



# OKLAHOMA CITY

## Student Code of Conduct

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Oklahoma State University – Oklahoma City (OSU-OKC) 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 State University – Oklahoma City 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 – Oklahoma City students aspire to follow and promote:

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

**Community:** Oklahoma State University-Oklahoma City 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:** Oklahoma State University-Oklahoma City 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:** Oklahoma State University-Oklahoma City students must show positive regard for each other and for the community.

**Responsibility:** Oklahoma State University-Oklahoma City 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 State University-Oklahoma City. 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 [www.osuokc.edu/studentconduct/](http://www.osuokc.edu/studentconduct/). For questions regarding the Code of Student Conduct, contact the Office of Human Resources (405)945-3298 or the Office of the Vice President for Student Experience (405-945-6761).

#### 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, Sections 3412 (1), (15), Oklahoma State University is granted full authority to adopt policies and procedures governing the conduct of its students. Attendance at Oklahoma State University-Oklahoma City is optional, voluntary, and a privilege. When students enroll at Oklahoma State University-Oklahoma City, they voluntarily accept obligations of performance and behavior consistent with Oklahoma State University-Oklahoma

City'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, contracts and/or agreements. Failure to do so may result in students being required to participate in the conduct action 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 be afforded due process and 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 Experience or her/his designee.

### **D. Definitions**

**Action Plan:** During a Student Conduct Meeting, the student and a 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 students choosing, including an Oklahoma State University-Oklahoma City faculty or staff member, an Oklahoma State University-Oklahoma City student, a parent, a friend, or an attorney. For more information, go to <https://studentconduct.okstate.edu/advisors>.

**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 calendar day, including weekdays and weekends. 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 Section II (19) of the Student Code of Conduct and may be held accountable through the student conduct process.

**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-Oklahoma City

**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. 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.

**Standard of Evidence:** The standard of evidence to be used in making a determination as to whether a violation has occurred is a preponderance of the evidence. Under this standard, the burden of proof is met when the 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 Oklahoma State University-Oklahoma City, 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 one 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](#).

**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.

**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 fraternity and sorority organizations, study abroad programs, and sporting events.

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

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

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

Each student is responsible for all of his/her 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 Campus Behavior Assessment Team 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 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 record 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 corrective action. All violations below may be addressed by the university when the behavior potentially jeopardizes the individuals or community's safety or educational opportunities. Prohibited conduct includes, but is not limited to:

### Integrity

1. **Academic Dishonesty:** Behavior in which a deliberately fraudulent misrepresentation is employed in an attempt to gain undeserved academic credit, either for oneself or for another person. **For more information, visit** <https://osuokc.edu/sites/default/files/documents/academics/Academic-Dishonesty-or-Misconduct.pdf>
2. **Academic Misconduct:** Academic misconduct differs from academic dishonesty in that there is no intent to deliberately obtain undeserved academic credit by fraudulent means. Even unknowingly allowing other students to see test answers or to see term projects or papers are possible acts of academic misconduct. Students are required to actively protect their work against misuse by others. **For more information, visit** <https://osuokc.edu/sites/default/files/documents/academics/Academic-Dishonesty-or-Misconduct.pdf>
3. **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.
4. **False Reporting:** Knowingly making a false report of a bomb, fire or other emergency.
5. **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-Oklahoma City.
6. **Forgery or Unauthorized Use:** Forging or using without authorization university documents or records, financial aid documents, computers, electronic mail, telephones, identification or University property.
7. **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. Having unauthorized animals in university buildings. Emotional support animals are not allowed in non-residential university buildings.
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 on university premises when such recording causes or is likely to cause injury or distress. This conduct is a violation off-campus if it interferes with an individual's educational opportunities.
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, fire sprinkling systems and other safety equipment or warning devices, and failure to evacuate when a fire alarm is activated.
12. **Information Technology Policies:** Failing to comply with the university Information Technology policies. Policies are available online at <https://adminfinance.okstate.edu/site-files/documents/policies/appropriate-use-policy.pdf> .
13. **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.
14. **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.
15. **Tobacco:** Using tobacco in any form or using electronic cigarettes (vaping) on campus, as prohibited by Policy and Procedures Letter No. 1-0530. Possessing tobacco under the age of 21.
16. **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. See OSU Policy and Procedures Letter 1.1301.1 for more information.

