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# STUDENT SUPPORT AND CONDUCT

## STUDENT CODE OF CONDUCT

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Oklahoma State University (OSU) is committed to creating and maintaining a productive living and learning community that fosters the intellectual, personal, cultural, and ethical development of its students. Self-discipline and valuing the rights of others are essential to the educational process and good citizenship. Attending OSU is a privilege and students are expected to meet or exceed the university's standards of conduct both on and off campus.

### **Cowboy Community Standards**

Oklahoma State University students aspire to promote:

**Integrity:** OSU students are expected to exemplify honesty, honor, and respect in their actions.

**Community:** OSU students build and enhance their community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community.

**Social Justice:** OSU students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others.

**Respect:** OSU students must show positive regard for each other and the community.

**Responsibility:** OSU students are expected to accept responsibility for their learning, personal behavior, and future success. Students should appropriately challenge others to do the same. Students should use good judgment, be trustworthy, and take personal responsibility for their actions.

## **I. Introduction**

### **A. Purpose**

The Student Code of Conduct outlines university policies and procedures to which all students are expected to adhere during their time at OSU. The primary focus of the conduct process is on educational and corrective outcomes; however, sanctions such as suspension or expulsion from the university may be necessary to uphold community standards and to protect the campus community. The current version of the Student Code of Conduct is available at <https://ssc.okstate.edu/student-conduct/code.html>. For questions regarding the Student Code of Conduct, contact Student Support & Conduct (405-744-5470) or the Office of the Vice President for Student Affairs (405-744-5328).

### **B. Authority**

Under authority granted by Article 6, Sections 31 and 31a of the Constitution of the State of Oklahoma and Title 70, Oklahoma Statutes, Section 3412, OSU is granted full authority to adopt policies and procedures governing the conduct of its students. Attendance at OSU is optional, voluntary, and a privilege. When students enroll at OSU, they voluntarily accept obligations of performance and behavior consistent with OSU's lawful mission, processes, and functions. In general, these obligations and standards are considered to be much higher than those imposed by civil and criminal law for all citizens.

Students are expected to comply with all university policies, contracts, and/or agreements. Failure to do so may result in students being required to participate in the conduct process.

Conduct action may also be taken for any violation of local ordinances, state, or federal law, occurring on or off campus, which adversely affects the university community or the pursuit of the university's lawful educational mission, process, or function. The university will take necessary and appropriate action to protect the safety and well-being of the campus community. In addition, if a student is believed to have violated state or federal law, the university reserves the right to notify the appropriate authority.

Students subject to conduct procedures will be afforded due process and the ability to appeal as prescribed in this document and other relevant university policies, rules, or regulations. Students may be subject to civil and criminal penalties in addition to campus sanctions. Campus resolution may proceed before, during, or after civil or criminal actions are concluded and is not subject to challenge based on the action or inaction of civil authorities.

### **C. Interpretation**

Any question of interpretation regarding the Student Code of Conduct will be determined at the sole discretion of the Vice President for Student Affairs or their designee.

### **D. Definitions**

**Action Plan:** During a Student Conduct Meeting, the student and the conduct officer will work together to develop an Action Plan that will consist of various assignments to aid the student in their ethical, personal, and intellectual development.

**Advisor:** A person who has agreed to assist a complainant or respondent during the university conduct process. The advisor may be a person of the student's choosing, including an OSU faculty or staff member, an OSU student, a parent, a friend, or an attorney. An individual identified as a witness cannot also serve as an advisor. A student may have an advisor during an investigation process, but the role of the advisor is limited to advising the student. For more information go to <https://ssc.okstate.edu/student-conduct/advisors.html>.

**Complainant:** An individual who files a disciplinary complaint; the university may also serve as a complainant.

**Consent:** Effective consent is informed, freely, and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to the use of drugs or alcohol.

**Day:** The term "day" refers to a calendar day, including weekdays and weekends unless otherwise stated. Time deadlines may be extended during breaks and university holidays.

**Family Educational Rights and Privacy Act (FERPA):** A federal law originally passed in 1974 that defines student educational records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records.

**Honesty Statement:** The university expects all information presented will be truthful and accurate. Willfully providing false information constitutes a violation of Section II (21) of the Student Code of Conduct.

**Incapacitation:** This occurs when an individual is incapable, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual may be incapacitated if they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

**Institution:** Oklahoma State University and Northern Oklahoma College.

**Parental Notification:** FERPA permits educational institutions to notify parents of students under the age of twenty-one (21) when a student has been found responsible for an alcohol or drug-related violation. In instances when a student's parents or guardians will be contacted, students are generally given the opportunity to notify their parents or guardians prior to the university's communication with them.

**Respondent:** Any student that is alleged to have violated the Student Code of Conduct.

**Sanction:** A disciplinary correction imposed on students who are found responsible for violating the Student Code of Conduct. Typically, sanctions include educational measures that hold students accountable for their behavior, providing the opportunity for behavior change in an individual. Sanctions can range from a verbal warning to suspension or expulsion. Sanctions are primarily educational and corrective; however, sanctions such as suspension or expulsion from the university may be necessary to uphold community standards and to protect the campus community. The term "sanction" is often used synonymously with "assignment" and/or "outcome."

**Standard of Evidence:** The standard of evidence used to determine whether a violation occurred is a preponderance of the evidence. Under this standard, the burden of proof is met when evidence exists or is presented that establishes that it is "more likely than not" that a violation occurred. This standard is often described as requiring a showing that there is a greater than fifty percent (50%) chance that the claim is true.

**Student:** Any person who has been admitted and/or enrolled for the current term or a future term at OSU, including correspondence study, online courses, study abroad, and auditing courses. This also includes students who are enrolled in courses offered in Stillwater through Northern Oklahoma College or the English Language and Intercultural Center. Students who leave the university before a conduct complaint is resolved may be prohibited from future enrollment until the matter is resolved.

