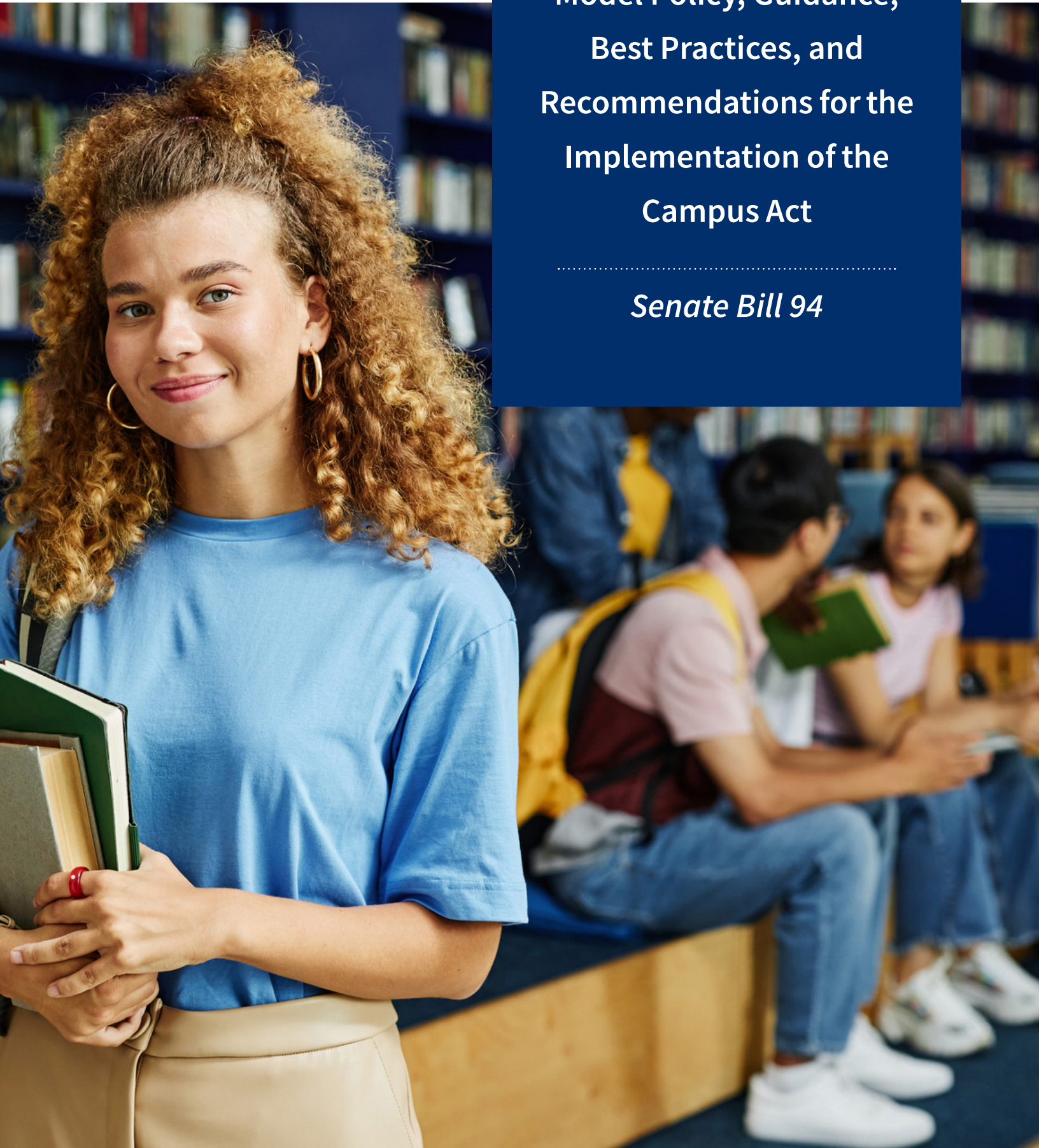




Department of
Higher Education

Model Policy, Guidance,
Best Practices, and
Recommendations for the
Implementation of the
Campus Act

