

3344-2-08 **Anti-hazing policy.****(A)** **Policy statement**

- (1) Hazing is intolerable and has no place at Cleveland state university (CSU), on college campuses or in communities across Ohio and the nation. Cleveland state university is committed to student safety, support, and success and is dedicated to preventing violence in all its forms. CSU therefore affirms Collin’s Law and adopts this policy pursuant to the Ohio Revised Code as a means of addressing hazing in our community.
- (2) Cleveland state university prohibits hazing as defined in this policy and will not tolerate a campus culture which allows hazing to occur. The university will investigate and respond to all reports of hazing as outlined in this policy and assign appropriate sanctions to ensure the health and wellbeing of CSU community members.

(B) **Definitions**

- (1) “Authorized university function” means events and activities, which the university presents or authorizes.
- (2) “Community standards officer” - CSO (also referred to as a “judicial affairs officer” - “JAO” or “student conduct officer” - “SCO”) means the faculty or administrator who is responsible for conducting investigations into reported code violations and is authorized to impose sanctions upon students found to have violated the code.
- (3) “Reckless” means conduct which one knows or should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with authorized university functions.
- (4) “Student” means any person who is accepted, admitted, currently registered or has been registered at the university any time during the last academic year.

- (5) “Student organization” also known as “registered student organization” or “RSO” means a university recognized or registered student organization, which has complied with the formal requirements of official recognition or registration set forth by the center for student involvement.
- (6) “Student group” means a number of persons who are associated with the university and each other; examples including but not limited to: academic groups, athletic teams, spirit groups, military organizations, honor societies, musical or theatrical ensembles, bands, or clubs.
- (7) “University official” means any member of the university community acting in an official capacity, upholding and enforcing rules, regulations, and policies of the university.
- (8) “Complainant” means individual(s) bringing forward the allegations of a policy violation.
- (9) “Respondent” means individual(s) or group(s) responding to reported allegations of a policy violation.
- (10) In compliance with O.C.R. 2903.31, hazing is defined as intentionally, knowingly, or recklessly, for the purposes of initiating, admitting or affiliating a student into or with an organization, or for the purpose of continuing or enhancing a student’s membership or status in an organization, causing, coercing or forcing a student to do any of the following, regardless of whether such conduct occurs on or off campus:
 - (a) Violate federal or state criminal law.
 - (b) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.

- (c) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
- (d) Endure brutality of a mental nature, including actively adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
- (e) Endure brutality of a sexual nature.
- (f) Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

It shall not be a defense to a charge of hazing that the student consented to the conduct in question.

(C) Policy application

This policy applies to CSU students, student organizations, student groups, faculty, staff, and CSU alumni. 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 as well as other visitors, licensees, consultants, and invitees.

(D) Jurisdiction

The university holds individuals accountable under this policy for behavior that occurs both on and off campus, between two or more people who are affiliated with the university, or any student or other student organization or student group associated with the university. This policy also applies to behavior conducted in virtual spaces; including behavior conducted on-line, via email or through electronic media, through remote classrooms, or through on-line engagement mediums, including video gaming, in cases where the behavior is not protected by freedom of expression. While CSU does not regularly search for online information, it may review and investigate in accordance with this policy if such information is reported to the university.

(E) Policy enforcement

- (1) Allegations of hazing. Any person having knowledge of any activity or conduct which may constitute hazing should report all relevant information.
- (2) Investigation of allegations. Upon receiving a report of alleged hazing, the chief student affairs officer or designee or human resources designee will assign the case to an investigator. As part of the investigation, the university will:
 - (a) Determine if reported behavior falls under this policy or another CSU policy, falls within outlined jurisdiction, and requires investigation. If the reported behavior meets this criterion, an investigation will be opened and the following may be completed as part of that investigation;
 - (b) Make contact (if possible) with the complainant(s);
 - (c) Make contact with the respondent, or individual(s) or group(s) alleged to have perpetrated the hazing. If the conduct is organizational in nature, the investigator will contact the advisor and president of the organization under investigation. If the individual is an employee, the employee's supervisor will be notified;
 - (c) Conduct interviews with all parties, including victims, the respondent(s) and any witnesses. The investigator may, at their discretion, recommend interim action for the student, student organization, student group, faculty, staff, or alumni, to protect the safety and wellbeing of others.
- (3) The investigator may, at their discretion, require students, employees, or a select group of students to participate in an investigatory meeting.
- (4) The investigator may, at their discretion, request students or employees to undergo a physical and/or mental wellness examination at the university 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 the medical

