

STUDENT CODE OF CONDUCT

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I. INTRODUCTION

A. Purpose

Oklahoma State University (OSU) promotes learning, advances knowledge, enriches lives, and stimulates economic development through teaching, research, extension, outreach and creative activities. In support of that mission, the Student Code of Conduct (Code) outlines university policies and procedures to which all students are expected to adhere during their time at OSU. The current version of the Student Code of Conduct is available at <https://campuslife.okstate.edu/student-conduct/>. For questions regarding the Student Code of Conduct, contact the Office of Student Conduct (Student Conduct) or the Office of the Vice President for Student Affairs

B. Authority

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

Students are expected to comply with all university policies, contracts, and/or agreements. Failure to do so may result in students being referred to Student Conduct. Conduct action may also be taken for any violation of local ordinances, state, or federal law, occurring on or off campus, which adversely affects the university community or the pursuit of the university's lawful educational mission, process, or function. The university will take necessary and appropriate action to protect the safety and well-being of the campus community. In addition, if a student is believed to have violated state or federal law, the university reserves the right to notify the appropriate authority.

Students subject to conduct procedures will be afforded due process and the ability to appeal as prescribed in this document and other relevant university policies, rules, or regulations. Students may be subject to civil and criminal penalties in addition to student conduct outcomes. The student conduct process 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.

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

C. Interpretation

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

D. Applicability

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

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

The university will take necessary and appropriate action to protect the safety and well-being of the campus community. This may include off-campus behavior that allegedly violates ordinances, local, state, or federal law which adversely affects the university community and the pursuit of the university's lawful educational mission. Such behavior may be subject to university conduct action. The Vice President of Student Affairs or their designee will decide whether off-campus conduct is subject to university conduct action.

E. Student Rights

During the student conduct process, respondents and complainants have the right to:

1. A written notice of the alleged violation(s);
2. An explanation of the student conduct process upon request;
3. A presumption of not being responsible for a policy violation;
4. A timely case resolution;
5. Be accompanied by an advisor;
6. Have access to the information and documents to be presented at a hearing in advance;
7. Be present during the entire proceeding, except during deliberation or when their presence would unreasonably conflict with the fair administration of the student conduct process;
8. Ask relevant questions to any participant present, either directly or indirectly;
9. Present relevant witnesses;
10. Receive written notification of the outcome of the conduct process. The complainant can only receive written notification of the outcome of the conduct process when permitted by federal law; and
11. An avenue to appeal the decision of a hearing.

F. 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 OSU faculty or staff member, an OSU student, a parent, a friend, or an attorney. Individuals may not serve as Advisors if they serve other roles in the process as outlined in this Code (i.e. conduct officer, witness, etc.) or if service in an advisory capacity would unreasonably conflict with the fair administration of the student conduct process. A student may have an advisor during an investigation process, but the role of the advisor is limited to advising the student.

Appeal: A written request for review of a hearing and findings, based on specific grounds. Additional information about appeal procedures can be found in Section III.E.

Appeal Officer: A trained employee of Oklahoma State University, external to the Office of Student Conduct, designated by the Vice President of Student Affairs or their designee to review and respond to appeals.

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

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

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

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

Hearing Officer: A trained individual designated by the Director of Student Conduct or their designee to adjudicate cases involving allegations of violations under this Code.

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.

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

Outcome: Status designations or education assignments are assigned to a student when found responsible for a policy violation at the conclusion of a resolution process. Outcomes are assigned after consideration of the totality of the circumstances and are designed to promote safety, individual accountability, and reflection.

Panel: Trained members designated by the President of Oklahoma State University or their designee to adjudicate cases through a Student Conduct Panel Hearing involving allegations of violations under this Code.

Preponderance of the Evidence: The standard used to determine whether a violation occurred under this Code. Under this standard, the burden of proof is met when information 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 admitted to the University and (a) registered for or pursuing undergraduate, graduate, or professional studies or courses at the University, both full-time and part-time, as well as persons attending classes on campus or off-campus; (b) not currently registered or enrolled for a particular term but who has a continuing relationship with the University; or (c) enrolled or participating in a University-sponsored program, including, but not limited to, orientation and study abroad programs.

University: Oklahoma State University and Northern Oklahoma College.

