

# OKLAHOMA STATE UNIVERSITY INSTITUTE OF TECHNOLOGY

## Student Rights and Responsibilities Governing Student Behavior

Fall 2015 Edition

### **Student Code of Conduct**

#### **I. Introduction**

Oklahoma State University Institute of Technology is committed to creating and maintaining a productive living and learning community/environment 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 Institute of Technology 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 Institute of Technology 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 OSU Institute of Technology 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 University has a vested interest in all its students and endeavors to treat all students involved in any disciplinary matter with dignity and respect. Emphasis is placed on due process and objectivity to insure fair treatment.

#### **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 Institute of Technology is granted full authority to distribute policies and procedures governing the conduct of its students.

By enrolling at Oklahoma State University Institute of Technology, 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 OSU Institute of Technology community or the pursuit of OSU Institute of Technology'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, or actions which result in the serious injury or death of another person(s). Sanctions for violations such as these will generally result in suspension 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 are 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 Executive Vice President or his/her designee for final determination.

### **B. Statement of Non-Discrimination**

Oklahoma State University Institute of Technology 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 Institute of Technology, all should know that OSU Institute of Technology will not tolerate arbitrary and/or unreasonable discriminatory acts and procedures. Any member of the University community who believes he/she has been arbitrarily and/or unreasonably denied services and/or access to programs or activities administered by the University and for which they are eligible may file appeal under current applicable grievance procedures. Grievance procedures and practices applicable to faculty, staff, and students, through the offices of the Vice President of Student Services, and Director for Human Resources. (See Appendix D for detailed statement)

### **C. Interim Suspension**

Interim Suspension is an immediate suspension from the University, pending further disciplinary proceedings, upon written notice from the Dean of Students, or his/her designee, without an informal or formal hearing. The Dean of Students or his/her designee 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 Dean of Students or designee within three (3) days following the interim suspension, or in cases involving incarceration, when the student is available.

The interim suspension will remain in effect until a final decision has been made on the pending complaint either through an administrative hearing process or until the Dean of Students 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 Hearing. The adviser may be an OSU Institute of Technology faculty or staff member, or another OSU Institute of Technology 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 term "group" means a number of persons who are associated with each other, but who have not complied with University requirements for registration as a club or an organization.
5. The terms "Institution" and "University" means Oklahoma State University Institute of Technology.
6. The term "club/organization" means a number of persons who have complied with University requirements for registration and/or recognition.
7. The term "student" means any person who is enrolled in courses, either full-time or part-time, including correspondence

study, electronic means, or auditing. 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”.

8. The term “University premises” means buildings or grounds owned, leased, operated, controlled, or supervised by the University.

9. 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.

10. The terms “will” and “shall” are used in the imperative sense.

11. 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.

12. The term “Administrative resolution” means an avenue for resolution for minor infractions of the stated Code of Conduct.

13. The term “Informal hearing” means a meeting with the Student Conduct Officer, Residential Life hearing officers, or designee to resolve issues of misconduct. The Informal hearing may result in, but is not limited to, a verbal or written reprimand, restrictions, volunteer project/community service, educational class or program, restitution, housing probation, and housing suspension.

14. The term “Formal hearing” means a meeting with the Student Conduct Officer or designee to resolve issues of misconduct. The Formal hearing may result, in is but not limited to, a verbal or written reprimand, restrictions, volunteer project/community service, educational class or program, restitution, graduation hold, cancellation of enrollment, probation, suspension and expulsion.

### **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 OSU Institute of Technology Policy and Procedure Letter 2-017, entitled “Academic Integrity” and Section X of this document for detailed definitions and procedures).

2. Disruption or obstruction of normal University or University sponsored 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, 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. (State law classifies hazing as a crime. See Hazing Policy, Appendix J, for the legal definition.)

7. Sexual misconduct includes, but is not limited to, unwelcome sexual contact or acts which involves 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 OSU Institute of Technology Policy and Procedure Letter 4-006, entitled "Sexual Misconduct, including Sexual Assault and Sexual Harassment", and Appendix C.)

8. 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. (See OSU Institute of Technology Policy and Procedure Letter 1-009, entitled "Sexual Harassment" and Appendix B.)

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 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 on University premises, University sponsored or supervised activities, or off campus.

14. Forgery or unauthorized use of Oklahoma State University Institute of Technology 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. 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 Institute of Technology.

