

# Students' Rights and Responsibilities (cont.)

and spring breaks), facility maintenance, checkouts, and informal visits, the following activities may occur:

1. If staff members observe items in plain view that are prohibited by the Code of Conduct, such items may be reported.
2. Judicial action may be taken against the resident and any other student involved in the violation.
3. Staff members may have representatives of the Office of Safety and Security confiscate and turn over to the proper authorities prohibited items such as weapons, alcohol, illicit drugs and paraphernalia that could be used to ingest illicit drugs. Staff members may have Safety and Security Officers or professional in-hall staff members confiscate other items found in plain view that are prohibited according to college housing policies.
4. Confiscated items may be used as evidence in college judicial proceedings.
5. The college reserves the right not to return confiscated items.
6. Notifying students prior to entering their rooms is not necessary in cases of life-safety inspections and facility maintenance. Students will be notified in advance of staff inspections prior to the closing of college housing (fall, winter, and spring breaks).

## M. Room Searches

Individual room searches are permitted when there are reasons to suspect the existence of contraband or crime. Except for life-safety searches, which the college reserves the right to conduct at any time and without notice, room searches will comply with the following regulations:

1. General room searches are prohibited and may not be authorized.
2. All searches are to be authorized by the Office of the Dean of Students or his/her designee in advance in writing.
3. Students will be notified if a search of their room has been authorized, but they need not be present at the time of the search. The resident may send a witness to observe the search if he/she wishes.
4. The resident has the right to be present during the search and/or to appoint a witness to observe the search.
5. A college official will oversee each search.
6. The resident retains the right to compensation for any damage done to his or her property during a search.
7. If a search has not complied with these regulations, college judicial action against the resident(s) may not be taken on the basis of evidence discovered during the search.

## N. Policy on Alcohol, Drugs and Tobacco

*Approved by the Student Life Committee on April 13, 1995.*

Oberlin College prohibits the unlawful possession, use, or distribution of alcohol or drugs. It is the college's policy to provide a learning, living, and work environment that is free of illicit drugs, tobacco smoke, and the unlawful use or abuse of alcohol. Believing that the acceptance by students of full responsibility for their conduct is an essential component of the educational process, the college seeks to prevent the destructive use of tobacco, drugs, and alcohol by means of counseling and the education of students with regard to the risks involved.

While the college's emphasis is on preventive and educational approaches to substance use and abuse, the college will not protect students from local, state, or federal laws. College judicial procedures will be initiated if a complaint of misconduct related to drug, alcohol, or tobacco use is filed by a member of the Oberlin College community. Judicial sanctions may include suspension or dismissal, depending on the seriousness of the offense.

The following statement was issued to the Oberlin College community by the General Faculty Council on May 9, 1991:

"Oberlin College cannot condone the illegal possession, consumption, provision or sale of alcohol or drugs, and Oberlin College cannot protect members of the community from prosecution for crimes under federal, state, or local laws. Ohio state law (Section 4301.69) provides that no person shall sell intoxicating liquor or beer to a person under the age of 21 years, unless given by a physician in the regular line of his/her practice, or by a parent or legal guardian. Drugs are defined as including marijuana as well as the following, all of which are illegal except when taken under a doctor's prescription: barbiturates, amphetamines, prescription tranquilizers, LSD compounds, mescaline, psilocylin, DMT, cocaine, and other narcotics or opiates."

### 1. SUMMARY OF STATE LAWS

Ohio Revised Code Governing Alcoholic Beverages Section 4301.22(A)(2) and (3) and (M)(3). No intoxicating liquor or beer shall be sold to or handled by any person under twenty-one years of age. The penalty for violation of this section provides for a fine of not more than \$500 plus court costs or imprisonment of not more than 60 days, or both. (Third degree misdemeanor.)

Section 4301.69 (A) and (I). No person shall sell\* intoxicating liquor to an underage person, or buy intoxicating liquor or beer for an underage person, or furnish it to an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian.

The penalty for violation of this section provides for a fine of not more than \$1,000 or imprisonment of not more than 180 days, or both. (First-degree misdemeanor.)

