



STUDENT RIGHTS AND RESPONSIBILITIES GOVERNING STUDENT BEHAVIOR

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I. Introduction

Oklahoma State University is committed to creating and maintaining a productive living and learning community which fosters the intellectual, personal, cultural and ethical development of its students. Self-discipline and respect for the rights and privileges of others are essential to the educational process and to good citizenship. By joining the OSU community, students take on the responsibility to observe and help maintain standards of personal behavior that are a positive contribution to this academic community.

The purpose of Student Rights and Responsibilities Governing Student Behavior is to inform the student body of the standards of behavior expected of students in the OSU community, the processes in place for enforcing the rules, and the University's response to violations. The Code of Conduct and related processes serve to educate students about their civic and social responsibilities as members of the University community. Therefore, the primary focus of the disciplinary process is on educational and corrective outcomes; however sanctions such as suspension or expulsion from the University may be necessary to reinforce community standards and to protect the campus community. The most current version of the Code of Conduct is available electronically at <http://www.osu-tulsa.okstate.edu/academics/srr/srr.asp>

II. University Disciplinary Authority

Under authority granted by Article 6, Sections 31 and 31a of the Constitution of the State of Oklahoma and Title 70, 1991 Oklahoma Statutes, Sections 3412(a), (o), Oklahoma State University is granted full authority to distribute policies and procedures governing the conduct of its students.

By enrolling at Oklahoma State University, students accept responsibility for compliance with all University policies and contracts. Disciplinary action may also be taken for any violation of local ordinances, state or federal law, on or off campus that adversely affects the University community or the pursuit of the University's lawful educational mission, process or function. The University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community. Examples of off-campus behavior which may be subject to university disciplinary action include but are not limited to: selling or otherwise providing alcohol to underage students, selling or distributing illicit drugs, sexual violence, hazing, actions which result in the serious injury or death of another person(s), or repeated alcohol or drug offenses that jeopardize the individual's or community's educational opportunities. Sanctions for these violations will generally result in suspen-

sion or expulsion from the University. Students shall have the right of due process and appeal as prescribed in this document and other relevant University policies, rules or regulations. Students may be subject to civil and/or criminal penalties in addition to campus sanctions. Campus resolution may proceed before, during or after civil and/or criminal actions are concluded and is not subject to challenge based on the action or inaction of civil authorities.

A. Interpretation

Any question of interpretation regarding the Code of Conduct shall be determined at the sole discretion of the Chief Student Affairs Officer or his/her designee for final determination.

B. Statement of Non-Discrimination

Oklahoma State University is committed to equitable treatment in providing its services and applying its policies to all members of the University community. This commitment is based on our dedication to educational justice and the promise of each individual, as well as adherence to federal and state laws and the policies of our governing board. To reaffirm the policies and practices applicable at Oklahoma State University, all should know that OSU will not tolerate arbitrary and/or unreasonable discriminatory acts and procedures. Any member of the University community who believes s/he has been arbitrarily and/or unreasonably denied services and/or access to programs or activities through the University for which they are eligible may file appeal under current applicable grievance procedures. Grievance procedures for faculty, staff and students are available through the offices of Human Resources, Student Conduct Office or the Chief Student Affairs Officer's office, respectively.

C. Interim Suspension

Interim Suspension is an immediate suspension from the University upon written notice from the Chief Student Affairs Officer and the suspension is done without an informal or formal hearing, pending further disciplinary proceedings. The Chief Student Affairs Officer will base his/her decision on whether the allegation of misconduct is apparently reliable and whether the continued presence of the student on the University campus reasonably poses a threat to the physical or emotional condition and well-being of any individual, including the student, or for reasons relating to the safety and welfare of any University property, or any University function. Interim suspension usually includes physical exclusion from the campus.

A student suspended on an interim basis will be given a prompt opportunity to appear before the Chief Student Affairs Officer or designee within three (3) days following the interim suspension. In cases involving incarceration, the student may appear when available.

The interim suspension will remain in effect until a final decision has been made on the pending complaint either through an administrative hearing or formal hearing process or until the Chief Student Affairs Officer determines that the reason for imposing the interim suspension no longer exists.

D. Definitions

1. The term "adviser" means any person who has agreed to assist a complaining or responding student during a Student Conduct Committee Hearing. The adviser may be an OSU faculty or staff member, or another OSU student. The adviser is limited to advising the student and may not speak for or on behalf of a student.
2. The term "complainant" means any individual who files a disciplinary complaint or referral.
3. The term "day" means normal University working/school days, not including Saturday, Sunday and University holidays. Time deadlines may be extended during breaks and University holidays.
4. The Family Educational Rights and Privacy Act (FERPA) is a federal law passed in 1974 that defines student educational records, who may access those records, and under what circumstances.
5. The term "group" means a number of persons who are associated with each other, but who have not complied with University requirements for registration as an organization.
6. The terms "institution" and "University" means Oklahoma State University.
7. The term "organization" means a number of persons who have complied with university requirements for registration and/or recognition.
8. Parental Notification – The federal Family Educational Rights and Privacy Act permits educational institutions to notify parents of students under the age of 21 when a student has been found responsible for an alcohol and/or drug related violation. Students are generally notified when parents will be contacted and are given the opportunity to contact the parents first.
9. The term "student" means any person who is enrolled in courses, either full-time or part-time, including correspondence study, electronic means, Study Abroad, or auditing, or courses offered in Stillwater through Northern Oklahoma College or Tulsa Community College. Students are subject to disciplinary action for conduct that occurs during any period of enrollment. Students who leave the University before a disciplinary matter is resolved may be prohibited from future enrollment until such time as the matter is resolved. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students." This includes individuals who have been notified of their acceptance for admission.
10. The term "University premises" means buildings or grounds owned, leased, operated, controlled or supervised by the University.
11. The term "University sponsored activity" means any activity on University premises or at an off-campus location, which is directly initiated or supervised by the University.

III. Prohibited Conduct

The following list describes actions which detract from the effectiveness of a University community and for which students are subject to disciplinary action. The list is not all-inclusive but contains examples of prohibited behavior.

1. **Academic dishonesty/misconduct** including but not limited to cheating, plagiarism, unauthorized collaboration, and fraudulent alteration of academic materials. (See Section X of this document, OSU Academic Dishonesty Policy for detailed definitions and procedures.)
2. **Disruption or obstruction** of 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 officially arranged University activities off campus.
3. **Fighting or physical abuse** of any person, including physically restraining or transporting someone against his/her will, or similar action.
4. **Intentionally, recklessly, or negligently engaging in verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct** which threatens or endangers the mental or physical health and/or safety of any person or causes reasonable apprehension of such harm.
5. **Theft, attempted theft, unauthorized possession, and/or defacement, damage, or destruction of property** belonging to the University or others on University property.
6. **Hazing** is any action or activity which causes or intends to cause physical or mental discomfort or distress, which 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. See Hazing Statement, Appendix I, for the legal definition.)
7. **Sexual misconduct** includes, but is not limited to unwelcome sexual contact or acts which involve intimidation, coercion, the implied use or threatened use of force, use of intoxicants to substantially impair the victim's ability to give effective consent, engaging in such acts when there is reasonable cause to believe the other person is in a mental state which renders him/her incapable of understanding the nature of the contact, or where the victim is a minor; indecent exposure; and voyeurism. (See Sexual Misconduct Policy, Appendix C, for more details.)

8. **Sexual harassment**, a form of gender discrimination, includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:
 - a. submission to such conduct is made explicitly or implicitly a term or condition of leadership, membership in an organization, student social events, academic standing, or participation in any University activity; or
 - b. submission to or rejection of such conduct by an individual is used as a basis for evaluation, particularly in making employment or academic decisions affecting the individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with the other individual's performance or creating an intimidating, hostile, or offensive educational and University environment. (See Gender Discrimination and Sexual Harassment Policy, Appendix B in this document.)
9. **Stalking** - willfully, maliciously, and repeatedly following or harassing another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested.
10. **Gambling** for money or other things of value on campus or at university sponsored activities except as permitted by law.
11. **Failure to comply** with the lawful directions of any University employee acting within the scope of their official duties and/or failure to identify oneself to such a person when requested to do so.
12. **Violation of published University policies, rules and regulations** including, but not limited, to Residential Life and Fraternity and Sorority Affairs behavior standards, solicitation, distribution of literature, financial aid policies, etc.
13. **Any act which allegedly violates federal, and/or state law, local ordinances or University policies** and has an impact on campus safety and/or student success.
14. **Forgery or unauthorized use of University documents or records**, financial aid documents, computers, electronic mail, telephones, identification, or property or the use of University equipment to perpetrate a violation of the Code of Conduct or to violate local, state, or federal law.
15. **Providing false representations** 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 in, Oklahoma State University.
16. **Possessing, using, or storing firearms**, explosives, 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, and rifles. (See OSU Policy and Procedures Letter 1.1301.1).
17. **False reporting of a bomb, fire or other emergency.**
18. **Misuse or unauthorized use of fire fighting, fire sprinkling systems, and other safety equipment or warning devices.**
19. **Unauthorized entry into or use of any University building, facility, vehicle, equipment room or area.** This includes unauthorized possession or use of University keys, computers, lock combinations or other special access codes, including telephone codes.
20. **Illegal use, possession, sale, distribution, cultivation or manufacture of any state or federally controlled drug, substance or paraphernalia.** Students are expected to know and abide by all applicable laws regarding the consumption of low point beer and alcoholic beverages. (Also see Drug Free Schools and Workplace Policies, Appendices F and G.)
21. **Consumption, possession, distribution, sale and the serving of low point beer or alcoholic beverages** on the campus, in any of its buildings, regardless of age, except as expressly permitted by University policy. Exceptions to this policy permit the possession or consumption of low point beer and /or alcoholic beverages by persons of lawful age (21) within designated areas.
22. **Parties and/or large gatherings** which disturb the peace of campus residences or off-campus neighborhoods.
23. **Disorderly conduct** is behavior that is disorderly, lewd, indecent or a breach of peace on University property or at University-sponsored activities. Included is any non consensual photography, video or audio recording of another person on University premises when such recording causes or is likely to cause injury or distress.
24. **The use of tobacco** in any form in University classrooms, laboratories, libraries, field houses and other areas on campus except where specifically authorized by posted notice.
25. **Violation of University Information Technology** policies including, but not limited to, the electronic mail policy, the interim appropriate computer use policy, and the interim network security policy.
26. **Attempts and complicity:** attempts to or encouraging others to commit acts prohibited by this code will be sanctioned to the same extent as if one had committed the prohibited act.
27. **Classroom disruption** – behavior a reasonable person would view as substantially or repeatedly interfering with the instructor's ability to teach the class or the ability of other students to benefit from the instructional program.
28. **Interfering with the discipline procedures** or outcomes, including, but not limited to, falsification, distortion or misrepresentation of information before a hearing officer or hearing panel; knowingly initiating a complaint without cause; harassment and/or intimidation of any member of a hearing panel, witness(es), or university personnel before, during or after a proceeding; failure to

comply with the sanction(s) imposed by either a hearing officer or hearing panel.

IV. Disciplinary Responsibility

The responsibility for the campus discipline system is delegated from the Board of Regents for Oklahoma State University to the Chief Student Affairs Officer through the President. The Chief Student Affairs Officer further delegates discipline authority to the Student Conduct Office, Residential Life, and Fraternity and Sorority Affairs and designated hearing officers. A hearing officer is a University employee who is an officially designated administrator, faculty member, graduate assistant, or staff member. The goal is to resolve cases closest to the point of infraction for maximum educational benefit.

A. Disciplinary Process:

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

All complaints brought against students alleging violations of the University's policy prohibiting Gender Discrimination shall be subject also to the provisions of OSU Policy and Procedure No. 1-0702, "Gender Discrimination/Sexual Harassment Policy & Title IV Grievance Procedure"). The two policies are intended to be applied in harmony with one another wherever possible. However, to the extent that any of the provisions of this policy are in conflict with OSU P&P Letter No. 1-0702, for example, with reference to the reporting and timeliness provisions of P&P Letter No. 1-0702, the provisions of P&P Letter No. 1-0702 shall prevail. Any person having any questions about the interaction of these two policies should contact the Student Conduct Officer for assistance.

A.1 Complaints:

1. Any member of the University community (faculty, staff or student) may file a complaint against a student alleging that a violation of the Code of Conduct has occurred. The University may itself initiate a complaint.
2. Such complaint shall be filed with the official having jurisdiction as soon as possible but within 60 days of the alleged violation. The time may be extended at the discretion of the Chief Student Affairs Officer. If an individual is unsure of where to direct a complaint, contact the Student Conduct Office for advice.
3. The complaint must be submitted in writing and signed by the complainant(s). Included must be the date, time, place, name(s) of person(s) involved and sufficient detail to make a determination of whether disciplinary action may be warranted.
4. Names(s) of witness(es) should be included.

A.2 Evidentiary Standards:

The official having jurisdiction will be responsible for compiling sufficient information/evidence to substantiate the charge(s). The evidence must support a determination that it is "more likely than not" that a violation of the Code of

Conduct occurred for cases in which the potential sanction is less than expulsion. If expulsion is a possible sanction, the evidence must support a "clear and convincing" standard. Hearsay evidence and personal testimony may be considered and will be weighed accordingly.

A.3 Disposition of Charges:

Alleged violations of University regulations are normally resolved through an informal hearing process with a University Hearing Officer. If the Student Conduct Officer or other hearing officer believes that suspension or expulsion from the University is a possibility, the student will be referred to the Student Conduct Office where the formal hearing option and procedures will be explained to the student.

B. Student Rights in Conduct Proceedings

The University views the discipline 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.

Accused students have the right to:

1. a written notice of the alleged violation(s);
2. have no code violation assumed until proven;
3. a timely hearing;
4. be accompanied by an adviser. The adviser is limited to advising the student and may not present the case, question relevant parties, or make statements during the proceedings;
5. review the evidence;
6. question his/her accuser, either directly or indirectly, at the discretion of the hearing panel chair;
7. question witnesses, either directly or indirectly, at the discretion of the hearing panel chair;
8. present material witnesses; (those with first hand knowledge of the incident);
9. waive his/her right to a formal hearing and have the matter resolved informally;
10. a written notification of the outcome of the hearing;
11. an avenue for appeal from a formal hearing.

B.1 Complainant/Victim Rights

To encourage students to take responsibility for reporting code violations, complainants or victims have the right to:

1. be given an explanation of the discipline process;
2. have access to evidentiary material in advance of the hearing;
3. be present during the entire hearing;
4. be accompanied by an adviser during the hearing. The adviser is limited to advising the student and may not present the case, question relevant parties, or make statements during the proceedings;
5. a timely hearing;
6. question the accused and material witnesses, either directly or indirectly, at the discretion of the hearing panel chair;
7. In the case of sexual misconduct, the panel may in its discretion, exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the alleged perpetrator shall be presumed irrelevant. If the accused is found responsible for violating the Code of Conduct, the victim may submit an impact statement;

8. In cases of crimes of violence or sexual misconduct, the right to be notified of the outcome of any disciplinary proceeding.

C. Informal Administrative Hearing:

1. Upon determining that sufficient evidence exists to believe that a violation of the Code of Conduct may have occurred, the Student Conduct Officer or other hearing officer with jurisdiction will notify the student in writing of the alleged charges against him/her. The written notice will be hand delivered directly to the student or mailed to the student's local address as filed in the Registrar's Office.

Students are responsible for providing and maintaining a current local address to the Registrar's Office.

2. At the administrative hearing the student will be provided with the following:
 - a. an explanation of the allegations/charges which have been made;
 - b. a summary of the facts and information which substantiate the charges;
 - c. the opportunity to reflect upon and give his/her account of the incident or circumstances involved with the allegation(s);
 - d. an explanation of the decision of the hearing officer which may result in the following:
 1. the allegation(s)/charge(s) may be dismissed as unfounded;
 2. student may admit to the allegation(s) and a sanction imposed;
 3. the student may be found responsible for violating the Code of Conduct and a sanction imposed.
3. Possible sanctions may include, but not be limited to, verbal or written reprimand, restrictions, volunteer project/community service, educational class or program, restitution, graduation hold, cancellation of enrollment, conduct probation, and suspension.
4. Decisions reached at informal administrative hearings shall be final with no option to appeal or other proceedings.
5. Failure to respond to a written allegation of charges or failure to complete the assigned sanction(s) will result in either a hold being placed on the student's enrollment privileges or graduation, or a decision being made based on the information available at the time.

D. Formal Hearing Process

Formal hearing procedures are provided for allegations against an individual or group for which suspension or expulsion from the University are possible, if found responsible, and for student discrimination grievances. A Formal Hearing before a Student Conduct Committee Hearing Panel provides an extensive review and hearing of the evidence. Cases of suspension and expulsion are processed through the Student Conduct Office.

Any student whose behavior may warrant suspension or expulsion may waive his/her right to a formal hearing, in writing, and have the matter resolved informally through the administrative hearing process. The formal hearing option may also not be available during dead week, final examinations, breaks or other periods when a timely hearing by a Student Conduct Committee Hearing Panel is not possible, or when in the judgment of the Student Conduct Officer or Chief Student Affairs Officer, appearing before the judicial panel poses a threat to the physical welfare of panel members or witness(es). Such cases will be heard by the Student Conduct Officer or designee and any and all sanctions, including suspension or expulsion, from the University may be applied.

D.1 Sanction Proceedings:

Sanction proceedings will be utilized for cases as follows: 1) cases in which a student admits to the violation but disagrees with the sanction; 2) cases in which a student has been found responsible for a violation of the Code of Conduct through another discipline process within the University and for which suspension or expulsion is being considered or recommended. The proceeding is not a rehearing of a matter(s) but is a procedure to determine the sanction. Sanction proceedings can be processed administratively or through the Student Conduct Committee. The following will guide sanction proceedings:

1. The administrator or committee will have received and reviewed the results of the previous hearing;
2. The student will have the opportunity to make a brief statement relevant to the sanction decision;
3. The student may bring an adviser who may advise the student but may not present information on the student's behalf.

D.2 Composition of the Hearing Panel

1. The Student Conduct Committee will be appointed by the Student Conduct Officer and the Chief Student Affairs Officer.
2. A Hearing Panel of five (5) members is drawn from the Student Conduct Committee by the Student Conduct Officer. The five (5) members include two (2) faculty members, (2) students, and (1) staff person. One faculty member will be designated as the chairperson by the Chief Student Affairs Officer. Alternate hearing panel members may be seated to be available in case of conflicts. In unusual circumstances, a hearing panel of less than five (5) may proceed.
3. The Student Conduct Officer will be present as a non-voting observer/recorder and adviser to answer procedural questions as needed. If the Student Conduct Officer presents the case for the University, OSU legal counsel or other designee will serve as the adviser/recorder/observer.
4. If the charged student is accompanied by an attorney at the hearing, the University will have an attorney present

as well. Any adviser, including an attorney, is limited to advising the student, as noted elsewhere in this document.

D.3 Pre-Hearing Procedures

1. Hearing Panel Members will be assigned by the Student Conduct Officer based on their availability.
2. The Student Conduct Officer will prepare and send a written notice to the charged student or group at least five (5) University working/school days before the hearing. If expulsion is a possibility, a ten (10) day notice is required. The notice will be delivered in person or mailed to the student's local address of record as filed in the Registrar's Office and will include:
 - a. a statement of the date, time, place and nature of the hearing;
 - b. reference to the sections of the Code of Conduct involved;
 - c. a brief explanation of the alleged violation including the approximate date, time and place where the alleged violation occurred;
 - d. names of witnesses, if known;
 - e. acts or actions alleged to constitute a violation;
 - f. the right to be accompanied by an adviser. The adviser may not present the case, question relevant parties, or make statements during the proceedings. The student must notify the Student Conduct Office forty-eight (48) hours in advance of the hearing if accompanied by an attorney. In such case, the University will have an attorney in attendance.
3. The Student Conduct Officer will be available to meet with the accused student to discuss and explain the hearing procedures and answer questions.

D.4 72 Hours in Advance of the Hearing

1. The charged student will have the right to have access to and/or copies of documentary evidence to be presented at the hearing, during regular business hours.
2. The charged student will provide to the Student Conduct Officer copies of documentary evidence to be presented at the hearing and the names of witnesses who will be called. It is the responsibility of the accused student to notify his/her witnesses of the date time and location of the hearing.