Senate Bill 94



Chancellor's Committee Membership

The Ohio Department of Higher Education would like to thank the following stakeholders for giving of their time and talents to help create this document:

Nathan Dennis, Staff Lieutenant, Ohio State Highway Patrol

Brandi Elliott, Assistant Vice Provost of Student Affairs, University of Cincinnati

Rachel Felber, Executive Director, Kent State University Hillel

Julianne Gran, Associate General Counsel, Cuyahoga Community College

Ramez Islambouli, Professor of Islamic Studies and Advisor for the Muslim Students Association, Case Western Reserve University

Felicia King, Director, Governor's Office of Faith-Based and Community Initiatives

Dawayne Kirkman, Senior Vice President of Student Affairs, Enrollment Management, and Regional Locations, Clark State College

Bobby McAlpine, Undergraduate Student Body President, The Ohio State University

Fatima Atta Muhammad, Student, Columbus State Community College

Kyle Niece, Policy & Compliance Team, Ohio School Safety Center

Levi Raichik, Campus Rabbi, Chabad Student Center at Ohio University

Zeki Saritoprak, Professor of Islamic Studies and Advisor for the Muslim Student Society, John Carroll University

Amy Shoemaker, Vice President & General Counsel, Miami University

Katie Stygles, Chief Inclusion Officer, Bowling Green State University

Mike Suver, Vice President of Operations, Inter-University Council of Ohio

Avi Zaffini, President & CEO, Ohio Association of Community Colleges

Background Information

On July 24, 2024, Governor Mike DeWine signed Senate Bill 94, which included the Enact Campus Accountability and Modernization to Protect University Students (CAMPUS) Act originally introduced as House Bill 606. The bipartisan CAMPUS Act seeks to equip Ohio colleges and universities with the tools and resources needed to enhance student safety and create campus characteristics grounded in respect and understanding.

The legislation requires, in section 8, that the Chancellor of Higher Education establish a committee on combatting antisemitism, Islamophobia, anti-Christian discrimination, and other forms of racial, religious, and ethnic harassment and intimidation. The committee must include representatives from each of the following:

- (1) Legal counsel from institutions of higher education;
- (2) Offices of student life from institutions of higher education;
- (3) Institutionally sanctioned student organizations from institutions of higher education;
- (4) The Inter-University Council of Ohio;
- (5) The Ohio Association of Community Colleges;
- (6) Organizations representing faith-based communities;
- (7) Organizations representing racial and ethnic communities;
- (8) Any other stakeholders determined appropriate by the Chancellor.

The committee is tasked with developing a model policy, guidance, best practices, and recommendations for further action as described under division (B) of section 3320.05 and division (A) of section 3320.06 of the Revised Code.

The model policy, guidance, best practices, and recommendations, as advanced by the committee, should include the following:

1. A review of current investigation procedures and recommendations to increase transparency of the process and outcome that is allowable under existing state and federal laws;
2. Model training requirements that provide information on how to respond to hate crimes or incidents of racial, religious, or ethnic harassment or intimidation during a class or event held at the institution at the time the incident occurs. The training shall be for all institution administration, faculty, and staff employed by an institution;
3. Best practices for collaboration with local, state, and federal law enforcement to enhance security functions for students that face threats of terror attack and hate crimes;
4. A framework to promote an institution's conduct policies;
5. Recommended definitions for institutions of higher education to incorporate policies adopted under section 3320.05 of the Revised Code; and
6. Model procedures for investigating student complaints submitted under division (B)(2) of section 3320.05 of the Revised Code, including communication to students on complaints submitted to institutions.