University Official: A university official is any person given authority by the university to perform administrative or professional responsibilities, including, but not limited to university police officers, staff, graduate/teaching assistants, administrative support staff, faculty, etc.

University Premises: Any buildings or grounds owned, leased, operated, controlled, or supervised by the university. Students should be advised that this includes properties that are not a part of the main university campus. Examples of these areas include, but are not limited to, Camp Redlands and Lake Carl Blackwell.

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

Witness: A person who provides relevant information about an incident or allegation through a verbal or written statement. Character witnesses are not generally considered relevant and thus will not be allowed.

II. PROHIBITED CONDUCT

A. Alcohol and Other Drug Offenses

1. Alcohol Offenses:

- a. Possession, consumption, purchase, or attempted purchase of alcohol while under 21 years of age
- b. Consuming, possessing, manufacturing, distributing, selling, or serving alcoholic beverages on university premises (including residence halls and sorority and fraternity housing) or at university-sponsored activities regardless of age, except as expressly permitted by university policy.
- c. Public intoxication under the influence of alcohol.
- d. Hosting by owners, residents, or others in control of the event or property where the underage consumption of alcohol occurs.
- e. Providing alcohol to individuals under 21 years of age.
- f. Incapacitation due to alcohol.
- g. Unlawful presence in a liquor (package) store while under 21 years of age.

2. Drug Offenses:

- a. Actual or intended unlawful possession, consumption, use, purchase, attempt to purchase, or sharing of any state or federally-controlled drug or substance. This includes behavior which intends to violate this policy. 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.
- b. Actual or intended unlawful distribution, delivery, cultivation, manufacturing, or sale of any state or federally-controlled drug or substance.
- c. Misusing over-the-counter drugs, medically prescribed drugs, or huffing/sniffing any substance not intended for such use.
- d. Inhaling or ingesting any substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a student's mental state.
- e. Possession or use of drug paraphernalia.

- f. Hosting by owners, residents, or others in control of the event or property where the unlawful possession or consumption of drugs occurs.
- 3. Driving Under the Influence: Operating or attempting to operate a motor vehicle, bicycle, or other personal transportation device while intoxicated or impaired by alcohol or other drugs.
- 4. Tobacco: Using tobacco in any form, including vaping, on campus, as prohibited by OSU Policy and Procedures Letter No. 1-0530. Possessing tobacco under the age of 21.

B. Offenses Against People

- 1. Harassment: 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.
- 2. Discrimination: Discrimination includes but is not limited to, disparate treatment directed toward an individual or group of individuals based on sex, race, color, sexual orientation, age, status as a veteran, gender identity or expression, pregnancy or pregnancy-related condition, sex stereotype, national origin, religion or a qualified individual with a disability that adversely affects their employment or education.
- 3. Retaliation: Behaviors including but not limited to, intimidation, threats, coercion, or discrimination against a person who, acting in good faith, brings a complaint forward or against an individual who has participated in an investigation or conduct process because of their report or participation. For more information, see the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges Policy 3.06 Non-Retaliation.
- 4. 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.
- 5. Physical Violence: Acting in a manner that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.
- 6. Dating Violence: Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such a relationship shall be determined based on consideration of the following factors: (1) length of relationship, (2) type of relationship, and (3) 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.

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

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

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

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

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

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

8. Sexual Harassment: Conduct on the basis of sex that satisfies one (1) or more of the following:
- 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);
 - 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; or
 - 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.

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

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

- 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;
- 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;
- Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- 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.

10. 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.

C. Offenses Against the Community

1. Disruption: Engaging in behavior which interferes with university activities, including, but not limited to studying, teaching, learning, research, university administration, or fire, police, or emergency services. This includes inhibiting other individuals' right to expressive activity as defined by Oklahoma law.
2. Disturbance: Engaging in behavior which disturbs the peace of campus residences, off-campus neighborhoods, or university-sponsored activities. This includes, but is not limited to, any non-consensual photography, video, or audio recording of another person when such recording causes or is likely to cause a reasonable person injury or harm.
3. False Identification: Possession, ownership, or use of false identification or another person's identification.
4. False Reporting: Knowingly making a false report of a bomb, fire, or other emergency.
5. Unauthorized Entry: Entering, attempting to enter, or being present in non-university buildings, residences, public or private property, facilities, or other areas without proper authorization.
6. Animals: Failing to properly leash and control the animal and properly dispose of its organic waste. Mistreating or physically harming an animal. Having unauthorized animals in university buildings. Emotional support animals are not allowed in non-residential university buildings. Emotional support animals are only allowed in residential university buildings when approved by Housing and Residential Life and Student Accessibility Services.

