



OKLAHOMA PANHANDLE STATE UNIVERSITY

OFFICE OF STUDENT AFFAIRS

Student Code of Conduct

2018-2019

Oklahoma Panhandle State University Student Code of Conduct

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Oklahoma Panhandle State University (OPSU) 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 to good citizenship. Attending Oklahoma Panhandle State University is a privilege and students are expected to meet or exceed the University's standards of conduct both on and off campus.

Community Standards

Oklahoma Panhandle State University students aspire to follow and promote:

Integrity: Oklahoma Panhandle State University students are expected to exemplify honesty, honor, and respect for the truth in all of their actions.

Community: Oklahoma Panhandle State University students build and enhance their community.

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

Respect: Oklahoma Panhandle State University students must show positive regard for each other and for the community.

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

I. Introduction

A. Purpose

The Student Code of Conduct outlines University policies and procedures that all students are expected to adhere to during their time at Oklahoma Panhandle State University. 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 most current version of the Student Code of Conduct is available at student-affairs.opsu.edu/Code-of-Conduct/. For questions regarding the Code of Student Conduct, contact the Dean of Student Affairs (580-349-1362).

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, Oklahoma Panhandle State University is granted full authority to adopt policies and procedures governing the conduct of its students. Attendance at Oklahoma Panhandle State University is optional, voluntary, and a privilege. When students enroll at Oklahoma Panhandle State University, they voluntarily accept obligations of performance and behavior consistent with Oklahoma Panhandle State University's lawful mission, processes and functions. In

general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.

Students are expected to comply with all University policies and contracts. 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, 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 has been found to have broken state or federal law, the University reserves the right to notify the appropriate authority.

Students will have 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 Dean of Student Affairs or her/his designee.

D. Definitions

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 Oklahoma Panhandle State University faculty or staff member, an Oklahoma Panhandle State University student, a parent, a friend, or an attorney.

Complainant: An individual who files a disciplinary complaint. The University may also serve as a complainant.

Day: University working day, not including Saturday, Sunday, or University holidays. Time deadlines may be extended during breaks and University holidays.

Honesty Statement: The University expects that all information presented will be truthful and accurate. If false information is willfully provided, a student will be in violation of the Student Code of Conduct and may be held accountable through the student conduct process.

Incapacitation: Temporarily incapable of appraising or controlling their conduct due to the influence of drugs or alcohol, unconsciousness, being asleep or for any other reason that makes the individual physically unable to communicate willingness to act.

Institution: Oklahoma Panhandle State University (OPSU).

Parental Notification: FERPA permits educational institutions to notify parents of students under the age of 21 when a student has been found responsible for an alcohol or drug related violation. Students are generally notified when parents or guardians will be contacted and are given the opportunity to contact the parents first.

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

Sanction: A disciplinary correction or penalization which is imposed on students who are found responsible for violating the Student Code of Conduct. Sanctions are designed to include educational measures that hold students accountable for their behavior, providing the opportunity for behavior change in an individual/s. Sanctions can range from a verbal warning to suspension or expulsion.

Student: Any person who has been admitted and/or enrolled for the current term or a future term at Oklahoma Panhandle State University, including correspondence study, online courses, study abroad and auditing courses. Students are subject to conduct action for misconduct that occurs during any period of enrollment. Students who leave the University before a conduct complaint is resolved may be prohibited from future enrollment until the matter is resolved.

The 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.

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 is not just about sports. It also prohibits sexual harassment, gender-based discrimination, and sexual violence.

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 campus. Examples of these areas include, but are not limited to, OPSU Campus Farm, Equine Barns, museum, Sunset Hills Golf course and the OPSU Shooting Facility.

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 student organizations, study abroad programs, and sporting events. In addition, University-operated or leased transit is included in this activity even if the behavior occurs off of University premises.

E. Applicability of the Code of Conduct

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

Each student is responsible for all of their actions from the time of application for admission through the actual awarding of the degree. Inappropriate conduct that occurs 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, and will be subject to University conduct action. The Dean of Student Affairs will decide whether off-campus inappropriate 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 violence, 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 record will result.