D.5 Student Conduct Committee Hearing Process

1. The purpose of the hearing is to attempt to provide a forum where all the evidence and testimony 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 Code of Conduct did or did not occur. For cases of expulsion, the standard is "clear and convincing." Formal rules of process, procedure, and/or technical rules of evidence, such as are 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.

2. If the hearing panel concludes that a violation did occur, the panel decides what disciplinary action is appropriate.
3. To protect the privacy of all parties, and in accordance with FERPA (Family Educational Rights and Privacy Act), hearings will be closed.
4. Both sides have the right to present witnesses, who will be subject to questioning by the hearing panel. Questioning by the complainant or the accused is permitted so long as it is done in a civil manner.
5. The hearing (excluding the deliberations) will be audio tape recorded. The tape 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 tapes may be made to the Student Conduct Office.
6. If the charged student 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 time of the hearing.
7. 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, however, s/he may be asked to remain available for recall. The complainant and respondent remain throughout the hearing.
8. At the conclusion of the hearing, all parties will be dismissed except for the hearing panel so they may deliberate and reach a decision.
9. A student's past disciplinary record will be revealed to the Hearing Panel only if the accused is found responsible for the violation of the Code of Conduct under consideration. If the student raises the issue of past behavior during the hearing, the issue is then open to discussion.
10. The order of presentation at the hearing will be as follows:
 - a. Purpose of the hearing provided by the Chair of the Hearing Panel.
 - b. The University representative will present an opening statement.
 - c. The responding student may present an opening statement.
 - d. The University representative will present evidence and call witnesses.
 - e. The responding student will present evidence and call witnesses.
 - f. At the conclusion of each witness statement, s/he may

be questioned by the hearing panel, the accused student either directly or indirectly, or the University representative.

- g. Closing statement will be made by the University representative.
 - h. Closing statement may be made by the responding student.
 - i. All parties are dismissed for Hearing Panel deliberation.
11. The Student Conduct Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by modifying procedures as determined in the sole judgment of the Student Conduct Officer to be appropriate.

*Honesty statement: The University expects that all information presented will be truthful and accurate. Be advised that if false information is willfully provided, a student will be in violation of Section III(27) of the Code of Conduct and may be subject to disciplinary action.

D.6 Hearing Panel Deliberations and Decision

1. The hearing panel will deliberate a decision and, by majority vote, find whether or not a violation(s) of the Code of Conduct as charged has been proven by the evidence presented.
 - a. The panel may find that the evidence was not sufficient to establish that a violation of the Code of Conduct, as charged, was committed and dismiss the case.
 - b. The panel may find that the evidence submitted was sufficient to affirm the charges and impose a sanction commensurate with the offense.
2. The hearing panel decision will be communicated in writing to the student as soon as possible. The notification letter will include findings of fact, sanction(s) imposed and the rationale for the decision.

V. Appeal Procedure

Discipline decisions or grievance hearing recommendation(s) made by a Student Conduct Committee Hearing Panel may be appealed to the University Conduct Appeals Panel.

The University Conduct Appeals Panel is comprised of the following: a current or former faculty representative of the Student Conduct Committee, and a designee of the Chief Student Affairs Officer. The faculty representative serves as the chair.

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from the University to the student or group charged with the offense. The student or group must show that one or more of the listed grounds for appeal has merit. A student or group will not appear before the review panel unless specifically requested to do so by the panel.

1. Appeals must be submitted in writing to the Student Conduct Office within five (5) University working/school days of receiving the decision of the previous lower hearing. Failure to file an appeal, within the prescribed time constitutes a waiver of any right to an appeal.
2. The appeal must cite at least one of the following criteria as the reason for appeal and supporting argument(s).
 - a. Was the original hearing conducted in conformity with prescribed procedures?
 - b. Was the evidence presented at the lower previous hearing(s) "sufficient" to justify a decision against the student or group?
 - c. Has evidence which could substantially affect the outcome of the hearing been discovered since the hearing?
 - d. Is the sanction appropriate for the violation?
3. The University Conduct Appeals Panel will review the record of the original hearing, including documentary evidence, and make a written recommendation to the Chief Student Affairs Officer, based on the criteria cited as the reason for appeal.
 - a. If the Appeals Panel is presented with new evidence which is believed to substantially affect the outcome or finds that procedural error did occur, the matter may be remanded to the Student Conduct Officer with instruction for either a rehearing of the entire matter or reconsideration of specific issues.
 - b. If the sanction is considered too severe, the Appeals Panel may recommend the sanction be modified and the reasons for that recommendation.
4. The Chief Student Affairs Officer shall review the recommendation and may consult with Appeals Panel members in reaching a final decision. The final decision will be communicated in writing by the Chief Student Affairs Officer to the appealing student or group, with a copy sent to the chair of the appeals panel and the appropriate department. The decision will normally be communicated within ten (10) working/school days of receiving the written recommendation, but may take longer during University recesses or in a complex case.
5. The decision of the Chief Student Affairs Officer shall be final.

VI. Implementation of Sanctions

Disciplinary actions or grievance decisions shall not be implemented until either the time for appeal has expired, until the entire appeal process is completed or the individual or group voluntarily waives the right to appeal in writing. Exception to delaying the implementation of sanctions until the process is complete include: 1) when interim suspension has been invoked by the Chief Student Affairs Officer (see Interim Suspension procedures for details [Section II, C]); or 2) to protect the safety of others on the campus.

Reviewing authority is retained by the Chief Student Affairs Officer, at his/her discretion, to convert any sanction imposed to a lesser sanction, to rescind any previous sanc-

tion, or to return a recommended sanction to a disciplinary committee for review and/or reconsideration.

VII. Disciplinary Files and Records

1. Case referrals will result in the development of a disciplinary file in the name of the accused student. If the student is found not responsible for the charges, the file will be marked no action, no record, and shall not constitute a disciplinary record. Such files will be destroyed after one year.
2. The files of students found responsible for charges against them, with sanctions less than suspension or expulsion, will generally be maintained in the Student Conduct Office for seven (7) years from the calendar year of record, after which they are destroyed.
3. Records of cases in which suspension or expulsion from the University occur, are kept for ten (10) and fifteen (15) years respectively.
4. Confidentiality - All disciplinary records are confidential and may not be disclosed in whole or in part except as provided by law or by the written authorization of the student, under legal compulsion or where the safety of other persons may be involved. Disciplinary records are maintained separate from the student's academic record but are part of the student's educational record.
5. Re-release of disciplinary information/records - Unless otherwise accepted, individuals participating in disciplinary proceedings are bound by law to not disclose information discussed in the proceedings. When disciplinary records are permitted to be disclosed to an individual, only that information should not be re-disclosed, under penalty of law.

VIII. Disciplinary Sanctions

Although not intended to be inclusive, the following are possible sanctions that may be imposed, either singularly or in combination for a student or group/organization.

1. Reprimand may be oral or written, warning that further violations of University regulations could result in additional disciplinary action.
2. Restriction upon a student's privileges for a period of time and may include but not be limited to denial of use of facilities or access to parts of campus, denial of the right to represent the University, denial of participation in extra-curricular activities.
3. Voluntary project, community service or education class or project beneficial to the individual, campus or community may be prescribed.
4. Restitution for loss, damage, or injury to University property or other owners, or injured parties. Restitution shall be limited to the actual cost of repair or

replacement and/or damage to property or person, such as medical bills.

5. Deactivation is a group's loss of all privileges, including Oklahoma State University recognition, for a specified period of time.
6. Enrollment hold is a "hold" on enrollment privileges for failure to meet with the Student Conduct Officer or other hearing officer or for failure to comply with assigned conditions or complete assigned sanctions. This hold can prevent the adding or dropping of classes and enrolling for subsequent terms.
7. Cancellation of enrollment can be implemented where a previous hold has been cleared with the condition that the enrollment will be cancelled for failure to meet the conditions of the clearance. If cancelled, the refund of tuition or fees will be subject to the University's normal withdrawal policy.
8. Graduation hold for failure to respond to a request to meet with the Student Conduct Officer or other hearing officer, or for noncompliance with disciplinary sanctions. The Chief Student Affairs Officer may place a hold on a student's participation in graduation exercises and/or diploma.
9. Conduct probation is a specified period of time during which the student is warned that s/he 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. Probation may include additional conditions or sanctions. The probationary status and conditions are documented in writing.
10. Disciplinary suspension is written notification of the termination of a student's status with the University for a specified period of time and includes a student's total separation from the University. Students who are suspended from Oklahoma State University are not permitted on campus at any time for any reason during the period of suspension/expulsion, unless otherwise directed by the Vice President for Student Affairs or his/her designee. Conditions for re-admission shall be stated in the written notification, including approval of the Student Conduct Office. Notation on the transcript is not made, however, a record of the action is maintained in the student's permanent record in the Registrar's Office for the duration of the suspension. If a transcript is requested during the period of suspension, the Student Conduct Office will send a letter to the requesting party/institution stating the student is under suspension for conduct reasons. Any refund of tuition or fees will be subject to the University's normal withdrawal policy.
11. Disciplinary expulsion is written notification of permanent separation of the student from the University. Expulsion will be recorded on the front of the academic transcript and becomes a permanent part of a student's disciplinary record. Any refund of tuition or fees will be subject to the University's normal withdrawal policy.

IX. Academic Policies, Rights and Responsibilities

A. General Statement:

All members of the OSU community are entrusted with academic integrity, which encompasses the fundamental values of honesty, trust, respect, fairness and responsibility.

As members of the academic community, students have both rights and responsibilities. The most essential student right is the right to competent instruction under conditions conducive to learning. The most important responsibilities are to respect the rights of other members of the academic community and to conform to standards essential to the purposes and processes of the University. The following policies and procedures are designed to facilitate communication, foster academic integrity, and defend freedoms of inquiry, discussion and expression.

B. Access to Academic Programs:

As a comprehensive, land grant, public university, OSU is committed to serving a wide spectrum of people. Access to the programs and services of the institution should be governed by the following principles:

Within the limitations of its facilities, resources and personnel, the University should be open to all persons who are qualified according to admissions standards.

Except where limited by admission standards of professional and graduate programs of study, students who have been admitted to and are in good standing with the University are allowed to enroll in any major offered by any college.

Students are responsible for representing themselves truthfully and accurately at all times. Providing false or misleading information to gain admission to or advancement in a program or course of study violates this responsibility and may result in forfeiture of one's opportunity to access an academic program.

C. Student/Faculty Relations and Classroom Activities:

The University is an academic community where honest academic conduct is fostered and where even-handed treatment in all aspects of the teacher-student relationship exists. The following principles will facilitate such an environment:

Students should enjoy free inquiry and expression. They should be free to take reasoned exception to the data and views offered in a course and to reserve judgment about matters of opinion. However, students are still responsible for maintaining standards of academic performance and learning the contents of any course of study for which they are enrolled.

Subject matter presented to students in a course of study should be generally consistent with the description, purpose, and scope announced for the course.

Students should be free from arbitrary, capricious or discriminatory action by faculty and should have protection and proper recourse through established procedures.

Faculty should evaluate students and award credit based on professionally judged academic performance and not on matters irrelevant to that performance, whether personality, race, age, sex, sexual orientation, religion, national origin, disability, degree of political activism or personal beliefs. Course grades given to students should reflect the standards of academic integrity and performance established by the faculty member and the University.

Students and faculty are expected to help maintain the quality and integrity of the educational process by conducting themselves in an honest and ethical manner. Any violations of academic integrity represent an erosion of academic standards and should not be tolerated by the teacher or the student. Knowledge of any violations should be reported and dealt with through established policies and procedures.

Students are responsible for fulfilling degree requirements and planning class schedules. It is their responsibility to become informed of degree requirements and to meet those requirements satisfactorily.

Students should enroll in courses with the intention of devoting the effort both inside and outside the classroom to complete all their requirements satisfactorily.

It is the responsibility of the student to be prepared, prompt, attentive and courteous in the classroom and conform to policies set by the teacher to maintain academic decorum.

D. Grievance Procedure on Spoken English Proficiency of Teaching Personnel:

It is the policy of OSU that all persons employed as members of the faculty, as teaching assistants or teaching associates, or for any other assignments involving oral instruction, be proficient in spoken English. Any student may file a complaint regarding the English language ability of any instructional employee. Students should file such complaints initially with the head of the academic department in which the course is taught. The department head shall report to the office of the dean of the college the name of the person against whom the complaint was received; the name of the person making the complaint, the course number, section, and semester involved; and the nature and resolution of the complaint. The President or his designee shall investigate the complaint and make such disposition as may be warranted.

E. Student Appeal of a Final Grade Not Involving an Allegation of a Violation of Academic Integrity

The following statements regarding appeals of a final grade are excerpted from the official University policy, #2-0821. For copies of the policy and the procedure go to osu.okstate.edu/acadaffr/aa/CurrentStudents.htm. For assistance, contact your adviser or the Director of Academic and Enrollment Services.

1. It is the responsibility of the faculty members to communicate to students early in the term a clear statement of the grading practices and procedures that will be used to determine the student's final grade. If a student believes those practices and procedures were not

consistently and accurately followed when the faculty member determined the student's final grade and if informal discussion fails to resolve the issue, the student shall have the right to appeal the case to the Grade Appeals Board within four (4) months after the grade was assigned, or six (6) weeks after the student begins a new semester, whichever comes first.

2. In hearing a case, the Grade Appeals Board shall base its decision of changing or not changing the assigned grade solely upon whether the grade was assigned fairly within the grading system communicated by the faculty member. In all other instances, the case will be referred back to the departmental and college levels for resolution.
3. The Grade Appeals Board has the authority to instruct the Registrar to change a final course grade.

X. Academic Integrity

The following information is excerpted from the official OSU Policy: Academic Integrity, #2-0822. The complete policy and procedure is available at osu.okstate.edu/acadaffr/aa/CurrentStudents.htm.

An institution's reputation and intellectual freedom depend on its uncompromising commitment to the ideal of academic integrity. OSU is committed to instilling and upholding integrity as a core value. OSU is dedicated to maintaining an honest academic environment and ensuring fair resolution of alleged violations of academic integrity. The following statement summarizes OSU's Commitment to Academic Integrity:

I will respect OSU's commitment to academic integrity and uphold the values of honesty and responsibility that preserve our academic community. Students are expected to demonstrate academic integrity through the following actions:

- understand and uphold the academic integrity guidelines established by the University and the instructor.
- present their own work for evaluation by their instructors.
- appropriately cite the words and ideas of others.
- protect their work from misuse.
- accept responsibility for their own actions.
- treat instructors and members of the Academic Integrity Panel with respect when violations of academic integrity are examined or appealed.
- trust instructors and members of the Academic Integrity Panel to enforce the academic integrity policy and procedures.

Students are urged to sign the OSU Commitment to Academic Integrity statement and inform students or notify instructors when they observe violations of academic integrity. Instructors are expected to demonstrate academic integrity through the following actions:

- understand and uphold the academic integrity policy and procedures. Instructors have the authority to set reasonable standards in their classes within the guidelines provided.
- clearly discuss and communicate information about academic integrity to students.

- reduce opportunities for dishonesty through vigilant exam security and proctoring, and give clear instructions for homework and projects.
- fairly and consistently evaluate students and award credit based on professionally judged academic performance established by the instructor.
- trust students to follow the academic integrity policy until the instructor has sufficient information to substantiate a violation, then confront students with information about the alleged violation, follow the procedures and report violations.
- be fair in the evaluation of information that may indicate a student has violated academic integrity.
- assure that teaching assistants or adjunct instructors who work under their direction understand and uphold academic integrity policy and procedures.
- treat students and members of the Academic Integrity Panel with respect when violations of academic integrity are examined or appealed.
- trust members of the Academic Integrity Panel to enforce the academic integrity policy and procedures when violations are appealed.

Instructors are urged to use the OSU Commitment to Academic Integrity statement in course syllabi or examinations.

A. Violations of Academic Integrity

Behaviors that violate the fundamental values of academic integrity may include, but are not limited to:

1. **Unauthorized Collaboration:** Completing an assignment or examination with other students, turning in work that is identical or very similar to others' work, or receiving help on assignments without permission of the instructor. This may also include excessively relying upon and borrowing the ideas and work of others in a group effort.
2. **Plagiarism:** Presenting the written, published or creative work of another as the student's own work. Whenever the student uses wording, arguments, data, design, etc., belonging to someone else in a paper, report, oral presentation, or other assignment, the student must make this fact explicitly clear by correctly citing the appropriate references or sources. The student must fully indicate the extent to which any part or parts of the project are attributed to others. The student must also provide citations for paraphrased materials. The following are examples of plagiarism: copying another student's assignment, computer program or examination with or without permission from the author; copying another student's computer program and changing only minor items such as logic, variable names, or labels; copying or paraphrasing material from an Internet or written source without proper citation; copying words and then changing them a little, even if the student gives the source; verbatim copying without using quotation marks, even if the source is cited; and expressing in the student's own words someone else's ideas without giving proper credit.
3. **Multiple Submissions:** Submitting substantial portions of the same academic work for credit to more than one class (or to the same class if the student repeats a course) without permission of the instructors.

4. **Cheating on Examinations:** Gathering unauthorized information before or during an examination from others, using notes or other unapproved aids during an examination, failing to observe the rules governing the conduct of examinations (for example, continuing to work on an examination after time is called at the end of an examination), or having another student to take an examination for the student.
5. **Fabricating Information:** Making up references for a bibliography, falsifying laboratory or research data (for example, tampering with experimental data to obtain "desired" results or creating results for experiments that were not done), or using a false excuse for an absence or an extension on a due date.
6. **Helping Another Person Cheat:** Providing information about an examination to another student (for example, sending an electronic message with answers during an examination), giving unauthorized help on assignments, or failing to prevent misuse of work by others (for example, allowing another student to copy an examination, assignment, or computer program). A student must take reasonable care that examination answers are not seen by others or that term papers or projects are not plagiarized or otherwise misused by others. This category also includes taking an examination on behalf of another student.
7. **Unauthorized Advance Access to Examinations:** Obtaining an advance copy of an examination without the instructor's permission or getting questions and answers from someone who took the examination earlier.
8. **Altering or Destroying the Work of Others:** Changing or damaging computer files, papers or other academic products that belong to others.
9. **Fraudulently Altering Academic Records:** Altering graded papers, computer materials/records, course withdrawal slips or academic documents. This includes forging an instructor or adviser signature and altering transcripts.

These behaviors may subject the student to disciplinary action including receiving a failing grade on assignment, examination or course, receiving a notation of a violation of academic integrity on the transcript, and suspension from the University.

B. Procedures For Alleged Violations of Academic Integrity

1. The instructor (e.g., instructor of record, teaching assistant, member of a graduate student committee, professional education program, or veterinary house officer) discovers sufficient information to substantiate an alleged violation of academic integrity. The information should support a determination that it is "more likely than not" that a violation of academic integrity occurred.
2. Within seven (7) school days of the discovery, the instructor prepares an Academic Integrity Violation Notification Form (including a list of possible Academic Integrity Facilitators) and gives or mails the form to the student. An Academic Integrity Facilitator is an instructor, adviser or academic administrator who is trained in academic integrity policy and procedures. Once an instructor has identified an alleged violation of academic integrity, the student may not drop the course.

Students who drop the course will be re-enrolled by the Registrar.

3. The student contacts the instructor within five (5) school days of receiving the memo to schedule a meeting.
4. The student, instructor and Academic Integrity Facilitator meet to discuss the alleged violation and sign the Academic Integrity Resolution Form. The following actions may result from this meeting:
 - a. The instructor and student agree that no violation of academic integrity occurred.
 - b. The student admits responsibility for a violation and accepts the instructor's sanction.
 - c. The student admits responsibility but does not agree with the sanction. The instructor assigns a sanction.
 - d. The student denies responsibility for the alleged violation and does not agree with the sanction. The instructor assigns a sanction.
 - e. The student fails to appear for the resolution meeting. The instructor and facilitator discuss the alleged violation, the instructor assigns a sanction and they sign the Academic Integrity Resolution Form. A copy of the form is mailed to the student, the instructor retains a copy, and a copy is sent to Office of Academic Affairs.