**Title IX:** A clause in the 1972 Federal Education Act that states that no person shall be denied the benefits of any educational program or activity because of sex. Title IX prohibits sexual harassment, gender-based discrimination, and sexual violence. The processes outlined in the Student Code of Conduct are used to address alleged violations involving student respondents within the [Interim Title IX – Sexual Misconduct Policy](https://eeo.okstate.edu/title-ix) <https://eeo.okstate.edu/title-ix>.

**University Premises:** Any buildings or grounds owned, leased, operated, controlled, or supervised by the university. Students should be advised that this includes properties that are

not a part of the main university campus. Examples of these areas include, but are not limited to, Camp Redlands and Lake Carl Blackwell.

**University-sponsored Activity:** Any activity on university premises or at an off-campus location that is directly initiated or supervised by the university or a university-recognized group or organization. This includes, but is not limited to, fraternity and sorority organizations, study abroad programs, and sporting events. In addition, university-operated or -leased transit, such as THE BUS or THE BOB, is included even if the behavior occurs off university premises.

**Witness:** Material witnesses are individuals with firsthand knowledge of the incident. A witness may be allowed to present information related to their knowledge of the incident. Character witnesses will not be allowed.

### **E. Applicability of the Student Code of Conduct**

As previously stated, the OSU Student Code of Conduct applies to conduct which occurs on university premises, at OSU-sponsored events both on and off campus, and to off-campus conduct that adversely affects the OSU community or the pursuit of its objectives.

Each student is responsible for their actions from the time of application for admission through the actual awarding of the degree. Inappropriate conduct occurring before classes begin or after classes end, as well as during the academic year and periods between terms of actual enrollment (even if the conduct is not discovered until after a degree is awarded) is covered by the Student Code of Conduct. The Student Code of Conduct will apply even if the student withdraws from the university while a conduct matter is pending.

The university will take necessary and appropriate action to protect the safety and well-being of the campus community. Off-campus behavior that allegedly violates ordinances, local, state, or federal law adversely affects the university community and the pursuit of the university's lawful educational mission. Such behavior may be subject to university conduct action. The Director of Student Support & Conduct will decide whether off-campus conduct is subject to university conduct action. Examples of off-campus behavior that may be subject to university conduct action include, but are not limited to: selling or otherwise providing alcohol to underage students, selling or distributing illicit drugs, sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, actions that result in the serious injury or death of another person(s), alcohol or drug offenses, or any alleged violation that jeopardizes an individual's or community's educational opportunities.

### **F. Good Samaritan**

The university may offer amnesty for minor conduct violations to: 1) a student who may have committed a minor violation at the time of a more serious incident or 2) a student who offers help to those who need medical assistance. If amnesty is offered, educational options may be explored, but no conduct actions or sanctions will result.

## II. Prohibited Conduct

The following list describes actions that detract from the effectiveness of a university community and for which students may be subject to conduct action. All violations below may be addressed by the university when the behavior potentially jeopardizes the individual's or community's safety or educational opportunities.

### *Integrity*

1. **Academic Misconduct:** Cheating, plagiarism, unauthorized collaboration, alteration of academic materials, or other academic misbehavior. For more information, visit <https://academicintegrity.okstate.edu>.
2. **Attempts and Complicity:** Attempting to or encouraging others to commit acts prohibited by this Code. Apathy or acquiescence in the presence of prohibited conduct may constitute a violation of this policy.
3. **False Reporting:** Knowingly making a false report of a bomb, fire, or other emergency.
4. **False Representation(s):** Knowingly making false representation(s) to the university in any form, written, or verbal. Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, Oklahoma State University.
5. **Forgery or Unauthorized Use:** Forging or using without authorization university documents or records, financial aid documents, computers, electronic mail, telephones, identification, or university property.
6. **Theft:** Engaging in theft, attempted theft, or unauthorized possession of property belonging to the university or other individuals or recognized groups on university property or facilities on or near campus.

### *Community*

7. **Animals:** Failing to properly leash and control the animal and properly dispose of its organic waste. Having unauthorized animals in university buildings. Emotional support animals are not allowed in non-residential university buildings. Emotional support animals are only allowed in residential university buildings when approved by Housing and Residential Life and Student Accessibility Services.
8. **Classroom Disruption:** Engaging in behavior that a reasonable person would view as substantial or repeated interference with the instructor's ability to teach the class or the ability of other students to benefit from instruction.
9. **Disorderly Conduct:** Behaving in a disorderly, lewd, or indecent manner or breaching the peace on university property or at university-sponsored activities. Includes, but is not limited to, any non-consensual photography, video, or audio recording of another person when such recording causes or is likely to cause injury or distress.

**10. Disruption or Obstruction:** Disrupting or obstructing normal university or university-sponsored or -hosted activities, including, but not limited to studying, teaching, research, university administration, or fire, police, or emergency services on university premises or at university-sponsored activities off campus. This includes disrupting or obstructing other individuals' right to expressive activity as defined by Oklahoma law.

**11. Fire Safety:** Engaging in misuse or unauthorized use of firefighting equipment, fire sprinkling systems, and other safety equipment or warning devices, engaging in behavior that creates a fire hazard, or failure to evacuate when a fire alarm is activated.

**12. Housing & Residential Life Policies:** Failing to comply with on-campus residence hall policies. Policies are available in the *Housing and Residential Life Handbooks* at <https://reslife.okstate.edu/policies/undergraduate-singles-handbook/index.html>.

**13. Information Technology Policies:** Failing to comply with the university's Information Technology policies. Policies are available online at <https://it.okstate.edu/policies-procedures-and-guidelines>.

**14. Parties and Gatherings:** Participating in parties or gatherings that disturb the peace of campus residences or off-campus neighborhoods.

**15. Property Damage:** Attempting to or completion of defacing, damaging, or destroying property belonging to the university or other individuals or recognized groups on university property or facilities on or near campus.