In addition to the requirements placed on the committee, institutions of higher education are required, pursuant to Section 3320.05 of the Revised Code, to do the following:

1. Each institution of higher education shall adopt and enforce a policy regarding racial, religious, and ethnic harassment and intimidation at the institution. The policy shall include:
 - a.) The provision of training for all institution administration, faculty, and staff, which shall include information on how to respond to hate incidents or incidents of harassment that occur during a class or event held at the institution at the time the incident occurs. This training may be provided online.
 - b.) Procedures for accepting and investigating student complaints and allegations of racial, religious, or

ethnic harassment or intimidation against any student, staff, or faculty member. The procedures shall include:

- i. An option to submit complaints and report threats anonymously;
 - ii. Potential disciplinary actions that may be taken after an investigation is conducted;
 - iii. At the conclusion of an investigation, any mandatory communications, regardless of whether disciplinary action is taken. These communications may include educational information on the institution's policy against racial, religious, and ethnic harassment and intimidation.
2. Each institution of higher education shall ensure that, to the extent possible and as needed, its campus security and police department, if the institution has one, collaborate with local law enforcement, the state highway patrol, and student communities to provide security functions for institutionally sanctioned student organizations that face threats of terror attack or hate crimes.
3. Each institution of higher education shall create a campus task force on combating antisemitism, Islamophobia, anti-Christian discrimination, and hatred, harassment, bullying, or violence toward others on the basis of their actual religious identity or what is assumed to be their religious identity at the institution.

All of the above requirements and expectations have been considered and addressed in the creation of this document. Appendix A delineates the requirements for the CAMPUS Act committee and the requirements for institutions. The guidance, best practices, and recommendations set forth by the committee in this document will be most effective if they are implemented after consideration, discussion, and input from a wide variety of campus stakeholders. Each institution has its own unique campus characteristics; therefore, policies will differ between institutions and should consider the specific needs of the student populations served by the institution. Institutions are encouraged to remember the human impact of the chosen training, policy, and education efforts for their campus community.

The timely creation of a campus task force, as required under division (C) of section 3320.05 of the Revised Code, is essential to implementing the appropriate components of this document at each institution.

When developing model policy, guidance, best practices, and recommendations, the larger committee was divided into smaller work groups that sought to focus on the main components required under Senate Bill 94. The combined efforts of these groups are reflected in the following sections:

- I. Model Policy
- II. Investigation and Reporting
- III. Model Training Requirements
- IV. Collaboration with Local, State, and Federal Law Enforcement to Enhance Security Functions
- V. Communicating and Promoting Protocols and Outcomes
- VI. Examples of Definitions

Section I: Model Policy

The bill requires each institution of higher education (IHE) to adopt and enforce a policy regarding racial, religious, and ethnic harassment and intimidation at the institution.

The CAMPUS Act Committee encourages IHEs to include, at a minimum, the following components:

1. **Scope** – To whom on campus does this policy apply?
2. **Purpose** – Example: Section 3320.05 of the Revised Code requires each public college or university in Ohio to adopt a policy regarding racial, religious, and ethnic harassment and intimidation. In addition to the requirements set forth in section 3320.05, the college or university has and will continue to abide by all federal, state, and local laws and regulations that prohibit harassment and intimidation.
3. **Definitions** – Definitions for harassment, intimidation, antisemitism, Islamophobia, anti-Christian discrimination, and any other terms utilized in the specific college or university policy.
4. **Policy** - Please see Sections II-VI below for considerations when developing this policy. The policy should include, at a minimum:
 - a.) Reporting and Filing Complaints
 - i. Process for filing anonymously
 - ii. Disciplinary actions
 - b.) Training
 - i. How to respond to incidents that occur during a class or event held at the institution at the time the incident occurs
 - c.) Compliance
 - d). Communication regarding events, incidents, and training

Section II: Investigation and Reporting

Review of Current Procedures

The bill requires IHEs to conduct a review of their current investigation procedures, including reporting processes. The review should identify current efforts to be transparent about both the investigation process and outcome to the extent allowable under existing state and federal law.