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 Institute of Technology Policy and Procedure Letter 1-017, entitled "Weapons, Firearms, Ammunition, Fireworks, Explosives, and Dangerous Chemicals".)

17. False reporting of a bomb, fire, or other emergency.

18. Misuse or unauthorized uses 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 or distribution 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, and in officially recognized University residence halls, regardless of age. An exception to this policy permits the possession or consumption of low point beer and/or alcoholic beverages by persons of lawful age (21) within the interior living spaces of family housing and facilities specified for non-traditional students.
22. Parties and/or large gatherings which disturb the peace of campus residences or off-campus neighborhoods.
23. The use of tobacco in any form on University property.
24. Violation of University Information Technology policy including, but not limited to, OSU Institute of Technology Policy and Procedure Letter 6-002, entitled "Use of Electronic Mail." The OSU Institute of Technology Data Communications network, devices other than computers, servers, and workstations, must not be plugged into any network port. This includes, but is not limited to, hubs, switches, repeaters, routers, network modems and wireless access points. These devices may be incorrectly configured or incompatible with the Oklahoma State University Institute of Technology network causing outages and reliability problems to all or part of the network.

Computer & Information Services strives to provide high availability and stable network resources relevant to the OSU Institute of Technology community's needs. Units needing additional network resources should contact the CIS Help Desk.

Devices not approved for use on OSU Institute of Technology's Data Communication network will be disabled to ensure the stability and availability of the network.

25. 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.
26. 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.
27. Interfering with the discipline procedures or outcomes, including, but not limited to, falsification, distortion or misrepresentation of information before a hearing officer; knowingly initiating a complaint without cause; harassment and/or intimidation of any hearing officer, witness(es), or University personnel before, during or after a proceeding; failure to comply with the sanction(s) imposed by a hearing officer.

#### **IV. Disciplinary Responsibility**

The responsibility for the campus discipline system is delegated from the Board of Regents for Oklahoma State University Institute of Technology to the Vice President of Student Services through the President. The Vice President of Student Services further delegates discipline authority to the Dean of Students, Student Conduct Office, Residential Life, and designated hearing officers. A Hearing Officer is a University employee who is an officially designated administrator or staff member. The goal is to resolve cases at the lowest possible level for maximum educational benefit.

##### **A. Disciplinary Process**

The following procedures are listed to inform students of the due process procedures in place at OSU Institute of

Technology for resolving alleged violations of OSU Institute of Technology regulations. The procedures are designed to allow for fact finding and decision making in the context of the OSU Institute of Technology educational community. The objective is to provide adequate procedural safeguards to balance the rights of the individual with the legitimate interests of the University.

### **A.1 Complaints**

1. Any member of the University community (faculty, staff, student, or the University) may file a complaint against a student alleging that a violation of the Code of Conduct has occurred.
2. Such complaint shall be filed with the official having jurisdiction as soon as possible but within 30 days of the alleged violation, and 180 days for alleged violations concerning sexual assaults or sexual harassment. The time may be extended at the discretion of the Dean of Students. 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. Name(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 standard of proof shall be that of “clear and convincing evidence”. Hearsay evidence and personal testimony may be considered and will be weighed accordingly.

### **A.3 Disposition of Charges**

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

## **B. Formal and Informal Hearings**

1. Upon determination 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 formal or informal hearing the student will be provided with the following:
  - a. An explanation of the allegations which have been made;
  - b. A summary of the facts and information which substantiate the allegations;
  - c. The opportunity to reflect upon and give his/her account of the incident or circumstances involved with the allegation(s).
3. Following the formal or informal hearing the student will be provided with an explanation of the decision of the Hearing Officer. The letter of explanation may be delivered to the student verbally or by the most advantageous means decided by the hearing officer. The results may include one of the following:

- a. the allegation(s)/charge(s) may be dismissed as unfounded;
  - b. student may admit to the allegation(s) and a sanction imposed;
  - c. the student may be found responsible for violating the Code of Conduct and a sanction imposed.
4. Possible sanctions may include, but are 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, suspension and expulsion.
5. Decisions reached at formal or informal hearings may be appealed as follows:
- a. Student Conduct Office formal hearings may be appealed to the Chief Conduct Officer or Dean of Students or his/her designee.
  - b. Residential Life informal or formal hearings may be appealed to the Director of Residential Life or his/her designee.
6. 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, additional disciplinary action, or a decision being made based on the information available at the time. The hearing will proceed even if the student does not show for the hearing.