**16. Unauthorized Entry:** Entering into, attempting to enter into, or using without proper authorization, any university building, facility, vehicle, equipment, room, area, or university-approved housing. This includes unauthorized possession or use of university keys, computers, lock combinations, or other special access codes or passwords.

**17. Tobacco:** Using tobacco in any form, including vaping, on campus, as prohibited by OSU Policy and Procedures Letter No. 1-0530. Possessing tobacco under the age of 21.

**18. Weapons:** Possessing, using, or storing firearms, explosives (including firecrackers), weapons, or dangerous chemicals on university property or in the course of any university activity, except as specifically authorized under applicable state law. This includes, but is not limited to, BB guns, paintball guns, knives, swords, crossbows, handguns, shotguns, and rifles. See OSU Policy and Procedures Letter 1-1301 for more information

### ***Social Justice***

**19. Harassment:** Engaging in verbal abuse, threats, intimidation, harassment, coercion, bullying, or other conduct that threatens or endangers the mental or physical health/safety of any person or causes reasonable apprehension of such harm that is persistent, severe, or pervasive and is subjectively offensive to the complainant and objectively offensive to a reasonable person.

20. **Discrimination:** Discrimination includes but is not limited to, disparate treatment directed toward an individual or group of individuals based on sex, race, color, sexual orientation, age, status as a veteran, gender identity or expression, pregnancy or pregnancy-related condition, sex stereotype, national origin, religion or a qualified individual with a disability that adversely affects their employment or education.

21. **Interfering with the Conduct Process:** Falsifying, distorting, misrepresenting information before a conduct officer or Hearing Panel, or any other action that hinders the conduct processes, procedures, or outcomes; knowingly initiating a complaint without good cause; harassment or intimidation of any member of a Hearing Panel, witness(es), or university personnel before, during, or after a proceeding; violating a No Contact Order; and failure to comply with the sanction(s) imposed by either a conduct officer or Hearing Panel.

22. **Retaliation:** Behaviors including but not limited to, intimidation, threats, coercion, or discrimination against a person who, acting in good faith, brings a complaint forward or against an individual who has participated in an investigation or conduct process because of their report or participation. For more information, see the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges Policy 3.06 Non-Retaliation.

### ***Respect***

23. **Dating Violence:** Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such a relationship shall be determined based on consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

24. **Domestic Violence:** Domestic violence includes felony or misdemeanor crimes of violence committed by a:

- person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner;
- person who shares a child in common with the victim;
- person who commits acts against an adult or youth victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Domestic violence includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior.



*Economic abuse:* In the context of domestic violence and dating violence means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- restrict a person's access to money, assets, credit, or financial information;
- unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

*Technological Abuse:* In the context of domestic violence and dating violence means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

**25. Hazing:** Engaging in any action or activity that causes or is likely to cause physical or mental discomfort or distress, that may demean, degrade, or disgrace any person, regardless of location, intent or consent of participants, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. State law classifies hazing as a crime, Title 21 Oklahoma Statutes Section 1190.

**26. Physical Violence:** Engaging in physical violence of any nature against any person, on or off campus. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; physically abusing, restraining, or transporting someone against their will; or acting in a manner that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.

**27. Sexual Harassment:** Conduct on the basis of sex that satisfies one (1) or more of the following:

- a. A person acting on behalf of the university in a position of authority conditioning the provision of any aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo);
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity;
- c. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Subsections (a) and (c) are not evaluated for severity, pervasiveness, or offensiveness, because such conduct is sufficiently severe to deny access to the university's education program or activities.

28. **Sexual Misconduct:** This term is used to encompass Sexual Assault, Indecent Exposure, and Sexual Exploitation.

*Sexual Assault:* An offense that meets the definition of rape, fondling, incest, or statutory rape:

- a. *Rape* – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;
- b. *Fondling* – the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;
- c. *Incest* – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- d. *Statutory Rape* – sexual intercourse with a person who is under the statutory age of consent.

*Sexual Exploitation:* Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; sharing of pornographic or other sexually inappropriate material; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another. Allegations of sexual exploitation will be evaluated to determine if they meet the severe, pervasive, and objectively offensive standard.

*Indecent Exposure:* The act of intentionally exposing one's genitals in public or in front of others, for the purpose of sexual gratification or causing offense. Allegations of Indecent Exposure will be evaluated to determine if they meet the severe, pervasive, and objectively offensive standard.

29. **Stalking:** Stalking refers to one who engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person** means a person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **Responsibility**

30. **Alcohol:** Consuming, possessing, manufacturing, distributing, selling, or serving alcoholic beverages on university premises (including residence halls and sorority and fraternity housing) or at university-sponsored activities regardless of age, except as expressly permitted by university policy. Knowingly being in the presence of alcohol where it is not permitted on campus is also prohibited. The following are also violations on or off campus:

- a. Public intoxication or under the influence of alcohol;
- b. Driving under the influence of alcohol or while impaired;
- c. Actual physical control of a vehicle while under the influence of alcohol;
- d. Providing alcohol to individuals under 21 years of age;
- e. Social Host: Providing a location for any individual under 21 years of age to possess or consume alcohol;
- f. Transporting an open container of alcohol;
- g. Incapacitation due to alcohol;
- h. Possession or use of a fake ID;
- i. Underage in possession of alcohol;
- j. Underage in a liquor (package) store.

Lawful and responsible alcohol consumption is permitted only in designated areas of the OSU campus, properties, and facilities as authorized by the Board of Regents.

31. **Drugs:** Acting or intending to act to illegally use, possess, sell, share, distribute, cultivate, manufacture, or be under the influence of any state or federally controlled drug or substance. Possessing drug paraphernalia. Inhaling or ingesting any substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a student's mental state. Knowingly providing a location for individuals to possess or consume drugs, or knowingly being in the presence of drugs are also prohibited. While the use of medical marijuana has been legalized in the state of Oklahoma, federal law continues to prohibit marijuana. Therefore, the possession or use of prescribed medical marijuana is prohibited on campus property and at university-sponsored activities.