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

D. Offenses Against the University

1. Failure to Comply: Non-compliance with the lawful directions of any university official acting within the scope of their official duties. This includes failing to identify oneself to such a person when requested to.
2. False Information: Knowingly providing false information 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.
3. Forgery: Forging or using without authorization university documents or records, financial aid documents, computers, electronic mail, telephones, identification, or university property.
4. Unauthorized Use: Using or attempting to use any university building, facility, vehicle, equipment, room, area, or university-approved housing without proper authorization. This includes unauthorized possession or use of university keys, computers, lock combinations, or other special access codes or passwords.
5. Interfering with the Conduct Process: Falsifying, distorting, misrepresenting information before a conduct officer or Hearing Panel, or any other action that hinders the conduct processes, procedures, investigations, or outcomes; knowingly initiating a complaint without good cause; harassment or intimidation of any member of a Hearing Panel, witness(es), or university personnel before, during, or after a proceeding; and failure to comply with the outcome(s) imposed by either a Hearing Officer or Hearing Panel.
6. Housing & Residential Life Policies: Failing to comply with on-campus residence hall policies. Policies are available in the Housing and Residential Life Handbooks at <https://reslife.okstate.edu/policies/>.
7. Information Technology Policies: Failing to comply with the university's Information Technology policies. Policies are available online at <https://it.okstate.edu/policies-procedures-and-guidelines>.

E. Offenses Against Property

1. Theft: Unauthorized taking, appropriation, use, or possession of property belonging to another person or entity without authorization or possessing, retaining, or disposing of any stolen property.

2. Property Damage: Attempts of or completed defacing, damaging, or destroying property belonging to either the university, other individuals, or recognized groups.
3. Fire Safety: Engaging in misuse, obstruction, or unauthorized use of firefighting equipment, fire sprinkling systems, and other safety equipment or warning devices, engaging in behavior that creates a fire hazard, or failure to evacuate when a fire alarm is activated.

F. Other Offenses

1. Involvement in Prohibited Conduct: Presence, regardless of participation, during any prohibited conduct from the Student Code of Conduct in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.
2. Gambling: Illegal gambling for money or other things of value on campus or at university-sponsored activities.

III. STUDENT CONDUCT PROCESS

A. Student Conduct Procedures

1. Reports
 - 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 submit a report against a student alleging that a violation of the Student Code of Conduct has occurred. The university may also initiate a report.
 - b. Reports should be filed with Student Conduct as soon as possible but no later than eighteen (18) months after the occurrence. An extended gap of time from the date of the incident until the date of reporting may substantially limit the ability to collect relevant information. A late report regarding a violation alleged to have occurred more than eighteen (18) months prior may be accepted with the approval of the Director of Student Conduct or their designee.
 - c. The report should be submitted via the approved online form and signed before the commencement of the hearing process. The online form is found at <https://campuslife.okstate.edu/report.html>.
 - d. Reports 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 Action

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

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

3. Investigation

As needed, Student Conduct will conduct investigations to gather information related to a report. 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.

4. Determination of Resolution Type

Alleged violations of university policy may be addressed and resolved through one of the following resolution types: (1) Student Conduct Meeting, (2) Student Conduct Administrator Hearing, and (3) Student Conduct Panel Hearing. The process for each of these resolution types is described in greater detail in Sections (III.B – III.D).

Factors used to determine the appropriate resolution type for a particular allegation include, but are not limited to:

- Nature of the allegation
- Potential outcomes in the event of a responsible finding
- Whether or not the case involves a complainant
- Availability of Hearing Officers or Hearing Panel
- Request of the respondent or complainant

- Number of witnesses
- Potential threat of physical welfare for Panel Members or Witness(es)
- Complexity or sensitivity of the case
- University precedent

The Director of Student Conduct or their designee reserves the right to determine what resolution option is appropriate after considering the totality of the circumstances.