II. Prohibited Conduct

The following list describes actions that detract from the effectiveness of the University community and for which students may be subject to corrective 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. Prohibited conduct includes, but is not limited to:

Integrity

1. **Academic Misconduct:** Cheating, plagiarism, unauthorized collaboration, alteration of academic materials or other academic misbehavior.
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 Panhandle 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 and properly dispose of their organic waste.
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 the instruction.
9. **Disorderly Conduct:** Behaving in a disorderly, lewd, indecent manner or breaching the peace on University property or at University-sponsored activities. Examples include any nonconsensual 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.
11. **Fire Safety:** Engaging in misuse or unauthorized use of firefighting, fire sprinkling systems and other safety equipment or warning devices, and 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 OPSU Student and Residence Life Handbook at http://www.opsu.edu/dwn/GNRI_Student_&_Residence_Life_Handbook.pdf.
13. **Information Technology Policies:** Failing to comply with the University Information Technology policies. Policies are available online at http://www.opsu.edu/dwn/PLC_OPSU-IT-001_Acceptable_Computer_Use_Policy.pdf
14. **Parties and Gatherings:** Participating in parties or gatherings that disturb the peace of campus residences or off-campus neighborhoods.
15. **Property Damage:** 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, 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. **Use of Tobacco:** Using tobacco in any form or using electronic cigarettes (vaping) on campus, as prohibited by OPSU policy.
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, handguns, shotguns and rifles.

Social Justice

19. **Harassment, Threats, and Bullying:** Engaging in subjectively and objectively offensive 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.

20. **Discrimination:** Discriminating on the basis of sex, race, color, age, status as a veteran, sexual orientation, gender identity, national origin, religion or qualified individual with a disability.

21. **Interfering with the Conduct Process:** Interfering with conduct procedures or outcomes, including but not limited to: falsification, distortion or misrepresentation of information before a Conduct Officer or Hearing Panel; 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; and failure to comply with the sanction(s) imposed by either a Conduct Officer or Hearing Panel.

22. **Retaliation:** Retaliating 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. For more information, see 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 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 is a crime of violence committed by a:

- a. current or former spouse or intimate partner of the victim;
- b. person with whom the victim shares a child in common;
- c. person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- d. person similarly situated to a spouse of the victim.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threat of actions that influence another person.

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:** Making unwelcomed sexual advances, requests for sexual favors and other verbal or physical contact or communication of a sexual nature when:

- a. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations or other academic opportunities,
- b. Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual, or
- c. Such conduct is sufficiently severe, pervasive, or persistent and both subjectively and objectively offensive that has the effect of creating an intimidating, hostile or offensive environment which negatively affects an individual's academic or employment environment.

Sexual harassment does not include verbal expressions or written materials that are relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the University's educational mission.

28. **Sexual Misconduct:** Engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior including but not limited to the following examples of prohibited conduct:

- a. **Unwelcome sexual touching:** Touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.
- b. **Exposure:** Engaging in indecent exposure, voyeurism or non-consensual sharing of sexually explicit images.
- c. **Non-consensual sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part.
- d. **Forced sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part that is committed either by force, threat, intimidation or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to ingestion of drugs or alcohol, age or mental disability) of which the respondent was aware or should have been aware.

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 use of drugs or alcohol.

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 his or her 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 reasonable 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, distributing, selling or serving alcoholic beverages on University premises (including residence halls and apartments) or at University-sponsored activities regardless of age, except as expressly permitted by University policy. The following are also violations on or off campus:

- a. Public intoxication
- b. Driving under the influence of alcohol
- 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. Driving while impaired
- h. Incapacitation due to alcohol
- i. Possession or use of a fake ID
- j. Being underage in possession of alcohol.

Lawful and responsible alcohol consumption is permitted only in designated areas of the Oklahoma Panhandle State University 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 or manufacture or be under the influence of any state or federally controlled drug, substance or paraphernalia. Inhaling or ingesting any substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a student's mental state is also prohibited.