32. **Failure to Comply:** Failing to comply with the lawful directions of any university employee acting within the scope of their official duties or failing to identify oneself to such a person when requested to do so.

33. **Gambling:** Illegal gambling for money or other things of value on campus or at university-sponsored activities.

### **III. Student Conduct Process**

The responsibility for the campus student conduct system is delegated from the Board of Regents for OSU to the Vice President for Student Affairs through the President. The Vice President for Student Affairs further delegates authority for student conduct to Student Support & Conduct, Housing and Residential Life, and designated conduct officers.

A conduct officer is a university employee who is an officially designated administrator, staff member, or graduate student working under the direct supervision of a professional staff member. The goal is to resolve cases by the lowest appropriate authority for maximum educational benefit.

## A. Student Conduct Procedures

The following information is provided to inform students of the procedures in place at OSU for resolving alleged violations of university regulations. The procedures are designed to allow for fact-finding and decision-making in the context of the OSU educational community. The objective is to provide procedures that balance the rights of the individual with the legitimate interests of the university and community.

### 1. **Complaints:**

- a. Any member of the university community (faculty, staff, or student) or any person who is unaffiliated with the university who has knowledge of an alleged violation of the Student Code of Conduct may file a complaint against a student alleging that a violation of the Student Code of Conduct has occurred. The university may initiate a complaint.
- b. Complaints should be filed with Student Support & Conduct as soon as possible but no later than eighteen (18) months after the occurrence. An extended gap of time from the date of the incident until the date of reporting may substantially limit the ability to collect relevant information. A late complaint regarding a violation alleged to have occurred more than eighteen (18) months prior may be accepted with the approval of the Director of Student Support and Conduct.
- c. The complaint should be submitted via the approved online form and signed before the commencement of the hearing process. The online form is found at [https://ssc.okstate.edu/report\\_](https://ssc.okstate.edu/report_)
- d. Complaints may be initiated for incidents where concurrent criminal charges are pending. The university may adjudicate incidents without regard to either pending civil litigation or criminal prosecution. University conduct proceedings may proceed before, during, or after court proceedings.

2. **Interim Suspension:** In cases where student health or safety is reasonably believed to be significantly jeopardized, the Vice President for Student Affairs, in consultation with the President of the university, or designee, may suspend a student for the period of time required to allow a thorough investigation and an opportunity for a hearing. Students who are so suspended are not permitted on campus or in university buildings, facilities, or activities at any time for any reason during the period of the interim suspension, unless otherwise permitted in writing by the Director of Student Support & Conduct. If a student is interim suspended for a policy violation covered by Title IX policy then the emergency removal process shall be followed as outlined in the Interim Title IX – Sexual Misconduct Policy.

If the conduct or behavior of a student residing in an OSU residence hall is determined by the Vice President for Student Affairs, the Director of Housing and Residential Life, or the Director of Student Support & Conduct to be a threat to others, the ability to live in the residence hall may be immediately suspended for a period of time pending the outcome of a hearing. During an interim housing suspension, the student is immediately removed from the residence hall and is not to reenter any campus residence hall until a hearing is held and a decision regarding the pending complaint has been made.

3. **Investigation:** As needed, Student Support & Conduct will conduct investigations to gather information. The complainant and respondent will receive a notice of the allegations before an investigation meeting. During the investigation meeting, each participant will have the opportunity to share their perspective of the alleged incident, name witnesses, and share any supporting documents. The investigator will compile a report summarizing the relevant information collected. The complainant and respondent will be provided ten (10) days to review

and respond to the information presented in the investigation report. A final investigation report, including any supplemental and/or supporting information, will be provided to all parties at least ten (10) days before the hearing.

**4. Disposition of Allegations:** The university conduct process is administered through Student Support & Conduct. Alleged violations of university regulations where neither suspension nor expulsion is a possibility will normally be resolved through a **Student Conduct Meeting (see Section III (C) below)**.

Allegations that may result in suspension and where a one-on-one meeting between the conduct officer and the respondent would be the most effective way to establish the facts of the case are typically referred to a **Student Conduct Hearing (see Section III (D) below)**.

Allegations that could result in suspension or expulsion, or that are complex, sensitive, or require several witnesses or that involve an alleged victim are often referred to a **Hearing Panel (see Section III (E) below)**.

At the conclusion of a Student Conduct Hearing, the conduct officer may refer the case to a Hearing Panel if further development of the facts is warranted and would be aided by a more formal hearing. If this is done, the conduct officer will not make any findings. Additionally, a respondent or complainant in a case assigned to a Student Conduct Hearing may request their case be resolved by a Hearing Panel. Such a request must be made before the scheduled hearing to the assigned conduct officer.

If a student is assigned to a Hearing Panel and admits responsibility for the alleged violation(s), a Student Conduct Hearing may be conducted. In instances when a complainant is involved, both parties must agree on any changes to the hearing type.

In instances where a student has been convicted of a felony through the criminal process or the university believes it has enough information indicating it is more likely than not a violation of the Student Code of Conduct has occurred, the university may file a complaint against the alleged student without the cooperation of the victim.

## **B. Student Rights in the Conduct Process**

The university views the conduct process primarily as an educational experience that can promote growth in personal understanding of one's role as a member of an educational community and one's rights, responsibilities, and privileges therein. However, sanctions such as suspension or expulsion from the university may be necessary to uphold community standards and to protect the campus community.

