

Students' Rights and Responsibilities (cont.)

Section 3: Membership

The makeup of working groups must include a minimum of one senator. If that senator is the entire makeup of the group, the senator should be open to consultation and seek input collaboratively.

The senate may appoint student members of faculty or administrative committees as members of a working group.

The senate may appoint faculty or staff members to sit on working groups as ex officio, nonvoting members. Working groups may invite other students, staff, and faculty members to attend meetings as guests.

ARTICLE IV: REFERENDA AND CONSTITUTIONAL CHANGE

Section 1: How to Call for a Referendum

A referendum can be called by a majority vote of the senate or by a petition with 100 student signatures presented to the senate. Petitioners should have a topic on the petition that is a singular phrase or clause and in line with the preamble to this constitution.

Section 2: Results

The senate and its working groups are compelled to consider the results of any referendum.

Section 3: Constitutional Change

Amendments that significantly change the structure or intent of this constitution must pass a student referendum. A minimum of 50 percent of students must vote, and a majority must approve the amendment.

Section 4: Senator Removal Via a Referendum

A senator may be removed by a student referendum. For the referendum to pass, 20 percent of students must vote and two-thirds of those voting must approve the referendum.

ARTICLE V: STUDENT ORGANIZATIONS AND ASSOCIATION

Section 1: Organizing Groups

Any group of students is free to organize for any purpose in accordance with the regulations of Oberlin College.

Section 2: Advisors

Advisors to student organizations will be chosen or approved by the organizations concerned.

Section 3: Publications

- a. Students may publish newspapers, journals, magazines, or other publications as they wish.
- b. The senate or college authorities may not exercise censorship over the content of these publications.

Section 4: Amendments to Student Organization Charter

The charter of a student organization may be amended by the respective organization, subject to approval by the Senate, Student Life Committee and General Faculty.

ARTICLE VI: POWERS

Nothing in this constitution prevents the General Faculty, the President of the College, or the Board of Trustees from acting with the powers accorded to them by the by-laws of Oberlin College. This constitution supersedes and overrides any previous constitutions, charters, and regulations.

C. Student Organizations, Clubs, Associations, Publications

Any group of students is free to organize for any purpose in accordance with the regulations of Oberlin College. Advisors to student organizations will be chosen or approved annually by the organizations concerned. All student organizations are subject to the by-laws of the Student Senate and in concurrence with the General Faculty Student Life Committee and the General Faculty.

All procedures related to the initiation of new charters, the amendment of existing charters, or the re-initiation of inactive charters should be presented by the student organization, and should be directed to the Wilder Student Union office. All charters and their amendments are subject to the approval of the Student Senate, the General Faculty Student Life Committee, and the General Faculty. Copies of all charters are on file at the Student Union.

All student organization funds are subject to the provisions of the Student Financial Charter.

D. Secret Societies

No secret society is allowed at Oberlin, and no other societies or self-perpetuating organizations are allowed among students, except by permission of the faculty. This is to be understood to include social and rooming-house clubs.

E. Athletics

The supervision and control of official athletic activities of the college is the responsibility of the Department of Athletics and Physical Education. The department has the counsel and assistance of an Advisory Committee on Athletics consisting of members of the General Faculty and students.

Oberlin College is a member of the North Coast Athletic Conference and the National Collegiate Athletic Association. The rules of the college and of these conferences and associations govern intercollegiate athletics for men and women.

No student may officially represent Oberlin College in any intercollegiate athletic contest without the prior approval of the Department of Athletics and Physical Education.

III. Student Bill of Rights

A. Philosophy

It is understood that Oberlin students are adults. Therefore, Oberlin College does not act in loco parentis. The college provides students with the freedom and encouragement to

Students' Rights and Responsibilities (cont.)

make decisions and requires them to assume responsibility for and accept the consequences of their behavior. With self-governance comes an obligation to participate in a system of regulations conducive to teaching and learning, which protects the rights, safety, and property of others, and which ensures the orderly functioning of the college. It is our aim to construct and implement these regulations in an educational, developmental, and community-based framework.

B. Preamble

Oberlin College exists as an educational community in which free inquiry and free expression are indispensable. Any assertion of rights and freedoms implies a willingness to assume responsibilities. The college community, in moving to protect individual liberty, expects the following from each of its members: recognition of the primarily academic purposes of the institution, concern for the rights and freedoms of others, and commitment to the rule of reason in settling disputes. The purpose of the delineation of rights, freedoms, and responsibilities that follows is to foster learning and the free exchange of ideas within a cooperative academic community.

C. Freedom of Access to Opportunities and Resources

1. FINANCIAL AID

The college provides financial aid through scholarships, grants-in-aid, work opportunities, and loans in order to attempt to meet the total financial needs of its students.