\* *The law is quoted as it reads. Selling alcoholic beverages, however, requires a license and thus is not legal anywhere on campus except the Dionysus, where a license has been issued to*

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*sell beer, and the Oberlin College Inn, which has a full liquor license.*

Ohio Revised Code Governing Drugs. The current Ohio law regarding drug abuse, including marijuana, may be found in Chapter 2925 of the Ohio Revised Code and related sections in Chapter 3719. Activities covered in these sections include drug abuse, trafficking in drugs, possession of drug abuse instruments, corrupting another with drugs, permitting drug abuse, selling paraphernalia for consumption of marijuana to minors, drug theft, deception to obtain drugs, illegal processing of drug documents, abusing harmful intoxicants, illegal dispensing of drug samples and counterfeit controlled substances. Traffic laws relating to driving while intoxicated or under the influence of drugs are to be found in Chapter 4511 of the Ohio Revised Code. The federal law with respect to drug abuse prevention and control may be found in Title 21, Chapter 13 of the United States Code.

Ohio Revised Code Governing the Reporting of a Felony Section 2921.22. No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

These laws may be referenced in their complete context in the Office of Safety and Security or online at [codes.ohio.gov](http://codes.ohio.gov).

If a student is apprehended on or off campus by the state, local or federal authorities for violation of drug laws:

- a. The student will remain enrolled in the college.
- b. Students released on bail will normally be free to continue their courses of study while awaiting legal proceedings.
- c. Withdrawal without prejudice will be granted to those who find it impossible to continue for legal or personal reasons.
- d. Conviction for a drug or alcohol-related offense will not automatically result in separation from the college, but college judicial procedures will be initiated if a complaint of misconduct is filed by a member of the Oberlin College community.

## 2. RISKS ASSOCIATED WITH THE ABUSE OF ALCOHOL, DRUGS, AND TOBACCO

The college is concerned about the risks and potential dangers involved in the abuse of alcohol, drugs, and tobacco. There is the risk that the abuse of alcohol, drugs, and tobacco may cause profound changes to an individual's physical and/or psychological health. Also, the abuse of alcohol, drugs, and/or tobacco may interfere with the process of free and open intellectual inquiry, the interaction and the trust that are crucial to the educational community. Finally, there is the risk of being subject to college judicial procedures as well as the risk of being arrested and possibly serving a prison sentence.

## 3. SUPPORT AND COUNSEL

For counseling and psychological support, students are advised to consult with the Counseling Center, (440) 775-8470, ([www.oberlin.edu/counsel/](http://www.oberlin.edu/counsel/)). Consultations with psychologists are confidential and subject to Ohio law governing the practice of psychology. Others also stand ready to help. If individuals need support or seek advice, they may also contact:

- Lorain County Mental Health Hotline (440) 282-2335
- Class Deans (440) 775-8462
- AA (Alcoholics Anonymous) (440) 246-1800
- Office of Safety and Security (440) 775-8444 or, for emergencies, (440) 775-8911
- Student Health (440) 775-8180
- Office of Religious and Spiritual Life (440) 775-8103
- Center for Leadership in Health Promotion (440) 775-5366
- Allen Memorial Hospital Emergency Room (440) 775-1211
- Lorain County Alcohol and Drug Abuse Services (LCADA) (440) 323-0860

## 4. VIOLATIONS OF COLLEGE POLICIES

Whether or not misconduct is involved, those concerned about instances of alcohol and drug abuse and violations of the smoking policy on the campus have the following options:

- a. Directly express concern and urge the student to seek support and assistance from among those listed above.
- b. Refer the matter to the campus Judicial Coordinator.
- c. Refer the matter to the civil authorities (i.e., report the matter to the police).

## 5. ALCOHOL POLICY

The following is the college's policy regarding the serving of alcoholic beverages on campus.

- a. Persons who serve alcohol at any campus function must be 21 years of age in accordance with Ohio state law.
- b. If alcohol is to be served at a student-sponsored, all-campus function, sponsors must employ certified student bartenders and comply with Ohio state law. Students who wish to be certified as bartenders must complete an alcohol education course that is offered each semester by the Office of Residential Education and Dining Services to address issues of safety and liability.