professional to share a summary of the relevant results of the examination (i.e. findings of physical abuse, blood alcohol content, drug usage, bruises, burns, etc.). The summary will be considered an educational record under the Family Educational Rights and Privacy Act.

- (5) After initial review, the chief student affairs officer (or designee) or human resources designee will determine if charges or disciplinary action are warranted. If charges are warranted, the chief student affairs officer (or designee) will charge the individual student(s), the involved student group(s), and /or the president or other responsible officers of the involved student organization(s) or student group(s) or any other complicit bystanders in accordance with the this policy. For employees, the university will follow the procedures as outlined in the applicable university policies, procedures, and/or collective bargaining agreements. For alumni, CSU will follow its policies that apply to guests, visitors, and non-affiliated persons.
- (6) Adjudication. Adjudication shall be conducted pursuant to the student code of conduct including, but not limited to, organizational student conduct. The process will align with rule 3344-83-08 of the Administrative Code and proceed accordingly in a prompt, fair, and equitable manner. For employees, the university will follow the applicable university policies, procedures and/or collective bargaining agreements.
- (7) Intersection with other policies. In instances when reports of hazing intersect with other university policies, dual investigations under different policies may be necessary (e.g. when hazing reports involve incidents of sexual misconduct). Investigations involving appropriate offices will be initiated to ensure all reported policy violations are fully reviewed.

(F) Requirement to not recklessly permit hazing

- (1) Immediately upon learning of potential hazing, any employee with a duty to report violations of this policy (“mandatory employees” / “responsible employees”) who received a complaint of hazing or

who observes or learns of conduct that is reasonably believed to be in violation of this policy is required to report the alleged conduct to the chief student affairs office or human resources (for reports involving faculty/staff).

(2) Employees with a duty to report violations of this policy include faculty, administrators, coaches, and staff. Graduate assistants and student employees have a duty to report violations of this policy of which they become aware in the course of their duties when these duties include responsibility for the safety and wellbeing of other members of the campus community or if they have supervisory, evaluative, grading, or advisory responsibility over other members of the campus community.

(3) In addition to the duty to report hazing to the above offices as identified in the prior paragraph, in some circumstances there is also a duty to report allegations of criminal conduct to law enforcement through a report to CSU PD.

(G) Medical amnesty and good samaritan policy

CSU's medical amnesty and good samaritan policy may apply to students who make a report under this policy or who participate in an investigation related to this policy.

(H) Sanctions

Hazing is a serious offense of the student code of conduct and therefore, is subject to the full range of sanctions outlined in the student code of conduct. In addition, other educational activities may be required as conditions of the sanction. An individual, organization, or group may be subject to other outcomes in accordance with the applicable outside constituents or group in which the CSU community member is involved, or their governing bodies. The university has the right to take action regardless of the actions of the governing body.