**\*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.

### **C. 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 rights, responsibilities and privileges in an educational community.

Accused students have the right to:

- 1. written notice of the alleged violation(s);
- 2. have no code violation presumed until found responsible;
- 3. a timely 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. review the evidence;
- 6. may question his/her accuser, either directly or indirectly, at the discretion of the hearing officer;
- 7. may question witnesses, either directly or indirectly, at the discretion of the hearing officer;
- 8. present material witnesses (those with firsthand knowledge of the incident);
- 9. a written notification of the outcome of the hearing;
- 10. an avenue for appeal from a formal or informal hearing.

## 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. may question the accused and material witnesses, either directly or indirectly; at the discretion of the hearing officer;
7. in the case of sexual assault, the Conduct Officer 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 assault, the right to be notified of the outcome of any disciplinary proceeding;
9. an avenue for appeal from an formal or informal hearing.

## D. Re-entry Committee

Students must submit a letter of request for re-entry into the university after suspension has occurred. A committee comprised of the Chief Conduct Officer, Chief of OSUIT Police, Vice President of Student Services and the Dean of Students will review the file and make a decision on re-entry into the university.

Housing re-entry requests will be reviewed by the Director of Residential Life, Dean of Students and the Chief of OSUIT Police.

## V. Appeal Procedure

Discipline decisions or grievance hearing recommendation(s) made by a Hearing Officer may be appealed to the appropriate appeals officer, or his/her designee, by the accused student or the complaint student.

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 (V.2) have merit.

1. Appeals for Residential Life administrative hearings must be submitted in writing to the Director of Residential Life within two (2) University working/school days of receiving the decision of the previous lower hearing. Appeals for Student Conduct Office hearings must be submitted in writing to the Vice President of Student Services within two (2) Oklahoma State University Institute of Technology 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. The original formal or informal hearing was not conducted in conformity with prescribed procedures.



- b. The evidence presented at the lower previous hearing was not “sufficient” to justify a decision against the student or group.
- c. Evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing.
- d. The sanction was not appropriate for the violation.

3. The appropriate appeals officer, Director of Residential Life or Dean of Students will review the record of the original hearing, including documentary evidence. It is the appeals officer’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to a hearing officer for review and/or reconsideration. If there is new evidence which is believed to substantially affect the outcome, or evidence presented at the lower previous hearing(s) was “insufficient” to justify a decision against the student or group, or the Appeals Officer finds that procedural error did occur, the matter may be remanded to the appropriate Hearing Officer with instruction for either a rehearing of the entire matter or reconsideration of specific issues.

4. The final decision may be communicated in writing by the Director for Residential Life or the Dean of Students to the appealing student or group, with a copy sent to appropriate offices. 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 Director for Residential Life or the Dean of Students shall be final.

#### **VI. Implementation of Sanctions**

Disciplinary actions or grievance decisions may be implemented upon a decision of the hearing, 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. Ultimately, the hearing officer has the right to make the decision on when the sanction will be implemented.

Reviewing authority is retained by the Dean of Students, Chief Conduct Officer, and the Director of Residential Life, at his/her discretion, to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to a hearing officer 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 three (3) years from the calendar year of record, after which time they are destroyed.

3. Records of cases in which suspension or expulsion from the University occur, are kept for seven (7) years.

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, group, club or 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. **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.
6. **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.
7. **Graduation Hold** for failure to respond to a request to meet with the Student Conduct Officer or other hearing officer, or for non-compliance with disciplinary sanctions. The Dean of Students may place a hold on a student's participation in graduation exercises and/or diploma.
8. **Conduct Hold** is a "hold" that will require a student to seek re-entry as a result of a hearing, before any business can be conducted.
9. **Conduct Probation** is a specified period of time during which the student is warned that s/he is not in good standing with 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. Conditions for re-admission shall be stated in the written notification, including approval of the Student Conduct Office. Suspension will be recorded on the front of the academic transcript during the period of suspension and shall become a permanent part of the student's disciplinary record. Upon readmission to the University, the suspension notation shall be moved to the back of the student's transcript. 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**

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 University should endeavor to provide for students those privileges, opportunities, and protections which best promote the learning process in all its aspects. The following statement outlines those academic rights and responsibilities of students essential in helping the University community fulfill this responsibility. The principles found herein are designed to facilitate communication, foster academic integrity, and defend freedoms of inquiry, discussion, and expression among members of the University community. Such principles should safeguard and enhance conditions conducive to learning, and will serve as a guide for students, faculty, and administrators involved in programs of instruction and classroom activities.