5. 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 outcomes will result.

6. Advisors

a. Advisor Participation

In either an investigation or Student Conduct Meeting, a student may have an advisor but the role of the advisor is limited to advising the student. The advisor may not may not present information, answer questions on behalf of the student, question relevant parties, or make statements during the proceedings.

In either a Student Conduct Administrator Hearing or a Student Conduct Panel Hearing, a student's advisor may participate directly to the same extent as the student. If abused, such direct participation may be withdrawn by either the Hearing Officer or the Hearing Panel as applicable. If direct participation is withdrawn, the advisor may continue to advise the student. However, if the advisor fails to follow the hearing procedure, the advisor may be removed from the hearing.

b. Notice of Advisor

For Student Conduct Administrator Hearings, the student must notify Student Conduct four (4) days in advance of the scheduled hearing if accompanied by providing the advisor's name and contact information.

For Student Conduct Panel Hearings, the student must notify Student Conduct twelve (12) days in advance of the scheduled hearing if accompanied by an advisor by providing the advisor's name and contact information.

B. Student Conduct Meeting

Upon determining that sufficient information exists to believe a violation of the Student Code of Conduct may have occurred, a hearing officer with jurisdiction, will notify the student in writing of the alleged violations against them. The notice will typically be delivered electronically, but in certain extenuating circumstances may be delivered in person or mailed to the student's last known address of record as filed in the Registrar's Office.

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

- a. An explanation of the alleged violation(s) of university policy;
- b. A summary of the facts and information that substantiate the allegations;
- c. The opportunity to provide their perspective of the incident or circumstances pertaining to the allegation(s)

Based on the information available at the time of resolution, the hearing officer will make a decision as to whether a student is responsible for the alleged violation(s) and may assign any outcome except suspension, deferred suspension, and expulsion. Cases resolved through a Student Conduct Meeting are final with no option to appeal or have other proceedings.

Failure to respond to a written allegation(s) or failure to complete the assigned outcome(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 of resolution.

C. Student Conduct Administrator Hearing

A Student Conduct Administrator Hearing is used to address allegations against an individual where suspension from the university is possible, if found responsible. Student Conduct Administrator Hearings are heard by a single Hearing Officer. Cases of suspension are only processed through the Office of Student Conduct.

1. Pre-Hearing Procedures

Student Conduct will prepare and send a written notice to the respondent and complainant at least five (5) days before the hearing. The notice will typically be delivered electronically, but in certain extenuating circumstances may be delivered in person 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. Name of the hearing officer for the case.

An Office of Student Conduct staff member will be available to meet with the complainant and the respondent, separately, to explain the hearing procedure and answer questions.

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

The respondent and the complainant shall provide to the Office of Student Conduct copies of any documents or exhibits they intend to present at the hearing and the names of witnesses who will be called.

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.

The respondent and the complainant will provide notice to the Office of Student Conduct of an advisor who will accompany them.

3. Hearing Procedures

The hearing provides a forum where all the information and documents can be presented, where questions can be asked of all parties, and where the hearing officer(s) can deliberate and make a decision using the preponderance of evidence standard. 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.

To protect the privacy of all parties and in accordance with FERPA, hearings will be closed. The complainant and respondent may remain throughout the hearing.

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

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. The investigation report is a compilation of relevant information, not a verbatim report, and is not appealable or rebuttable.

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 their absence. Failure to appear will be noted without prejudice. Findings will be based on the information available at the time of 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 outcomes.

The hearing officer 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 Vice President of Student Affairs or their designee to be appropriate.

4. Hearing Deliberations and Decision

The hearing officer 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 hearing officer 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 hearing officer may find that the information presented was sufficient to affirm the alleged violations and assign an outcome appropriate for the violation(s).

The decision of the hearing officer will be communicated in writing to the respondent and, if appropriate, the complainant, within a reasonable period of time after the conclusion of the hearing. The decision letter will include a determination of responsibility, the rationale for the decision, and outcome(s) imposed (if any). The decision letter will typically be delivered electronically, but in certain extenuating circumstances may be delivered in person or mailed to the student's last known address of record as filed in the Registrar's Office. The decision letter may also be picked up in the Student Conduct office.