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 Oklahoma Panhandle State University to the Vice President of Academic and Student Affairs through the President. The Vice President of Academic and Student Affairs further delegates authority for student conduct to the Dean of Student Affairs. The Dean of Student Affairs further delegates authority to the Resident Life and Housing Coordinator and designated conduct officers. A conduct officer is a University employee who is an officially designated administrator or staff member or an individual who is 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 Oklahoma Panhandle State University for resolving alleged violations of University regulations. The procedures are designed to allow for fact-finding and decision-making in the context of the Oklahoma Panhandle State University educational community. The objective is to provide procedures that balance the rights of the individual with the legitimate interests of the University 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 itself initiate a complaint.
- b. Such complaint should be filed with the Dean of Student Affairs as soon as possible but within 180 calendar days (not University business days) of the alleged violation. A late complaint may be accepted with the approval of the Dean of Student Affairs or their designee.
- c. The complaint must be submitted in writing and signed by the complainant(s), or submitted via approved online form and electronically signed by appropriate technical method, and must include the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient detail to make a determination of whether disciplinary action may be warranted.
- 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 Dean of 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 opportunity for 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 Dean of Student Affairs.

If the conduct or behavior of a student residing in an Oklahoma Panhandle State University residence hall is determined by the Dean of Student Affairs or the Resident Life and Housing Coordinator, to be a threat to self or others, the ability to live in the residence hall may be immediately suspended for a brief 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 enter any campus residence hall until a hearing is held and a decision regarding the pending complaint has been made.

3. **Evidentiary Standard:** In order for a student to be found responsible, the information must support a determination by a preponderance of the evidence standard, meaning that it is more likely than not that a violation of the Student Code of Conduct occurred. Hearsay evidence may be considered but will be weighed accordingly.

4. **Disposition of Allegations:** The University conduct process is administered through the Student Affairs office. Alleged violations of University regulations where neither suspension nor expulsion are a possibility are normally resolved through a **Student Conduct Meeting (see IIIC below)**.

Allegations which 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 IIID below)**.

Allegations which could result in suspension or expulsion, or that are complex, sensitive, or require a number of witnesses or that involve an alleged victim are often referred to a **Hearing Panel (see IIIE below)**.

At the conclusion of a Student Conduct Hearing, the conduct officer may refer the case for 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 that their case be resolved at a Hearing Panel. Such a request must be made before the scheduled hearing.

If a student is assigned to go 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 they have enough information that would make it 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 from the victim.

B. Student Rights in Conduct Process

The University views the conduct process 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 a 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. Question any party 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 for the attendance of their own witnesses in all cases;
10. The respondent will receive a written notification of the outcome of the hearing; the complainant can receive written notification of the outcome of the hearing when permitted by federal law;
11. An avenue for appeal from a hearing.

C. Student Conduct Meeting

Upon determining that sufficient evidence exists to believe that a violation of the Student Code of Conduct may have occurred, the Dean of Student Affairs or other conduct officer with jurisdiction will notify the student in writing of the alleged violations against them. The written notice will be hand delivered directly to the student, sent electronically to the student's Oklahoma Panhandle State University email address, or mailed to the student's last known address 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);
4. 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 Affairs.

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 could. Such direct participation is a privilege which, if abused, may be withdrawn by the conduct officer. If the privilege is withdrawn, the advisor may continue to advise the respondent. However, if the advisor fails to act in accordance with hearing procedure, the conduct officer may bar the advisor from the hearing. The student must notify Student Affairs two University working days in advance of the hearing if accompanied by an attorney. In such cases, the University may have an attorney in attendance.

1. Pre-Hearing Procedures

The Dean of Student Affairs will prepare and send a written notice to the respondent and complainant at least five days before the hearing. The notice will be delivered in person, sent electronically to the student's Oklahoma Panhandle State University 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 Dean of Student Affairs or designee will be available to meet with the complainant and the respondent, separately, to discuss and explain the hearing procedure and answer questions.

2. Three Days in Advance of the Hearing

- a. The respondent and the complainant will provide to the Student Affairs office copies of documents to be presented 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 of the hearing.
- c. The respondent and the complainant will have access to copies of documents to be presented at the hearing by prior appointment.

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 a preponderance of the evidence standard (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.

If the student admits that a violation did occur, the conduct officer(s) decides what conduct action is appropriate.

To protect the privacy of all parties and in accordance with FERPA (Family Educational Rights and Privacy Act), 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 not threatening or harassing.

In the case of sexual harassment or sexual misconduct, the conduct officer may, in their discretion, exclude evidence of the complainant's sexual history with the respondent from discussion during the hearing. The 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 the Dean of Student Affairs.