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c. Students acting as bartenders must sign a statement stating that they are aware of the Ohio state law and that they are responsible for compliance with it.

d. Every party is required to have two trained, paid bartenders hired by the party sponsor from the current list of students that have been certified through TIPS (Training for Intervention Procedures by Servers of Alcohol) by the Office of Residential Education and Dining Services. In addition, each party must provide registers at the door for non-OCID guests to sign. Guests must have a valid proof of age and must be hosted by a member of the Oberlin College community.

**NOTE: GUESTS WHO ARE NOT ENROLLED AS STUDENT OF OBERLIN COLLEGE ARE NOT PERMITTED IN RESIDENCE HALL PARTIES.**

e. Some parts of the college grounds are considered to be in the public domain. Individuals on campus should be aware that the "open container" law applies in those areas and thus they can act accordingly.

f. To help ensure state laws are followed, the possession or consumption of alcoholic beverages in the College dining halls or public areas is not permitted, excluding special programs or dinners if special approval has been given.

## 6. DRUG POLICY

The college's emphasis is on preventive and educational approaches to drug abuse. While the college will not protect students from drug laws, there are forms of conduct that are particularly unacceptable in an educational community and that will not be tolerated. College judicial procedures will be initiated if a complaint of misconduct related to drug abuse is filed. Under the terms of the Judicial System Charter, any member of the college community may file a complaint. Such cases may result in sanctions including suspension or dismissal, depending on the seriousness and extent of the offense.

## 7. INTOXICATION POLICY

*Approved by the General Faculty on March 5, 2001.*

Oberlin College promotes an "intoxication" policy that centers on concern for the health of individual students and on the safety and well being of the campus community. No person, while voluntarily intoxicated, shall engage in conduct that presents or creates a condition he or she should know is likely to present a risk of physical harm to another person, to the property of another, or to him/herself.

For those students who are found to be abusing alcohol and/or drugs, the college's first priority is to ensure that they receive appropriate counseling and medical attention. This policy is based upon the expectation that students will take responsibility for their own decisions surrounding the use and abuse of alcohol and/or drugs,

and that they will accept the consequences of those decisions.

### a. Policy

Consistent with these goals, the college maintains the following policy with respect to alcohol intoxication:

(1) Alcohol and/or drug consumption to the point of severe intoxication is a violation of college regulations. When severe intoxication is an accompaniment to other possible disciplinary infractions, under no circumstances may it be regarded as a mitigating factor; indeed, disciplinary infractions may result in additional sanctions when they are in part or in whole the consequence of alcohol abuse.

(2) Severe intoxication is defined as intoxication that may be reasonably judged to represent significant potential harm to self or others.

(3) Customary indications of severe alcohol intoxication include one or more of the following signs:

- Stumbling/staggering/bumping into things/ spilling beverages
- Falling down/injuries
- Unawareness of surroundings/semi-consciousness/loss of consciousness/passing out
- Inability to state or recall basic personal information such as name, address, telephone, birth date, social security number, hometown, etc.
- Vomiting/low breathing rate (less than 12 breaths per minute)/inability to control excretion (loss of bowel/bladder control)
- Severe agitation
- Slurred speech
- Sudden or extreme behavioral or personality change
- Aggressive behavior resulting in actual or threatened harm to self or others

### b. Sanctions

Under ordinary circumstances, first-time intoxication unaccompanied by other possible disciplinary infractions results in a required consultation with one or more members of the alcohol support team, without additional disciplinary procedures or sanctions. The alcohol/substance use support team typically consists of the assistant deans of residential education, associate deans who serve as Judicial Coordinators, the Associate Dean/Director of Wellness and Health Promotion, and a member of the counseling staff. The reoccurrence of such violations may result in judicial action and include sanctions appropriate to the individual situation.