2. LEAVES OF ABSENCE

Any student in good standing has the right to be granted a leave of absence from the college based on policies that are published and available.

3. COLLEGE SERVICES, FUNCTIONS, AND FACILITIES

Students who are enrolled have the right to attend functions and to use all facilities and services.

D. Freedom of Expression and Scholarship

1. PROTECTION OF INDIVIDUAL RIGHTS

Learning and scholarship are at once individual and collective activities. We as a community encourage and protect free inquiry and the open exchange of facts, ideas, and opinions. Students are free to take exception to views offered in courses of study and to reserve judgment about debatable issues.

2. RESPECT FOR THE COMMUNITY OF SCHOLARS

The collaborative nature of scholarship demands that individuals recognize and acknowledge the authorship and priority of ideas and information used in their own work. In addition, individuals should be tolerant of differences in opinion, respect the convictions of others,

and protect the rights of all to pursue diverse lines of inquiry. Finally, students should respect the rights of others to the privacy and solitude they require for study.

3. ACADEMIC EVALUATION

Students are responsible for understanding the policies and grading procedures of classes in which they are enrolled. Students who believe that they have been subject to unfair or discriminatory academic evaluation by faculty members are encouraged to discuss the matter fully with their instructors. Faculty should be prepared to explain the rationale for their grading. When a resolution is not possible through such informal discussion, students may take the matter to the chair of the relevant department or, if they are not satisfied, to the appropriate Dean of the College or Conservatory.

E. Expression and Inquiry in Campus Activities

1. EXPRESSION BY INDIVIDUAL STUDENTS AND STUDENT ORGANIZATIONS

Students and student organizations are free to examine and discuss questions of interest to them and to express their opinions both publicly and privately. Members of the college are expected to take responsibility for their expressions; anonymous expressions are inimical to the free and open exchange of ideas.

2. GUEST SPEAKER POLICY

College organizations are free to bring to the college any guest speaker. The college may develop procedures for orderly scheduling and presentation of speakers and other programs. Sponsors of speakers should clearly state in their publicity the name of the sponsoring organization. Sponsorship of a guest speaker does not necessarily imply endorsement by the sponsoring group or the college.

3. STUDENT DEMONSTRATIONS

Students may participate in any orderly demonstrations that do not disrupt the operation of the college, endanger the safety of individuals, or destroy property. In any public demonstration, students are understood to speak only for themselves or for the student organizations they represent.

4. STUDENT MEDIA

a. The student media—such as student-produced radio, newspapers, literary or opinion magazines or journals, video, and film—shall remain free of censorship and prior view of copy. Editor(s) and manager(s) are free to develop editorial policies for each specific publication.

b. Editors and managers of student media are protected from arbitrary suspension and removal from office because of student, faculty, administrative, or public disapproval of editorial policy or content.

Students' Rights and Responsibilities (cont.)

c. All student media must explicitly state that the opinions therein expressed are not necessarily those of the college community.

d. The freedom accorded student editors and managers recognizes adherence to the canons of responsible journalism and reporting, e.g., the avoidance of libel, undocumented allegations, attacks on personal integrity, harassment, and slanderous innuendo.

F. Confidentiality of Records

The college guarantees the confidentiality of student records consistent with the regulations of the Family Educational Rights and Privacy Act (FERPA). (See Students' Rights and Responsibilities section V. Social Conduct and Regulations AA)

G. Associations and Organizations

1. The college guarantees students the freedom to organize and join associations within certain limitations relating to secret societies. (See Students' Rights and Responsibilities section V. Social Conduct and Regulations, C).

2. Student organizations are chartered according to the established procedures of the Student Senate and the General Faculty.

3. Although organizations may set membership criteria, these should have a basis in the functioning of the organization and should not be discriminatory, as specified in the college's nondiscriminatory policy.

4. No organization shall be required to submit a membership list to the college.

5. Affiliation with a non-college organization will not of itself disqualify a student organization from institutional recognition.

H. Access to Information

1. INFORMATION REGARDING COLLEGE REGULATIONS

Students have the right to access college policies and regulations, which shall be published and readily available. Students have the obligation to familiarize themselves with these regulations.

2. INFORMATION REGARDING RECRUITMENT BY SERVICE AND EMPLOYMENT AGENCIES

The college will publish the names of companies and organizations that wish to come to Oberlin to recruit for employees and the dates on which they will recruit.

I. Participation in Institutional Governance

Students, as well as faculty, staff, and all other officers of the college, must play a major role in campus governance

if the college is to thrive as a community of scholars. Participation in institutional governance includes the following:

1. The freedom to express views on institutional policy.

2. The right of students to be appropriately informed of decisions that may affect student life and the right to offer opinions of such decisions.

