expense).

Health Risks

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low-to-moderate doses of alcohol also increase the incidence of a variety of aggressive acts including spouse and child abuse. Moderate-to-high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk of becoming alcoholics than are other youngsters.

- Alcohol - Addiction, brain damage, cancer (mouth, stomach, throat), heart disease, liver damage, ulcers, gastritis, birth defects, malnutrition, loss of coordination and speech
- Marijuana - Addiction (psychological), distortion of time perception, increased heart rate, bronchitis, lung cancer, infertility
- Cocaine/Crack - Addiction, nasal erosion, elevated blood pressure and heart rate, hyperactivity, pupil dilation, respiratory arrest, stroke, convulsions, seizures, malnutrition, death
- Stimulants (caffeine, speed, amphetamines) - Addiction, elevated blood pressure and heart rate, insomnia, malnutrition, acute psychosis, nausea, liver damage, headache, sweating coma, possible death
- Depressants (quaaludes, barbiturates, tranquilizers) - Addiction, depression of central nervous system, decreased coordination and motor skills, liver damage, malnutrition, irritability, sleep, confusion, convulsions, possible death
- Narcotics (opium, heroin, codeine) - Addiction, shallow breathing, nausea, panic, insomnia, malnutrition, constipation, respiratory arrest, possible death
- Hallucinogens (PCP, LSD, acid) - Addiction, mental depression, bizarre behavior, severe

disorientation, memory and perception impairment, impairment of judgment and motor function, violence, hallucinations, psychosis, convulsions, agitation, increased heart rate, confusion, possible death

• Inhalants (white-out, glue, gasoline) - Addiction, depression of respiration, nausea, light-headedness, nasal erosion, fatigue, forgetfulness, depression, kidney and liver damage, malnutrition, heart failure, violence, suffocation, possible death

Alcohol and Drug Resources

Wittenberg Health and Wellness Center **327-7811**

001 Shouplin Center, Campus Consultation, counseling, education, and referral

McKinley Hall **328-5300**

1101 E. High Street, Springfield, Ohio

Evaluation, assessment, individual and group counseling

Mercy Reach **390-5338**

1343 N. Fountain, Springfield, Ohio

Evaluation, assessment, individual and group counseling

Greene Memorial Hospital **429-3360**

1141 North Monroe Drive, Xenia, Ohio

Outpatient and inpatient treatment

S. Visitation Policy

"Open" or 24-hour visitation is inconsistent with the educational philosophy of Wittenberg University; therefore, the following policy regarding visitation between members of the opposite gender in residence halls is in effect:

1. Hours for visitation are 10 a.m. to 12:30 a.m., Sunday through Thursday, and 10 a.m. to 2:30 a.m., Friday through Saturday.
2. Each residence hall community may decide to further limit visitation within their respective living units. Proposals should be submitted to the Residence Hall Association for approval.

Procedures for making proposals are as follows:

- a. The days when visitation is permitted are determined by the individual living unit.
- b. The vote to decide a visitation policy is determined by written ballot. The percentage of votes required in a living unit to act on a proposal is decided by the hall or house government.
- c. If RHA examines a proposal and feels that a hall has not adequately dealt with the problems involved in the creation of a workable visitation system, the action of the local governing body may be invalidated. Specific suggestions for approval of the proposal must, however, be offered by RHA.
- d. If ten percent of the residents of any hall or house petition the Executive Council of RHA to review action of their government on open visitation, the RHA must examine the local policy and must either uphold it or invalidate it while recommending a procedure for resolving an acceptable policy. Such petitions must include detailed explanations of the factors necessitating a review of the specific policy.
- e. A sign-in/sign-out form must be established in all halls for non-student visitors.

f. Residents in single-sex halls are not subject to visitation guidelines within their specific hall. Those residing in coordinate halls are subject to the guidelines when visiting members of the opposite sex.

3. Formal lounges—Residents within each hall may develop, with the guidance of their Residence Coordinator, a 24-main or floor lounges. Controls within each hall must meet the minimum standards listed below.

a. Three visitors per resident host constitute the limit at any one time.

b. Non-student visitors must be admitted by presentation of University I.D. card by resident host.

c. Resident host must legibly sign in visitor(s) at the night guard's desk and remain with visitor(s) in lounge area.

d. Resident host must legibly sign visitor(s) out when leaving.

e. Night guard or other approved agent must be responsible for enforcement of control standards.

f. Specific rules:

1. TV must be kept on low volume,

2. voices must be kept low,

3. no sleeping is permitted,

4. no rowdy or drunken behavior is permitted,

5. no playing of the piano in late-evening hours is allowed, and

6. the Night Guard, Residence Coordinator, or Resident Advisers have authority to ask people disregarding these rules to leave the residence hall.

g. The Student Development Office reserves the right to review and/or discontinue the 24-hour open lounge policy.

h. It should be the primary concern of all involved (students and staff) that this policy not threaten the present standard of building security and at the same time provide students further opportunity to demonstrate responsible behavior.