**B. Access to Academic Programs: Oklahoma State University Institute of Technology** 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 established criteria for admission into certain programs of study, students who have been admitted to and are in good standing with the University shall be allowed to enroll in any degree program offered.

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 right to access to an academic program.

### **C. Student/Faculty Relations and Classroom Activities:**

The University should endeavor to provide a learning environment 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 the 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 orderly procedures against such action.

Evaluation of students and the award of credit should be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, age, sex, 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 form of academic misconduct represents an erosion of academic standards and should not be tolerated by either the teacher or the student. Knowledge of any dishonest act should be reported and dealt with through orderly procedures as established by the University.

Students should maintain a sense of responsibility when planning degree programs and 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 conform to conduct conducive to learning by being prepared, prompt, attentive, and courteous in the classroom and by conforming to policies set by the teacher to maintain an academic decorum.

#### **D. Grievance Procedure on Spoken English Proficiency of Teaching Personnel**

It is the policy of Oklahoma State University Institute of Technology that all persons employed as members of the faculty or for any other assignments involving oral instruction be proficient in spoken English. Students are encouraged to file such complaints initially with the chair of the academic department in which the course is taught. All complaints of this nature received by academic division chairs shall be investigated and dealt with as appropriate. Any student at Oklahoma State University Institute of Technology may file a complaint regarding the English language ability of any instructional employee with the Vice President of Academic Affairs. The Vice President or his/her designee shall investigate the complaint and make such disposition as may be warranted. The division chair shall report 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 disposition of the complaint.

#### **E. Non-Academic Criteria for Admission**

OSRHE: 3.9.10 Non-Academic Criteria for Admission

A. In addition to the academic criteria used by institutions in the State System as the basis for student admission, institutions shall consider the following non-academic criteria in deciding whether a first-time applicant or a transfer student shall be granted admission:

1. Whether an applicant has been expelled, suspended, denied admission or denied readmission by any other educational institution.
2. Whether an applicant has been convicted of a felony or convicted of any lesser crime involving moral turpitude.
3. Whether an applicant's conduct has been such that if, at the time of the conduct in question, the applicant had been a student at the institution to which application is made, the course of conduct would have been grounds for expulsion, suspension, dismissal or denial of readmission.

B. If the institution finds that an applicant has any of the above, then the institution shall deny admission to applicant if it decides that any of the events described in 3.9.10.A.1, 3.9.10.A.2 or 3.9.10.A.3 indicates the applicant's unfitness, at the time of application, to be a student at the institution to which application is made.

If an applicant is denied admission on any of the foregoing grounds, there must be substantial evidence supporting the basis for denial. In addition, the applicant must be afforded adequate procedural safeguards, including the following:

1. Be advised of the ground of the denial.
2. Be informed of the facts which form a basis of the denial.
3. Be afforded an opportunity to be heard.

Institutions should establish a hearing committee or some other appropriate mechanism to guarantee the proper administration of the procedural safeguards outlined above.

If a person indicates on the Application for Admission that he/she has a felony conviction, has a student conduct record (not limited to OSUIT), and/or been convicted of crimes of moral turpitude, the student will be required to complete a Non-Academic Review Request form with a letter of explanation. The Non-Academic Review Request form and letter of

explanation must be submitted to the Office of Admissions. The person's enrollment will be placed on hold until the Nonacademic Admissions Committee reviews the application. The student will be notified of the committee's decision which include, but are not limited to, the following:

- Approval to enroll,
- Approval to enroll with stipulated conditions,
- Denied to enroll (applicant may not attend OSUIT and all deposits will be refunded).

### **1. Appeal Procedure**

Decisions or recommendation(s) made by the Nonacademic Admissions Committee may be appealed to the Vice President of Student Services, or his/her designee, by the person seeking admission. An appeal is not a new hearing, but is a review of the original record. It serves as a procedural safeguard for the person. The person must show that one or more of the listed grounds for appeal have merit.