The assigned sanction becomes final if the student does not submit an appeal form to the Academic Integrity Panel by the five (5) day deadline.

5. The instructor awards an academic sanction for alleged violations of academic integrity. The following sanctions are recommended based on the seriousness of the violation:
 - a. **Level one sanction:** grade of "zero" or "F" for the assignment or examination for violations including but not limited to the following:
 - Copying a few sentences of material (1-5 sentences or a minor portion) from a written or Internet source without proper citation.
 - Cheating on a quiz or minor assignment.
 - Receiving unauthorized help on an assignment.
 - Working on an assignment with others when the instructor asked for individual work.
 - Using a false excuse to obtain an extension on a due date.
 - Signing an attendance roster for someone who is absent or asking someone else to sign the roster to avoid being counted absent.
 - b. **Level two sanction:** grade of "F!" for the course for violations including but not limited to the following:
 - Turning in a paper copied from another student.
 - Turning in a paper obtained in full or in part from a term paper "mill" or website.
 - Copying material almost word for word from a written source and turning it in as one's own work.
 - Fabricating or falsifying a bibliography.
 - Getting questions or answers from someone who has taken an examination.
 - Obtaining an unauthorized copy of an examination in advance.
 - Using unauthorized notes during an examination.
 - Having another student take an examination.
 - Inappropriate use of technology (camera phones, text

messaging, programmable calculator, etc.) during an examination.

- Copying from another student during an examination with or without his/her knowledge.
- Helping someone else cheat on an examination.
- Stealing an examination or problem answer from the instructor.
- Altering a grade or scoring on an examination or paper to obtain unearned credit.
- In a course requiring computer work, copying another student's program rather than writing one's own.
- Fabricating or falsifying laboratory or research data.
- Inappropriately sharing or using work on an online assignment or examination.
- Turning in work done by someone else.
- Submitting substantial portions of the same assignment to more than one class without permission of the instructors.

For level two sanctions the transcript will indicate that a grade of "F!" signifies that the student failed the course because of an alleged violation of academic integrity.

c. Level three sanction: recommend dismissal from the graduate, professional education, or Veterinary Medicine program and suspension from the university for the following types of violations:

- Plagiarism or other violations of academic integrity in a thesis or dissertation proposal, qualifying examination, comprehensive examination, thesis or dissertation, report for a creative component, thesis or dissertation defense, or professional education portfolio.
- Fabrication or falsification of research or laboratory data used in a creative component, report, thesis or dissertation.
- Violations listed under level two sanctions, committed by veterinary medicine students.

Instructors should assign level one or two sanctions for alleged violations of academic integrity. The recommended levels of sanction should be used by the instructor unless they provide a specific written policy during the first week of class (e.g., an instructor may assign an F! for receiving unauthorized help on an assignment if they provide a written statement during the first week of class).

6. The instructor or Academic Integrity Panel may permit a student to drop a course with a grade of "W" if the allegation is dismissed or if the student admits responsibility for a level one sanction. A student may not drop a course in which the "F!" grade was assigned.
7. Certain violations (e.g., theft of an examination) may also violate the Student Code of Conduct.
8. Students may remove the first "!" from their transcript by completing an academic integrity education program. The "!" will remain on the transcript for a minimum of one semester.
9. Students who are accused of a second alleged violation of academic integrity with a sanction of a "zero" or "F" on an assignment or examination will be referred to the Academic Integrity Panel. After conducting a hearing,

the Panel may change the sanction for a second violation to an "F!" for the course.

10. Students who received one "F!" and violate academic integrity a second time will be suspended from the university. This penalty will be assessed if the first "!" was or was not removed, or if the second incident was a level one or level two violation. In such cases, the Academic Integrity Panel will meet with the student and instructor to determine if the student is responsible for violating academic integrity. If the Academic Integrity Panel finds that the student committed the alleged act, the student will be suspended from the university for no less than one regular (fall or spring) semester.

C. Procedures For Appeals of Alleged Academic Integrity Violations

1. The student will use the following procedures in filing an appeal:
 - a. Obtain and complete an appeal form that is available from the Office of Academic Affairs, 101 Whitehurst. The student should submit documentation to support his or her appeal.
 - b. Submit the appeal form to the Assistant of the Academic Integrity Panel within five (5) school days after the Academic Integrity Resolution Form was signed. The Assistant, who can be contacted in the Office of Academic Affairs, gives the student notice of receipt of the appeal, notifies the instructor of the course, and assigns a consulting member of the Academic Integrity Panel to assist the instructor and student in under standing the appeals process, assembling the supporting documents, and transmitting the case to the Academic Integrity Panel.
2. The instructor submits sufficient information to substantiate the alleged violation of academic integrity and the sanction.
3. The student and instructor have the right to appear in a hearing before an Academic Integrity hearing panel. Students have the following rights during the hearing:
 - a. Written notification of the time and place of the hearing of the appeal. This notice will be mailed to the student's local address (as listed in the Student Information System).
 - b. A copy of the Academic Integrity Violation and Resolution forms.
 - c. The right to appear in person and present his/her case. Either party may elect not to appear; in this instance, the hearing shall be held in his/her absence. Failure to appear must be noted without prejudice.
 - d. The right to meet with the hearing panel at the same time, so no further allegations can be made against the student without the student's knowledge or against the instructor without the instructor's knowledge.
 - e. The right to be accompanied by one adviser (colleague or friend); however, the adviser may not address the hearing panel.
 - f. The right to call witnesses to assist in establishing facts of the case.
 - g. The right to ask questions.
 - h. The right to an explanation of the reasons for any decision rendered.
 - i. The right to be free from retaliation by the instructor.

- j. The assurance that all personally identifiable information about alleged violations of academic integrity will be confidential under provisions of the Family Educational Rights and Privacy Act (FERPA) and will not be disclosed except as permitted by the Act or with written permission of the student.
4. The Academic Integrity Panel determines if A) the student committed an act that violates academic integrity and B) the sanction is appropriate. The Panel will make one of the following decisions:
 - a. The student is found not responsible for a violation of academic integrity. The instructor shall remove the sanction and assign an appropriate grade. The instructor or Academic Integrity Panel may permit a student to drop a course with a grade of "W."
 - b. The student is found responsible for a violation and the sanction is appropriate.
 - c. The student is found responsible for a violation but the sanction is not appropriate. The panel may increase or decrease the sanction.
 5. After each decision, the Chair of the Academic Integrity Panel sends a letter to the student, instructor and Office of Academic Affairs.
 6. The student or instructor may submit a written request for a decision (final) appeal before the Academic Integrity Appeals Panel. The student or instructor must submit an appeal within seven school days after the letter from the Academic Integrity Panel is mailed if the academic integrity procedure was not followed. If new information becomes available after the hearing that could substantially affect the outcome, the student or instructor may submit an appeal within one (1) year. The Chair of the Appeals Panel will determine if the decision (final) appeal will be considered. Refer to the Academic Integrity policy and procedures for details on the decision (final) appeal.
 7. The decision of the Appeals Panel is final.

XI. Conduct Rights and Obligations of Student Organizations

As individual students are asked to uphold certain expectations, organizations and their officers are under obligation to the University and larger community to maintain high standards of ethics and conduct. This includes proper maintenance of financial records and sponsorship of events and activities that uphold the standards of the University. Any activities that encourage the improper conduct of student members which violate the prohibitions contained within the Student Rights and Responsibilities Governing Student Behavior may cause the charter of the organization to come under judicial review by the appropriate administrative judicial board.

A. Benefits Afforded Student Organizations:

1. Benefits available to both registered and recognized organizations are:
 - a. The opportunity to use designated University facilities for regularly scheduled meetings, usually at no cost.

- b. The opportunity to use the student notices section in the *Daily O'Collegian*.
- c. The opportunity to use the bulletin boards on campus, with the proper registration.
- d. The opportunity to use the non-postage campus mail service for the distribution of materials pertaining to the business of the organization.
- e. The opportunity to use the name of the University to show affiliation.

B. Obligations of Student Organizations:

1. Required Information: Each student organization is required to submit the following information to the Office of Campus Life by no later than the first Friday of October of each fall semester or when new officers are elected. Changes during the school year need to be reported promptly.
 - a. The name, address and telephone number of each officer.
 - b. Name of the organization's faculty advisor.
 - c. Time and place of regularly scheduled meetings.
 - d. The purpose of the organization.
2. Advisors: Each registered or recognized organization must have an advisor who is a full-time faculty or staff member. Other exceptions to this rule may be granted by the Office of Campus Life. Advisors responsibilities include:
 - a. Attending group meetings.
 - b. Assisting in program and/or project development.
 - c. Serving as a resource to the organization with regard to University policy and procedures.
 - d. Advising the organization on financial matters.
3. Financial Obligation: All funds of recognized organizations must be kept on deposit with the University if obtained in any of the following ways:
 - a. Funds collected by the University on behalf of the organization.
 - b. Funds allocated by the University to the organization, including the Activity Fees Allocation process.
 Funds of those groups on deposit with the University may not be used to purchase alcohol or beer. Likewise student organizations are prohibited from using mandatory fees, dues or assessments paid by members of the group to buy alcohol or beer.
4. Meetings: It is the responsibility of the student organization to schedule its meetings in accordance with the policies of the University, Campus Life and the room being scheduled. Only registered or recognized student groups may schedule, sponsor or hold activities using University facilities, property or buildings unless a special exception has been made by the Coordinator of Campus Life and the OSU-Tulsa Events Coordinator.
5. Use of Facilities and Grounds
 - a. Facilities - Student organizations are encouraged to use facilities at OSU-Tulsa. Room reservations may be made through the OSU-Tulsa Events Coordinator. All groups will be expected to comply with the following statements:

- Facilities will be scheduled through the OSU-Tulsa Events Coordinator.
- The purpose of the activity is consistent with the stated purposes of the organization.
- The organization will comply with the facilities utilization policies of the scheduled areas.

b. Campus University Grounds - All outdoor activities of Student Organizations on the OSU-Tulsa Campus shall be scheduled and approved through the Office of Campus Life and the OSU-Tulsa Events Coordinator. The only exception shall be for academic (classes) and intramural sports. Each group is responsible for the preservation and the maintenance of the grounds assigned. In the event damage occurs, financial responsibility will be assumed by the group and its officers.

6. Pre-Finals and Finals Week Policy:

- a. Student organizations organizing, sponsoring, scheduling or holding activities are responsible for complying with the University's Pre-Finals and Finals Week policy. During pre-finals week no student or campus organization may hold meetings, banquets, receptions, or may sponsor or participate in any activity, program, or related function which requires student participation. Any exception to this policy must have prior approval from the appropriate Department Head, the Coordinator of Campus Life and the Vice President for Academic Affairs.
- b. Final examinations are scheduled at the end of each semester and are preceded by pre-finals week which shall begin seven (7) days prior to the first day of finals. During pre-finals week, all normal class activities may continue; however, no assignment, test or examination accounting for more than 5% of the course grade may be given; and no activity or field trip may be scheduled that conflicts with another class. This excludes make-up and laboratory examinations and independent student courses.

7. Faculty and Staff Representatives at Functions:

It is desirable for student groups holding functions to host faculty and staff representatives at their activities. The institutional representatives may be the faculty advisor and guest.

8. Poster and Posting Regulations:

- a. Registered or recognized student organizations are allowed to post signs, handbills or fliers in designated areas in buildings at OSU-Tulsa. All materials to be posted must be registered and approved by the Office of Campus Life. Others wishing to post materials may inquire at the Office of Campus Life.
- b. Detailed regulations for posting materials are available in the Office of Campus Life.

9. The painting or other defacing of sidewalks is not allowed.

10. Lawn signs must be registered and approved by the Director of Campus Life for special events of an all-campus nature.

C. Code of Ethics for Student Organizations:

1. Relationship of Student Organizations to the University: Recognition of or registration of an organization does not mean that the University supports or adheres to the views held or position taken by registered or recognized student groups. Responsibility for any action which violates federal, state or local law, or University regulations is assumed by the individual groups, their officers and members.
2. Introduction of Code of Ethics: The extension of privileges by the University as detailed in this document requires recognized and registered student organizations to conduct their organizations and activities as responsible bodies in their relationships with their members, other students, the community and the University. Organizations and their members are subject to being governed and sanctioned by the same rules and regulations established for individual students. In addition to statutory obligations, this Code of Ethics has been established for the students by the students as a set of guidelines for all registered and recognized student organizations. Each registered or recognized student organization is encouraged to adopt and abide by this Code of Ethics.
3. Specific Standards of Ethics:
 - a. Academic: In accordance with the larger mission of the University, the Code of Ethics encourages that a portion of an organization's activities reflect a conscious effort to enrich each member's academic development.
 - b. Character Development: The moral conduct and personal behavior of each member affects the organization's image. This makes it important for the individual to act at all times with self-respect and integrity. University policy prohibits students from cheating, using alcohol on campus, providing fraudulent information, or in any way misrepresenting themselves in interactions with the campus or larger communities.
 - c. Community Relations: Supportive, communicative and positive relations with the community will result in mutual benefit. The impression made by an organization on the community reflects upon the University as a whole. All organizational members will conduct themselves so as to support a positive relationship with the community.
 - d. Financial Management: Members shall handle both institutional and private funds judiciously, recognizing the annual transfer of debt responsibility. Members shall not incur debts (either individually or in the name of the organization) which result in organizational disability.
 - e. Health and Safety: Members shall take basic precautionary measures to ensure individual and group safety. An appropriate program would encompass a concern for mental, emotional and physical well being.

- f. Leadership Development: The continuing existence of the organization requires a regular succession of effective leaders. An appropriate program would provide for the development of the members leadership skills for future positions of service and authority.
- g. Legal Responsibility: Each organization's members have a responsibility to know and uphold all relevant federal, state, and local laws and University policies. Student organizations should be knowledgeable of and comply with the expectations set forth for individual students and student organizations in Student Rights and Responsibilities Governing Student Behavior.
- h. Multi-Cultural Sensitivity: Both the University community and the larger society are diverse with persons from differing ethnic and cultural backgrounds. Organizations must recognize and respect the cultural heritage of others. Compliance with the Oklahoma State University Equal Educational Opportunity Policy is required. Guidance regarding the interpretation and implementation of this policy is always available from the Chief Student Affairs Officer, the Office of Campus Life or the Director of Minority Support.

D. Membership

1. Membership in any student organization is limited to students only and those students must meet the minimum standards as required in the Student Rights and Responsibilities Governing Student Behavior. University faculty or non-faculty staff employees may be associate or honorary members in student organizations. Persons not affiliated with the University may also become honorary or associate members of student organizations if authorized by the Chief Student Affairs Officer.
2. Non-Discrimination: The organization must not unlawfully discriminate on the basis of race, color, national origin, sex, age, religion, disability, or status as a veteran.

E. Requirements for Holding Office

1. To be eligible for office within a student organization, an undergraduate student must maintain a 2.0 grade point average and be enrolled in a full course of study (12 hours). A graduate/professional student must be in good academic standing and be enrolled in a full course of study. Each individual group may set higher standards if it so chooses or may authorize part-time students to hold office if granted permission to do so by the Chief Student Affairs Officer. Notwithstanding the above, where the University has authorized a particular student to be considered a full-time student even though the student is enrolled in less than the normal full course load (such as in the case where a student with a learning disability has been granted a reasonable accommodation), such authorization shall also permit the student to be eligible for office within a student organization. Such student must meet all other requirements for the position in question.

F. Review of Status or Denial of Requested Status:

1. Causes for Change or Revocation of Status: The Coordinator of Campus Life has the right either on their own or at the request of any individual or interested University agency to review the status of any student organization. A student organization may have their status reduced to "inactive" or their status revoked by the Coordinator of Campus Life as a disciplinary action. Some of the reasons may include:
 - a. Failure of the group to maintain current records in the Office of Campus Life.
 - b. Failure to plan and implement a program of activities.
 - c. Failure to hold any meeting for a period of one year.
 - d. Failure to maintain an adequate system of financial accountability.
 - e. Failure to comply with its constitution and by-laws.
 - f. Violation(s) of University rules and regulations or municipal, state or federal laws.
2. Procedures Prior to Status Review: Prior to any disciplinary action which might adversely affect the status of a group, the Coordinator of Campus Life will inform the group of its situation and will give that organization the opportunity to correct the problem, if possible.
3. Appeal to the Chief Student Affairs Officer:
 - a. Under extraordinary circumstances, the Chief Student Affairs Officer or his/her designee can act to protect the interests of the University. If the normal procedures and processes pertaining to student organizations are determined by the Chief Student Affairs Officer or his/her designee to be inadequate for the situation or not appropriate at the time, they may take such actions including temporary denial of further activity, temporary suspension of the group's University privileges or similar sanctions.
4. Denial of Status to Student Organizations: The mere request to be a recognized or registered student organization does not assure that an official status will be granted. A few of the criteria upon which the Coordinator of Campus Life will use to evaluate each application are:
 - a. The proposed student organization must not duplicate the specific purpose(s) of an existing organization.
 - b. There must be an indication of sufficient student interest as evidenced by the number of charter members.
 - c. The purpose and structure of the organization must be in accord with approved policies and the rules and regulations which govern such matters at Oklahoma State University.
 - d. A group may be organized for the secondary purpose of instruction but it cannot be organized for the primary instruction of an art or skills.
 - e. The organization must be under the supervision and control of the officers and members as reflected in the submitted constitution.

5. Loss of Status: Any recognized or registered student organization or fraternal organization that has lost University or national recognition may not engage in any University event or activity. This includes but is not limited to the use of the university name, nickname, ritual, mascot, organization letters or recruitment activities. Recognized, registered or fraternal organizations are not permitted to co-host or co-sponsor any type of event with an organization which has lost their status.

XII. Other University Policies

A. Student Mailing Address:

All students are responsible for keeping the University informed of their current local mailing address. If a residence has not been established at the time of enrollment or if the student changes addresses during the semester, a change of address form must be completed in the Registrar's Office or students themselves can change their address on the web.

B. Official Announcements:

Official announcements are published in the Official Bulletins section of the *Daily O'Collegian* and on the OSU-Tulsa homepage (www.osu-tulsa.okstate.edu). Students are held responsible for regularly checking these sources.

C. Definition of Fund Raising and Sales Solicitation:

For the purpose of this document, the terms "fund raising" and "solicitation of funds" will mean the solicitation of donations, the charging of admission or the selling of products and services.

D. Solicitation on Campus:

Generally, solicitation can be divided into the following categories:

1. Student Organizations: Solicitation by recognized student organizations will follow these steps:
 - a. Secure permission from the Office of Campus Life.
 - b. Secure permission from the head of the department affected by the sale, if appropriate.
 - c. Sales solicitation to more than one campus group or residence must have the approval of all student groups and department heads which are affected by the sale. The scheduling of space and/or charges for space rental will be determined by the Events Coordinator and the Coordinator of Campus Life.

No sales or solicitation may be conducted if such is in competition with products or services offered at OSU-Tulsa or in conflict with the covenants of the University bond requirements.

2. Private Enterprise: The North Hall Lobby and Main Hall Commons are available for a fee for private enterprise to solicit business.

In some cases, private enterprises will be allowed to engage in commercial activity outside of the North Hall Lobby and Main Hall Commons. These circumstances are subject to a fee and must be approved by the Coordinator of Campus Life and the Events Coordinator.

Special permission or concession contracts may be granted for sales and solicitation from tables or space allocated for such in approved non-academic public spaces. A rental fee may be assessed by the University agency assigned responsibility for approving the solicitation space. Newspapers sold through wire racks will not be charged a rental-solicitation fee.

E. Charitable Fund Drives on Campus:

Solicitation of funds for charitable purposes involving the personnel of one college, one department or one residence group, must be cleared in advance by the college dean, the department head or the program coordinator. Solicitation involving broader segments of the student body must be cleared with the Coordinator of Campus Life.

F. Distribution of Literature:

Distribution of handbills, pamphlets, etc., is a privilege granted primarily to students of recognized and registered organizations. All such literature must bear the name of the organization or responsible individual on the front page of the material distributed. Such material may be distributed only in those areas designated as distribution areas by the Office of Campus Life. A copy of the literature to be distributed must be filed with the Office of Campus Life.