(I) How to report

- (1) As safety is a primary focus at Cleveland state university, it is CSU's goal to promote a culture of reporting hazing. Reporting hazing ensures information is shared with the appropriate offices that will take appropriate action pursuant to this policy. Reports of hazing submitted through the means outlined below will be reviewed and investigated pursuant to this policy.
- (2) Individuals and/or student organizations must report instances of hazing either directly to offices indicated below or through an incident report form. Reports will be routed to the chief student affairs officer's office and/or the office of community standards and sent to the appropriate university official for review.
- (3) Self-reporting of Incidents. Student organization/team members and officers/captains should immediately report any hazing incidents that occur within their organization to the chief student affairs officer (or designee) office or CSU police department, providing a detailed description of the events that have transpired, the names of any individuals involved, and a description of any actions taken by the organization. Employees should report hazing incidents to human resources or CSU police department. Upon receiving the report, the chief student affairs officer (or designee)'s office or human resources designee will investigate along with the CSO as described in this policy and the organization president and advisor/coach or employee's supervisor will be notified. The investigation and adjudication will proceed related to the policy violations by the individual(s) implicated in the report, unless evidence discovered in the investigation proves the incident to have been sanctioned by the organization or employee. If the incident appears to have been sanctioned by the organization or employee, a follow-up investigation into the organization's or employee's role may be undertaken. If the student organization is affiliated with a national organization, the national headquarters may be contacted.
- (4) Making an intentionally false accusation of hazing is prohibited and subject to corrective or restorative action as enumerated in the student code of conduct, employee handbook, or other applicable university policy.

- (5) If a member of the university community is aware of immediate physical danger to a student or others, they must contact CSU PD at 216.687.2020 or dial 911.
- (6) Any questions concerning the interpretation or application of this policy should be referred to the chief student affairs office or designee.
- (7) Individuals may report hazing by contacting any of the following:
 - (a) Chief student affairs officer / 216.687.2048 or studentaffairs@csuohio.edu
 - (b) CSU PD: 216.687.2020 or police@csuohio.edu
 - (c) Anonymous reports of hazing can be submitted online through ethics point at: <https://www.csuohio.edu/police/anonymous-reporting>
 - (d) Human resources: 216.687.3636
 - (e) In the event of an emergency, please contact CSU PD at 216.687.2020.

(J) Identifying acts of hazing

Key indicators: the activity is degrading and/or demeaning, there is risk of injury or question of safety, alcohol or drugs are present, cryptic language is used to describe an event, activity, or interaction, active members are unwilling to participate in the same activity with new members, active and new members are unwilling to discuss the activity with advisers, coaches, family members, headquarters or prospective members, members justifying actions as “tradition” in an attempt to convince others that it is an acceptable event, changes in behavior such as oversleeping, constant exhaustion or an inability to focus, a drop in GPA.

(K) Retaliation

- (1) The university prohibits retaliation against any person for reporting or complaining of hazing; supporting a person who complains about

such conduct; assisting, providing information or participating in the investigation of an incident of hazing; enforcing university policies with respect to hazing; whether or not the exercise of rights is substantiated by an investigation or otherwise. Retaliation is a form of discrimination.

- (2) Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment, against any person or group for exercising any rights under this policy. Prohibited retaliation includes retaliatory harassment and retaliation through a third person or persons.
- (3) Violation of retaliation under this policy would be considered a violation of the code of conduct and adjudicated through the conduct process.

(L) Duty of university to document

The university will maintain a report of all violations of this policy that are reported to the university and which result in a charge of violation of this policy. The university will update the report bi-annually on January 1 and August 1 of each year and will post the updated report on the university's chief student affairs officer and human resources websites.

(M) Training and education

- (1) CSU shall provide all staff and volunteers that advise or coach an organization recognized by or operating under the sanction of CSU and who have direct contact with students with mandatory training on hazing, which shall include information on hazing awareness, hazing prevention, and this policy.
- (2) All students seeking membership in a registered student organization, student group, or athletic team at CSU must complete the anti-hazing training provided by the university. Failure to complete the training will result in the student being denied the ability to join any recognized student organization, group, or athletic team. If a student is unsure if they have completed the required program, they should contact their advisor, coach, or chief student

affairs office to verify their eligibility to join a student organization, group, or team.

Effective: 2/10/2022

CERTIFIED ELECTRONICALLY

Certification

01/31/2022

Date

Promulgated Under: 111.15
Statutory Authority: 111.15
Rule Amplifies: 3344