- a. Appeals for Nonacademic Admissions must be submitted in writing to the Vice President of Student Services within two (2) University working/school days of receiving the decision of the Nonacademic Admissions Committee. Failure to file an appeal, within the prescribed time constitutes a waiver of any right to an appeal.
- b. The appeal must cite at least one of the following criteria as the reason for appeal and supporting argument(s).
  - i. The Nonacademic Admissions Committee was not conducted in conformity with prescribed procedures.
  - ii The evidence presented to the Nonacademic Admissions Committee was not "sufficient" to justify a decision against the person.
  - iii. Evidence which could have substantially affected the outcome of the Committee has been discovered since the time the Nonacademic Admissions Committee met.
  - iv. The Vice President of Student Services will review the record of the Nonacademic Admissions Committee, including documentary evidence. It is the appeals officer's discretion to change any decision imposed to a lesser action, to rescind any previous decision, or to return a decision to the Nonacademic Admissions Committee for review and/or reconsideration. If there is new evidence which is believed to substantially affect the outcome, or evidence presented at the lower previous hearing(s) was "insufficient" to justify a decision against the person, or the Appeals Officer finds that procedural error did occur, the matter may be remanded to the Nonacademic Admissions Committee with instruction for either a rehearing of the entire matter or reconsideration of specific issues.

The final decision may be communicated in writing by the Vice President of Student Services to the appealing person, with a copy sent to appropriate offices. 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.

The decision of the Vice President of Student Services shall be final. The Nonacademic Admissions Committee membership will be comprised of the standing members of the Behavioral Consultation Team.

## **X. Academic Dishonesty-Definitions and Discipline Procedures**

The definitions of academic dishonesty and misconduct and the procedures to be followed are listed in the following sections.

### **A. Categories of Misconduct**

Students will be held accountable for, and face possible disciplinary action, should their behavior fall into one of the following categories.

1. Academic Dishonesty: Behavior in which a deliberately fraudulent misrepresentation is employed in an attempt to gain undeserved intellectual credit, either for oneself or for another person.
2. Academic Misconduct: Academic misconduct differs from academic dishonesty in that there is not intent to deliberately obtain undeserved intellectual credit by fraudulent means. Even unknowingly allowing other students to see examination answers or to see term projects or papers are possible acts of academic misconduct. Students are required to actively protect their work against misuse by others.

## **B. Acts of Academic Dishonesty and Misconduct**

Any student found responsible of academic dishonesty or misconduct shall be subject to disciplinary action. Academic dishonesty and/or misconduct include, but are not limited to, the following actions:

1. **Plagiarism:** The representation of previously written, published or creative work as one's own. Wherever the wording, arguments, data, design, etc., belonging to someone else are used in a paper, report, oral presentation, or similar academic project, this fact must be made explicitly clear by citing the appropriate references or sources. The reference wording must fully indicate the extent to which any part or parts of the project are attributed to others. Paraphrased materials must be acknowledged in the same manner as material that is used verbatim.
2. **Unauthorized Collaboration on Projects:** The representation of work as solely one's own when in fact it is the result of an unauthorized joint effort.
3. **Cheating on Examinations:** The covert gathering of information before or during an examination from other students or use of unauthorized notes or other unapproved aids. It is the responsibility of the instructor to indicate what testing aids, if any, are authorized for use during an examination.
4. **Unauthorized Advance Access to Exams:** The submission of materials prepared at leisure, as a result of authorized advance access to an examination or examination materials, as if the materials were prepared under the rigors of the exam setting.
5. **Fraudulent Alteration of Academic Materials:** The alteration of graded papers, research data, computer materials/records, course withdrawal slips and trial schedules, or the falsification of any academic documents in order to receive undeserved credit or advantage. This includes forging instructor's or advisor's signatures and altering transcripts.
6. **Knowing Cooperation with Another Person in an Academically Dishonest Undertaking:** Failure by a student to prevent misuse of his/her work by others. A student must actively protect his/her own work. Reasonable care must be taken that exam answers are not seen by others or that term papers or projects are not plagiarized or otherwise misused by others. Even passive cooperation in such an act is unacceptable.
7. **Examples of academic misconduct:**
  - a. Failure to observe the rules governing the conduct of examinations through ignorance, carelessness, preoccupation, or psychological stress. (Specific examples: bringing study notes into a closed-book examination, but without the intent or act of consulting them during the examination, failure to stop when time is called at the end of an examination.)
  - b. Failure to observe strict requirements for the proper identification and citation of sources and supporting ideas in reports and essays. (Specific example: inadvertently incomplete or erroneous attribution of ideas to bibliographically identifiable sources.)
  - c. Excessive reliance upon and borrowing of the ideas and work of others in a group effort. (Specific example: uncritical acceptance of calculations - perhaps erroneous - in joint laboratory reports in which it is understood that the reports will be prepared jointly.)