1. The privilege of distribution is available to all free student publications.
2. The Director of Campus Life shall determine, after consultation with the administrative occupants, the places of distribution.
3. The establishment of self-service stands for the sale of student publications shall be permitted in the North Hall Lobby or Main Hall Commons without charge to the sponsoring department, agency or group subject to scheduling procedures.
4. Free distribution and sale by students of student publications shall be permitted on the campus outside the confines of campus buildings subject only to such limitations as deemed necessary by the Office of Campus Life to prevent interference with the use of streets, sidewalks and building entrances and as are consistent with established guidelines.

G. Extracurricular Use of University Facilities, Areas or Media for the Purpose of Expression:

A goal of the faculty, students, administration, staff and Board of Regents, is for Oklahoma State University to be a superior educational center for the preservation, transmission and discovery of knowledge. The mission of the University recognizes and protects free inquiry and free expression as indispensable components of the critical examination of philosophies and ideas. Accordingly, the Board of Regents has adopted a policy statement governing the use of University facilities, area or media for the purpose of expression. A complete copy of this policy statement is annexed as "Appendix A" to this document.

H. Gender Discrimination and Sexual Harassment:

It is the policy of Oklahoma State University that unlawful gender discrimination in any form, including sexual harassment of faculty and staff, or other forms of gender discrimination as referenced by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e (Title VII), and Title IX of the Education Amendments of 1972, 20 U.S.C. §1681

(Title IX), is prohibited in the workplace and in the recruitment, appointment and advancement of employees. Gender discrimination of students, including sexual harassment, as referenced by Title IX, is prohibited in and out of the classroom and in the evaluation of students' academic or work performance. This policy is in keeping with the spirit and intent of various federal guidelines which address the issue of fair employment practices, ethical standards and enforcement procedures.

The University encourages victims to report instances of gender discrimination prohibited by Title IX or Title VII, including but not limited to, sexual assault or other sex offenses, either forcible or non-forcible in nature. In addition to internal grievance procedures, victims of criminal gender discrimination (e.g., sexual assault or harassment) are encouraged to file complaints or reports with campus police or local law enforcement agencies as soon as possible after the offense occurs in order to preserve evidence necessary to the proof of criminal offenses. The OSU-Tulsa Police Department is available to assist victims in filing reports with other law enforcement agencies.

All students, members of the faculty, and non-faculty staff personnel are required to comply with the policy and procedures outlined to address complaints about gender discrimination, sexual harassment and sexual assault. In addition to the procedures outlined in this policy statement, discrimination and harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission (involving employment) or U.S. Department of Education, Office for Civil Rights (involving education programs or activities). Any complaint of gender discrimination or sexual harassment filed under the University's policy shall be processed even if the complainant also files a complaint or suit with an outside agency, U.S. Equal Employment Opportunity Commission, or U.S. Department of Education, Office for Civil Rights. Retaliation against anyone who makes a complaint or participates in the complaint process will not be tolerated.

The University will (1) respond to every complaint of gender discrimination, sexual harassment or sexual assault reported, (2) take action to provide remedies when gender discrimination, sexual harassment or sexual assault are discovered, (3) impose appropriate sanctions on offenders in a case-by-case manner, and (4) protect the privacy of all those involved to the extent it is possible. The above actions will apply to the extent permitted by law or where personal safety is not an issue.

Any individual who believes he/she may have experienced gender discrimination, including sexual harassment, or who believes that he/she has observed such actions taking place, may receive information and assistance regarding the University's policies and responsive processes from any of the following offices:

1. **Affirmative Action/Title IX Coordinator**
1401 Main Hall
918-594-8222
2. **Student Conduct Officer**
North Hall 103
918-594-8234

3. Chief Student Affairs Officer Administration Hall 918-594-8103

The two University officials most directly involved in reviewing allegations of unlawful gender discrimination are:

The Title IX Coordinator for OSU-Tulsa:
Mrs. Sandra Cooper, Director of Human Resources
1405 Main Hall
Tulsa, OK 74106
918-594-8222

Mrs. Emonica Reagan-Neeley
Student Conduct Officer
North Hall 103
Tulsa, OK 74106
918-594-8234

Copies of the University's policy and procedures letters regarding gender discrimination, including, but not limited to, sexual harassment, may be found at Oklahoma State University Policy and Procedures Letter No. 1-0702, and in "Appendix B" annexed to this document.

I. Other Student Discrimination Grievances:

In addition to the prohibition of discrimination on the basis of gender (Section I, above) it is the policy of Oklahoma State University to provide equal opportunity to all students enrolled at the University without discrimination because of race, age, status as a veteran, sexual orientation, national origin, religion, or qualified disability. Oklahoma State University students shall have available to them certain procedures for resolving complaints and grievances regarding alleged illegal discrimination as well as alleged arbitrary and/or unreasonable acts of discrimination, which may arise in areas related to admission or treatment while enrolled at the institution and non-academic complaints related to employees, campus living and student life not otherwise covered by applicable University policy. All students enrolled at the University who have a non-gender discrimination complaint related to an area as previously described that cannot be resolved informally between the parties involved, may request a hearing before a grievance committee which shall hear the alleged grievance and make recommendations to the appropriate vice president to resolve the complaint.

Formal student discrimination complaints will be filed with and administered by the Student Conduct Office and will be resolved following due process procedures as described in Section IV (Disciplinary Responsibility) of Student Rights and Responsibilities Governing Student Behavior. Detailed informal and formal complaint procedures are available from the Student Conduct Office and the Affirmative Action Office/Title IX Coordinator.

These grievance procedures neither supersede nor take precedence over established University procedures of due process for any and all matters related to Academic Appeals, Traffic Appeals, and Disciplinary Appeals. Approved by the Board of Regents, June 1998.

J. Family Rights and Privacy Act of 1974 (Buckley Amendment):

Oklahoma State University provides students with all protection provided under the Family Rights and Privacy Act of 1974, as amended, also sometimes referred to as the “Buckley Amendments.” As part of these policy statements, students have the right to file with the Registrar’s Office during the first two weeks of the fall semester, written requests not to release directory information pertaining to them. Directory information will be released by the Registrar until a specific request by a student is received asking that the information not be released. A complete statement of student rights under these laws and the University’s declaration of what constitutes “directory information” can be found in “Appendix E” annexed to this document.

K. Equal Opportunity Policy:

Oklahoma State University, in compliance with Title VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, Title IX of the Education Amendments of 1974 (Higher Education Act), the Americans with Disabilities Act of 1990, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, or status as a veteran in any of its policies, practices or procedures. This includes but is not limited to admissions, employment, financial aid and student services.

L. Health and Immunization Responsibilities:

1. Students are responsible for compliance with the immunization policies set forth by the State of Oklahoma and the University.
 - a. All new students, regardless of entering classification or hours enrolled, are required to submit to OSU the Immunization and Health History form and supporting copies of immunizations. The form and details are available at:
<http://www.okstate.edu/UHS/immform.pdf>
 - b. Students have the right to more information regarding immunizations. Supporting information can be found at the above website.
2. Students have the right to exercise a religious, moral or personal objection to the immunization policies of OSU and the State of Oklahoma. Objections must be submitted in writing using the Certificate of Exemption form found at the previous website.
3. In some circumstances, students may be directed by OSU physicians, their private physician or the Oklahoma State Department of Health to restrict their contact with other students or to not attend class. In those cases, University staff can work to coordinate absences with instructors, with the written permission of the student.

M. Drug Free School and Workplace Programs:

Oklahoma State University complies with the provisions of the federal Drug Free Workplace Act of 1989 and the Drug Free School and Communities Act Amendments of 1990. University policies adopted to implement these federal

requirements provide for the possibility of serious disciplinary action in the event of alcohol abuse or illicit drug use on campus or in connection with University functions, or for mandatory referral to approved rehabilitation, assistance programs. Copies of the University’s policy statements are annexed to this document as “Appendix E” (Drug Free Workplace Act) and “Appendix F” (Drug Free Schools and Communities Act Amendments).

N. Financial Aid Policies and Procedures:

Oklahoma State University complies with all federal laws and administrative regulations concerning the availability and disbursal of financial aid. A synopsis of the University policies and procedures affecting financial aid is annexed to this document as “Appendix G.”

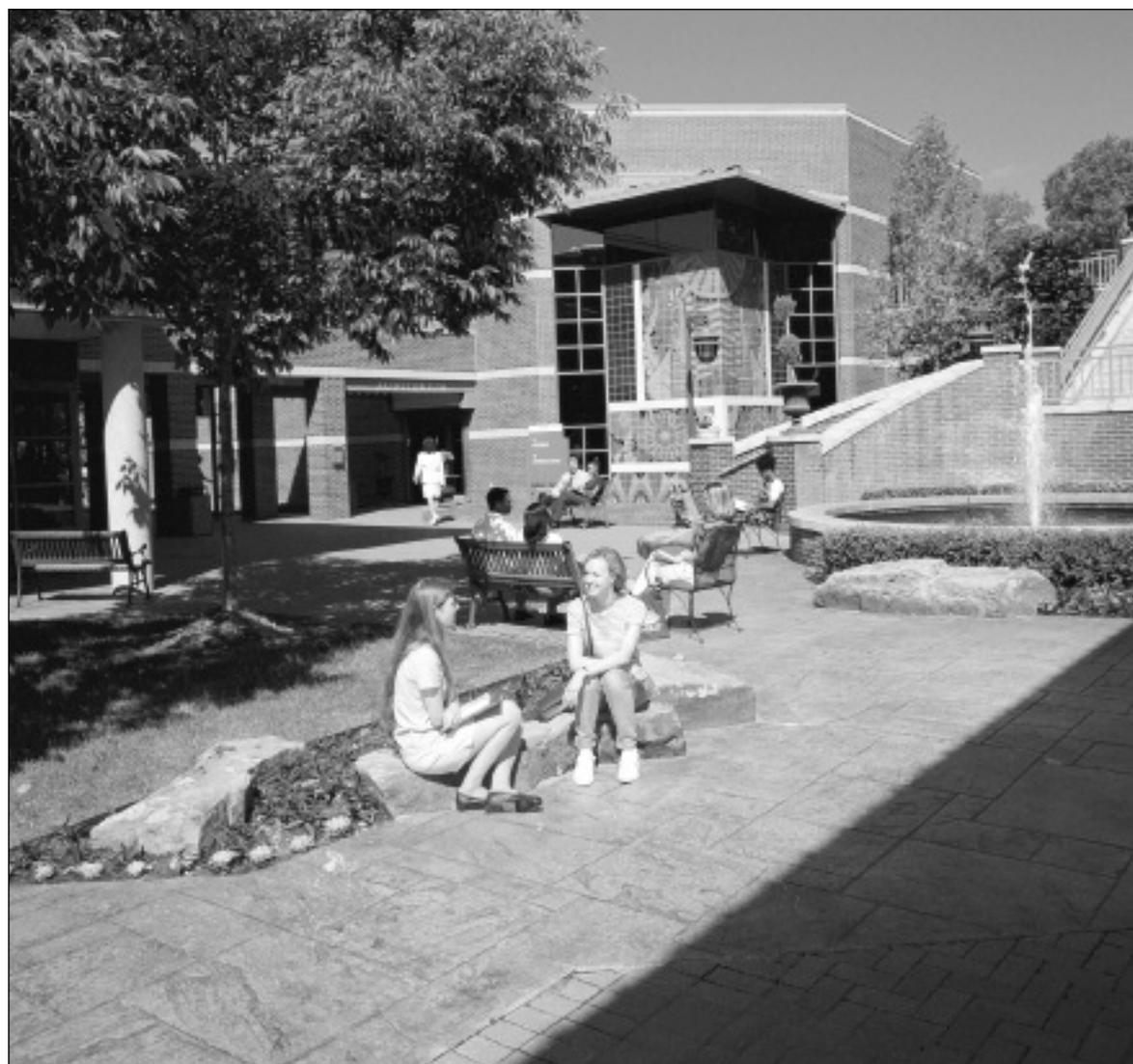
O. Student Complaints Regarding Faculty or Non-Faculty Staff:

Students who believe that they have been unfairly treated by members of the faculty or non-faculty staff of the University have the right to seek redress through several different procedural channels. Complaints about faculty conduct not related to grades are required to be processed as set forth in the “Policy Statement To Govern Appointments, Tenure,

Promotions, And Related Matters Of The Faculty Of Oklahoma State University.” Academic grade appeals are required to be processed through the academic appeal process supervised by the Vice President for Academic Affairs. Complaints about conduct by non-faculty staff employees are required to be processed as set forth in the University Policy and Procedures Letters governing Classified and Administrative/Professional staff. Copies of these policies may be found in the University library, with the Vice President of Administration and Finance, or the Human Resources Office. In appropriate circumstances, students may be assisted by the University Office of Affirmative Action regarding understanding their rights to seek internal review of complaints.

This document was approved by the Board of Regents, February 1993. Included are minor changes approved by Board of Regents Legal Counsel in July 1995, September 1996, September 1997, June 1998, August 1999, August 2000, July 2002, July 2003, July 2004, and August 2005.

Revisions approved by The Board of Regents, September, 2001 and July, 2002.



Appendices

A. Extracurricular Use of University Facilities, Areas or Media for the Purpose of Expression

I. Philosophy and Scope

A. Philosophy

A goal of the faculty, students, administration, staff, and Board of Regents, is for Oklahoma State University to be a superior educational center for the preservation, transmission and discovery of knowledge. The wide variety of extracurricular activities at Oklahoma State University represents one way this goal is achieved. Therefore, these activities are an integral part of the total educational mission of the University.

In fulfilling this mission, the University must recognize and protect free inquiry and free expression as indispensable components of the critical examination of philosophies and ideas. Given the unique mission of educational institutions in a democratic society, this inquiry should be more open and vigorous, and should consequently have greater protection than in society at large, provided that such inquiry does not infringe upon the rights of others. Commitment to free inquiry and expression creates a strong presumption against prohibition of expression based upon its content. This philosophy is intended to apply to all forms of expression occurring at the University and any uncertainty regarding the application or operation of this policy statement shall be resolved in a manner consistent with this philosophy.

B. Scope

1. This policy statement shall be applicable only to the extracurricular use of any University-controlled facility, area, or medium used as a forum generally open to members of the University community and others for the purpose of expression. Pursuant to this particular statement, and based on prevailing law, existing circumstances and current manner of operation, *The Daily O'Collegian*, KOSU and cable Channel 30 are not presently subject to this policy statement.
2. Any University policy providing for condition or limitations on extracurricular expression shall be consistent with the Principles and Standards stated in Section II.
3. The Procedural Standards in Section III apply only to scheduling the extracurricular use of University-controlled facilities or areas for the purpose of expression.
4. Any questions regarding the applicability of this policy statement shall be resolved by the Campus Review Committee following consultation with University Legal Counsel, and its decision in this regard shall be final.

II. Principles and Standards

A. In General

1. The freedoms of expression and assembly as guaranteed by the first and fourteenth amendments of the United States Constitution shall be enjoyed by all members of the academic community. Free discussion of subjects of either controversial or non-controversial nature, even when they are considered to be offensive or in poor taste, shall not be curtailed.
2. Although our Constitution establishes a sweeping commitment to these freedoms, it is well recognized that there is no absolute right to assemble, or to receive or present expression. As described below, permissible limitations include only those based on reasonable time, place or manner requirements and, in extremely rare circumstances, those based on content.
3. The fact that certain content-based limitations on expression have been established as legally permissible does not create an obligation or responsibility on the University or any of its officials or employees to exercise any form of limitation or control of expression. Rather, because of its educational mission, it is the responsibility of the University and its officials to actively encourage free and open inquiry by avoiding and resisting limitations of expression.

B. Time, Place or Manner Considerations

1. Expression may be limited or restricted with respect to time, place or manner only as provided for in this policy statement and other related statements of policy such as the statement of Student Rights and Responsibilities Governing Student Behavior. Such limitations shall be narrowly tailored to serve a significant interest (such as avoiding disruption of regular classes, avoiding the scheduling of two events at the same time in the same facility, and the protection of the public order) and to assure compliance with applicable local, state and federal laws. Any limitations must be both reasonable and content-neutral, the latter term meaning that they shall be applied without regard to the content of the expression or the purpose of the assembly.
2. Limitations may include requiring (a) scheduling and planning with the appropriate authorized designee, (b) restricting or prohibiting the use of certain areas, (c) limiting certain forms of expression in specific areas, and (d) reimbursing the University any cost associated with the use of a facility, area or medium.

C. Content Considerations

1. The First Amendment of the Constitution protects and guarantees freedom of speech by prohibiting any law which would serve to deny or limit expression. Through the Fourteenth Amendment, this prohibition is extended to all actions of state government, including those of publicly-supported universities. Accordingly, expression may not be denied or limited, based upon content, unless it is determined in a state or federal court proceeding that such speech or expression is not protected by the Constitution.

2. Denials or limitations of expression based upon content are not required by the Constitution or any law. Indeed, such content-based regulation is presumed to be Constitutionally invalid by the United States Supreme Court. Accordingly, in determining whether to deny or limit expression based on its content, the University should be guided by its commitment to the educational mission of the institution.

D. Disclaimer Regarding Expression

1. Given the wide diversity of expression that occurs at higher education institutions, the use of any University-controlled facility, area or medium for any expression shall not constitute or suggest endorsement of the content of that expression, or any proponent thereof, by the Board of Regents, the University, its administration, staff, faculty, student body, or any individual member of these constituencies.
2. Presenters of expression shall assume full responsibility for any violation of law they commit while on University property.

III. Procedural Standards for Scheduling University Areas or Facilities for Extracurricular Expression

A. Requests for the Use of a Scheduled University Facility or Area

1. The extracurricular use of any scheduled University-controlled facility or area for the purpose of expression shall be preceded by a request made to an authorized designee. A request shall contain the name of the requestor and how he/she can be contacted; the proposed date, time, and location for the contemplated activity; the expected size of the audience; the topic(s) or subject(s) to be addressed; and any other information which may be necessary to accommodate the needs associated with the activity.
2. The request should be made as far in advance as possible to provide for adequate review and orderly scheduling of facilities or areas. The amount of time required for review of a request will vary depending on the nature of the request. Barring extraordinary circumstances (e.g. extensive safety and security arrangements, or review by the Campus Review Committee, and/or a court), review should normally be completed within a few hours or days. If the authorized designee determines that additional time is required for review, he/she should ask the requestor to specify the latest date by which a final response is necessary. This date is important so that the total review and decision process may be completed in sufficient time to allow the requestor to make final arrangements for the proposed expression in the event the request is granted.

3. As promptly as possible, but not later than six (6) working days from the receipt of a request, the authorized designee must take one of the following actions:
 - a. Grant the request. This will be the routine action taken on the vast majority of requests. The authorized designee should work with the requestor in preparing or revising a request so that it may be granted. If the authorized designee has any questions about whether to grant the request, he/she should consult with his/her administrative supervisor(s) and the Director of Campus Life. When a request has been granted, such action shall be final and the requestor shall be promptly notified.
 - b. Ask the Director of Campus Life for a specific additional period of time to continue review of the request. An extension of time will be granted only if it is warranted and will permit a final response on the request to be reached in time to allow the requestor to carry out final arrangements for the proposed expression in the event the request is granted. The authorized designee shall promptly notify the requestor that a request for an additional period of time has been submitted. The Director of Campus Life shall promptly notify the requestor and the authorized designee of his/her decision.
 - c. Deny the request because it was not submitted in a timely manner. The authorized designee should take this action only if he/she can document that the time between the filing of the request and the date by which a final response is necessary is so short that adequate review and action cannot be reasonably completed by the University [See Section III (B)];
 - d. Deny or limit the request based on time, place or manner considerations [See Section III (B)];
 - e. Recommend that the request be denied or limited based on content considerations [See Section III (C)];

If the authorized designee fails to take one of the above actions within six (6) working days of submission of the request, the request shall be deemed granted. For the purpose of calculating the expiration of time deadlines specified in this policy statement, weekends, official University holidays, and the day that a request, recommendation, or report is received are not counted. For example, if a request is received on Monday, the authorized designee must take one of the specified actions no later than Tuesday of the following week in order to meet the six (6) day deadline.

