



## Ohio Administrative Code Rule 3341-2-49 Anti-hazing policy.

Effective: August 25, 2021

---

### (A) Policy statement and purpose

Bowling Green state university (BGSU) has zero tolerance for any form of hazing.

The university seeks to promote a safe environment in which members of our learning community may participate in experiences and activities without compromising their health, wellbeing, dignity, and/or rights. Hazing can cause irreparable harm to victims, victims' families, and the university community. From a legal perspective, hazing is a crime. From the university's perspective, hazing is a violation of policy and antithetical to the ideals and values of our learning community related to belonging and personal growth. Prevention of hazing is the responsibility of every member of the university community, including students, student organizations, student groups, employees, and alumni.

This document outlines the scope of the policy; defines key terms; prohibits hazing and related conduct; designates mandatory reporters; identifies mechanisms to report hazing; provides amnesty for reporters; describes the institutional response to reports of hazing; establishes corrective action and discipline for violating this policy; details how this policy is reviewed; and explains the process whereby individuals may obtain information about misconduct by student groups and student organizations.

### (B) Policy scope

(1) This policy applies to BGSU students, student organizations, student groups, and employees. This policy also applies to volunteers acting in an official capacity that advise or coach student organizations and/or student groups and who have direct contact with students.

(2) BGSU has jurisdiction under this policy whether the conduct occurs on or off campus.



(3) The following factors do not prevent conduct from being considered a violation of this policy:

(a) Expressed or implied consent; or

(b) The conduct not being part of an official event or otherwise sanctioned or approved by a student organization or student group.

(4) Hazing does not include either of the following:

(a) Reasonable and customary organizational training, contests, competitions, or other events that are explicitly relevant to the mission of the organization; and/or

(b) Lawful expressive activities that are protected under the First Amendment to the United States Constitution, Section 11 of Article I of the Ohio Constitution, or Sections 3345.0211 through 3345.0214 of the Revised Code.

(5) In addition to this policy, NCAA student athletes shall follow the policies and guidelines set forth by the NCAA, the affiliated conference, and BGSU athletics.

#### (C) Definitions

(1) Hazing means doing any of the following, or pressuring, causing, forcing, soliciting, or coercing any person to do any of the following, for the purpose of initiating, admitting, or affiliating an individual into or with a student group or student organization; continuing or enhancing an individual's membership or status in a student group or student organization; or perpetuating or furthering a tradition or ritual of a student group or student organization:

(a) Engage in any conduct prohibited by federal and/or state and/or municipal criminal law, regardless of whether an arrest is made, or criminal charges are brought;

(b) Take into their body any food, liquid (including alcohol), drug, or other substance that subjects the person to a substantial risk of mental or physical harm; and /or;



(c) Cause or create a substantial risk of causing mental or physical harm to another and/or engage in any act or omission that contributes to the death of another.

(2) Hazing includes (but is not limited to) the following actions and situations, if they happen for the purpose defined in section (C)(1):

(a) Acts of a physical nature such as: beating, bondage, branding, calisthenics (e.g., wall-sits, sit-ups, push-ups), exposure to the elements, kicking, paddling, pushing, shoving, striking, tackling, throwing items at or on individuals, and/or whipping.

(b) Acts that may adversely affect the mental health or dignity of the individual such as: exclusion from social contact, kidnapping or abandonment, line-ups or berating, and/or sleep or food deprivation.

(c) Activities that a reasonable person would view to be frightening, humiliating, intimidating, or deceptive (including deception intended to convince the individual of impending pain, injury, or non-initiation) such as: blindfolding; having individuals yell when entering or departing a physical structure or in the presence of designated individuals; having individuals use designated entrances or exits and/or not permitting them to enter general use facilities or spaces; intentionally creating labor or clean-up work; not allowing individuals to wear certain garments or accessories; promoting servitude; requiring individuals to complete personal errands; requiring individuals to wear apparel that is conspicuous or uncomfortable; and/or requiring individuals to wear scant clothing or to be nude.

(d) Participation in any act of a sexual or lewd nature.

(e) Activities that endanger or have the potential to endanger the academic performance or personal life of an individual (e.g., not allowing adequate time for or interfering with academic commitments, employment, or family obligations).

(f) Any destruction or removal of public or private property.

(g) Activities that violate university policies.



