

## Chapter 3335-10 Disruption

### (A) Definitions.

- (1) The phrase "with an intent to disrupt" shall be taken to mean that a person knows or reasonably should know that their act or acts will have the consequence of preventing others from carrying out university authorized activities.
- (2) The phrase "to obstruct" shall be taken to mean making the movement of a person or vehicle from one place to another difficult or impossible; it shall not be taken to mean making that movement inconvenient.
- (3) The phrase "university authorized activity" shall be taken to mean any activity that the university conducts, sponsors, or permits to be carried out on the campus or in any university building or facility.
- (4) The phrase "an authorized university official" shall be taken to mean any person to whom the university has delegated authority to supervise a building or facility, or any part of a building or facility, or to supervise the movement of people and vehicles on the campus.
- (5) The phrase "campus" shall be taken to mean university owned or controlled property.

~~(A)~~ (B) No student, faculty, staff, visitor, or other person shall, with an intent to disrupt university authorized activities:

- (1) Obstruct the lawful movement of any person or persons about the campus, into or out of any university building or facility, or within any university building or facility, and fail to desist when so ordered by an authorized university official;
- (2) Obstruct the movement of vehicular traffic on the streets of the university, and fail to desist when so ordered by an authorized university official;
- (3) Occupy a university building or facility in such a manner as to prevent others from carrying out university authorized activities and fail to depart when informed by an authorized university official that they are disrupting university authorized activities and must depart;
- (4) Interfere with the conduct of a class, office, laboratory, or other university authorized activity by shouting, chanting, marching, throwing objects, or otherwise creating such a disturbance that the authorized activity cannot, in the judgment of an authorized university official, be carried on, and fail to desist when so ordered by an authorized university official;
- (5) Employ force or violence or the explicit threat of force or violence, to prevent any person or persons from carrying out university authorized activities;
- (6) Damage ~~public address systems, video displays, laboratory equipment, computer systems, or other~~ property ~~or other systems~~ used ~~in for~~ the carrying out of university authorized activities;
- (7) Solicit any person or persons to violate paragraphs (A)(1) to (A)(6) of this rule, knowing that there is a clear and present danger that such violations will occur (but a person shall not be resulting in person or persons charged with soliciting unless a violation of paragraphs (A)(1) to (A)(6) of this rule occurs as a result of this solicitation).
- (8) This rule shall not be interpreted as prohibiting ~~proscribing~~ peaceful demonstrations, peaceful picketing, a call for a peaceful boycott of classes or other forms of peaceful dissent.

- ~~(B) Any student found guilty of the conduct proscribed in paragraphs (A)(1) to (A)(7) of this rule shall be subject to maximum sanction of dismissal or any lesser disciplinary sanction pursuant to rule 3335-11-02.1 of the Administrative Code.~~
- (C) Students accused of conduct prohibited ~~proscribed~~ in paragraphs (A)(1) to (A)(7) of this rule will be subject to the Student Code of Conduct. Non-students ~~charged with the~~ accused of conduct ~~proscribed~~ prohibited in paragraphs (A)(1) to (A)(7) ~~shall will~~ be referred to an appropriate authority or process.

## Chapter 3335-11 Student Affairs

### 3335-11-01 General discipline

- (A) The president shall have the final responsibility and authority for the discipline of all students of the university. The president may delegate this responsibility and authority (see paragraph (E) of rule 3335-1-03 of the Administrative Code).
- (B) The deans of colleges and of the graduate school, the directors of schools, and the chairs of departments, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective colleges, schools, and departments.

(Board approval dates: 9/1/1999, 6/1/2001, 5/14/2010, 4/8/2016)

### ~~3335-11-02.1 Hearing officers and panels.~~

- ~~(A) The council on student affairs shall recommend to the president, subject to the approval of the board of trustees, a list of attorneys, unaffiliated with the university, who shall be authorized to act as hearing officers to preside over disciplinary proceedings under rule 3335-11-02 of the Administrative Code. One such attorney shall be designated by the president as chief hearing officer, whose duties shall include:~~
- ~~(1) Assisting the council on student affairs in preparing and enacting procedural rules to guarantee due process, including, but not limited to, the procedural recommendations contained in the report and recommendations of the university committee on rights and responsibilities (the Ohio state university, September 15, 1968);~~
  - ~~(2) Selecting hearing officers as needed from the approved list;~~
  - ~~(3) Reviewing every case in which sanctions have been recommended, to determine whether such sanctions should be imposed or reduced, or whether the case should be dismissed or remanded for further hearing;~~
  - ~~(4) Forwarding completed cases to the vice president for student life for administrative implementation in accordance with their final determination by the chief hearing officer;~~
  - ~~(5) Hearing on appeal student disciplinary cases, not including university actions relating to academic failure or violations of a code of professional ethics or of an honor code of these colleges or academic units having such codes, where an appeal is taken by any student from any such action by the student's college, university committee, or other properly authorized university adjudicatory body, only in those cases where the penalty assessed was suspension, dismissal, or expulsion.~~
- ~~(B) That an array of hearing panelists, large enough to allow at least three panels, shall be selected by lot consisting of:~~
- ~~(1) Faculty members;~~

- ~~(2) Undergraduate students;~~
- ~~(3) Graduate and professional students, and~~
- ~~(4) Administrative staff members.~~

~~Any person selected to serve as hearing panelist may be exempted from such service if that person declines.~~

- ~~(C) The chief hearing officer shall, by lot, select from the array hearing panels, each composed of two faculty members, two undergraduate students, one graduate or professional student, and one administrative staff member. The hearing panels shall have original jurisdiction to hear cases of alleged student violation of rule 3335-11-02 of the Administrative Code brought before it by authorized university officials, make findings of fact, determine a verdict, and, in the event of a guilty verdict, to recommend sanctions.~~
- ~~(D) The university and the defendant shall have the right to challenge for cause. The hearing officer shall hear challenges for cause.~~

~~(Board approval dates: 5/1/1986, 7/12/1991, 4/3/1998, 6/1/2001, 5/14/2010)~~

#### ~~3335-11-02.2 Pending criminal law suit~~

- ~~(A) Whenever a criminal court exercises jurisdiction over acts which allegedly constitute a disruption by university rules, the university shall not exercise jurisdiction, except in an extraordinary case. In such a case, the university may bring the student before a hearing officer and panel to determine whether the student poses a clear and present danger of repeated or continued violation of rule 3335-11-02 of the Administrative Code. If the panel finds that such a danger exists, it shall recommend that the student's continued enrollment be dependent on the imposition of strict disciplinary probation, under such terms and conditions as the hearing officer may specify (except that the student may not be deprived of university scholarship, loan, grant-in-aid, or employment).~~
- ~~(B) The term of probation shall last until such time as the hearing officer finds that the danger no longer exists. This finding may be initiated by the officer or upon petition by the student.~~
- ~~(C) If a probation violation is alleged to have occurred, the student will be subject to an immediate hearing before a hearing officer. If found in violation of probation, the student will be temporarily suspended or dismissed from the university pending a full hearing.~~

~~(Board approval dates: 5/1/1986, 7/11/1986)~~