4. No final arrangements or advertising shall be made for the proposed expression prior to the granting of the request for the use of the facility or area.

B. Limitations Based Upon Time, Place or Manner Considerations

1. If a request is denied or limited based on time, place or manner considerations, or for failure to submit a timely request, the requestor shall be promptly informed of such decision. A written statement of the reasons for the denial or limitations shall be provided upon request.
2. The requestor may appeal denials or limitations by filing a written statement with the chairperson of the Campus Review Committee. The statement shall set forth the

reason(s) for appealing the denial or limitation. The Committee shall hear all appeals and render a final decision no later than five (5) working days from the filing of the appeal. Although the Committee may, if necessary, take the full five days to render a decision, it should make every reasonable effort to reach its decision in time to allow the requestor to carry out final arrangements for the proposed expression in the event the Committee reverses the authorized designee and grants the request.

C. Denials or Limitations Based Upon Content Considerations

1. An authorized designee may recommend that a request be denied or limited on the basis of content only if it is determined, after appropriate inquiry (including consultation with University Legal Counsel), that the proposed expression is unprotected. In determining whether to make such a recommendation, full and adequate consideration should be given to the educational mission of the University and specifically the responsibility of the University and its officials to actively encourage free and open inquiry by avoiding and resisting limitations of expression. Any such recommendation, and the reasons upon which it is based, shall be stated in writing and delivered to the offices of the chairperson of the Campus Review Committee, and the University President no later than six (6) working days from the submission of the request. If the authorized designee has been granted additional time for review under Section III (A) (3) (b), such recommendations shall be delivered no later than the last day of the extension period. The authorized designee shall also inform the requestor of the recommendation within the same time period and make arrangements for him/her to receive a copy of the written report and this policy statement.
2. Upon receipt of the recommendation the chairperson shall convene the Committee for the purpose of a hearing. At this hearing, the authorized designee shall have the burden of establishing that the proposed expression is unprotected. The requestor shall have the right to appear at the hearing to present oral and written arguments against the recommendation. The extent to which the authorized designee was guided by the educational mission of the University in arriving at his/her recommendation shall be a relevant and appropriate inquiry at this hearing. The Committee shall approve or disapprove the recommendation and report its action to the University President and the requestor no later than five working days from the receipt of the recommendation. Although the Committee may, if necessary, take the full five days to render its decision, it should make every reasonable effort to reach a decision in time to allow the requestor to carry out final arrangements for the proposed expression in the event the University President ultimately decides to grant the request.
3. No later than three (3) working days from notification by the Campus Review Committee of its decision, the University President shall take one of the following actions:

- a. Disapprove the recommendation of the authorized designee and direct him/her to grant the request; or
- b. Approve the recommendation of the authorized designee and initiate a proceeding in state or federal court to determine the validity of the recommended denial or limitation.

The University President shall also inform the authorized designee, the chairperson of the Campus Review Committee, and the requestor of his/her action within this same period of time. If the University President approves the recommendation, but fails to initiate a court proceeding within the three (3) day period, the request shall be deemed granted.

4. If the court determines that the recommended denial or limitation would not be valid, then the request shall be granted. Alternatively, a determination that the recommendation is valid shall result in the request being denied or limited.

D. Disclaimers

At a meeting or event where the expression is to occur the user shall publicly make or post a statement to the effect that the views or opinions stated within the context of the expression do not necessarily reflect the views of the Board of Regents, the University, its administration, staff, faculty, student body, or any individual member of these constituencies. Alternatively, such a statement may be included in advertisements for the meeting or event.

E. Outside Organizations or Individuals

Organizations or individuals not affiliated or connected with the University shall contact the authorized designee for the purpose of requesting the use of any University facility or area. Such requests shall be governed by this policy and other relevant regulations.

IV. Definitions

A. Authorized Designee

The person or persons who have the authority to schedule the use of a particular campus facility or area.

B. Expression

Any communication, discussion, acquisition, manifestation, representation or indication, whether clear or unclear, ambiguous or unambiguous, of attitudes, information, ideas, beliefs, opinions or ideas on any subject by any student, faculty or other member of the academic community, outside speaker or act, process or instance of representation in any media. The media of expression may include, but shall not be limited to, speech, publications, literature or documents, art, cinema, theater or music, electronic emissions, audio or visual recordings in any medium or media, or recordings in any medium or media that combine audible, visible or other sensory expression, whether expressed, transmitted, presented or sponsored individually or by a group.

C. Extracurricular

All activities outside the University's instruction, research, extension and related academic functions.

D. Unprotected Speech

The following are currently recognized by the United States Supreme Court as categories of speech or expression which are unprotected and can be barred or limited:

1. Clear and Present Danger
Preparing a group for imminent lawless action, and steeling it to such action, as opposed to the abstract teaching of the moral propriety or even moral necessity for a resort to force and violence; AND there must not only be advocacy to action, but also a reasonable apprehension of imminent danger to the essential functions and purposes of the University. Such imminent lawless action shall include the following:
 - a. The violent overthrow of the government of the United States, the State of Oklahoma, or any political subdivision thereof;
 - b. The willful damage or destruction, or seizure and subversion, of the institution's buildings or other property;
 - c. The forcible disruption of, or interference with, the institution's regularly scheduled classes or other educational functions;
 - d. The physical harm, coercion, intimidation, or other invasion of lawful rights of the Board of Regents, institutional officials, faculty members, staff members or students; or
 - e. Other campus disorder of violent nature.
2. Fighting Words - Words which by their very utterance inflict injury or are likely to incite an immediate breach of the peace. Personally abusive words that, when spoken to ordinary persons, are inherently likely to incite immediate physical retaliation.
3. Obscenity - A description or depiction of sexual conduct that taken as a whole, by the average person, applying contemporary community standards (The "community" shall be comprised of the faculty, staff and students of Oklahoma State University):
 - a. appeals to the prurient interest;
 - b. portrays sex in a clearly offensive way; and
 - c. using a reasonable person standard rather than the contemporary community standard, does not have serious literary, artistic, political or scientific value.

V. Enabling Clause

This policy shall become effective upon approval by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, and insofar as Oklahoma State University is concerned, supersedes the speaker's policy adopted by the Board on December 12, 1970. In accordance with Article I of the Rules and Regulations of the Board adopted on October 13, 1967, the University President has full authority to administer the provisions of this policy statement.

B. Gender Discrimination/ Sexual Harassment & Title IX Grievance Procedure (OSU Policy and Procedure No.1-0702)

1.01 General Statement Policy

It is the policy of Oklahoma State University that unlawful gender discrimination in any form, including sexual harassment of faculty and staff, or other forms of gender discrimination as referenced by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e (Title VII), and Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 (Title IX), is prohibited in the workplace and in the recruitment, appointment and advancement of employees. Gender discrimination of students, including sexual harassment, as referenced by Title IX, is prohibited in and out of the classroom and in the evaluation of students' academic or work performance. This policy is in keeping with the spirit and intent of various federal guidelines which address the issue of fair employment practices, ethical standards and enforcement procedures.

The University encourages victims to report instances of gender discrimination prohibited by Title IX or Title VII, including but not limited to, sexual assault or other sex offenses, either forcible or non-forcible in nature. In addition to internal grievance procedures, victims of criminal gender discrimination (e.g., sexual assault or harassment) are encouraged to file complaints or reports with campus police or local law enforcement agencies as soon as possible after the offense occurs in order to preserve evidence necessary to the proof of criminal offenses. The OSU-Tulsa Campus Police Department is available to assist victims in filing reports with other law enforcement agencies.

All students, members of the faculty and non-faculty staff personnel are required to comply with the policy and procedures outlined to address complaints about gender discrimination, sexual harassment and sexual assault. In addition to the procedures outlined in this policy statement, discrimination and harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission (involving employment) or U.S. Department of Education, Office for Civil Rights (involving education programs or activities). Any complaint of gender discrimination or sexual harassment filed under the University's policy shall be processed even if the complainant also files a complaint or suit with an outside agency, U.S. Equal Employment Opportunity Commission, or U.S. Department of Education, Office for Civil Rights. Retaliation against anyone who makes a complaint or participates in the complaint process will not be tolerated.

The University is committed to providing an environment of study and work free from gender discrimination and sexual harassment as prohibited by Title VII and Title IX, and to insuring the accessibility of appropriate grievance procedures for addressing all complaints regarding gender discrimination and sexual harassment, including sexual assault. The University reserves the authority to independently deal with gender discrimination, sexual harassment and sexual assault issues whenever becoming aware of their existence,

regardless of whether informal or formal complaints have been lodged by persons complaining of such issues.

Members of the University community holding positions of authority involving the legitimate exercise of power over others have a particular responsibility to be sensitive to that power relationship. Supervisors, in their relationships with subordinates, and faculty, in their relationships with students, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful persons to perceive a coercive element in suggestions regarding activities outside those appropriate to the professional relationship. It is the responsibility of faculty and staff to behave in such a manner that their words or actions are not sexually coercive, abusive or exploitative.

Sexual harassment also can involve relationships among equals such as when repeated advances, demeaning verbal behavior, or offensive physical contact interfere with an individual's ability to work and study productively. The creation or condonation of hostile working or educational environments will not be tolerated and students and employees at all levels are subject to potential disciplinary action if engaged in such actions.

The University will (1) respond to every complaint of gender discrimination, sexual harassment or sexual assault reported, (2) take action to provide remedies when gender discrimination, sexual harassment, or sexual assault is discovered, (3) impose appropriate sanctions on offenders in a case-by-case manner, and (4) protect the privacy of all those involved to the extent it is possible. The above actions will apply to the extent permitted by law or where personal safety is not an issue.

1.02 Information and Assistance

Any individual who believes he/she may have experienced gender discrimination, including sexual harassment, or who believes that he/she has observed such actions taking place, may receive information and assistance regarding the University's policies and responsive processes from any of the following offices:

1. **Affirmative Action/Title IX Coordinator**
1405 Main Hall
918-594-8221
2. **Student Conduct Officer**
North Hall 103
918-594-8234
3. **Chief Student Affairs Officer**
Administration Hall
918-594-8103

If an apparent conflict of interest prevents use of the assistance of the above offices, the person complaining of gender discrimination, sexual harassment, or sexual assault may request assistance directly from the Office of the President, Administration Hall (918-594-8010).

1.03 Gender Discrimination and Sexual Harassment Definitions

"Gender discrimination" is unequal or disadvantageous treatment of an individual or group of individuals based on gender. Sexual harassment is a form of illegal gender discrimination.

"Sexual harassment," as prohibited under federal and state law and University policy, is defined as unwelcome conduct of a sexual nature, and may include unwelcome sexual advances, sexual assaults or requests for sexual favors. This and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
- c. such conduct is sufficiently serious that it has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the University's educational mission.

1.04 Examples of Sexual Harassment

It is not possible to exhaustively list all examples of conduct which can constitute gender discrimination or sexual harassment. The following list of examples of conduct prohibited by this policy statement is intended to aid in the understanding of this area. Conduct prohibited by this policy statement may include, but is not limited to:

A. Verbal Conduct

Unwelcome sexual flirtation, advances or propositions for sexual activity. Asking about someone else's personal social or sexual life or about their sexual fantasies, preferences or history may constitute sexual harassment. Discussing your own personal sexual fantasies, preferences or history or repeatedly asking for a date from a person who is not interested may also constitute sexual harassment.

Continued or repeated verbal abuse of a sexual nature. Suggestive comments and sexually explicit jokes, or turning discussions at work or in the academic classroom to sexual topics may constitute sexual harassment. Making offensive sounds such as smacking or licking lips, making kissing sounds, or "wolf whistles" may constitute sexual harassment.

Sexually offensive or degrading language used to describe an individual or remarks of a sexual nature to describe a person's body or clothing. Calling a person a "hunk," "doll," "babe," "sugar," or "honey," or similar descriptive terms may constitute sexual harassment if the person being so described is offended by such terms or if others hearing the references are offended.

Stating, indicating or implying in any manner that benefits will be gained or lost based on response to sexual advances.

B. Non Verbal

Displaying sexually demeaning or offensive objects and pictures. Nude or semi-nude photographs and drawings, or computer software is very likely to be viewed as sexual harassment.

Staring repeatedly at someone, blocking another person's path or otherwise restricting their movements. Such acts, particularly when in conjunction with other acts or comments, may be viewed as sexual harassment. Invading a person's personal body space, such as by standing closer than appropriate or necessary for the work being done may similarly constitute sexual harassment.

Bringing physical items to work which express sexually offensive comments regarding men or women. Messages of this nature such as might be contained on coffee mugs, hats or tee shirts may be offensive and be viewed as sexual harassment.

Making sexual gestures with hands or body movements. Looking a person up and down in a suggestive or intimidating manner may also constitute sexual harassment.

Letters, gifts, or materials of a sexual nature. Such attention may not be appreciated in the manner intended, may be offensive to the subject of the attention and may constitute sexual harassment.

Treating a student differently based upon his/her gender in academia or extracurricular activities, academic programs, discipline, classroom assignment, physical education, grading, and/or athletics.

C. Physical

Offensive physical contact. Possible problem areas include: Massaging a person's neck or shoulders; touching a person's clothing, hair, or body; hugging, kissing, patting, or stroking a person's body; touching or rubbing oneself in a sexual manner around or in the view of another person; brushing up against another person; tearing, pulling, or yanking a person's clothing, may all constitute sexual harassment.

Sexual assault, coerced sexual intercourse or other sexual contact.

1.05 Supervisory Responsibility

Prohibited gender discrimination, including sexual harassment, may result not only from situations between supervisors and subordinate employees, or between faculty and students, but also between employees who have no direct or indirect supervisory relationship with one another, as well as between students.

University officials in supervisory relationships with employees or students are charged with the responsibility of responding immediately and appropriately to correct any situations which create a hostile working or educational environment within an administrative unit under their supervision. Such officials include, but are not necessarily limited to: unit heads, academic administrators, faculty members

engaged in teaching or in supervising student workers, and intercollegiate athletic administrators and coaching staff members. Every University faculty member or administrator is responsible for promptly reporting, in writing, incidents of gender discrimination and sexual harassment (including sexual assault) that come to their attention or which they observe, to the Title IX Coordinator.

Such officials who are concerned about whether such a situation is developing, or who desire assistance in appropriately responding to such a situation may also seek assistance from the Title IX Coordinator. Any such official who fails to appropriately respond to a hostile working or educational environment, to seek assistance when a hostile working or educational environment situation develops which reasonably should have been perceived by the official, or to promptly report such matters to the Title IX Coordinator, may be subject to disciplinary action.

1.06 Retaliation

The University will not tolerate retaliation against persons who brings a complaint of unlawful gender discrimination, sexual harassment or sexual assault, whether such complaint is brought internally or with an external agency. A student, faculty, or staff member who retaliates in any way against an individual who has brought a complaint pursuant to this policy or participated in an investigation of such a complaint is subject to disciplinary action, up to and including dismissal from the University.

2.01 Grievance Procedures

All persons who believe that they have been subjected to prohibited gender discrimination or sexual harassment are encouraged to seek assistance from any of the four (4) offices listed above (§1.02), to directly report such conduct to appropriate supervisory officials, or to directly report such conduct to the Title IX Coordinator. In instances involving allegations of gender discrimination or sexual harassment engaged in by students, the Title IX Coordinator will refer such matters to the Student Conduct Officer for review and other processing. The Student Conduct Officer shall report the results of all such referrals to the Title IX Coordinator.

As referenced above in Section 1.05, such appropriate supervisory officials include, but are not necessarily limited to: unit heads, academic administrators, faculty members engaged in teaching or in supervising student workers, and intercollegiate athletic administrators and coaching staff members.

Persons who believe that they have been subjected to prohibited gender discrimination or sexual harassment may seek either informal or formal University evaluation and response to their concerns. However, in order for disciplinary action to be taken against a University employee or against a student, it may be necessary for a formal complaint to be filed, and that procedure may require the person complaining about such behavior to cooperate with University officials on a formal basis. Independent of a formal complaint, the University is nevertheless responsible under Title IX to investigate known concerns of gender discrimination or harassment and take steps to prevent its recurrence and correct any discriminatory effects arising therefrom.

In addition to this Policy, Oklahoma State University has in place the following general policies and procedures for dealing with concerns of unfair and/or illegal treatment:

"Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University" (January 21, 2000)

OSU P&P Letter No. 2-0901, "Informal Ombudsman Review Of Qualified Faculty Employment Issues, and Informal Voluntary Mediation Of Qualified Faculty Employment Issues"

OSU P&P Letter No. 3-0710, "Resignations and Dismissals For Classified Staff"

OSU P&P Letter No. 3-0726, "Employment, Resignation, Suspensions, and Dismissals for Administrative and Professional Staff"

OSU P&P Letter No. 3-0747, "Informal Ombudsperson Review and Informal Voluntary Mediation of Qualified Staff Employment Issues"

OSU P&P Letter No. 3-0746, "Grievances and Appeals for A/P and Classified Staff"

"Student Rights and Responsibilities Governing Student Behavior," Sections III through VIII.

OSU P&P Letter No. 2-0823, "Student Discrimination Grievances" (non-gender discrimination complaints)

Students who are determined to have violated the University's policies prohibiting unlawful gender discrimination, including but not limited to, sexual harassment or sexual assault, may be subject to the following disciplinary actions under Section VIII, Disciplinary Sanctions, of the University's policy "Student Rights and Responsibilities Governing Student Behavior:" Oral or Written Reprimand; Restriction on Privileges; Voluntary Project Assignment, Community Service or Gender Discrimination Education; Restitution for Loss, Damage, or Injury; Enrollment Hold; Cancellation of Enrollment; Graduation Hold; Conduct Probation; Disciplinary Suspension; or Disciplinary Expulsion.

Non-faculty employees who are determined to have violated the University's policies prohibiting unlawful gender discrimination, including but not limited to, sexual harassment or sexual assault, may be subject to disciplinary actions under OSU P&P Letter Nos. 3-0710 or 3-0726, as applicable, including but not limited to: Oral or Written Reprimand; Restriction on Privileges; Voluntary Project Assignment, Community Service or Gender Discrimination Education; Restitution for Loss, Damage, or Injury; Placement on Structured Plan of Improvement; Loss of Pay or Rank; Suspension With or Without Pay; or Dismissal.

Faculty employees who are determined to have violated the University's policies prohibiting unlawful gender discrimination, including but not limited to, sexual harassment or sexual assault, may be subject to disciplinary actions under the January 21, 2000 "Policy Statement to Govern

Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University." Such actions, under Sections 1.12 and Appendix C of the Policy Statement, can include: Simple Admonitions; Formal Sanctions (which can include, but are not limited to, written reprimands, required participation in counseling and/or corrective programs, restrictions on use of University privileges, resources, and services); or Dismissal.

2.02 Resolution Options

A person who believes that he or she has been subjected to gender discrimination or sexual harassment and seeks to take action may use the informal resolution and/or disciplinary processes listed above, or the review processes set forth in this policy, to seek review and redress of the matter. The informal resolution and formal complaint resolution processes described in this and other related University policies are not mutually exclusive. However, informal review and formal complaint review processes cannot be used at the same time, and, to conserve University resources and to prevent redundancy, the University may consolidate requests for informal review and/or formal complaints. No disciplinary investigation procedures that may be pursued as the result of gender discrimination and/or sexual harassment, will be applied to, or take the place of, investigations (informal review or formal complaint) of complaints of discrimination based on gender, including sexual harassment, that are processed pursuant to this gender discrimination grievance procedure.

In any formal resolution proceeding, the complainant possesses the right to present information relevant to his or her complaint to the appropriate investigating official. In addition, the complainant(s) and individual(s) accused are afforded the right to be advised by an individual of her or her choice throughout the formal resolution proceeding.