During the conduct process, both the respondent and the complainant have the rights to:

1. A written notice of the alleged violation(s);
2. An explanation of the student conduct process upon request;
3. Have no violation assumed;
4. A timely hearing;
5. Be accompanied by an advisor during the conduct process. (In matters not involving possible suspension or expulsion, the advisor is limited to *advising* the student and may *not* present information, question relevant parties, or make statements during the proceedings);
6. Have access to the information and documents to be presented at the hearing in advance;
7. Be present during the entire proceeding, except during deliberation;

8. Ask relevant questions to any participant or witness present, either directly or indirectly, at the discretion of Hearing Panel Chair;
9. Present material witnesses (those with firsthand knowledge of the incident). The respondent and complainant are responsible for contacting and arranging the attendance of their witnesses in all cases;
10. Receive written notification of the outcome of the conduct process; the complainant can only receive written notification of the outcome of the conduct process when permitted by federal law; and
11. An avenue for appeal from a hearing.

### **C. Student Conduct Meeting**

Upon determining that sufficient information exists to believe a violation of the Student Code of Conduct may have occurred, the Director of Student Support & Conduct, or another conduct officer with jurisdiction, will notify the student in writing of the alleged violations against them. The notice will be delivered in person, sent electronically to the student's institutional email address, or mailed to the student's last known address of record as filed in the Registrar's Office. (Students are responsible for providing and maintaining a current local address and e-mail address with the Registrar's Office.)

At the meeting, the student will be provided with the following:

1. An explanation of the alleged violation(s) of university policy;
2. A summary of the facts and information that substantiate the allegations;
3. The opportunity to reflect upon and give their account of the incident or circumstances pertaining to the allegation(s);

An explanation of the decision of the conduct officer that may result in the following:

- a. The allegation(s) may be dismissed as unfounded.
- b. The student may admit responsibility for the violation(s) and have a sanction(s) imposed.
- c. The student may be found responsible for violating the Student Code of Conduct and have a sanction(s) imposed.
- d. Any sanction (except suspension, deferred suspension, and expulsion) may be imposed.
- e. Decisions reached at the meeting will be final with no option to appeal or other proceedings.
- f. Failure to respond to a written allegation(s) or failure to complete the assigned sanction(s) will result in either a hold being placed on the student's enrollment privileges or graduation, additional alleged violations, or a decision being made based on the information available at the time.

### **D. Student Conduct Hearing**

Hearing procedures are provided for allegations against an individual where suspension from the university is possible, if found responsible. Cases of suspension and expulsion are only processed through Student Support & Conduct.

Students have the right to be accompanied by an advisor, who may advise and support the student. The advisor may participate directly to the same extent as the student. Such direct participation is a privilege that, if abused, may be withdrawn by the conduct officer. If the privilege is withdrawn, the advisor may continue to advise the student. However, if the advisor fails to follow the hearing procedure, the conduct officer may bar the advisor from the hearing.

The student must notify Student Support & Conduct four (4) days in advance of the hearing if accompanied by an advisor. In such cases, the university may have an attorney in attendance.

### **1. Pre-Hearing Procedures**

Student Support & Conduct will prepare and send a written notice to the respondent and complainant at least five (5) days before the hearing. The notice will be delivered in person, sent electronically to the student's institutional email address, or mailed to the student's last known address of record as filed in the Registrar's Office and will include:

- a. The date, time, place, and nature of the hearing;
- b. Reference to the section(s) of the Student Code of Conduct involved;
- c. A brief explanation of the alleged violation(s), including the approximate date and place where the alleged violation(s) occurred;
- d. Names of witnesses, if known;
- e. The right to be accompanied by an advisor and the advisor's role in the hearing;
- f. Names of the conduct officer(s) for the case.

The Director of Student Support & Conduct or designee will be available to meet with the complainant and the respondent, separately, to explain the hearing procedure and answer questions.

### **2. Three (3) Days in Advance of the Hearing**

- a. The respondent and the complainant shall provide to the Office of Student Support & Conduct copies of any documents or exhibits they intend to present at the hearing and the names of witnesses who will be called.
- b. Each student must notify their witnesses of the date, time, and location or virtual link for the hearing.
- c. The respondent and the complainant will have access to copies of documents to be presented at the hearing by prior appointment. Materials will be sent via email three days in advance of the hearing.
- d. The respondent and the complainant will provide notice to the Office of Student Support & Conduct of an advisor who will accompany them.

### **3. Hearing Procedures**

The hearing provides a forum where all the information and documents can be presented, where questions can be asked of all parties, and where the conduct officer(s) can deliberate and make a decision using the preponderance of evidence standard—that it is more likely than not that a violation of the Student Code of Conduct did, or did not, occur. Formal rules of process, procedure, and technical rules of evidence, such as those applied in criminal or civil court, are not used in student conduct proceedings. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the student or the university may result.

To protect the privacy of all parties and in accordance with FERPA , hearings will be closed.

The respondent and complainant can present witnesses who may be questioned by the conduct officer(s). Questioning by the complainant or the respondent is permitted so long as it is relevant and is not threatening or harassing.

The hearing (excluding the deliberations) will be audio recorded. The recordings are the property of the university. Others will not be allowed to make a recording of any type. The

university is not responsible for equipment malfunctions. Requests to review audio recordings may be made to Student Support & Conduct.

If the respondent elects not to appear for the hearing, the hearing will be held in their absence. Failure to appear will be noted without prejudice. Findings will be based on the information presented at the hearing.

Material witnesses will be present during the introductory comments of the hearing, including the honesty statement, at which point they will be excused until time to give their testimony. Witnesses will be excused upon completion of testimony and questioning, but they may be asked to remain available for recall. The complainant and respondent may remain throughout the hearing.

At the conclusion of the hearing, all parties will be dismissed except for the conduct officer(s), who will deliberate and reach a decision.

A student's past conduct record may be subject to an educational discussion at the hearing. Past conduct history does not impact the finding of responsibility but could be used as information in determining appropriate sanctions.

The conduct officer(s) may accommodate concerns for the personal safety, well-being, or fears of confronting the complainant, respondent, or other witnesses. Procedures or the hearing environment may be modified as determined by the Director of Student Support & Conduct to be appropriate.