D. Student Conduct Panel Hearing

A Student Conduct Panel Hearing (Panel) is used to address allegations against an individual where suspension or expulsion from the university is possible, if found responsible. This resolution type is also used for student discrimination grievances. A respondent or complainant in a case assigned to a Student Conduct Administrator Hearing may request the case be resolved through a Panel instead. Such a request will be evaluated by the criteria listed in section III.A.4.

Members of the Student Conduct Hearing Panel will consist of three (3) unbiased members — one (1) faculty member, one (1) student member, and one (1) staff member, and will be identified in the hearing file. The faculty member will serve as the Panel Chair. Prior to the hearing, alternate Panel members may be seated to be available in case of conflicts. The Hearing Panel makeup may be altered if insufficient unbiased members are available to allow for a timely hearing and if approved by the complainant and respondent.

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

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. The investigation report is a compilation of relevant information, not a verbatim report, and is not appealable or rebuttable. The investigation report will be available ten days in advance for all parties to review.

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

Panel members will be selected by Student Conduct based on their availability. Student Conduct will send a written notice to the respondent and the complainant at least fifteen (15) days before the hearing. The notice will typically be delivered electronically, but in certain extenuating circumstances may be delivered in person 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. The alleged prohibited conduct violations of the Student Code of Conduct;
- c. Information regarding procedures for the process;
- d. A brief explanation of the alleged violation(s) including the approximate date, time, and place where the alleged violation(s) occurred;
- e. Names of witnesses, if known;
- f. The right to be accompanied by an advisor and the advisor's role in the hearing.
- g. The hearing file including the investigation report (if applicable).

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

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

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

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

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

4. Hearing Procedures

The hearing provides a live forum where all the information and documents can be presented, where questions can be asked of all parties, and where the Panel can deliberate and decide to the standard of

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

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

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

The hearing (excluding the deliberations) will be audio recorded. The recordings are the property of the university and no other individual 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 or complainant elects not to appear for the hearing, the hearing will be held in their absence. If the respondent, complainant, or witnesses do not attend or participate in answering relevant questions at the hearing, the panel must not consider any of the participant's statements when determining responsibility; however, the panel cannot assume responsibility based solely on the participant's or witness's refusal to participate or answer questions. Witness information provided through the investigation process can be considered by the Panel even if the witness does not attend the hearing. In that case, the Panel should weigh their information appropriately.

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

At the conclusion of the hearing, all parties will be dismissed except for the 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 outcome. A respondent'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 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 Panel and other participants.
- e. The respondent will present information, call witnesses, and answer questions from the Panel and other participants.
- f. Closing statements may be presented to the Panel. Procedurally, the complainant is provided the opportunity to present first, followed by the respondent.
- g. All participants are dismissed for 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 Vice President of Student Affairs or their designee.

5. Panel Deliberations and Decision

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

- 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.
- b. The Panel may find that the information presented was sufficient to find the respondent responsible for violating the Student Code of Conduct and impose a outcome appropriate with the violation(s).

The Panel's decision will be communicated in writing to Student Conduct, which will notify the respondent, and if appropriate, simultaneously notify the complainant in writing within a reasonable period of time after the conclusion of the hearing.

The decision letter will include allegations made against the respondent, alleged policy violations, a description of procedural steps taken, determination of responsibility, the rationale for the decision, and outcome(s) imposed (if any). The decision letter will typically be delivered electronically, but in certain extenuating circumstances may be delivered in person or mailed to the student's last known address of record as filed in the Registrar's Office. The decision letter may also be picked up in the Student Conduct office.

E. Appeal

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

Any decision in a hearing may be appealed by the respondent and/or the complainant.

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

- Procedural Error. The hearing was not conducted in conformity with prescribed procedures which resulted in substantial prejudice to the respondent or the complainant;
- New Information. Information that was not available at the time of the hearing has been discovered that could have substantially affected the outcome of the hearing;
- Unreasonable Outcome. The outcome(s) assigned is clearly unreasonable and has no sound basis or justification.