3. The right of students to propose a defined and formal means by which they may participate in the formulation, application, and review of institutional policy.

4. Making available descriptions of existing decision-making bodies within the formal structure of campus governance.

J. Civil Rights and Due Process

No part of these regulations are intended to abrogate the civil rights of students, either as members of the college or as members of the greater college community.

1. CIVIL RIGHTS

a. Oberlin students are members of both the college and the greater public communities. The college supports students in the exercise of their civil rights and the free exchange of ideas.

b. Students have the right to be free from harassment (as defined under the Code of Conduct, in Students' Rights and Responsibilities section IV, D.3) and harm for reasons of their gender, gender identity, sexual orientation, race, religion, national origin, ethnic identification, age, political affiliation, ideology, or physical or mental disability.

c. Students have the right to enjoy a reasonable degree of privacy, within the constraints imposed by living together in close quarters.

2. DUE PROCESS

Students at Oberlin College will be treated equally and fairly under the terms of the Judicial System. Basic rights include:

a. A written statement of charges.

b. A meeting with the Judicial Coordinator to clarify one's rights and to understand the judicial process.

c. A formal hearing.

d. The right to a formal review of the outcome.

3. FREEDOM FROM UNWARRANTED SEARCH

Oberlin respects students' right to privacy. The college and its officials abide by set procedures pursuant to entering or searching college property leased by or assigned to students with the understanding that this procedure in no way limits bona fide law enforcement for warranted searches. (See Students' Rights and

Students' Rights and Responsibilities (cont.)

Responsibilities, Section V. Social Conduct Regulations L. and M.)

4. RESPONSIBILITY AND THE LAW

- a. Oberlin students shall accept full responsibility for their own actions under federal, state, and local laws. While reserving the right to criticize government policy and even, in the name of conscience, to resist government decree, they shall recognize the rule of law and expect no special immunity on account of their student status. Within the college community, students must acknowledge the duly constituted role of trustees, and the organized entities of the administration, faculty and students in the political processes of the college. Students shall abide by college regulations and the decisions of the college's judicial bodies.
- b. When students incur penalties prescribed by civil authorities, they may also be subject to further discipline by the college judicial systems if there are distinct and clear college community interests involved. The appropriate judicial body will rule as to its jurisdiction in the case.
- c. When students of the college are charged with a violation of federal, state, or local law, the college has no obligation to assist them.

IV. Judicial System

A. Preamble

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

B. Definition of Terms

1. The term "college" means Oberlin College, including the College of Arts and Sciences and the Conservatory of Music.
2. For the purposes of the Oberlin College Judicial System, a "student" is defined as an individual who has been offered—and has accepted—the opportunity to enroll in regular credit-bearing Oberlin College courses. Students who are not officially enrolled for a particular term but are participating in study abroad or domestic exchange programs, or who are on leave from the college, remain subject to the College's Judicial System.
3. The term "faculty member" means any person hired by the college to conduct classroom activities and college officials who are eligible for appointment to

General Faculty committees according to the regular General Faculty appointment process.

4. The term "college official" includes any person employed by the college, performing assigned administrative or professional responsibilities.
5. The term "staff member" means any person employed by the college.
6. The term "member of the college community" includes any person who is a student, faculty or staff member, college official, or any other person employed by the college. A person's status in a particular situation shall be determined by the Office of the President, the Dean of the College, the Dean of the Conservatory, or the Dean of Students.
7. The term "business day" ordinarily refers to a weekday (Monday through Friday) during those weeks in which the college is in session, excluding vacations.
8. The term "college property" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Oberlin College (including adjacent streets and sidewalks). This definition shall not be interpreted to infringe on any appropriately recognized jurisdiction of the Oberlin City Police or other law enforcement officials.
9. The term "organization" means any number of persons who have complied with the formal requirements for college recognition as a campus organization.
10. The term "Judicial Board" means the group of individuals appointed by the Student Senate and authorized by the college to determine whether a student has violated the rules and regulations and to impose sanctions.
11. The term "Community Board" means the group of individuals authorized by the college to hear defined categories of cases and to review cases heard by the Judicial Board.
12. The term "review" refers to the process of reviewing a hearing upon request, and determining if a new hearing shall be granted. The term "review" is synonymous to the term "appeal."
13. The term "advisor" refers to a person assisting the complainant or respondent at a formal hearing. This person must be a member of the Oberlin College community (staff, faculty member, or student).
14. The term "shall" is used in the imperative sense.
15. The term "may" is used in the permissive sense.
16. The term "judicial coordinator" is (a) person(s) designated by the Dean of Students to be responsible for the administration of the overall Judicial System and the rules and regulations thereof.