## Social Justice

17. **Harassment:** 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 and is subjectively offensive to the complainant and objectively offensive to a reasonable person.
18. **Discrimination:** Discriminating 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 qualified individual with a disability that adversely affects their employment or education.
17. **Interfering with the Conduct Process:** Interfering with conduct procedures or outcomes, including but not limited to: falsification, distortion or misrepresentation of information before a Student 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; violating a No Contact Order; and failure to comply with the sanction(s) imposed by either a Student Conduct Officer or Hearing Panel.
19. **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 Board of Regents for the Oklahoma Agricultural and Mechanical Colleges Policy Manual, 3.06 Non-Retaliation.

## Respect

21. **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.
22. **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.



- e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Oklahoma.

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.

23. **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.

24. **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 his/her 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.

25. **Sexual Harassment:** Conduct on the basis of sex that satisfies one 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.

26. **Sexual Misconduct:** This term 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.

27. **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

28. **Alcohol**: Consuming, possessing, distributing, selling or serving alcoholic beverages on university premises 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 OSU-Oklahoma City campus, properties and facilities as authorized by the Board of Regents.

29. **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.
30. **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.
31. **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 State University-Oklahoma City to the Vice President for Student Experience through the President. The Vice President for Student Experience further delegates authority for student conduct to Campus Behavioral Assessment Team and designated conduct officers. A Student Conduct Officer is a university employee who is an officially designated administrator, staff member, or graduate assistant 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-Oklahoma City 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-Oklahoma City 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 itself initiate a complaint.
  - b. Such complaint should be filed with Student Conduct 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 Vice President for Student Experience, the Student Conduct Officer 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 Vice President for Student Experience, 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.
  3. **Investigation:** As needed, the Campus Behavioral Assessment Team will designate a Student Conduct Officer and/or an investigator to conduct investigations and 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 days to review and respond to the information presented in the investigation report. A final investigation report and supporting information will be provided at least ten days before the hearing.
  4. **Disposition of Allegations:** The university conduct process is administered through Student Conduct. Alleged violations of university regulations where neither suspension nor expulsion are a possibility are normally resolved through a **Student Conduct Meeting (see Section III (C) below)**.

Allegations which may result in suspension and where a one-on-one meeting between the Student 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 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 Section III (E) below)**.

At the conclusion of a Student Conduct Hearing, the Student 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; the Student 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. The respondent and complainant can 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 Student Conduct Officer or other conduct officer with jurisdiction will notify the student in writing of the alleged violations against him/her. The written notice will be hand delivered directly to the student, sent electronically to the student's institutional 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 his/her account of the incident or circumstances pertaining to the allegation(s);
4. An explanation of the decision of the Student 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 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 could. Such direct participation is a privilege which, if abused, may be withdrawn by Student Conduct. 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 Student Conduct Officer may bar the advisor from the hearing. The student must notify Student Conduct four 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 Conduct 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 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 Student Conduct Officer 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. Four Days in Advance of the Hearing**

- a. The respondent and the complainant will provide to the Student Conduct Officer copies of documents to be presented at the hearing and the names of witnesses who will be called.
- b. Each student must notify his/her 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. Materials will be sent via email three days in advance of the hearing.
- d. The respondent and the complainant will provide notice to the Student Conduct Officer 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 a "preponderance of evidence" standard (i.e., that is more likely than not 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 relevant and is not threatening or harassing.

In the case of sexual harassment and sexual misconduct, the conduct officer may, in his/her 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 Student Conduct.

If the respondent elects not to appear for the hearing, the hearing will be held in his/her 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 Student Conduct officer 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 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 from the Student Conduct Officer within two days of the hearing.



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

Procedures for a panel hearing 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.

A panel hearing option may not be available during dead week, final examinations, breaks or other periods. If feasible for the Student Conduct Committee Hearing Panel (“Hearing Panel”), a hearing will proceed during these times. Additionally, a panel hearing may not be available when the Student Conduct Officer or Vice President for Student Experience determine that appearing before the panel poses a threat to the physical welfare of panel members or witness(es). Hearings are scheduled around academic schedule on record of complainant and respondent.

The Hearing Panel shall be selected from the faculty, staff, and students of the institution. A Hearing Panel shall consist of five disinterested members — two faculty members, two students and one staff member —selected by the Campus Behavioral Assessment Team. A faculty member will be the chairperson. A list of Hearing 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 Campus Behavioral Assessment Team and/or a member of Legal Counsel will be present as a non-voting participant. His/her role will be to facilitate dialogue between the Hearing Panel and the students involved, direct the attention of the Hearing Panel and the parties to relevant points, act as an advisor to the Hearing Panel and answer procedural questions as needed.