The CAMPUS Act Committee encourages IHEs to consider the following while reviewing their current investigation and reporting procedures:

- A statement that conveys a culture where reporting is encouraged and there is transparency about what happens after a report is received, including when and how law enforcement will be engaged.
- Which individual(s)/office(s) will be responsible for reports received and initiating campus processes for review and/or investigation?
- Where can someone find the anonymous reporting link?
 - Is this link different from other anonymous reporting links the institution may offer, including for reports of hazing and/or sexual misconduct?
 - If so, how is this communicated?
 - Information as to what will happen after an anonymous report is received.
- If someone wants to report a complaint, but is not concerned about keeping their anonymity, how can they do so?
 - Information as to what will happen after the complaint is received.
- Can someone submit a complaint, and request anonymity later? If so, how?
- Where would someone go if they initially filed an anonymous complaint, but want to identify themselves at a later date?
- Who else will have access to the complaints once they are received?
 - How can someone request access to a complaint?
 - What role, if any, does the Family Educational Rights and Privacy Act (FERPA), and/or other privacy-related laws, play in accessing complaints received?
 - Is there a difference between accessing a complaint reported anonymously vs. not?
- Under what circumstances will the institution share the report with law enforcement?
 - How will this step be communicated to the individual who filed the complaint?
- Will your institution have supportive resources available for the individual filing the complaint?
 - If so, where can this information be found?

Model Procedures for Investigating and Reporting Student Complaints

- Institutions are strongly encouraged to review investigation procedures for other discrimination complaints (e.g. Title IX, Title VII, Title VI, etc.) when reviewing and developing relevant protocols.
- Institutions are encouraged to consider how amnesty or safe harbor may apply to those submitting good faith reports.
- How will your institution handle instances where incidents investigated under this policy intersect with other campus policies (e.g. damage to property, vandalism, assault, etc.)?
- Does your institution need to update anon-retaliation policy, if applicable, to include complaints under this section? If your institution does not have a stand-alone non-retaliation policy, will one be created?

- A statement that provides the relevant information related to fair and equitable investigation and conduct processes for complaints received.
- Training programs for investigators with topics that include but aren't limited to relevant law and/or policy information, questioning procedures, note taking, report writing, avoiding bias and conflicts of interest, and campus processes and resources.
- A memorandum of understanding (MOU) between the campus and local law enforcement that addresses how complaints received will be investigated for potential criminal components. Please review the section below on "Best practices for collaboration with law enforcement" for additional details.
- Who or what office is responsible for maintaining communication with the student throughout the investigation process?
 - In what format will communication be provided to the student (phone call, email, etc.)?
 - How will the student be informed if their complaint is being investigated?
 - How does a student request an update on their complaint?
 - How does the student learn about supportive resources, including safety accommodations, while waiting for an investigation to be completed?
- Who will play the role of the decision maker at the conclusion of the investigation process?
 - How will the results of the investigation be communicated to the student filing the complaint, if identified, and what details will be included in that response? Ex. if the complaint has been dismissed or will be moving forward in the complaint process, next steps for the student?
- Will the IHE maintain an appeal/grievance procedure after a determination for this type of complaint?

Section III: Model Training Requirements

Training Delivery

The bill requires Ohio institutions to assess their current training delivery practices to determine how and when immediate response training should be administered to institutional personnel, including faculty, staff, and administrators. Consideration should be given to how training is integrated into onboarding, recurring professional development, and event-specific preparedness, particularly for those interacting directly with students or managing campus events.

As each institution reviews their specific approach to training and education, including the inclusion of related best practices, institutions are encouraged to keep in mind the human impact of those chosen efforts for their campus community.

The CAMPUS Act committee encourages IHEs to consider the following while reviewing or developing their training:

- Has the IHE identified the personnel who will be required to complete this training?
 - Would this include students employed by the institutions (resident advisors, graduate assistants, teaching assistants, etc.)?
- How often and under what circumstances will faculty and staff be required to complete the training (once a year, only during onboarding, etc.)?
- How will employees be notified about the training?
- Who will provide the training?
- Who is communicating the training information?
- How will you ensure that all staff and faculty, including part-time staff and faculty, adjunct faculty, and contracted employees, have received this training in a timely manner?
 - Who or what office is responsible for tracking participation?
 - What steps will be taken if an employee does not complete the training in the time frame required?
- What is the incentive for completing the training or consequence for not completing the training?
- Where can training materials be found?
 - How will this location be communicated to staff if they wish to refer to the materials?
- How will faculty and staff be trained to better respond to “in the moment” incidents such as classroom disruptions (e.g. case studies, bystander intervention role-play scenarios, etc.)?
- How will faculty and staff know how to assess whether a situation requires immediate intervention, documentation, or external assistance?
- Who should be notified when there is an incident?
- What is the process for notifying individuals who need to be notified?
 - Does this process inform faculty and staff on when to involve law enforcement?