2.03 Informal Resolution Procedures

- A. Informal resolution may be an appropriate choice when the alleged conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. Many times, issues of concern are due to lack of communication or awareness that certain conduct is offensive and simply talking with the person engaging in the conduct in question can resolve the matter. Persons complaining of gender discrimination or sexual harassment may therefore desire to attempt to resolve the problem informally by discussing the matter with the person who is allegedly engaging in prohibited conduct. No formal investigation is involved in the informal resolution process.
- B. Such informal resolution requests should be made as soon as possible, but in all cases within 90 days of the date of the alleged incident. Seeking informal resolution of a matter will not toll the 90-day time period for filing a formal complaint, as set forth below.
- C. If informal discussion with a supervisory official is desired, the concerns ordinarily should first be directed to the immediate supervisor of the employee, or the Student Conduct Officer for a student, accused of engaging in gender discrimination or sexual harassment. However, if the person complaining of gender

discrimination or sexual harassment is uncomfortable discussing the matter with such immediate supervisor or Student Conduct Officer, if the person accused of engaging in prohibited conduct is the supervisor of the person lodging concerns or is the Student Conduct Officer, or if the supervisor or Student Conduct Officer has previously been made aware of the conduct at issue and is not believed to have adequately responded to the matter, the person complaining of gender discrimination or sexual harassment may discuss the matter with the next highest level of supervisor. In all cases, such concerns may also be discussed at any time with the Director of Affirmative Action/Title IX Coordinator.

Methods for informal resolution may include, but are not limited to: coaching the person on how to directly address a situation which is causing a problem; mediating the dispute with the parties; aiding in the modification of a situation in which the offensive conduct occurred; arranging a documented meeting with the alleged offender that involves a discussion of the requirements of the University's policies on gender discrimination and sexual harassment; or providing education with reference to the issues of gender discrimination, sexual harassment or sexual assault.

- D. Reporting and Documentation Requirements – Supervisory officials at all levels who engage in informal resolution of complaints of alleged gender discrimination, including sexual harassment, are required to promptly report such allegations, and the responsive measures taken, in writing, to the University's Title IX Coordinator. Such reports shall be made within two (2) working days of resolution of the complaint. Such officials include, but are not necessarily limited to: unit heads, academic administrators, faculty members engaged in teaching or in supervising student workers, and intercollegiate athletic administrators and coaching staff members. The Student Conduct Officer shall also make such reports to the Title IX Coordinator.

The University shall document all informal resolutions. Such documentation shall be retained by the Title IX Coordinator for at least three (3) years from the date of conclusion of the informal resolution procedure and will be kept confidential to the extent permitted by law. Informal resolution attempts shall not be considered a precondition for the filing of a written grievance.

2.04 Complaints Against Students -Formal Resolution Procedures

- A. An investigation by the Student Conduct Officer responding to allegations of gender discrimination or sexual harassment and leading to possible disciplinary action against a student will be initiated if a timely and complete grievance is filed with the Student Conduct Officer. Such an investigation shall follow the procedures set forth in Sections III through VIII of the OSU Student Rights and Responsibilities policy, except as such policies are specifically augmented in this Policy. Such a grievance must be filed, in writing, with the Student Conduct Officer within 90 calendar days of the occurrence of the alleged violation. In extraordinary circumstances, the time frame for such filing may be

extended by the Student Conduct Officer to an additional 90-day time period.

B. Upon receipt of such a complaint, the Student Conduct Officer shall (1) notify the complainant within two (2) working days, in writing, of receipt of the complaint and of the actions the Officer will take with the complaint, and (2) engage in a preliminary review of the matter to determine whether disciplinary procedures should be initiated in response to the complaint as called for in the Student Rights and Responsibilities policy. Such review, at the minimum, will normally involve meeting personally with the individual(s) filing the complaint, with the individual(s) accused of violations of University policy, and any relevant witnesses to the alleged actions at issue, together with reviewing any documentary evidence relevant to the matter. Such a determination shall ordinarily be made within ten (10) working days of the receipt by the Student Conduct Officer of the complaint. In extraordinary circumstances, the Student Conduct Officer has the authority to extend this 10-day time period. In such instances, the Student Conduct Officer shall notify the complainant and the respondent of such, and the date when the preliminary determination will be made.

C. If it is determined by the Student Conduct Officer that the University will not proceed with a disciplinary proceeding, the Student Conduct Officer will send a notification letter explaining the reason(s) to the complainant, with a copy to the alleged offender. The notification letter will also include a statement informing the complainant that, within ten (10) working days of the notification, he or she may appeal the determination not to proceed to the Vice President for Student Affairs. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint is believed to be in error.

The Chief Student Affairs Officer shall respond within ten (10) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision is overturned, the complaint is sent back to the Student Conduct Officer for investigation in accordance with the procedures outlined below.

D. If it is determined that the University will proceed with a formal disciplinary proceeding, the Student Conduct Officer will give the complainant and the respondent notification of such determination as called for in Sections III through VIII of the Student Rights and Responsibilities policy. If a student conduct committee is to be convened to consider the matter under review, such hearing shall be scheduled to take place within fifteen (15) working days of such notification. In extraordinary circumstances, the Student Conduct Officer has the authority to extend this 15-day time period. In such instances, the Student Conduct Officer shall notify the complainant and the respondent of such, and the date when the hearing will be held. The hearing shall follow the procedures set forth in Sections III through VIII of the Student Rights and Responsibilities policy and the complainant and respondent shall have

equal rights in all phases of the hearing and appeal processes set forth in Sections III through VIII of the Student Rights and Responsibilities policy.

2.05 Complaints Against Non-Faculty Employees - Formal Resolution Procedures

A. Complaints and grievances alleging gender discrimination or sexual harassment against non-faculty staff personnel may be initiated either through the University's general employee grievance/disciplinary policies located in P&P Letter No. 3-0710, "Resignations and Dismissals for Classified Staff," or P&P Letter No. 3-0726, "Employment, Resignation, Suspensions, and Dismissals for Administrative and Professional Staff," in accordance with the status of the employee, or through the Title IX Coordinator. Such complaints filed with the Title IX Coordinator shall be transferred by the Title IX Coordinator to the appropriate unit administrator for further review and action within two (2) working days of receipt of the complaint.

An investigation in response to a complaint against a non-faculty staff employee shall follow the procedures set forth in the OSU policies governing non-faculty grievances or disciplinary actions located in P&P Letter No. 3-0710, "Resignations and Dismissals for Classified Staff," or P&P Letter No. 3-0726, "Employment, Resignation, Suspensions, and Dismissals for Administrative and Professional Staff," in accordance with the status of the employee, except as such policies are specifically augmented in this Policy.

B. A complaint alleging gender discrimination or sexual harassment allegedly committed by a non-faculty staff employee may be filed, in writing, with either the appropriate unit administrator or with the Title IX Coordinator within 90 calendar days of the occurrence of the alleged violation. In extraordinary circumstances, the time frame for such filing may be extended by the unit administrator or the Title IX Coordinator to an additional 90-day time period.

C. Unit administrators who receive complaints alleging gender discrimination or sexual harassment allegedly committed by non-faculty staff employees, shall notify the Title IX Coordinator of their receipt of such a complaint within two (2) working days of receiving the complaint. The Assistant Vice President, Division of Human Resources, upon receiving an employee complaint requesting a grievance review shall notify the Title IX Coordinator of their receipt of such a complaint within two (2) working days of receiving the complaint.

D. Upon receipt of a grievance or complaint against a non-faculty staff employee the Assistant Vice President, Division of Human Resources, or the unit administrator, as appropriate, shall (1) notify the complainant within two (2) working days, in writing, of receipt of the complaint and of the actions that will be taken with the complaint, and (2) engage in a preliminary review of the matter to determine whether formal grievance or disciplinary procedures should be initiated in response to the complaint. Such a determination shall ordinarily be

made within ten (10) working days of the receipt by the unit administrator or Division of Human Resources of the complaint. In extraordinary circumstances, the Assistant Vice President for Human Resources or appropriate unit administrator has the authority to extend this 10-day time period. In such instances, the complainant and the respondent shall be notified of such, and the date when the preliminary determination will be made.

E. Where formal grievance proceedings are requested due to allegations of gender discrimination or sexual harassment by non-faculty employees, if it is determined by the Assistant Vice President for Human Resources that the University will not proceed with a formal grievance proceeding, the Assistant Vice President for Human Resources will send a notification letter explaining the reason(s) to the complainant, with a copy to the alleged offender. The notification letter will also include a statement informing the complainant that, within ten (10) working days of the notification, he or she may appeal the determination not to proceed to the Vice President for Administration and Finance. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint is believed to be in error.

The Vice President for Administration and Finance shall respond within ten (10) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision is overturned, the complaint is sent back to the Assistant Vice President for Human Resources for action in accordance with the procedures outlined in P&P Letter No. 3-0746, "Grievances and Appeals for Administrative/Professional and Classified Staff."

F. Where formal disciplinary action is requested due to allegations of gender discrimination or sexual harassment by non-faculty employees, if it is determined by the unit administrator that the University will not proceed with a formal disciplinary action, the unit administrator will send a notification letter explaining the reason(s) to the complainant, with a copy to the alleged offender. The notification letter will also include a statement informing the complainant that, within ten (10) working days of the notification, he or she may appeal the determination not to take disciplinary action to the Dean or Vice President charged with supervision over the unit. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint is believed to be in error.

The Vice President for Administrative Services shall respond within ten (10) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision is overturned, the complaint is sent back to the unit administrator for action in accordance with the procedures outlined in P&P Letter No. 3-0710, "Resignations And Dismissals For Classified Staff," or P&P Letter No. 3-0726, "Employment, Resignation, Suspensions, and Dismissals for Administrative and Professional Staff," in accordance with the status of the employee.

G. If it is determined that disciplinary action will be taken in response to the complaint, the unit administrator will proceed with such action, following P&P Letter No. 3-0710, "Resignations and Dismissals for Classified Staff," or P&P Letter No. 3-0726, "Employment, Resignation, Suspensions, and Dismissals for Administrative and Professional Staff," in accordance with the status of the employee, relating to imposing disciplinary action against non-faculty employees. The unit administrator shall give the complainant and the respondent notification of such determination. Such action and notification shall normally be concluded within fifteen (15) working days of the receipt by the unit administrator of the complaint. In extraordinary circumstances, the unit administrator has the authority to extend this 15-day time period. In such instances, the unit administrator shall notify the complainant and the respondent of such, and the date when the disciplinary process will be concluded.

2.06 Complaints Against Faculty Employees - Formal Resolution Procedures

A. The University's policies for formal complaints against members of the faculty are set forth in the "Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University" (January 21, 2000) ("the Policy Statement"). A grievance of gender discrimination or sexual harassment allegedly committed by members of the faculty may be initially filed with the Title IX Coordinator or the appropriate academic unit administrator. If such complaints are filed with the Title IX Coordinator, such complaints shall be transferred for review and action by the Title IX Coordinator to the appropriate academic unit administrator within two (2) working days of receipt of such complaint, with a copy transmitted to the System Senior Vice President. Within two (2) working days of the academic unit administrator's receipt of the complaint, the administrator shall notify the complainant, in writing, of receipt of the complaint and of the actions the academic unit administrator will take with the complaint.

B. In instances not involving the possible dismissal of a faculty member due to alleged gender discrimination or sexual harassment, the appropriate academic unit administrator (or substitute academic administrator appointed by the System Senior Vice President as authorized in the Policy Statement) shall review the complaint and take responsive action as deemed appropriate normally within thirty (30) working days, following due process provisions as set forth in the Policy Statement.

C. Where formal disciplinary action not involving possible dismissal is requested due to allegations of gender discrimination or sexual harassment by a faculty member, if it is determined by the unit administrator that the University will not proceed with a formal disciplinary action, the unit administrator will send a notification letter explaining the reason(s) to the complainant, with a copy to the alleged offender. The notification letter will also include a statement informing

the complainant that, within ten (10) working days of the notification, he or she may appeal the determination not to take disciplinary action to the Dean charged with supervision over the unit. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint is believed to be in error.

The Dean shall respond within ten (10) working days of receipt of the appeal. If the decision not to take disciplinary action is upheld, that decision is final. If the decision is overturned, the complaint is sent back to the unit administrator for action in accordance with the procedures outlined in the University's disciplinary procedures for faculty.

In instances involving the possible dismissal of a faculty member due to alleged gender discrimination or sexual harassment, the procedures set forth in the General Termination Procedures of the Policy Statement shall be followed.

2.07 Formal Resolution Reporting and Documentation Requirements

Officials taking action via formal disciplinary or grievance proceedings (whether involving student, non-faculty staff, and members of the faculty) in response to complaints of alleged gender discrimination or sexual harassment are required to report such actions, in writing, to the University's Title IX Coordinator. Such reports shall be made within two (2) working days of resolution of the complaint. Such officials include, but are not necessarily limited to: unit heads, academic administrators, faculty members engaged in teaching or in supervising student workers, and intercollegiate athletic administrators and coaching staff members. The Student Conduct Officer shall also make such reports to the Title IX Coordinator.

The University shall document formal resolutions. Such documentation shall be retained by the Title IX Coordinator for at least three (3) years from the date of conclusion of the formal resolution procedure and will be kept confidential to the extent permitted by law.

3.01 Title IX Coordinator Review Authority

Nothing contained in this Policy shall be construed to limit or qualify the authority of the Title IX Coordinator to independently review any allegations of gender discrimination or sexual harassment on an informal basis and to make such reports as the Title IX Coordinator deems appropriate and necessary to University administrators.

The Title IX Coordinator for OSU-Tulsa: Mrs. Sandra Cooper, Director of Human Resources/Affirmative Action/Ombudsperson, 1405 Main Hall, 918-594-8222.

Appendix A

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 29 CFR Part 1604

DISCRIMINATION BECAUSE OF SEX UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED; ADOPTION OF FINAL INTERPRETIVE GUIDELINES AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Amendment to Guidelines on Discrimination Because of Sex.

SUMMARY: On April 11, 1980, the Equal Employment Opportunity Commission published the Interim Guidelines on sexual harassment as an amendment to the Guidelines on Discrimination Because of Sex, 29 CFR part 1604.11, 45 FR 25024. This amendment will reaffirm that sexual harassment is an unlawful employment practice. The EEOC received public comments for 60 days subsequent to the date of publication of the Interim Guidelines. As a result of the comments and the analysis of them, these Final Guidelines were drafted.

EFFECTIVE DATE: November 10, 1980.

FOR FURTHER INFORMATION CONTACT: Karen Danart, Acting Director, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506, 202-634-7060.

(Supplementary information concerning comments received on the interim guidelines, and relevant case law is omitted.) Accordingly, 29 CFR Chapter XIV, Part 1604 is amended by adding § 1604.11 to read as follows: PART 1604-GUIDELINES ON DISCRIMINATION BECAUSE OF SEX § 1604.11 Sexual harassment.

A. Harassment on the basis of sex is a violation of Sec. 703 of Title VII. The principles involved here continue to apply to race, color, religion or other origin. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

B. In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

C. Applying general Title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job

functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

- D. With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.
- E. An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.
- F. Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.
- G. Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

Title VII, Pub. L. 88-352, 78 Stat. 253 (42 V.S.C. 2000e et seq.) (FR Doc. 80-34981 Filed 11-7-80, 8:45 a.m.) Billing Code 6570-06-M

Federal Register Vol. 45, No. 219/Monday, November 10, 1980/Rules and Regulations 74676-74677

C. Sexual Misconduct

A. General Statement:

Oklahoma State University is committed to providing a productive living and learning community in which students can pursue their educational goals. Sexual misconduct undermines this commitment and affects the ability of students to focus on their educational goals. Therefore, Oklahoma State University will not tolerate nor condone any form of sexual misconduct, whether physical, mental, or emotional in nature.

Where there is sufficient information/evidence to believe that the University's policies prohibiting sexual misconduct have been violated, the University will pursue strong disciplinary action through its own student conduct system. Even if law enforcement and criminal justice authorities

choose not to prosecute a particular incident, the University may still pursue the incident as a student misconduct matter. Where it is determined that sexual misconduct is more likely than not to have occurred, University disciplinary sanctions can include suspension or expulsion.

B. Definitions:

Due to the sensitive and sometimes violent nature of incidents involving sexual misconduct the following definitions are provided for informational use by students and for guidance in the investigation and processing of alleged violations. It is possible that a particular action may constitute sexual misconduct even if not specifically mentioned in these examples:

Sexual Misconduct includes any sexual act that occurs without the "effective" consent of the other party and includes the following:

1. Sexual intercourse (vaginal, anal, or oral penetration)
 - however slight
 - with any object
 - by a male or female whether an acquaintance or a stranger
 - without "effective" consent
2. Other sexual contact
 - attempted or actual touching
 - of the genitalia, buttocks, breast, or clothing covering same
 - without "effective" consent
3. "Effective Consent" is:
 - informed;
 - freely and actively given;
 - mutually understandable words or actions;
 - which 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 considered effective if obtained from an individual who is incapable of giving consent due to the following:
 - a mental, developmental, or physical disability; or
 - s/he is under the legal age to give consent; or
 - s/he is intoxicated by alcohol, beer or under the influence of drugs.

Individuals who commit acts of sexual misconduct assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions.

Examples of violations:

- Ignoring an individual's protest and engaging in sexual activity is a violation.
- Convincing somebody to have sex is likely to constitute intimidation or coercion. If someone is coerced the yes is not "effective" consent.
- Drinking and/or drug use may render the individual incapable of giving consent for sexual activity.

- For example, someone who is intoxicated may agree to have sex at the time, but have no memory of the consent. This person may have been functioning in a "blackout" and therefore did not give effective consent.
- Holding a person down or preventing a person from leaving the room and engaging in sexual activity against his/her will is a violation.

4. "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:
 - a. submission to such conduct is made explicitly or implicitly a term or condition of leadership, membership in an organization, student social events, academic standing, or participation in any University activity.
 - b. submission to or rejection of such conduct by an individual is used as a basis for evaluation, particularly in making employment or academic decisions affecting the individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with the other individual's performance or creating an intimidating, hostile, or offensive educational and University environment.

C. To Consult About or Report Incidents of Sexual Harassment:

Against a student, contact
Emonica Reagan-Neeley
OSU-Tulsa Student Conduct Office, North Hall 103
918-594-8234

Against OSU employees, contact
Sandy Cooper
Title IX Coordinator/OSU-Tulsa
1405 Main Hall
918-594-8222

D. If you have been sexually assaulted:

1. Do what you need to feel safe:
 - a. Call 911 immediately if you believe you are in danger.
 - b. Get to a safe place or call a supportive friend or advocate.
 - c. Call the local 24 hour Rape Crisis Line at 918-744-7273. An advocate is available to give advice, discuss options, and can accompany you to the hospital and/or police station.
2. Do not shower, bathe, douche, change or destroy clothes; do not eat, drink, smoke or chew gum; do not take any medications. Preserving evidence for possible criminal prosecution is important.
3. Seek medical help - to gather evidence for possible criminal prosecution and for treatment of any possible injuries.
4. Decide whether to file a report with the OSU-Tulsa Police Department (918-594-8123), The Tulsa Police Department (918-596-9222) and/or the Student Conduct Office (918-594-8234). One may also contact Domestic Violence Intervention Services of Tulsa at 918-585-3143.

5. Seek support and counseling. On campus resources include:
Professional:
The Counseling Psychology Clinic
918-594-8568

Personal:
Jennifer Smith – Student Affairs
918-594-8450

Ron Knight – Adviser
918-594-8582

E. Sexual Misconduct Special

Concerns: Oklahoma State University encourages the reporting of instances of sexual misconduct. To assure a proper balance between the rights and interests of the alleged victim of sexual misconduct and the alleged perpetrator of an act of sexual misconduct, and to encourage and foster a positive atmosphere for the prompt reporting and handling of all cases of alleged sexual misconduct, including encouraging alleged victims to testify and otherwise actively participate in the discipline process, the following measures are adopted by the University for application to hearings regarding alleged instances of sexual misconduct:

1. Special Mandatory Rights in Cases Involving Alleged Sexual Misconduct
 - a. The alleged victim shall be permitted to have a person or persons of his or her own choosing accompany him or her throughout the disciplinary hearing;
 - b. The alleged victim shall be permitted to be present during the entire disciplinary hearing (except during deliberations of the panel);
 - c. The alleged victim shall have the right to be informed of the outcome of the hearing upon its conclusion by the panel; and,
 - d. The person alleged to have engaged in sexual misconduct shall also be afforded all of the rights set forth in this section.
2. Discretionary Procedures
Additionally, in the discretion of the panel reviewing a particular case, the following procedures may be deemed appropriate for use in conducting a review hearing regarding a case of alleged sexual misconduct. A panel shall have no duty to grant such measures in any case under review, but should consider the appropriateness of permitting such accommodations:
 - a. The panel may, in its discretion, exclude evidence regarding the past sexual history of the alleged victim from discussion during the hearing. The past sexual history of the alleged victim with persons other than the alleged perpetrator shall be presumed irrelevant; and
 - b. The alleged victim may be given the opportunity to make a statement to the panel regarding the impact that the alleged actions have had in his/her life and educational relationship with the University, if the alleged perpetrator is found to have engaged in sexual misconduct.