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 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 for the hearing environment may be modified as determined by the Dean of Student Affairs to be appropriate.

4. Hearing Deliberations and Decision

The conduct officer(s) will deliberate 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 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 Oklahoma Panhandle State University 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 Affairs office within two days of the hearing.

E. Hearing Panel Hearing

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

The Hearing Panel option may not be available during dead week, final examinations, breaks or other periods. If feasible for the Hearing Panel, a hearing will proceed during these times. Additionally, a Hearing Panel may not be available when the Dean of Student Affairs determine that appearing before the panel poses a threat to the physical welfare of panel members or witness(es).

The Hearing Panel shall be selected from the Student Conduct Committee which is comprised of a minimum of 5 faculty nominated by the Faculty Council and appointed by the President; 5 staff nominated by the Staff Advisory Council and appointed by the President; and 5 students.

A Hearing Panel shall consist of three disinterested members — one faculty member, one student and one staff member — selected from the Student Conduct Committee by Student Affairs. The faculty member will be the chairperson. A list of panel members will be available three days in advance of the hearing. Prior to the hearing, alternate Hearing Panel members may be seated to be available in case of conflicts.

A professional staff member from Student Affairs and/or a member of Legal Counsel will be present as a non-voting participant. Their role will be to facilitate dialogue between the Hearing Panel and the students involved, direct the attention of the panel and the parties to relevant points, act as an advisor to the Hearing Panel and answer procedural questions as needed.

If an attorney accompanies the respondent or the complainant at the hearing, the University will have an attorney present. The University's attorney will serve as a non-voting advisor to the Hearing Panel. The advisor may participate directly to the same extent as the student could. Such direct participation is a privilege which, if abused, may be withdrawn by the Chair of the Hearing Panel. If the privilege is withdrawn, the advisor may continue to advise the student. However, if the advisor fails to act in accordance with hearing procedure, the Chair of the hearing panel may bar the advisor from the hearing. The student must notify Student Affairs two University working days in advance of the hearing if accompanied by an attorney. In such cases, the University may have an attorney in attendance.

In cases of sexual harassment, sexual misconduct, discrimination, and/or when the University conducts an investigation, the University investigator will present an investigation report as part of the hearing proceedings. The investigator will present the report and answer questions. 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 facts, not a verbatim report, and is not appealable or rebuttable.

1. Pre-Hearing Procedures

Hearing panel members will be selected by Student Affairs based on their availability.

Student Affairs will prepare and send a written notice to the respondent and the complainant at least five days before the hearing. The notice will be delivered in person, sent electronically to the Oklahoma Panhandle State University 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 to the section(s) of the Student Code of Conduct involved;
- c. A brief explanation of the alleged violation(s) including the approximate date, time 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.

The Dean of Student Affairs or designee will be available to meet with the complainant and the respondent, separately, to discuss and explain the hearing procedure and answer questions.

2. Three Days in Advance of the Hearing

- a. The respondent and the complainant will provide to the Student Affairs copies of documents to be presented at the hearing and the names of witnesses who will be called.
- b. It is the responsibility of each student to notify witnesses of the date, time and location of the hearing.
- c. The respondent and the complainant have the right to have access to documents to be presented at the hearing, by prior appointment.

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 Hearing Panel can deliberate and decide to the preponderance of the evidence standard (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 are applied in criminal or civil court do not apply 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.

If the Hearing Panel concludes that a violation did occur, the Hearing Panel decides what conduct action is appropriate.

To protect the privacy of all parties and in accordance with FERPA (Family Educational Rights and Privacy Act), hearings will be closed.

The respondent and complainant can present witnesses, who may be questioned by the Hearing Panel. Questioning by the complainant or the respondent is permitted so long as it is not threatening or harassing.

In the case of sexual harassment and sexual misconduct, the Hearing Panel may, in its discretion, exclude evidence of the complainant's sexual history with respondent 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 Affairs.

If the respondent or complainant 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 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 remain throughout the hearing.