Implementation of Training Requirements

- The bill requires IHEs to evaluate the scope and depth of their current training content and develop training curriculum that addresses hate crimes and incidents of harassment or intimidation. Institutions are encouraged to review whether their materials reflect clear legal definitions, institutional conduct policies, and identity-based considerations, and how that content is communicated consistently across faculty, staff, and relevant departments.
- The institution should provide clear definitions of hate crimes, harassment, and religious discrimination and intimidation.

- Consider utilizing a needs assessment to assess participants' current knowledge on discrimination and current campus policies.
 - Are employees trained in institutional reporting processes and protocols?
 - Do they understand institutional definitions, protocols, and procedures surrounding incidents of harassment and intimidation?
- Does your training include de-escalation techniques or skill building components?
- Consider whether case studies or role play scenarios should be utilized for situations that could occur in a classroom, at an event, or on campus.
- Consider tailoring the training to reflect the unique environment of your institution.
- Who is responsible for tracking training completion?
- How will training completion information be maintained?
- Consider establishing an internal policy or practice by which the campus task force recommends regular updates to the training, including frequency.
- Who will be responsible for updating the training with elements recommended by the task force?
- Will your training include instruction on the intersection of principles banning the creation of a hostile environment with principles of freedom of speech?
 - What is the definition of a hostile environment?
 - How will the university enforce rules against creating a hostile environment in an even-handed way?
 - What is the difference between speech targeted at an individual and speech directed to the world at large?
 - Will your institution respond to hateful speech which is nonetheless protected under law?

Institutional Examples

While these examples may not fully encompass all requirements outlined in the legislation, they offer a useful foundation upon which institutions can build. By identifying key intersections with the bill's intent, institutions can adapt and expand their training efforts accordingly.

- Bowling Green State University - www.bgsu.edu/dean-of-students/free-speech.html
- Pepperdine University - <https://onlinegrad.pepperdine.edu/blog/prejudice-discrimination-coping-skills>
- University of Michigan - <https://crlt.umich.edu/publinks/respondingtobias>

Section IV: Best Practices for Collaboration with Local, State, and Federal Law Enforcement to Enhance Security Functions

The bill requires institutions of higher education to review their current relationship or protocols for engaging with local, state, and federal law enforcement to determine protocols for information sharing, collaboration, and capacity to support institutionally sanctioned student organizations that face threats of terror attack or hate crimes.

The CAMPUS Act Committee encourages IHEs to consider the following:

- A memorandum of understanding (MOU) between the campus and local law enforcement that addresses how complaints received will be investigated for potential criminal components.
 - If an MOU already exists for other purposes (e.g. hazing, sexual assault investigations, etc.), institutions should consider reopening discussions to cover related complaints.
 - MOU components for consideration could include, but are not limited to:
 - » Statement that establishes the formal relationship between the law enforcement entity and the institution.
 - » Clear guidance on when to refer a case to local law enforcement.
 - » Clear guidance on when law enforcement should reach out to the campus.
 - » Procedures for information sharing (e.g. complaints received, security camera footage, etc.).
 - » Acknowledges a temporary stay in the complaint investigation to account for a law enforcement fact-finding process and that the campus process may immediately resume once notification is received that the criminal investigation is complete.
 - » Communication procedures for campus events, demonstrations and protests, or other needs related to security functions for institutionally sanctioned student organizations that face threats of terror attack or hate crimes.
 - » Participation in the campus task force.
 - » Cross-training opportunities.
- Developing materials to communicate expectations to students and/or student organizations who would like to stage an event, demonstration, or protest to ensure they understand their rights, responsibilities, and expectations prior to the event. Examples are included below:
 - Ohio State University: <https://studentlegal.osu.edu/legal-issues/studentprotest>
 - Ohio University: <https://www.ohio.edu/student-affairs/expression/resources>
 - Baldwin Wallace University: <https://jacketconnect.bw.edu/communityengagement/campus-demonstration-registration-protest-safety-resources>
- Institutions are encouraged to develop protocols for communicating with campus and local law enforcement regarding student safety, security needs, and information related to student events, protests, or demonstrations (also see MOU guidance).