A student’s advisor may participate directly to the same extent as the student. Such direct participation is a privilege which, if abused, may be withdrawn by the Chair of the Hearing Panel or the Student Conduct Officer. If the privilege is withdrawn, the advisor may continue to advise the student. However, if the advisor fails to act in accordance with the hearing procedure, the Chair of the Hearing Panel or the Student Conduct Officer may bar the advisor from the hearing. The student must notify Student Conduct Officer 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. Pre-Hearing Procedures**

The Hearing Panel will be selected by the Campus Behavioral Assessment Team based on their availability.

The Student Conduct Officer will prepare and send a written notice to the respondent and the complainant at least fifteen 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 to the section(s) of the Student Code of Conduct involved, including information regarding procedures for the process;
- 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;
- f. The hearing file including the investigation report (if applicable).

The Student Conduct Officer 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. Twelve Days in Advance of the Hearing**

- a. The respondent and the complainant will provide to the Student Conduct Officer copies of documents to be presented at the hearing, names of witnesses who will be called and the name and contact information of their advisor.
- 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. Materials will be sent via email ten days in advance of the hearing.

## **3. 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. 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 (Family Educational Rights and Privacy Act), all hearings will be closed. The respondent and complainant can present witnesses, who may be questioned by the Hearing Panel and the other participants. Questioning by the complainant or the respondent is permitted so long as it is relevant and is not threatening or harassing.

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, in 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 the Student Conduct Officer.

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 Hearing Panel must not consider any of the participant's statements when determining responsibility; however, the Hearing Panel cannot assume responsibility based solely on the participant's or witness's refusal to participate or answer questions.

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 Campus Behavioral Assessment Team. ""

### **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 decision will be communicated in writing to the Student Conduct Officer and Campus Behavioral Assessment Team, which will notify the respondent, and if appropriate, the complainant in writing within two days.

The notification letter will include allegations made against the respondent, alleged policy violations, a description of the procedural steps taken, 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 Office of Human Resources, Administration Building 212, within two days of the hearing.

In cases of sexual misconduct, dating violence, domestic violence, stalking, 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 will be provided with notification in writing of the final outcome of the conduct hearing against the alleged perpetrator, as required by the 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 fraternities/sororities)

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 is 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 Student Conduct Officer, 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. 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. **Conduct Probation** is a specified period of time during which the student is placed on formal notice that he/she is not in good standing with the university and that further violations of university regulations will subject him/her to suspension or expulsion from the university.
8. **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 State University-Oklahoma City 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 Student 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.

9. **Conduct Expulsion** is termination of student status for an indefinite period. The conditions of readmission, if any, shall be stated in the hearing outcome letter. Students who are expelled from Oklahoma State University-Oklahoma City are not permitted on campus or in university buildings, facilities or activities at any time for any reason, unless otherwise permitted by the Student Conduct Officer. 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 during the period of expulsion, 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**

Oklahoma State University-Oklahoma City 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 the Student Conduct Officer. 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 Student Conduct Officer or other conduct officer, or for noncompliance with conduct sanctions. The Vice President for Student Experience 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 Vice President for Student Experience or his/her 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 Vice President of Student Experience unless specifically requested to do so.

Any outcome decided in a hearing may be appealed to the Vice President of Student Experience by the respondent or the complainant.

The Vice-President of Student Experience, or their designee, will review the record of the prior hearing(s), related documents and evidence. The Vice-President of Student Experience will render a decision based upon the criteria cited as the reason for the appeal.

Appeals must be submitted in writing to the Student Conduct Officer by 5 p.m. within ten 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 Vice President of Student Experience, or their designee, 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.

The Vice President of Student Experience may:

1. Find there is no merit to any of the grounds cited in the appeal and issue a finding as such and that decision will be final.
2. Find the previous hearing was not conducted as prescribed and had substantial prejudice and remand the matter to a new hearing.
3. Refer the case back to the original hearing body to review new information.
4. If the sanction is determined to be inappropriate for the violation, the sanction will be modified with the reasons for the amended sanction stated.

The final decision will be communicated in writing by the Vice President for Student Experience to the complainant and the respondent. The decision will normally be communicated within ten days of receiving the written appeal. The decision of the Vice President for Student Experience or their designee will be final.

## **VI. Reviewing Authority**

Reviewing authority is retained by the Vice President for Student Experience, at his/her 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 record and will not constitute a conduct record. Student Conduct records with sanctions less than suspension or expulsion, will be maintained 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 10 years. Records of cases in which expulsion from the university occurred are kept indefinitely.

All conduct records are private 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.