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. Opening statement provided by the Hearing Panel Chair.
- b. The complainant may present an opening statement.
- c. The respondent may present an opening statement.
- d. If relevant, the University investigator will present the investigation report and answer related questions in cases of sexual harassment, sexual misconduct, discrimination, or when the University has conducted an investigation.
- e. The complainant will present information and call witnesses.
- f. The respondent will present information and call witnesses.
- g. At the conclusion of each witness statement, the witness may be questioned by the Hearing Panel, the respondent and the complainant either directly or indirectly.
- h. The complainant may make a closing statement.
- i. The respondent may make a closing statement.
- j. All parties are dismissed for Hearing Panel deliberation.

The Hearing Panel 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 Dean of Student Affairs.

4. Hearing Panel Deliberations and Decision

The Hearing Panel will deliberate and, by majority vote 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 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 and dismiss the case.
- b. The panel may find that the information presented was sufficient to affirm the allegations and impose a sanction appropriate with the violation(s).

The Hearing Panel decision will be communicated in writing to Student Affairs which will notify the respondent and, if appropriate, the complainant in writing within two 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 Oklahoma Panhandle State University 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 Affairs Office, Student Union Room 10, within two days of the hearing.

In compliance with Department of Education requirements in cases of sexual violence, sexual harassment or physical violence, the complainant will be notified of the outcome at the same time as the respondent. In other violations, the complainant will not be notified of the outcome.

F. Complainant Notification

Complainants are entitled to know about the results of proceedings involving alleged crimes of violence or non-forcible sex offenses, as defined by FERPA. Both the respondent and complainant will be notified in writing of the results of any hearing involving alleged crimes of violence or non-forcible sex offenses.

Complainants who have alleged a sexual assault, dating violence, domestic violence, or stalking will be provided with notification in writing of the final outcome of the conduct hearing against the alleged perpetrator, as required by federal law.

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, leadership positions within housing or other organizations). Students must apply to reinstate 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, 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 Dean of Student Affairs, 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 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 issues regarding sexual violence or other 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 years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from Oklahoma Panhandle State University 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 Dean of Student Affairs. 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 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 termination of student status for an indefinite period. Students who are expelled from Oklahoma Panhandle State University are not permitted on campus or in University buildings, facilities or activities at any time for any reason, unless otherwise permitted by the Dean of Student Affairs. 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 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

Oklahoma Panhandle State University 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 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 Affairs. 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 cancelled for failure to meet the conditions of the clearance. If cancelled, 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 Dean of Student Affairs or other conduct officer, or for noncompliance with conduct sanctions. The Dean of 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 if 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 invoked by the Dean of Student Affairs or their designee. 2) to protect the health or safety 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 person who initiated the appeal to show that one or more of the listed grounds for appeal has merit. A student 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 members appointed by the Vice President of Academic and Student Affairs: the Chief Justice of the Student Government Association or any student representative of the Student Conduct Committee; one staff representative of the Student Conduct Committee; and one faculty representative of the Student Conduct Committee. The faculty representative serves as the Chair. The Appeal Panel will have one advisor, either a representative from Student Affairs or from Legal Counsel.

Appeals must be submitted in writing to Student Affairs by 5 p.m. within seven days of the original hearing. 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 of the following appeals criteria as the reason for appeal and provide 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 complainant 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.

The Appeal Panel will review the record of the original hearing, including documents, 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.
2. If the Appeal Panel finds the previous hearing was not conducted as prescribed and had substantial prejudice, 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, the matter may be resubmitted to the original Hearing Panel.
4. If the sanction is determined to be inappropriate for the violation, the Appeal Panel may recommend the sanction be modified by the Vice President of Academic and Student Affairs and state the reasons for that recommendation.

The Appeal Panel's final decision will be communicated in writing by Student Affairs to the complainant and the respondent. The decision will normally be communicated within two days of receiving the written recommendation.

If the appeal panel recommends modifying the outcome or the sanction, the Vice President of Academic and Student Affairs will review the Appeal Panel's recommendation and may consult with Appeal Panel members in reaching a final decision. The final decision will be communicated in writing by the Vice President of Academic and Student Affairs to the complainant and the respondent. The decision will normally be communicated within 10 days of receiving the written recommendation. The decision of the Vice President of Academic and Student Affairs will be final.

VI. Reviewing Authority

Reviewing authority is retained by the Vice President of Academic and 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, no record and will not constitute a conduct record. Student Conduct records with sanctions less than suspension or expulsion, will be maintained in the Student Affairs for seven years following the calendar year of record, and then destroyed.

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.