Section V: Communicating Protocols and Outcomes

Communication Considerations:

The bill requires institutions of higher education to review their current communication practices and protocols to determine how and when various forms of communication should be disseminated to the larger campus community, institutionally sanctioned student organizations, and/or individuals based on the complaint, incident, event, or time of year.

The CAMPUS Act Committee encourages IHEs to consider the following:

- A leadership statement from the institutional president regarding community standards and/or expectations around campus safety and civility and when and how that statement will be shared.
- When, how often, and to whom general information promoting campus policies, reporting protocols, and campus investigation procedures should be communicated.
- Reviewing institutional policies and/or practices to determine what, if any, communication procedures, mandatory or not, currently exist. This could include:
 - Incidents that may rise to the level of a timely warning.
 - Any mass communication practices for sharing specific policies and/or reporting procedures, training and education requirements, general information, and/or where to find supportive resources.
 - » This can apply proactively or reactively as deemed appropriate for the institution.
 - » Institutions are encouraged to review how often they are updating their mass communication strategies to be consistent with changes in laws and regulations and to ensure that they are effective.
 - FERPA or other privacy considerations for all communication for incidents involving students.
 - How, where, and to whom different messages may be communicated given the circumstances surrounding an incident or time of year (e.g. email blast vs. posting on a webpage, text message, social media use, etc.).
- If policies and/or practices do not exist, institutions are encouraged to review the above items and develop a strategy that will support their campus community and be compliant with federal and state laws and regulations.
- Institutions should consider how they will communicate with communities directly impacted by a protest, demonstration, incident of vandalism, (inter)national event, or other event to convey a safe campus community, how to access supportive resources, and where complaints can be filed. Examples are included below:
 - Compassionate Communication Toolkit: <https://mentalhealth.mcmaster.ca/mental-health-toolkits/compassionate-communication-toolkit>
 - Trauma-informed communication: <https://aztrauma.org/what-does-trauma-informed-communication-look-like>
 - Compassionate Teaching: <https://atl.web.baylor.edu/teaching-guides/considering-students/compassionate-teaching>

Section VI: Recommended Definitions

The definitions contained in this section are not verified legal definitions and are provided solely for the consideration of institutions of higher education as they endeavor to create definitions for their own use. Please consult your legal counsel when using terms on your campus to ensure the proper legal term is used.

Harassment

- Example 1 – Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity. (ORC 3320.05 (A)(1))
- Example 2 – Any intentional written, verbal, electronic, or physical act that an individual has exhibited toward another individual that causes mental or physical harm or is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive environment for the other individual. (Adapted from ORC 3313.666)

Intimidation

- Example 1 – The violation of ethnic intimidation described in ORC 2927.12 (see Appendix B).
- Example 2 – To unlawfully place another person in a reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. This includes cyber-intimidation if the victim is threatened via electronic means while on campus, on public property immediately adjacent to campus, or on university-owned, leased or controlled space that is not on campus. (Clery definition)
- Many institutions may already have a definition under conduct policies. Consider referencing the current definition to determine if it can be expanded for this purpose.

Institutions should consider the following when determining their definition for antisemitism, Islamophobia, and anti-Christian Discrimination: 1) Discrimination and prejudice; 2) Historical context; and 3) Potential causes and consequences.