#### **4. Hearing Deliberations and Decision**

The conduct officer(s) will deliberate and determine whether it is more likely than not that a violation(s) of the Student Code of Conduct did or did not occur as alleged.

- a. The conduct officer(s) may find that the information presented was not sufficient to establish that a violation of the Student Code of Conduct was committed and dismiss the case.
- b. The conduct officer(s) may find that the information presented was sufficient to affirm the alleged violations and impose a sanction appropriate for the violation(s).

The decision of the conduct officer(s) will be communicated in writing to the respondent and, if appropriate, the complainant, within two (2) working days. The notification letter will include findings of fact, sanction(s) imposed (if any), and the rationale for the decision. The notification letter will be delivered in person, sent electronically to the institutional email address, or sent by certified mail to the student's last known address of record as filed with the Registrar's Office. The notification letter may also be picked up in the Student Support & Conduct office.

#### **E. Student Conduct Committee Panel Hearing**

Panel Hearing procedures are provided for allegations against a student where suspension or expulsion from the university is possible, if they are found responsible, and for student discrimination grievances.

The Student Conduct Committee Panel Hearing option may not be available during dead week, final examinations, breaks, or other periods. If feasible, a hearing will proceed during these times. Additionally, a Student Conduct Committee Panel Hearing may not be available when the Director of Student Support & Conduct or Vice President for Student Affairs determines that appearing before the panel poses a threat to the physical welfare of panel members or



witness(es). Hearings are scheduled around academic schedules on record of the complainant and respondent.

The Student Conduct Committee Panel Hearing (Hearing Panel) shall be selected from the Student Conduct Committee which is comprised of a minimum of ten (10) faculty nominated by the Faculty Council and appointed by the President; ten (10) staff nominated by the Staff Advisory Council and appointed by the President; and ten (10) students, appointed by the President of the Student Government Association and the President of the Graduate and Professional Student Government Association.

A Hearing Panel shall consist of three (3) unbiased members — one (1) faculty member, one (1) student member, and one (1) staff member —selected from the Student Conduct Committee by Student Support & Conduct. The faculty member will be the chairperson. Selected Hearing Panel members will be identified in the hearing file. Prior to the hearing, alternate Hearing Panel members may be seated to be available in case of conflicts. The Hearing Panel makeup may be altered if insufficient unbiased members are available to allow for a timely hearing and approved by the complainant and respondent.

A professional staff member from Student Support & Conduct will be present as a non-voting participant. Their role will be to facilitate dialogue between the Hearing Panel and the student(s) involved, ensure appropriate participation from advisors, and answer procedural questions as needed. A member of Legal Counsel may be present at the hearing to serve as a non-voting advisor to the Hearing Panel.

A student's advisor may participate directly to the same extent as the student. Such direct participation is a privilege that, if abused, may be withdrawn by the Chair of the Hearing Panel or the Student Support & Conduct staff member. If the privilege is withdrawn, the advisor may continue to advise the student. However, if the advisor fails to follow the hearing procedure, the Chair of the Hearing Panel or the Student Support & Conduct staff member may bar the advisor from the hearing. The student must notify Student Support & Conduct twelve days in advance of the hearing with their advisor's name and contact information.

In cases when the university compiles an investigation report, the investigator will present the report and answer questions regarding the investigation. The role of the investigator is to serve as an unbiased party conducting a thorough investigation of all allegations of sexual harassment or sexual misconduct. The investigation report is a compilation of relevant information, not a verbatim report, and is not appealable or rebuttable. The investigation report will be available ten days in advance for all parties to review.

### **1. Fifteen (15) Days in Advance of the Hearing**

Hearing Panel members will be selected by Student Support & Conduct based on their availability. Student Support & Conduct will send a written notice to the respondent and the complainant at least fifteen (15) days before the hearing. The notice will be delivered in person, sent electronically to the institutional email address, or sent via certified mail to the student's last known address of record as filed with the Registrar's Office and will include:

- a. The date, time, place, and nature of the hearing;
- b. Reference the alleged prohibited conduct violations of the Student Code of Conduct
- c. Information regarding procedures for the process;
- d. A brief explanation of the alleged violation(s) including the approximate date, time, and place where the alleged violation(s) occurred;
- e. Names of witnesses, if known;

- f. The right to be accompanied by an advisor and the advisor's role in the hearing.
- g. The hearing file including the investigation report (if applicable).

The Student Support & Conduct staff will be available to meet with the complainant and the respondent, separately, to explain the hearing procedure and answer questions.

## **2. Twelve (12) Days in Advance of the Hearing**

The respondent and the complainant will provide to Student Support & Conduct copies of documents to be presented at the hearing, the names of witnesses who will be called, and the name and contact information of their advisor. Advisors can be altered after this date with notification to Student Support and Conduct. It is the responsibility of each student to notify witnesses and advisor of the date, time, and location or virtual link for the hearing.

## **3. Ten (10) Days in Advance of the Hearing**

The respondent and the complainant have the right to access documents to be presented at the hearing. Materials will be sent via email ten (10) days in advance of the hearing.

## **4. Hearing Procedures**

The hearing provides a live forum where all the information and documents can be presented, where questions can be asked of all parties, and where the Hearing Panel can deliberate and decide to the standard of "more likely than not" that a violation of the Student Code of Conduct did or did not occur. A live forum can include a virtual platform where participants can hear and see each other and the panel. Formal rules of process, procedure, and technical rules of evidence – such as are applied in criminal or civil court – do not apply to student conduct proceedings. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the student or the university may result.

To protect the privacy of all parties and in accordance with FERPA , all hearings will be closed. The respondent and complainant can present witnesses, who may be questioned by the Hearing Panel and the other participant. Questioning by the complainant or the respondent is permitted so long as it is relevant and is not threatening or harassing. Hearings applicable to the Interim Title IX policy have additional requirements for asking questions with the involvement of an advisor.