1. Initial Review

After receipt of a submitted appeal, the Appeal Officer will review the appeal for to determine whether it aligns with the appeal grounds. If the submitted appeal does not align with the appeal grounds, then the appeal will be dismissed. If the Appeal Officer determines the submitted appeal aligns with the appeal grounds, it will be considered under a Full Review.

2. Full Review

Prior to the Full Review, any opposing party or university investigator involved in the case will be given ten (10) days to provide a written response to the appeal.

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

The Appeal Officer may take any of the following actions in response to an appeal:

- a. Deny the appeal under all grounds and uphold the decision of the original hearing. This decision is final and is not subject to any further appeals.
- b. Grant the appeal under the Procedural Error ground and refer it to a new hearing body.
- c. Grant the appeal under the New Information ground and refer it to the same hearing body.

- d. Grant the appeal under the Unreasonable Outcome ground and recommend the outcome be modified by the Vice President for Student Affairs or their designee with the rationale for that recommendation.

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

The result of the appeal will be communicated in writing by Student Conduct to the respondent and the complainant within a reasonable period of time.

IV. OUTCOMES

Outcomes are assigned to a student at the conclusion of a resolution process if they are found responsible and are designed to support the overall mission of Oklahoma State University. The outcomes listed below are not intended to serve as an exhaustive list of all outcomes the University may be able to utilize regarding a given student conduct concern.

A. Status Outcomes

1. Written Warning. 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. Conduct Probation. 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.
3. Restriction. A limitation on a student's privileges for a period of time and may include, but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the university, or denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, or leadership positions within housing, fraternities/sororities, or other organizations). Students must apply to re-instate the privilege by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.

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 Assistant Vice President of Campus Life, 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. Residence Hall Status Change: The following outcomes 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.
6. Conduct Suspension. The exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three (3) years and until the conditions which are outlined in the hearing outcome letter are met. Students who are suspended from OSU are not permitted on campus or in university buildings, facilities, or activities at any time for any reason during the period of suspension, unless otherwise permitted by the Vice President of Student Affairs or their designee. 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.
7. Conduct Expulsion. The termination of student status for an indefinite period. Students who are expelled from OSU are not permitted on campus or in university buildings, facilities, or activities at any time for any reason, unless otherwise permitted by the Vice President of Student Affairs or their designee. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested, a letter will be sent with the transcript to the requesting party/institution stating the student has been expelled for conduct reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student's conduct record. Any refund of tuition or fees will be subject to the university's normal withdrawal policy.

B. Educational Outcomes

1. Educational and Behavioral Change Requirements. An opportunity for personal development and can include, but are not limited to, attending alcohol education, a reflection essay, community service, seeking academic counseling, a decision-making class, and other relevant educational opportunities.

2. Restitution. 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.

C. Parental Notification

OSU reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students who are under the age of twenty-one (21) of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student. In instances when a student's parents or guardians will be contacted, students are generally given the opportunity to notify their parents or guardians prior to the university's communication with them.

D. Failure to Complete Assigned Outcomes

All students, as members of the university community, are expected to comply with conduct outcomes within the timeframe specified by Student Conduct. Failure to follow through on conduct outcomes by the date specified, whether by refusal, neglect, or any other reason, may result in additional outcomes 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 conduct officers, or for non-compliance with conduct outcomes. The Vice President for Student Affairs may recommend a graduation hold.

E. Implementation of Outcomes

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

V. REVIEWING AUTHORITY

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

VI. RECORD RELEASE AND RETENTION

In accordance with Federal and State regulations and in adherence to the Student Code of Conduct, students are afforded the right to request their disciplinary record. Student Conduct will disclose a student's disciplinary record to outside entities only with the student's authorization except as provided by law, under legal compulsion, or where the safety of persons may be involved. A student's disciplinary record includes any case where the student was found in violation of the Student Code of Conduct, including incidents of individual misconduct, academic misconduct, and sexual misconduct, unless otherwise noted in this Code.

Disciplinary history which does not include an outcome of either suspension or expulsion will be maintained by the Office of Student Conduct for seven (7) years after the date of resolution. Disciplinary history which includes the outcome of suspension will be maintained by the Office of Student Conduct for ten (10) years after the date of resolution. Disciplinary history which includes the outcome of expulsion will be maintained by the Office of Student Conduct indefinitely.