D. Buckley Amendment - Family Educational Rights and Privacy Act

Purpose and Scope

1.01 This letter contains the University's policy and procedures relative to the Family Educational Rights and Privacy Act of 1974 (FERPA), known as the "Buckley Amendment."

Policy

2.01 It is the policy of Oklahoma State University that current and former students and parents of students, where appropriate, have the right to review educational records maintained about them by the institution, except for material to which the student has waived right of access or for material specifically determined to be confidential by law. Rights afforded to "students" in this letter may also be claimed by parents and/or legal guardians who are assigned such rights by law - i.e., who claim the student as a dependent for federal income tax purposes. Students shall be informed of their rights each year.

2.02 It is the policy of Oklahoma State University that information contained in educational records is confidential but may be reviewed by "school officials" who have a "legitimate educational interest" in the student without prior consent of the student. "School official" is defined as an individual currently serving as a member of the Oklahoma State University Board of Regents or classified as faculty, administrative, or professional and staff such school officials supervise. "Legitimate educational interests" is defined as an interest which results from the duties officially assigned to a school official and which are related to such a school official's responsibility for facilitating the student's development. School officials may have legitimate educational interests both in students who are currently enrolled and in those no longer enrolled.

2.03 It is the policy of Oklahoma State University that Directory Information may be released without prior consent of the student unless the student formally requests that such information be kept confidential. Such requests for confidentiality of directory information remain in effect only for one year at a time, i.e., the request must be renewed each year and applies to all categories of directory information, students may not specify that only some of the items be kept confidential.

2.04 It is the policy of Oklahoma State University that a student may be provided with copies of all or a part of his or her own educational record, although the University reserves the right both to charge for this service and to suspend such rights to copies in those cases in which the student has an outstanding obligation to the institution. Such a "hold" on the records will be removed when the obligation is legally and morally satisfied.

2.05 It is the policy of Oklahoma State University that requests from off-campus parties for information from educational records shall be handled through three central offices: a) the Office of the Registrar for academic records; b) the Office of Student Conduct for disciplinary records;

and c) the appropriate Placement Office for employment/placement records. A student or former student, however, may request any school official to release personally identifiable information.

2.06 It is the policy of Oklahoma State University that a record of non-routine disclosure of personally identifiable information—i.e., disclosure to persons other than school officials who have a legitimate educational interest in the students (see 2.02 above)—shall be maintained in such student's file, and such a record may be reviewed by the student.

2.07 It is the policy of Oklahoma State University that a student may challenge the content of the educational record if such records are believed to be inaccurate, misleading or in violation of the privacy or other rights of the student.

Procedure

3.01 Each year, the Registrar shall publicly notify students of their right to review their own educational records, and students seeking access to their own educational records should present themselves to the appropriate central office (see Section 2.05 above) and make their request to a member of the office staff. Positive identification will be expected.

- a. The staff member will satisfy himself or herself that the student is the student to whom the records pertain.
- b. The staff member will review the educational record file and remove any material to which the student does not have the right of access. The staff member may request that the student make an appointment to review the record, with such appointment being within the legal maximum period of forty-five days (45) days. No reason for the delay needs to be given.
- c. The student shall review the record in the Office under the supervision of the office staff, and under no circumstances shall the student remove or alter any part of the record.

3.02 "Directory Information" consists of the following information and is subject to change provided the change is effective only in the subsequent year (i.e., fall term) and provided the change(s) is/are appropriately publicized.

- a. student's name, local and permanent address
- b. telephone number and electronic (e-mail) address assigned/provided by the institution or provided to the University by the student
- c. date and place of birth
- d. major field of study
- e. weight and height of student participating in officially recognized sports
- f. dates of attendance at Oklahoma State University
- g. degrees, honors and awards granted or received
- h. academic classification such as freshman, sophomore, junior, senior, etc.
- i. sex
- j. educational institutions previously attended
- k. degree(s) held, date(s) granted, and institution(s) granting such degree(s)

- l. dissertation or thesis title
- m. advisor and/or thesis advisor
- n. participation in officially recognized organizations, activities and sports

Students who want directory information kept confidential shall complete the form designated for that action, doing so in the Office of the Registrar on or before the date established by and publicized by that Office.

3.03 Faculty who wish to post grades as a convenience to students may do so only with the prior written consent of each student. It is suggested that faculty who wish to post grades circulate a paper in class which states that (a) students who sign the paper give permission to the specific faculty member in the specific course to post examination and/or quiz grades, and (b) such postings will not list students in any personally identifiable manner. In posting grades, faculty may not use student names, student ID numbers, or student Social Security numbers. Such information represents “personally identifiable information,” the use of which in managing educational record data is restricted under the federal Family Educational Rights and Privacy Act. Posting grades by other codes such as the last four digits of the student’s ID number, a number or code randomly assigned to the student, a code provided by the student, or some other system to which the student agrees is permissible. Code words or randomly assigned numbers known only by the individual student and faculty member are the most secure and are in keeping with FERPA guidelines. (If the code used is the last four digits of the student’s ID number, the list should not be organized in alphabetical order.) Plans for posting grades should be clearly specified in the course syllabus, students should be given the opportunity to object to the posting mechanism, and such objections should be honored through the provision of alternate codes or grade notification procedures.

3.04 A student who wants a copy of information contained in the educational record shall make such request in writing to the official responsible for maintaining the record. The request shall clearly identify what material is to be copied. Fees for copies are as follows: Copies of transcripts shall be provided at the rate established by the Registrar for all such requests; copies of other records shall be provided at a per page rate equal to that established for photocopy machines housed in the University Library.

3.05 When personally identifiable information is released from the educational record to individuals or parties (other than those for whom record keeping requirements are not mandated), a record shall be kept of who requested the material, why the request was made, and what material—if any—was made available. In those cases where a student or a former student requests a school official (See Section 2.05) to release personally identifiable information, the student shall provide written authorization, e.g., attachment 1 or appropriate forms.

3.06 When a student challenges the content of the educational record, the following steps will be used:

- a. The student will submit a written request to the official responsible for maintaining the record, with such request specifying the content being challenged, the grounds for the challenge, and the exact action being sought.
- b. Within one (1) month—i.e., twenty-two (22) working days—of the request, the official shall provide a written response. If the official grants the request, the change(s) will be made. If the request is denied, the letter will explain why and will inform the student that he or she may add an explanation to the record and/or appeal the official’s decision. If the student adds an explanation to the record, the explanation will accompany the part of the record to which the explanation pertains whenever that part of the record is released.
- c. An appeal by submitting a written request to the Office of the Vice-President for Academic Affairs, with a copy of the original letter and the official’s response being attached. The Board will arrange a hearing with the student within one month at a mutually agreeable time and place. In the event that the student is accompanied by legal counsel, the Chief Student Affairs Officer, must be notified of the fact at least three working days prior to the hearing. After the Board hears the evidence and deliberates, it will decide and communicate its decision in writing, including reasons, to both the student and the official involved in the case.

E. Avoidance and Control of Serious Communicable Diseases on Campus

Introduction and General Statement

1.01 The Board of Regents for Oklahoma Agricultural and Mechanical Colleges and Oklahoma State University is concerned for the health, welfare and safety of students and employees of the university. An important element of the governing policy for the institution is the prevention and control of serious communicable diseases on campus.

1.02 Confidentiality for the infected individual will be maintained through the institution’s policy of communicating sensitive medical information on a strict “need to know” basis only.

1.03 The legitimate power of society to regulate health matters for the common good may be exercised for the purpose of preventing or controlling the introduction and spread of infectious, contagious or communicable diseases.

1.04 Accordingly, appropriate public health authorities frequently are empowered, and it is made their legal duty, to execute such sanitary regulations as may be considered expedient to prevent or control the outbreak or spread of hepatitis, tuberculosis, scarlet fever, diphtheria, measles and other epidemic and communicable diseases too numerous to list.

1.05 The governing Board of Regents for Oklahoma State university has directed institutions under its jurisdiction to develop general statements of policy and procedures for use in situations where serious communicable diseases on campus present danger to the academic community.

1.06 It is the general policy of the Board of Regents that activities of higher education institutions under its governance should always proceed with reasoned effort and circumspect caution where health risk associated with serious communicable medical conditions are involved.

1.07 It is the general policy of the Board of Regents that applicable state and federal laws pertaining to contagious or infectious diseases, all matters of public health, as well as those governing discrimination and privacy, shall be appropriately observed and followed in the operation of all institutions under its jurisdiction. Institutional personnel are expected to properly cooperate with authorized public health officials in resolving threatening situations which may arise.

1.08 It is the policy of the Board of Regents that institutional actions taken in response to serious human health problems on campus shall be balanced and even handed with regard to questions of ordinary institutional needs, concerns of public health, and human treatment of individual victims of accidents, injuries, infections and diseases. Individual cases shall be considered on their own needs and merits. Request for special accommodations may be considered by appropriate institutional administrators.

Policy

2.01 The president has designated The Vice-President for Administrative Services to serve as university health information officer. The university health information officer shall act as a liaison with public health officials and university constituencies to assist in obtaining an awareness of any threatening health conditions that could adversely affect members of the university community. When adverse health conditions are detected or foreseen, the university health information officer shall cause to be developed a remedial plan of action which should ameliorate probable risks without jeopardizing other values central to a free and open society and recommend the same to the president for action.

2.02 In instances of serious concern where no state or local health standard has been adopted, the university health information officer shall consult with the president and discuss formation of a qualified committee to study the need for proposing an interim health standard for institutional use. Any recommendation for such use is submitted to the president and thereafter may be presented to the Board of Regents if supported by the president.

2.03 It is recognized that it is the duty of each individual associated with the university to consciously avoid exposing others to any known infectious or contagious disease. Where it becomes apparent to administrators that an easily transmitted disease or infection is in the vicinity of a university activity, the university health information officer should be consulted for appropriate guidelines.

2.04 Public concern and/or safety may at times warrant the release of information pertaining to health issues or risks on campus. Such information shall be released from the university public information office.

2.05 Individuals directly associated with the university who contract an infectious or contagious disease should obtain a medical evaluation of their condition to assist and direct their consideration of whether continued presence on the campus is in the best interests of that individual and the university community.

2.06 The university shall take an active role in the organization and implementation of effective educational programs and provide resources to inform the campus community about serious and pertinent health concerns. These programs and resources should be targeted toward all students, faculty, and staff. To enhance effectiveness, educational efforts should provide information, use reliable materials, and be easily accessible.

2.07 Administrators shall be familiar with matters of sanitation and safety that are known to be relevant to their areas of responsibility; in this regard the university health information officer shall act as adviser. For example, academic administrators should be aware of human health issues that may arise in laboratory settings, and food service administrators should be aware of the need for maintaining effective techniques to promote sanitary conditions for workers and consumers. Training should be arranged as appropriate.

Procedures

3.01 The Oklahoma State Department of Health Epidemiology Bulletin or similar timely publication should be considered as a primary source of information for university use. 3.02 The university should also consider the guidelines proposed by the federal Centers for Disease Control and the American College Health Association in working with problem situations.

3.02 The university may develop and implement appropriate guidelines for dealing with specific diseases or contagious conditions which arise over time. Those guidelines shall be consistent with Board of Regents policy statements and this institutional policy and procedures statement.

3.03 The university may develop and implement other institutional policy and procedures statements pertaining to health and safety issues that are consistent with Board of Regents' authorized policy statements. For example, see OSU Policy and Procedures Letter 3-0771, "Personnel Policy on Communicable Diseases."

3.04 Information concerning the existence of an infectious or contagious disease in a student, faculty or staff member is highly sensitive, frequently misunderstood, and has a potential for misuse. The university will make all reasonable efforts to ensure that such specific information is kept confidential within the institution and that information is provided only on a "need to know" basis as determined by the university health information officer, the vice president for student affairs, or the president. Professional standards concerning confidentiality in the delivery of medical and psychological services may also protect such information. In

addition, other university personnel will be made aware of the necessity for confidentiality (and appropriate procedures will be developed where necessary).

3.05 The university will take appropriate administrative action to deal with any purposeful or accidental disclosure of confidential information.

3.06 The university will endeavor to maintain visible and easily accessible support services through which concerned persons (students and employees) can receive counseling, assistance in locating and using social service resources, and referral for further assistance. These services include OSU Employee Assistance Program (EAP) - Counseling, consultation, and referral services for employees. Reference: Board of Regents for Oklahoma Agricultural and Mechanical Colleges Policy Statements and A&M System Plan for Avoidance and Control of Serious Communicable Diseases on Campus approved by the A&M Board of Regents on February 17, 1989.

F. Drug Free Workplace

Purpose and Scope

1.01 The Drug-Free Workplace Act passed by Congress in 1988 requires federal contractors and grantees to certify to the contracting or granting agency that they will provide a drug-free workplace. This policy is adopted in order to comply with this statutory directive.

Definitions

2.01 Workplace- Oklahoma State University owned or controlled property or the site for performance of work.

2.02 Controlled Substance- Cocaine, Marijuana, opiates, amphetamines and any other substance designated a "controlled substance" in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

2.03 Criminal Drug Statute- a federal or non-federal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.

2.04 Conviction- a finding of guilt (including judicial acceptance of a plea of nolo contendere) or imposition of sentence, or both, by a judicial body determining violations of federal or non-federal criminal drug statutes.

2.05 Project Director- the individual having administrative supervision over a project resulting from a federal grant or contract.

2.06 Employee- Shall include Oklahoma State University faculty, administrative and professional staff, classified staff, graduate assistants and student appointments.

Policy

3.01 In support of this anti-drug abuse legislation, it is the policy of Oklahoma State University to establish and maintain appropriate compliance by:

- a. Publishing and distributing to all employees a written statement regarding this controlled substance prohibition in the workplace, with descriptions of disciplinary actions which may be taken against employees for violation of such prohibition. See Exhibit A, attached hereto.
- b. Establishing a drug-free awareness program.
- c. Notifying the contracting or granting agency within ten (10) days of receiving notice of an employee's criminal violation occurring in the workplace.
- d. Imposing appropriate administrative disciplinary action on, or requiring the Satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted or who has otherwise violated this policy.
- e. Making a good-faith continuous effort to maintain a drug-free work-place through the implementation of the requirements set forth in the Drug-Free Workplace Act.

Procedures

4.01 A copy of the written statement referenced in 3.01 (a) regarding the controlled substance prohibition in the workplace shall be disseminated to all current employees, posted in each department of the University and given to each new employee.

4.02 The project director will have the responsibility of explaining this policy to employees working on a federal contract/grant.

4.03 An employee shall notify the project director or, in the absence of a project director, his/her immediate supervisor or other supervisory administrator, in writing, of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

4.04 The project director shall notify The Office of Vice-President for Administrative Services of an employee's criminal drug statute conviction for violation occurring in the workplace. The Vice President shall notify in writing the federal contracting or granting agency of such conviction as

required by the pertinent statute and regulations. The project director's notification shall be made in a timely manner so that the Vice president may comply with the time requirement set forth herein.

Oklahoma State University Drug-Free Workplace Statement

To All Employees:

In accordance with the Drug-Free Workplace Act of 1988, Oklahoma State University hereby notifies all employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace. Any employee found to have violated this prohibition may be subject to disciplinary action up to and including dismissal or be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as a condition of continued employment. The drug abuse assistance/rehabilitation program shall be one that has been previously approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency. The imposition of such disciplinary action or requirement

to satisfactorily participate in a drug abuse assistance /rehabilitation program is premised solely upon a violation of this prohibition and does not require a criminal conviction.

As a condition of employment at Oklahoma State University, all employees will:

1. Comply with the terms of this statement; and
2. Notify the University (through either their immediate supervisor, other supervisory administrator or project director) of any criminal drug statute conviction for a violation occurring in the workplace in writing no later than five (5) days after such a conviction. Such conviction may, of course, result in the employee being disciplined or required to satisfactorily participate in a drug abuse assistance/rehabilitation program as specified above. Failure of an employee to report his/her conviction, as required herein, constitutes grounds for dismissal. As a further requirement of the Drug-Free Workplace Act, the University has established a drug-free awareness program for the purpose of informing employees about the dangers of drug abuse in the workplace, the University's prohibition of controlled substances in and on OSU property, any available drug counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed for drug abuse violations. An Employee Assistance Program has been created in furtherance of the drug-free awareness program. Information about the drug-free awareness program may be obtained from Campus Life.

Reference is made to Policy and Procedures Letter 1-1205 and the Drug-Free Workplace Act of 1988 as sources of information and clarification.

Suspensions and Disciplinary Actions

4.05 An employee found at any time to have violated the drug-free workplace policy may be disciplined by Oklahoma State University even when the violation has not resulted in a criminal conviction. Employees may also be temporarily suspended if such is deemed necessary to protect the best interest and safety of the University, its components and participants. As an alternative to disciplinary action, the

University may require satisfactory participation in a drug abuse assistance or rehabilitation program as a condition to continued employment. The drug abuse assistance/rehabilitation program shall be one that has been previously approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

4.06 In determining whether a violation of the drug-free workplace policy has occurred and disciplinary action to be imposed as a result of such violation, relevant provisions of the Faculty Handbook shall be followed insofar as faculty employees are concerned, and the relevant Policy and Procedures Letter(s) shall be followed insofar as staff employees are concerned.

4.07 One of the actions set forth above in 4.05 (i.e. discipline or satisfactory participation in a drug abuse assistance/rehabilitation program) shall be taken within 30 days of receiving notice from an employee of a conviction as provided for in 4.03.

4.08 Failure of an employee to report his/her criminal drug statute conviction for a violation in the workplace within five days of the conviction is grounds for dismissal of that employee.

4.09 For staff employees, appropriate and established leave policies will be followed for the purposes of such treatment and rehabilitation. For student employees and faculty, drug rehabilitation leave will be determined on an individual basis.

4.10 Where necessary because of conviction and incarceration, decisions relative to suspension or dismissal or the granting of leave for treatment will be determined individually.

Counseling and Rehabilitation Sources

4.11 The University Employee Assistance Program may be contacted for preliminary counsel and advice regarding chemical dependency problems and referral to approved chemical dependence treatment agencies.

Adopted by the Board of Regents December 15, 1989.
Revised: July, 1992

G. OSU Policy for all Students and Employees Regarding the Drug-Free School and Communities Act

1.01 Purpose

The Drug Free Schools and Communities Act Amendments of 1989 require an institution of higher education to certify to the U.S. Department of Education by 10-1-90, that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees in order to remain eligible for federal financial assistance of any kind. This policy is adopted by Oklahoma State University to comply with this statutory directive.

2.01 Policy

As set forth in local, state and federal laws, and the rules and regulations of the University, Oklahoma State University prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees in buildings, facilities, grounds, or other property owned and/or controlled by the University or as part of University activities.

3.01 Internal Sanctions

Any student or employee of the University who has violated this prohibition shall be subject to disciplinary action including, but not limited to, suspension, expulsion, termination of employment, referral for prosecution and/or completion, at the individual's expense, of an appropriate rehabilitation program. Any disciplinary action shall be taken in accordance with applicable policies of the University.