Only relevant questions may be asked of either participant during the hearing. Questions will be reviewed for relevance by the hearing panel chair before the question is answered. The Hearing Panel may, at its discretion, exclude information or questions of the participant's sexual history from discussion during the hearing. The past sexual history of the complainant with persons other than the respondent is irrelevant.

The hearing (excluding the deliberations) will be audio recorded. The recordings are the property of the university. Others will not be allowed to make a recording of any type. The university is not responsible for equipment malfunctions. Requests to review audio recordings may be made to Student Support & Conduct.

If the respondent or complainant elects not to appear for the hearing, the hearing will be held in their absence. If the respondent, complainant, or witnesses do not attend or participate in answering relevant questions at the hearing, the panel must not consider any of the participant's statements when determining responsibility; however, the panel cannot assume responsibility based solely on the participant's or witness's refusal to participate or answer questions. Witness information provided through the investigation process can be considered by the Hearing Panel

even if the witness does not attend the hearing. The Hearing Panel should weigh their information appropriately.

The complainant and respondent remain present throughout the hearing. Witnesses will be present only during the time they are sharing information and being asked questions. It is preferred all witnesses be present in person; however, if a witness cannot be present for the hearing, arrangements can be made for a witness to participate via phone or other electronic means as long as adequate notice is provided.

At the conclusion of the hearing, all parties will be dismissed except for the Hearing Panel so they may deliberate and reach a decision.

Conduct history is not relevant in determining responsibility but can be used as information in determining an appropriate sanction. A student's conduct history will be available to the Hearing Panel if the respondent is found responsible.

The order of presentation at the hearing will be as follows:

- a. Introductions and reading of allegations.
- b. Opening statements may be presented to the Hearing Panel. Procedurally, the complainant is provided the opportunity to present first, followed by the respondent.
- c. If relevant, the university investigator will present the investigation report and answer related questions.
- d. The complainant will present information, call witnesses, and answer questions from the Hearing Panel and other participants.
- e. The respondent will present information, call witnesses, and answer questions from the Hearing Panel and other participants.
- f. Closing statements may be presented to the Hearing Panel. Procedurally, the complainant is provided the opportunity to present first, followed by the respondent.
- g. All participants are dismissed for Hearing Panel deliberation.

The Hearing Panel may accommodate concerns for the personal safety or well-being of the complainant, respondent, or other witnesses. Procedures or the hearing environment may be modified as determined by the Director of Student Support & Conduct.

## **5. Hearing Panel Deliberations and Decision**

The Hearing Panel will deliberate and, by majority vote, a decision will be made using the preponderance of evidence standard.

- a. The Hearing Panel may find that the information presented was not sufficient to establish a finding of responsibility for a violation(s) of the Student Code of Conduct.
- b. The Hearing Panel may find that the information presented was sufficient to find the respondent responsible for violating the Student Code of Conduct and impose a sanction appropriate with the violation(s).

The Hearing Panel's decision will be communicated in writing to Student Support & Conduct, which will notify the respondent, and if appropriate, simultaneously notify the complainant in writing within two (2) working days.

The notification letter will include allegations made against the respondent, alleged policy violations, a description of procedural steps taken, findings of fact, determination of responsibility, sanction(s) imposed (if any), and the rationale for the decision. The notification letter will be delivered in person, sent electronically to the institutional email address, or sent by

certified mail to the student's last known address of record as filed with the Registrar's Office. The notification letter may also be picked up in the Office of Student Support & Conduct, 328 Student Union, within two days of the hearing.

Complainants are entitled to know about the results of the proceedings.

#### IV. Sanctions

Although not intended to be inclusive, the following are possible sanctions that may be imposed, either singularly or in combination, for a student if a violation of the Student Code of Conduct is found. During a Student Conduct Meeting, the student and the conduct officer will work together to develop an Action Plan to aid the student in their ethical, personal, and intellectual development.

1. **Written Warning** is an official written notice that the student has violated university policies and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the university.
2. **Restriction** is a limitation on a student's privileges for a period of time and may include, but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the university, or denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, or leadership positions within housing, fraternities/sororities, or other organizations). Students must apply to re-instate the privilege by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
3. **Educational and Behavioral Change Requirements** are assigned as an opportunity for personal development and can include, but are not limited to, attending alcohol education, a reflection essay, community service, seeking academic counseling, a decision-making class, and other relevant educational opportunities.
4. **Class Removal** occurs when a student is dropped from a class or moved to another section of a class. Faculty members, in consultation with the Director of Student Support & Conduct, reserve the right to interim suspend a student from class pending a hearing for alleged violations of the Student Code of Conduct occurring in the classroom that substantially interfere with teaching or other students' ability to learn.
5. **No Contact Order** is an absolute prohibition from contact with a specified person or persons in any form whatsoever, including, but not limited to, contact in person, by phone, electronically, or through another person. A No Contact Order may be implemented as an interim measure for Title IX issues. Interim measures can be put in place without a formal complaint, conduct process, or a finding of responsibility. Violating a No Contact Order may result in suspension from the university.
6. **Restitution** is compensation for the damage caused to the university or any person's property on campus. This is not a fine, but rather a repayment for labor costs and/or value of property destroyed, damaged, consumed, or stolen.
7. **Residence Hall Status Change:** The following sanctions may include:
  - a. **Restrictions** on visitation to specified buildings or all university housing.

- b. **Reassignment** to another university housing facility as determined by Residential Life staff.
- c. **Suspension** from a university housing facility for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- d. **Removal** from living in or visiting any university housing facility.

8. **Conduct Probation** is a specified period of time during which the student is placed on formal notice that they are not in good standing with the university and that further violations of university regulations will subject them to suspension or expulsion from the university.