(3) "Student" means any person from the time they are admitted to the university up through the date of graduation. This term includes, but is not limited to:

(a) Newly admitted students who have attended orientation;

(b) Currently enrolled individuals, including dual-enrolled students; and/or;

(c) An individual who has been enrolled in classes at any time within the prior two semesters (i.e., summer, fall, or spring).

(4) "Student organization" means a group of people who are associated with each other and who have registered with the university as a student organization as outlined in university rule 3341-2-36 of the Administrative Code.

(5) "Student group" means a number of persons who are associated with the university and each other, but who have not registered, or are not required to register as a student organization (e.g., athletic teams, spirit groups, military organizations, honor societies, musical or theatrical ensembles, bands, or clubs).

(6) "Serious physical harm" includes, but is not limited to, any harm that involves disfigurement; protracted loss of use of or impairment of the function of a bodily part, organ, or mental faculty; substantial risk of death or emergency hospitalization; and/or unconsciousness.

(D) Prohibited conduct

The following behaviors constitute a violation of this policy:

(1) Purposefully, knowingly, recklessly, or negligently hazing any person.

(2) Involvement in the planning of hazing and/or being present during hazing.

(3) Failing to intervene to prevent or stop hazing if the individual has prior knowledge of a planned



hazing activity.

(4) Failing to assist or seek assistance if the individual knows or reasonably should know that another is in danger from effects of hazing.

(5) Knowingly making a false accusation of hazing.

(6) Failing to report any information about suspected prohibited conduct if required to do so in paragraph (E) of this rule.

(7) Failing to cooperate in an investigation of hazing, as defined as noncompliance with the conduct process as outlined in the code of student conduct.

(8) Retaliating against or taking adverse action toward any reporting party and/or person participating in a hazing investigation or disciplinary proceeding.

(E) Mandatory reporters

A "mandatory reporter" must immediately report knowledge of hazing as defined in paragraph (C) of this rule to the university through any of the five reporting options outlined in paragraph (F) of this rule. A mandatory reporter who fails to make a timely report may be subject to appropriate discipline. Each of the following is considered a "mandatory reporter:"

(1) Any full or part-time employee of the university (including student employees and graduate assistants), or

(2) Any volunteer acting in an official capacity who advises or coaches student organizations and/or student groups and who have direct contact with students.

(3) Employees who are required by law to protect confidentiality are exempt from this requirement

Note: reports made pursuant to this policy do not supersede or replace other reporting obligations.



(F) Reporting options

Beyond mandatory reporters, BGSU encourages anyone who experiences or has information about hazing (e.g., student, family member, visitor, or other third party) to immediately make a report. Prompt reporting enables law enforcement to collect and preserve evidence and campus officials to gather timely and relevant information to aid in investigations. BGSU will act in the best interests of the overall university community, based upon the available information.

A person may report prohibited conduct to BGSU without disclosing one's name using the online reporting form found on the See It. Hear It. Report It. webpage.

Reports may be made via the following methods:

(1) Law enforcement

(a) Dial 911 to report any emergency situations

(b) Dial (419) 372-2346 for nonemergency situations to speak with the BGSU police department. An officer will assist in identifying which law enforcement agency should receive the report if the incident occurred outside their jurisdiction.

(2) Hazing reporting line

(a) Call the hazing reporting line at (419) 372-HAZE (419-372-4293).

(b) This reporting line is staffed by the Office of the Dean of Students and accepts calls 24/7.

(3) See it. Hear it. Report it. website

Complete the hazing report form at <http://bgsu.edu/reportit>. This link is on the BGSU See It. Hear It. Report It. website.

(4) In-person



Make a report in person at the Office of the Dean of Students.

(5) Human resources

Violations by university employees should be reported directly to the Office of Human Resources.

(6) If a report is submitted to campus police, the hazing reporting line, the dean of students office, or human resources, the staff member who receives the report is required to submit this information via the hazing report form and should also encourage the reporter to complete the online form.