Antisemitism

- Example 1 – A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions, and religious facilities. Examples can be found here. (Governor DeWine's Executive Order 2022-06D; International Holocaust Remembrance Alliance; U.S. Department of State)

Islamophobia

- Example 1 – A fear, prejudice, and hatred of Muslims that leads to provocation, hostility, and intolerance by means of threatening, harassment, abuse, incitement, and intimidation of Muslims and non-Muslims. (United Nations)
- Example 2 – An extreme fear of and hostility toward Islam and Muslims that often leads to hate speech, hate crimes, as well as social and political discrimination. It can be used to rationalize policies such as mass surveillance, incarceration (imprisonment), and disenfranchisement, and can influence domestic and foreign policy. (Bridge Initiative at Georgetown University)

Anti-Christian Discrimination

- Example 1 – Refers to discrimination against any person on the basis of their Christian faith or their practice of Christianity. It encompasses any form of negative treatment, behavior, or policy that disadvantages individuals based on their Christian faith or beliefs.
- Example 2 – Unfair treatment toward Christians and Christianity. It includes harassment and/or hostility directed at Christian beliefs, practices, symbols, and individuals.

APPENDIX A

Sections of this Report	Senate Bill 94 Requirements for CAMPUS Act Committee	Senate Bill 94 Requirements for IHEs
Investigation & Reporting	<p>A review of current investigation procedures and recommendations to increase transparency of the process and outcome that is allowable under existing state and federal laws;</p> <p>Model procedures for investigating student complaints submitted under division (B)(2) of section 3320.05 of the Revised Code including communication to students on complaints submitted to institutions.</p>	<p>Procedures for accepting and investigating student complaints and allegations of racial, religious, or ethnic harassment or intimidation against any student, staff, or faculty member. The procedures shall include:</p> <ol style="list-style-type: none"> 1. An option to submit complaints and report threats anonymously; 2. Potential disciplinary actions that may be taken after an investigation is conducted;
Model Training	Model training requirements that provide information on how to respond to hate crimes or incidents of racial, religious, or ethnic harassment or intimidation during a class or event held at the institution at the time the incident occurs. The training shall be for all institution administration, faculty, and staff employed by an institution.	The provision of training for all institution administration, faculty, and staff, which shall include information on how to respond to hate incidents or incidents of harassment that occur during a class or event held at the institution at the time the incident occurs. This training may be provided online.
Collaboration with Law Enforcement	Best practices for collaboration with local, state, and federal law enforcement to enhance security functions for students that face threats of terror attack and hate crimes;	Each institution of higher education shall ensure that, to the extent possible and as needed, its campus security and police department, if the institution has one, collaborate with local law enforcement, the state highway patrol, and student communities to provide security functions for institutionally sanctioned student organizations that face threats of terror attack or hate crimes.
Communicating Protocols & Outcomes	A framework to promote an institution's conduct policy;	At the conclusion of an investigation, any mandatory communications, regardless of whether disciplinary action is taken. These communications may include educational information on the institution's policy against racial, religious, and ethnic harassment and intimidation.
Definitions	Recommended definitions for institutions of higher education to incorporate in policies adopted under section 3320.05 of the Revised Code;	

APPENDIX B

Ethnic Intimidation: No person shall violate section [2903.21](#), [2903.22](#), [2909.06](#), or [2909.07](#), or division (A)(3), (4), or (5) of section [2917.21](#) of the Revised Code by reason of the race, color, religion, or national origin of another person or group of persons.

2903.21: **Aggravated Menacing:** “No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person”

2903.22: **Menacing:** “No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person” and “No person shall knowingly place or attempt to place another in reasonable fear of physical harm or death by displaying a deadly weapon, regardless of whether the deadly weapon displayed is operable or inoperable.”

2909.06: **Criminal Damaging or Endangering:** “(A) No person shall cause, or create a substantial risk of physical harm to any property of another without the other person's consent: (1) Knowingly, by any means; (2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

2909.07: **Criminal Mischief:** (A) No person shall:

(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with the property of another;

(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public alarm;

(4) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure, or personal property that is on that land;

(6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, knowingly.

2917.21: **Telecommunications Harassment:** (A) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following: (3) During the telecommunication, violates section [2903.21](#) of the Revised Code; or (4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged; or (5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any persons at those premises



25 South Front St.
Columbus, Ohio 43215 U.S.A.

614 | 466-6000
highered.ohio.gov

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