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## **c. Medical Amnesty Policy**

Oberlin College wishes to ensure that students at medical risk as a result of alcohol or substance use will receive prompt and appropriate medical attention. For this reason no student seeking medical attention for him/herself (or another) for intoxication or overdose shall be formally sanctioned for the illegal use or possession of alcohol or other drugs when other college polices have not been violated in conjunction with the intoxication or overdose. Such students will meet with a Judicial Coordinator in the Office of the Dean of Students to discuss the incident. The Judicial Coordinator has the discretion to refer the individuals for appropriate educational intervention(s), including but not limited to: screenings with members of the alcohol/substance use support team, parental notification, writing reflective essays, AOD assessments at a state certified agency or treatment center, etc.

**Note:** The Medical Amnesty policy will not apply when a student persistently refuses to comply with the request of a college official to seek a medical evaluation to determine degree of intoxication/impairment. Instead, the refusal to comply will override the recommended staged sanctioning for drugs and alcohol related violations that are outlined in the most current published, *Student Regulations, Policies, and Procedures*. Students who persist in their noncompliance will be reminded/informed that failure to comply with a Security Officer's request to go to the Emergency Room for a medical intoxication/impairment evaluation will result in judicial action that may result in suspension.

## **8. EDUCATIONAL INTERVENTION FOR INFRACTIONS OF THE POLICY ON ALCOHOL, DRUGS, AND TOBACCO**

*This is an amended version of a proposal instituted in September of 2003. In general, this process will be followed. However, each Judicial Coordinator has the authority and expertise to assign sanctions based upon his/her discretion and the particulars of the case.*

Introduction: Although the application of sanctions in Oberlin College's Judicial Process are handled on a case- by-case basis and never applied automatically, violations of the college's revised policy on alcohol, drugs and tobacco will customarily result in the following judicial responses. Sanctions will customarily be imposed except in cases in which a judicial coordinator determines that the Medical Amnesty policy applies. This policy ensures that the concern for judicial consequences does not become an impediment for students seeking assistance for themselves or others when the abuse of alcohol and/or drugs presents a significant health risk. In such cases and where there are no additional infractions of the Code of Conduct, students may be asked to take

advantage of educational or counseling opportunities; however no formal judicial action will be taken. In any of the instances outlined below, written or service oriented educational sanctions may be required in addition to the other options outlined.

### **i. Offenses of illegal substance use AND/OR open container AND/OR underage drinking AND/OR intoxication/drug impairment:**

**a. First Offense.** The appropriate combination of sanctions is to be determined by a hearing officer in Residential Education or a judicial coordinator.

- (1) Written Warning.
- (2) Online screening that will help the individual evaluate his or her personal patterns of alcohol or drug use and/or a requirement to read a relevant booklet followed by writing a reflection paper, and/or (an)other appropriate educational intervention(s) to be determined by the hearing officer.

**Note:** All online screenings imposed as judicial sanctions will result in an administrative fee of \$20. This fee will be charged directly to the respondent's term bill in the Office of Student Accounts.

**b. Second Offense.** The appropriate combination of sanctions is to be determined by an assistant dean in Residential Education or a judicial coordinator.

- (1) Deferred probation or probation for a period less than two years.
- (2) Parental notification: the hearing officer will ask the student to call parent(s) and request that the parent(s) call the appropriate hearing officer to confirm that notification of the infraction has occurred. When parents do not call within 24 hours, the hearing officer will contact the parents.
- (3) CHOICES, an alcohol/other drug class for small groups or individuals, scheduled with an instructor; a \$25 administrative fee will be charged to the student's term bill in the Office of Student Accounts.
- (4) Other appropriate educational sanction(s) may be determined by the hearing officer.

**c. Third Offense.** The appropriate combination of sanctions will ordinarily be determined by a judicial coordinator or a judicial board.

- (1) Alcohol and Other Drug (AOD) screening by the Counseling Center and/or (an)other appropriate educational sanction(s) to be determined by a judicial coordinator or a judicial board **OR** an AOD assessment at Lorain County Alcohol and Drug Abuse Services (LCADA) in Elyria or another state certified treatment center in Ohio or in student's home state.\* This

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assessment must be completed within the period of time specified by the judicial coordinator or the judicial board.