(G) Amnesty

BGSU recognizes that individuals may be reluctant to report hazing activity due to a fear of potential consequences for their own conduct. Therefore, students who make a report under this policy or who participate in an investigation related to this policy will not be charged with other minor university policy violations that are brought to light in the course of the investigation that arose out of, or were committed as a direct result of, the incident(s) under investigation as long as those behaviors do not represent a threat to the health, safety, or wellbeing of others. For example, students required to consume alcohol as part of a hazing incident will not be charged with violations of university alcohol policies. The university may follow-up with those students related to those issues as appropriate in a non-disciplinary manner. In addition, a currently enrolled student who, in good faith, seeks or obtains medical assistance (e.g. by calling 9-1-1) for themselves or for another person for the overconsumption of alcohol or for a drug overdose, shall not be charged with a violation of the code of student conduct in connection with the possession or consumption of alcohol or drugs as outlined in the medical amnesty section of the code of student conduct.

(H) Procedures for institutional response

(1) BGSU will always notify the appropriate law enforcement agency or agencies when a report of hazing is received and document that the notification was made.

(2) The university will determine if interim measures are needed to protect the safety and/or well-



being of others.

(3) The hazing prevention coordinator, or designee, will launch an immediate investigation into all reports of hazing involving students, student groups, and student organizations. During the course of the investigation, students, student groups, and student organizations may request to enter information into the record and may recommend specific witnesses to the investigator(s). Ultimately, the investigator(s) will determine the relevance of information or witnesses. In completing the investigation, the investigator(s) may:

- (a) Make contact (if possible) with the individual(s) who submitted the initial information.
  - (b) Make contact with the individual(s) alleged to have violated this policy. If the conduct involved a student organization or student group, the investigator(s) will contact the presiding student leader and advisor of the entity under investigation.
  - (c) Interview any individuals with relevant information.
  - (d) Request relevant information from members of the student group or student organization (e.g., text messages, screenshots, pictures, videos).
  - (e) Require members of the student group or student organization, or a select group of members, to meet with staff and may restrict communication between the student group or student organization members during the interview.
  - (f) Request students to undergo a physical examination at the Falcon Health Center or by another appropriate medical professional of the university's choosing and at the university's expense as well as to sign a waiver allowing that medical professional to share a summary of the relevant results of the examination (e.g., findings of physical abuse, blood alcohol content, drug usage). The summary will be considered an educational record under the Family Educational Rights and Privacy Act.
- (4) Students must appear at required conduct meetings. Students are not compelled to answer questions or provide information. If a student fails to participate in the conduct process, the university may proceed to resolve the matter. No adverse inference may be drawn against a student





who does not participate in the conduct process.

(5) Students participating in an investigation process are expected to do so in an active, cooperative, and truthful manner. Falsifying, distorting, intentionally omitting, or misrepresenting information is a violation of the code of student conduct. The university will make every effort to complete the initial investigation within a period of thirty days, barring extenuating circumstances. If the circumstances require more than thirty days, the university will notify the student group or student organization representative(s) of the delay, including the reason(s) for the delay and the anticipated timeline for completing the investigation.

(I) Corrective actions and zero tolerance sanctions

(1) Violations of this policy by students and/or student organizations defined in paragraphs (C)(3) and (4) of this rule will be sanctioned in accordance with the code of student conduct.

(2) Violations of this policy by student groups defined in paragraph (C)(5) of this rule will be sanctioned by the hazing prevention coordinator in consultation with the divisional leader who has oversight for the group and the dean of students. The hazing prevention coordinator may convene a formal hearing panel to recommend sanctions.

(3) Expulsion or degree revocation will be the minimum conduct sanction assigned to any student organization or student for any violation of this policy that causes death, serious physical harm, or substantial risk of serious physical harm. This includes coerced consumption of alcohol or drugs of abuse that causes death, serious physical harm, or substantial risk of serious physical harm.

(4) Violations of this policy are subject to referral to appropriate law enforcement or university services, as well as to regional and inter/national affiliated offices of student organizations, for action and prosecution.

(5) Violations of this policy by employees may result in corrective action or discipline (including termination) in accordance with applicable university policies and procedures and/or collective bargaining agreements.



(J) Policy review

This policy is maintained and administered by the Office of the Dean of Students. The policy will be reviewed each year and updated as needed. The annual policy review will include an evaluation of any changes in legal requirements, existing university resources, and the cases reported and resolved during the preceding year.

(K) Reporting and transparency

The hazing prevention coordinator will create and maintain a website that provides information concerning any report of hazing misconduct by student organizations and student groups for the current academic year as well as for the previous five academic years. This website will include a brief description of the alleged misconduct, the outcome/finding concerning the alleged misconduct, and any corrective action or discipline taken.