9. **Conduct Suspension** is the exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three (3) years and until the conditions which are outlined in the hearing outcome letter are met. Students who are suspended from OSU are not permitted on campus or in university buildings, facilities, or activities at any time for any reason during the period of suspension, unless otherwise permitted by the Director of Student Support & Conduct. Notation on the transcript is not made; however, a record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested during the period of suspension, a letter will be sent with the transcript to the requesting party/institution stating the student is under suspension for conduct reasons. Only unofficial transcripts will be released to the student directly. Any refund of tuition or fees will be subject to the university's normal withdrawal policy.

10. **Conduct Expulsion** is the termination of student status for an indefinite period. Students who are expelled from OSU are not permitted on campus or in university buildings, facilities, or activities at any time for any reason, unless otherwise permitted by the Director of Student Support & Conduct. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested, a letter will be sent with the transcript to the requesting party/institution stating the student has been expelled for conduct reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student's conduct record. Any refund of tuition or fees will be subject to the university's normal withdrawal policy.

#### **A. Parental Notification**

OSU reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students who are under the age of twenty-one (21) of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

#### **B. Failure to Complete Conduct Sanctions or Comply with Conduct Office Requests**

All students, as members of the university community, are expected to comply with conduct sanctions within the timeframe specified by Student Support & Conduct. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and an enrollment hold, which is a "hold" on enrollment privileges. This hold can prevent the adding or dropping of classes or enrollment for subsequent terms. Cancellation of enrollment occurs when a previous enrollment hold has been cleared with the condition that the enrollment will be canceled for failure to meet the conditions of the clearance. If canceled, the refund of tuition or fees will be subject to the university's normal withdrawal policy. A graduation hold is a hold on a student's participation in graduation exercises and diploma for failure to respond to a request to meet with the Director of Student

Support & Conduct or other conduct officers, or for non-compliance with conduct sanctions. The Vice President for Student Affairs may recommend a graduation hold.

### **C. Implementation of Sanctions**

Conduct actions or grievance decisions shall not be implemented until the time for appeal has expired, until the entire appeal process is completed, or until the individual voluntarily waives the right to appeal in writing. The exceptions to delaying sanctions until the process is complete include: 1) when interim suspension has been imposed or 2) to protect the well-being of students on the campus.

## **V. Appeal Procedure**

An appeal is a review of the record of the original hearing, not a new hearing. It is the responsibility of the party who initiated the appeal to show that one (1) or more of the listed grounds for appeal has merit. The parties will not appear before the university Conduct Appeal Panel (Appeal Panel) unless specifically requested to do so by the Appeal Panel.

Any outcome decided in a hearing may be appealed to the Appeal Panel by the respondent or the complainant.

The Appeal Panel has three (3) members selected from the Student Conduct Committee: one (1) student representative; one (1) staff representative; and one (1) faculty representative of the Student Conduct Committee. The faculty representative serves as the Chair. The Appeal Panel will have one (1) advisor, either a representative from Student Support & Conduct or Legal Counsel.

Appeals must be submitted and authenticated online to Student Support & Conduct by 5 p.m. within ten (10) days of the original hearing. The appeal form can be found at <https://ssc.okstate.edu/student-conduct/process.html>. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal. The appeal must cite at least one (1) of the following appeals criteria as the reason for the appeal and provide a supporting argument(s) as to why an appeal should be granted on these grounds. Appeals criteria include the following:

1. The hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complaint or the respondent resulted;
2. New information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision;
3. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with university procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

After receipt of a submitted appeal, the faculty chair of the Appeal Panel will review to confirm the appeal submitted aligns with the appeal criteria. If the submitted appeal does not align with the appeal criteria, then the appeal will be dismissed. If the chair determines the submitted appeal aligns with the appeal criteria, a full appeal panel will meet to consider the appeal.

Prior to the Appeal Panel review, if there is an opposing party or university investigator involved in the case, they will be given ten (10) days to provide a written response to the appeal.

The Appeal Panel will review the record of the original hearing, including documents, the appeal, and written response/s to appeal, if applicable, and issue a finding as to the merits of the criteria cited as the reason for appeal.

1. If the Appeal Panel finds there is no merit to any of the grounds cited in the appeal, it will issue a finding as such and that decision will be final
2. If the Appeal Panel finds the previous hearing was not conducted as prescribed and substantial prejudice resulted, the matter may be remanded to a new hearing.
3. If the Appeal Panel is presented with new information that could not have been presented at the original hearing and finds the new information is relevant, the matter may be resubmitted to the original hearing body.
4. If the Appeal Panel finds that the sanction is inappropriate for the violation, the Appeal Panel may recommend the sanction be modified by the Vice President for Student Affairs or their designee and state the reasons for that recommendation.

The Appeal Panel's final decision will be communicated in writing by Student Support & Conduct to the complainant and the respondent. The decision will normally be communicated within two (2) days of receiving the written decision.

If the appeal panel recommends modifying the outcome or the sanction, the Vice President for Student Affairs or their designee will review the Appeal Panel's recommendation. The final decision will be communicated in writing by the Vice President for Student Affairs or their designee to the complainant and the respondent. The decision will normally be communicated within ten (10) days of receiving the written recommendation. The decision of the Vice President for Student Affairs or their designee will be final.

## **VI. Reviewing Authority**

Reviewing authority is retained by the Vice President for Student Affairs, at their discretion, to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to a Hearing Panel for review or reconsideration.

## **VII. Conduct Files and Records**

Case referrals will result in the development of a conduct file in the name of the respondent. If the student is found not responsible for the allegations, the file will be marked no action. A no-action record will not constitute a conduct record. Student Conduct records with sanctions less than suspension or expulsion will be maintained in the Office of Student Support & Conduct for seven years following the calendar year of record and then destroyed. Records of cases in which suspension from the university occurred are kept for at least ten (10) years. Records of cases in which expulsion from the university occurred are kept indefinitely.

All conduct records are education records and may not be disclosed in whole or in part except as provided by law, by the written authorization of the student, under legal compulsion, or where the safety of other persons may be involved. Conduct records are maintained separate from the student's academic record but are part of the student's educational record.