(2) Parental notification: the hearing officer will ask the student to call parent(s) and request that the parent(s) call the appropriate hearing officer to confirm that notification of the infraction has occurred. When parents do not call within 24 hours, the hearing officer will contact the parents.

### (3) A STATUS SANCTION OF PROBATION (POTENTIAL LENGTHS RANGING FROM PROBATION FOR THE REMAINDER OF THE SEMESTER TO PROBATION UNTIL GRADUATION).

#### d. Fourth and Subsequent Offenses.

(1) The possible responses include referral to substance abuse and/or other intervention services in conjunction with status sanctions such as extended probation, suspension, or dismissal to be determined by a community board.

#### *ii. Intoxication, in combination with an allegation of a Sexual Offense Violation*

These violations will be referred to the Sexual Offense Policy Administrator for adjudication. Some of the educational and counseling responses listed above may be invoked in such cases.

### **IN EVERY INSTANCE ABOVE, ADDITIONAL SANCTIONS MAY BE APPLIED WHEN INFRACTIONS ARE ACCOMPANIED BY OTHER INFRACTIONS OF THE CODE OF CONDUCT.**

*\*The Judicial Coordinator will be able to supply a list of two to three approved centers in the Oberlin-Cleveland area. This list does not constitute a specific referral, but serves to assist the student in identifying an appropriate resource in a timely fashion. The responsibility for the cost of the assessment rests entirely with the student.*

*The respondent must provide the Judicial Coordinator and the certified agency with a signed release permitting the agency to provide an assessment report outlining its recommendations. The student is also required to sign a release allowing relevant third parties to provide the Judicial Coordinator with documentation that verifies completion of the recommendations made by the assessing agency including, but not limited to in- or out-patient treatment programs, counseling, and/or participation in support groups.*

## 9. SMOKING POLICY

*The General Faculty voted to adopt the following policy regarding a campus-wide smoking ban in the fall of 1993.*

Oberlin College's policy is to limit smoking by its faculty, staff, students, and visitors to outdoor areas on campus that are at least 30 feet away from building entrances and exits. Smoking is banned at

all times in all campus buildings including libraries, offices, residence halls, co-operative housing units, and designated village housing units, dining rooms, laboratories, classrooms, lounges, etc. Smoking in college-owned vehicles is also banned. (Violators may be reported to building representatives or to the Office of Safety and Security.)

Smokers must stand far enough away from entrances, exits and intake vents so people do not have to pass through the smoke to enter or leave, or smell smoke from vents while in the building. Employees, students, and visitors must smoke at least 30 feet away from doors and vents. Each community member is responsible for understanding the smoking policy and is encouraged to educate his/her peers.

## O. Identification Cards

Oberlin College has a computerized ID card system that serves as general identification, college housing unit access, and dining hall access. New students are issued ID cards and all students are expected to use the original ID card during their entire student career.

Lost cards may be replaced by paying a replacement card fee and obtaining a new photo card from the Office of Residential Education. Damaged cards are replaced free of charge. The Office of Safety and Security can provide temporary replacement access-only cards for housing on evenings and weekends. Temporary dining hall access cards can be requested at Stevenson Dining Hall during meal hours with the temporary ID and an authorized slip from the Office of Safety and Security.

Students are expected to carry their identification card at all times. At the request of any Safety and Security officer or employee of the college, a student must identify him/herself and surrender his/her ID card. Failure to do so is considered a serious violation that could lead to suspension, probation and/or a fine. Failure to identify oneself also may lead to the assumption that one is not a student, and, if there has been misbehavior, civil action may be taken. Any attempt to use a college ID that has expired or to make any use of another person's ID is a violation of the Student Code of Conduct.

## P. Appearance Codes Policy

Oberlin College recognizes choices of dress and appearance as issues of free speech and expression. There are, however, some college and organizational functions (e.g. theater productions, varsity games, etc.) for which a specific costume is required, or for which some dress code or appearance policy must exist. Accordingly:

1. Any dress codes or appearance policies must be explicit and must be communicated to potential participants in an activity/group prior to their participation.