4.01 External Sanctions

Local, state, and federal laws provide for a variety of legal sanctions for the unlawful possession and distribution of

illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

Federal law provides rather severe penalties for distributing or dispensing, or possessing with the intent to distribute or dispense, a controlled substance and penalties of a less severe nature for simple possession of a controlled substance. The type and quantity of the drug, whether the convicted person has any prior convictions, and whether death or previous injury resulted from use of the drug in question (this, however, is not a factor in a case of simple possession) all affect the sentence. For example, if less than 50 kilograms of marijuana are involved and it is your first offense (no prior convictions), then you are subject to imprisonment of not more than 5 years, a fine of \$250,000, or both. If however, 50-100 kilograms of marijuana are involved instead of less than 50, and all other factors are the same as in the preceding example, you are subject to imprisonment of not more than 20 years, unless death or serious injury results from the marijuana use, then you are subject to not less than 20 years or life, a fine of \$1,000,000, or both. While the penalties for simple possession are less severe, the first conviction still carries a sentence of up to a year imprisonment, a fine of at least \$1,000 but not more than \$100,000, or both. With regard to simple possession, the number of convictions makes both the minimum period of imprisonment and fines greater. Under special provisions for possession of crack, a person may be sentenced to a mandatory term of at least 5 years in prison and not more than 20 years, a fine of \$250,000, or both.

As of July 1, 2000, conviction under Federal or State law involving the possession or sale of a controlled substance shall make a student ineligible to receive any grant, loan, or work assistance beginning with the date of conviction and ending as follows: (1) conviction for possession of a controlled substance: first offense - 1 year; second offense - 2 years; third offense - indefinite; (2) sale of a controlled substance: first offense - 2 years; second offense - indefinite. Students may regain eligibility earlier than specified by satisfactorily completing a rehabilitation program or other requirement as specified in the regulations.

State Law provides similar penalties with regard to the simple possession, distribution, or possession with the intent to distribute a controlled dangerous substance. Simple possession of marijuana is a misdemeanor and carries a punishment of up to 1 year in the county jail. A second or subsequent conviction for simple possession of marijuana carries 2-10 years in the state penitentiary. Possession of marijuana with the intent to distribute is a felony and carries a punishment of 2 years to life in the penitentiary and a fine of up to \$20,000 for the first conviction. A second or subsequent conviction carries a punishment of 4 years to life in prison and a fine of up to \$40,000. Depending upon the quantity involved, a convicted individual could be sentenced under the Oklahoma "Trafficking in Illegal Drugs Act" which provides for much harsher penalties.

In addition, state law provides that possession of or possession with the intent to consume 3.2 beer by someone under 21 years old is a misdemeanor punishable by a fine not to exceed \$100.00 or by appropriate community service not to exceed 20 hours. Possession of other alcoholic/intoxicating beverages by someone under 21 years old is a misdemeanor

punishable by imprisonment in the county jail for not more than 30 days, a fine not to exceed \$100.00, or both.

There are also state laws concerning driving under the influence of alcohol and using a false driver's license to obtain 3.2 beer or other alcoholic beverages. Depending upon the number of previous convictions, or gravity of the circumstances you may be convicted of a felony or misdemeanor for such an offense. It is most likely that you will also forfeit your driving privileges in the event you are convicted of such an offense.

There are also Tulsa ordinances similar to those described above. If drugs are involved the city will, most likely, defer to the state or federal authorities because their penalties are more severe. If alcohol is involved, you may be convicted of violating both local and state law and punished according to both laws.

Courts do not excuse individuals convicted of these offenses from a prison sentence to go to college or work. A conviction for such an offense is a serious blemish on your record which could prevent you from entering many careers or obtaining certain jobs.

Further information regarding these local, state and federal laws may be found in the OSU-Tulsa Police Department and the Office of Student Affairs where copies are available to students and employees. Students and employees are encouraged to review this information. The above-referenced examples of penalties and sanctions are based on the relevant laws at the time of adoption of this policy statement. Such laws are, of course, subject to revision or amendment by way of the legislative process.

5.01 Health Risks

Alcohol and other drug use represent serious threats to health and quality of life. Alcohol and other drug use increase the risk of accidents, birth defects, HIV/AIDS and other disease. Combining drugs may lead to unpredictable effects and many prescription and nonprescription drugs are potentially addictive and dangerous. Major categories of drugs and probable effects are below.

Alcohol is a depressant drug that impairs judgment and coordination, and in many persons causes a greater likelihood of aggressive and/or violent behavior. Even short term use may cause respiratory depression and, when consumed by pregnant women, may cause irreversible physical and mental abnormalities in newborns (fetal alcohol syndrome) or even death. Long-term use may lead to irreversible physical and mental impairment, including liver disease, heart disease, cancer, ulcers, gastritis, delirium tremens and pancreatitis. Alcohol interacts negatively with more than 150 medications. Driving while under the influence of alcohol is particularly dangerous and is a major cause of traffic-related deaths.

Cocaine/Crack are powerful central nervous system stimulants that constrict blood vessels, dilate pupils, increase blood pressure and elevate heart rate. Cocaine use may induce restlessness, irritability, anxiety, paranoia, seizures, cardiac arrest, respiratory failure and death. Cocaine is extremely addictive, both psychologically and physically. Great risk exists whether cocaine is ingested by inhalation (snorting), injection or smoking. Compulsive cocaine use

may develop even more rapidly if the substance is smoked and smoking crack cocaine can produce particularly aggressive paranoid behavior in users.

Date Rape Drugs (Rohypnol, rophies, roofies, GHB, Ketamine, etc.) may incapacitate a person, particularly when used with alcohol. Rohypnol and GHB (gamma-hydroxybutyrate) are characterized as "date rape" drugs because they incapacitate victims, thereby increasing vulnerability to sexual assault and other crime. Sedation, relaxation and amnesia are associated with Rohypnol use. Rohypnol may be psychologically and physically addictive and can cause death if mixed with alcohol or other depressants. GHB usage may result in coma and seizures and, when combined with methamphetamine, appears to cause an increased risk of seizure. Combining use with other drugs such as alcohol can result in nausea and difficulty in breathing. GHB may also produce withdrawal effects, including insomnia, anxiety, tremors and sweating. Ketamine may induce feelings of near-death experiences.

Ecstasy (X, Adam, MDMA, XTC, etc.) has amphetamine-like and hallucinogenic properties. Its chemical structure is similar to other synthetic drugs known to cause brain damage. Ecstasy use may cause psychological difficulties, including confusion, depression, sleep problems, drug craving, severe anxiety, paranoia and even psychotic episodes. Similar difficulties may occur weeks after taking MDMA. Physical symptoms such as increases in heart rate and blood pressure may result from use of such substances. Other physical symptoms include muscle tension, blurred vision, nausea, rapid eye movement and involuntary teeth clenching.

Hallucinogens (acid, PCB, LSD, psilocybin [mushrooms]) are the most potent mood-changing chemicals and may produce unpredictable effects that may impair coordination, perception and cognition. Some LSD users experience flashbacks, often without warning, without the user having taken the drug again. Violence, paranoia, delusions, hallucinations, convulsions, coma, cardiac arrest and respiratory failure may result from hallucinogen use.

Marijuana (pot, grass, hash, cannabis sativa, etc.) impairs memory, attention, coordination and learning. Long-term effects of smoking marijuana include problems with memory, learning, distorted perception, difficulty in thinking and problem solving, loss of coordination, increased heart rate, anxiety and panic attacks. Persons who smoke marijuana regularly may have many of the same respiratory problems as tobacco smokers, including daily cough and phlegm, chronic bronchitis and more frequent chest colds. Because users of marijuana deeply inhale and hold marijuana smoke in their lungs, they incur a higher risk of getting lung cancer.

Narcotics (heroin, opium, morphine, codeine, pain medication [Demerol, Percodan, Lortab, etc.]) may produce temporary euphoria followed by depression, drowsiness, cognitive impairment and vomiting. Narcotic use may cause convulsions, coma and death. Tolerance and dependence tend to develop rapidly. Using contaminated syringes to inject drugs may result in contracting HIV and other infectious diseases such as hepatitis.

Nicotine (tobacco, cigarettes, cigars, chewing tobacco, nicotine chewing gum and patches) is highly addictive and,

according to the Surgeon General, a major cause of stroke and is the third leading cause of death in the United States. Over time, higher levels of nicotine must be consumed in order to achieve the same effect. Nicotine consumption results in central nervous system sedation and, after initial activation, may cause drowsiness and depression. If women smoke cigarettes and also take oral contraceptives, they are more prone to cardiovascular and cerebrovascular diseases than other smokers. Pregnant women who smoke cigarettes run an increased risk of having stillborn or premature infants or infants with low birth weight.

Sedative-hypnotics (depressants, Quaaludes, Valium, Xanax, etc.) depress central nervous, cardiovascular and respiratory functions. Sedative-hypnotic use may lower blood pressure, slow reactions and distort reality. Convulsions, coma and death are outcomes associated with sedative-hypnotic use. Consuming sedative-hypnotics with alcohol or 3.2 beer is especially dangerous.

Steroids (anabolic-androgenic) may permanently damage liver, cardiovascular and reproductive systems. Possible side effects include liver tumors, cancer, jaundice, fluid retention and hypertension. In men, steroids may cause shrinking of testicles, reduced sperm count, infertility, baldness, breast development and increased risk for prostate cancer. In women, steroid use may cause growth of facial hair, male-pattern baldness, menstrual changes, enlarged clitoris and deepened voice.

Stimulants (amphetamine, methamphetamine, speed, crystal, crank, Ritalin, caffeine, various over-the-counter stimulants and diet aids) are powerful central nervous system stimulants that may increase agitation, physical activity and anxiety. Stimulants may decrease appetite, dilate pupils and cause sleeplessness. Dizziness, higher blood pressure, paranoia, mood disturbance, hallucination, dependence, convulsions and death due to stroke or heart failure may also result from use.

Reference: National Institute on Drug Abuse, National Institutes of Health
www.nida.nih.gov

Additional information about health risks associated with alcohol and other drug use may be available from the following sources.

6.01 Drug/Alcohol Treatment Resources

Oklahoma State University-Tulsa Counseling Psychology Clinic and the Employee Assistance Program offer counseling and referral sources for OSU students and employees.

Additional treatment and informational resources appear below.

Center for Substance Abuse Treatment Information and Referral Line
1-800-662-HELP (4357)

National Council on Alcoholism and Drug Dependence Hope Line
1-800-622-2255, 24 hours a day

National Institute on Drug Abuse
National Institutes of Health
1-800-729-6686
1-800-437-4889 (TDY)

Reach-Out Hotline

1-800-522-9054

Alcohol, drug, domestic violence, sexual assault,
rape crisis intervention and mental health referral.

OSU-Tulsa Area Resources:

Employee Assistance Program (employees only)
Family & Children's Services
918-587-9471

OSU-Tulsa Counseling Psychology Clinic
700 N. Greenwood
Main Hall 2419
Tulsa, OK 74106
918-594-8568

OSU Health Sciences
2345 Southwest Blvd
Tulsa, OK 74107
918-561-8375

Behavioral Services/Mental Health
Hillcrest Medical Center
1125 S. Trenton
Tulsa, OK 74120
918-579-7180

Community Impact Family Services
1110 E. 61st Street
Tulsa, OK 74136
918-747-6874
Hotline: 918-857-2565

H. Student Scholarships and Financial Aid Policies and Procedures

The Office of Scholarships and Financial Aid recognizes that all students are entitled to receive professional and courteous service when making application for financial assistance. The Office furthermore recognizes that each student has certain rights which are inherent to the financial aid application process.

The Office wants each student to understand that certain responsibilities are also a part of the application process. The following information describes the rights and responsibilities of students as they relate to the University financial assistance programs and the Office of Scholarships and Financial Aid.

A. Student Rights:

1. Access to Consumer Information: All students have the right to know what financial assistance programs are offered by Oklahoma State University and the criteria used to determine eligibility. In addition, students have the right to the following information upon request:
 - a. What federal, state and local programs are available at OSU.

- b. What aid programs are available through OSU and through private agencies.
- c. How students apply for aid and how eligibility is determined.
- d. How OSU distributes aid among students.
- e. The rights and responsibilities of the student receiving financial aid at OSU.
- f. The terms and conditions of any financial aid a student is receiving.
- g. How and when financial aid will be disbursed.
- h. The terms and conditions of any employment that is part of the financial aid award.
- i. The terms of, schedules for, and the necessity of loan repayment and required loan entrance and exit counseling.
- j. The criteria for determining whether or not a student is maintaining satisfactory academic progress and the procedure by which a student who has failed to meet satisfactory academic progress may re-establish eligibility for financial aid.
- k. Information regarding the availability of Student Financial Aid program funds for study abroad programs, and that a student may be eligible for program funds for attending a study abroad program that is approved for credit by OSU.
- l. The terms and conditions under which an OSU student receiving Federal education loans may obtain deferments while serving (a) in the Peace Corps, (b) under the Domestic Volunteer Service Act, and (c) as a volunteer for a tax exempt organization of demonstrated effectiveness in the field of community service.
- m. Information on availability of community-service Work-Study jobs.
- n. The names of associations, agencies or governmental bodies that accredit, approve or license the institution and its programs.
- o. The cost of attending OSU, including tuition and fees, books and supplies, estimates of typical room and board costs or typical commuting costs, and any additional costs associated with the program in which the student is enrolled or has expressed an interest.
- p. The policy regarding funds and on distributing financial aid information.

2. Access to the Financial Aid File: The Office of Scholarships and Financial Aid keeps all financial records collected in support of a student's application on file. This information is considered confidential by the Office since the documents can include copies of federal income tax returns of the student and/or parents.

Students have the right to review documentation in their files with the following exceptions:

- a. Students who are dependent by federal definition are not permitted to review or request photocopies of their parent's financial records, etc., federal income tax returns, social security statements, et. al., without the written consent of their parent(s).
- b. Students who are independent by federal definition are assured of not having their financial records, etc., federal income tax returns, social security statements, et. al. released to their parent(s) without their written consent.

- c. Each student has the right to request, in writing, that financial information be released to governmental agencies, scholarship programs, etc.
 - d. The Office of Scholarships and Financial Aid can, and in many cases must, release directly, upon request, financial information that is held in common by other agencies. For example, if a student applies for financial assistance through Oklahoma State University and a state grant agency, it is legal for the agency and the Office to share and compare application data without the prior consent of the student or the parents where applicable.
3. Access to a Professional Counselor: Each applicant has the right to speak with a professional counselor on an appointment basis, or by telephone. It is not, however, the right of any student to be seen "upon demand" by any professional staff member.
 4. Understanding the Appeal Process: As noted under Part One (1) (Consumer Information) students have the right to know what constitutes satisfactory academic progress and the mechanism by which eligibility can be restored if students fail to make progress at any point in time. If a student does not meet the conditions of the progress policy and is in fact determined to be ineligible in a given term, the student has the right to a written appeal. The appeal is reviewed by a faculty committee and a final decision is made and communicated to the student in writing.

B. Student Responsibilities:

It is the responsibility of all student aid applicants to be responsive to requests made by the Office of Scholarships and Financial Aid. It must be understood that the Office of Scholarships and Financial Aid is dedicated to providing quality services to those students who take an active role in their own financial matters and who are willing to comply with all rules and regulations relative to the various assistance programs. Some of the responsibilities a student must assume to assure an efficient and timely reply to a request for financial assistance or information are:

1. Compliance with Request for Information: It is the responsibility of each student aid applicant to respond in a timely manner to all information requests made by the Office of Scholarships and Financial Aid. Requests can include, but are not limited to, applicable federal income tax returns, documentation of self-support (independent applicants), and household size verification. Once a request for information is made, the Office does not continue to process the student's application until the information is received.
2. Avoiding Submitting Fraudulent or Intentionally Misleading Information: If upon review of a given student aid applicant's file, fraudulent or intentionally misleading information is found by the Office, the following actions are taken:
 - a. The Oklahoma State University Police are consulted. If the OSU Police feel that a criminal investigation is warranted, they act accordingly.
 - b. In extreme and clear cut-cases where the action of the student and/or parents are intentionally fraudulent and may involve multiple federal agencies, i.e., the

Internal Revenue Service, the U.S. Department of Education, Health and Human Services, etc., the Office of Scholarships and Financial Aid contacts the U.S. Inspector General's Office. The Inspector General's Office then determines if criminal investigation is warranted and follows up accordingly.

3. Adherence to Application Priority Dates and Deadlines: It is the responsibility of the student aid applicant to be aware of the application priority dates and deadlines specific to each aid program administered by the University. The Office of Scholarships and Financial Aid awards funds in the Federal Work-Study, Supplemental Educational Opportunity Grant and Perkins Loan programs on a first-come, first-served basis; therefore, it is to the applicant's advantage to begin the process early (after January 1 of each year). The Office strives to process all applications in a timely manner and is not responsible for the deferment of University debts owed by financial aid applicants.
4. Proper Use of Financial Assistance: It is the student's responsibility to use all federal financial assistance received for educationally-related costs. Educationally-related costs include tuition, fees, room, board, books, supplies, transportation (this does not include car payments or the purchase of a car), and personal expenses (this does not include the accumulation or servicing of consumer debt). Students are encouraged to consult with the Office of Scholarships and Financial Aid if they have questions regarding the use of federal student aid.
5. Responsibilities Specific to Student Borrowers: The majority of student aid recipients at Oklahoma State University are funded by one or more federally insured and/or subsidized educational loan programs. It is the responsibility of all student borrowers to understand the payment provisions of the various loan programs as well as other requirements. It is also the responsibility of the student borrower to obtain from the lender all policies and regulations that pertain to any loan program from which the student is receiving funds.
6. Student Behavior in the Office of Scholarships and Financial Aid: All students shall interact with the Office of Scholarships and Financial Aid in a responsible, rational manner. Students who verbally abuse or physically threaten any office employee are either asked to leave the office by a supervisor or are removed from the office by the OSU Police. If called for, a complaint is filed with the University Student Conduct Office and disciplinary action may be taken. Students who are abusive or hostile on the telephone are asked for their names and student ID numbers. If the requests are denied, the conversations are immediately terminated. If the requests are honored and the student remains abusive or hostile, a complaint will be filed with the University Student Conduct Office for possible disciplinary action.

I. Hazing Law Enacted for the State of Oklahoma

Notice to All Students

The following is an excerpt of an amendment to 21 O.S. 1981, Section 852. Please be sure to read this and keep it with your Student Rights and Responsibilities Governing Student Behavior statement. If you have any questions regarding this law, call the Student Activities Office at 918-594-8355.

“ Section 3. NEW LAW. A new section of law to be codified in the Oklahoma Statutes as Section 1190 of Title 21, unless there is created a duplication in numbering, reads as follows:

- A. No student organization or any person associated with any organization sanctioned or authorized by the governing board of any public or private school or institution of higher education in this state shall engage or participate in hazing.
- B. Any hazing activity described in subsection F of this section upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by a public or private school or by any institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a forced activity, even if the student willingly participates in such activity.
- C. A copy of the policy or the rules and regulations of the public or private school or institution of higher education which prohibits hazing shall be given to each student enrolled in the school or institution and shall be deemed to be part of the bylaws of all organizations operating at the public school or the institution of higher education.
- D. Any organization sanctioned or authorized by the governing board of a public or private school or of an institution of higher education in this state which violates subsection A of this section, upon conviction, shall be guilty of a misdemeanor, and may be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) and the forfeit for a period of not less than one (1) year all of the rights and privileges of being an organization organized or operating at the public or private school or at the institution of higher education.
- E. Any individual convicted of violating the provisions of subsection A of this section shall be guilty of a misdemeanor, and may be punishable by imprisonment for not to exceed ninety (90) days in the county jail, or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

F. For purposes of this section:

1. “Hazing” means an activity which recklessly or intentionally endangers the mental health or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating subject to the sanction of the public or private school or of any institution of higher education in this state:
2. “Endanger the physical health” shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes, non-intoxicating beverage as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug controlled dangerous substance or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual; and
3. “Endanger the mental health” shall include any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

SECTION 4. This act shall become effective July 1, 1990.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 30th day of April 1990.

Passed the Senate the 17th day of April 1990.

Approved by the Governor of the State of Oklahoma the 2nd day of May 1990, at 11:09 o'clock A.M.

OSU-Tulsa does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation or status as a veteran in any of its policies, practices, or procedures. This includes, but is not limited to, admissions, employment, financial aid, and educational services. This publication, issued by OSU-Tulsa Marketing and Public Relations, was printed by P & P Press at a cost of \$613.21. 5,000/6/07