Faculty members have the authority to set reasonable standards in their classes within the definitions provided. Clearly communicated and consistently enforced standards regarding academic dishonesty and misconduct will be upheld by the Academic Appeals Board.

## **Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws**

Copyright infringement is the act of exercising, without permission or legal authority, one or

more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).

### **C. 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 rights, responsibilities and privileges in an educational community.

Accused students have the right to:

1. written notice of the alleged violation(s);
2. have no code violation presumed until found responsible;
3. a timely 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. review the evidence;
6. may question his/her accuser, either directly or indirectly; at the discretion of the Vice President of Academic Affairs ;
7. may question witnesses, either directly or indirectly; at the discretion of the Vice President of Academic Affairs;
8. present material witnesses (those with firsthand knowledge of the incident);
9. a written notification of the outcome of the hearing;
10. an avenue for appeal from an formal or informal hearing.

### **D. Academic Dishonesty/Misconduct Procedures**

Acts relating to alleged incidents of academic dishonesty or misconduct are responded to under a different disciplinary procedure as set forth in OSU Institute of Technology Policy and Procedure Letter 1, entitled “Allegations of Academic Dishonesty or Misconduct”. Academic dishonesty/misconduct is administered by the Vice President of Academic Affairs. Copies of the detailed policies and procedures on academic dishonesty/misconduct can be obtained at each Academic Division Office, the Office of the Vice President for Academic Affairs, or the Office of Student Conduct. (Also see, Section IX, **Academic Policies, Rights and Responsibilities**).

### **E. Evidentiary Standards for Academic Dishonesty**

In the case of academic dishonesty, the burden of proof rests with the faculty member to demonstrate by “clear and convincing evidence” that the alleged act(s) occurred. “Clear and convincing evidence” requires a level of proof greater

than a “preponderance of the evidence” but less than “proof beyond a reasonable doubt”.

Experience of the Academic Appeals Board has indicated that the standard of proof requires more than a mere assertion that a student has been involved in dishonesty. Academic dishonesty requires intent to deceive. However, even this represents a state of mind. A person’s behavior in context can provide clear and convincing evidence of intent.

In most circumstances, evidence supporting the faculty member’s assertion of academic dishonesty should be presented in the form of (1) documentary evidence, or (2) corroborating testimony from University faculty or staff, or other witnesses. Only in instances in which no other supporting evidence is available should faculty members use other students as witnesses in support of an allegation of academic dishonesty. Because the student accused of academic dishonesty has the right to cross-examine the witnesses against him or her, written statements by persons not present at the Academic Appeals Board hearing normally will not be considered by the Board.

## **F. Alleged Academic Dishonesty Procedure**

1. Instructor of Record: The instructor of record is the individual responsible for the grade assignment. Other faculty members who are participating in a course (such as in team-taught courses) are also expected to participate in any appropriate way in assessing any penalties for misconduct or dishonesty and in any appeal.

2. Instructor Procedures: In instances where the instructor of record has clear and convincing evidence that a student has engaged in dishonest academic behavior, the following procedures will be used:

a. The instructor of record shall notify the student by letter within ten (10) working/school days of the discovery of an illegal act and explain the allegation, the reasons for it, and the disciplinary action(s) being considered, and shall give the student the opportunity to respond to the allegation. In cases where the instructor is unable to contact a student, i.e. at the end of a semester, the instructor shall turn in an “I” grade until such time as the instructor and student can meet and resolve the matter. The student should be notified by letter of the “I” grade and the reasons for the grade.

b. If after consultation with the student the instructor of record decides to initiate disciplinary action, he/she may do one or more of the following.

i. Require the student to complete a substitute assignment or examination.

ii. Award a reduced grade for the examination, assignment or course.

iii. Award a grade of “zero” or “F” for the assignment or examination.

iv. Award a grade of “F” for the course.

v. Recommend to the Office of Student Conduct that action be initiated for more stringent disciplinary action (e.g., conduct probation, suspension or expulsion) by the University. If such a recommendation is made, the division chair involved will write a memorandum to the Registrar requesting that the student’s transcript/diploma be withheld until a decision can be made concerning the recommendation for more stringent University action.

c. After the conference with the student, if any disciplinary action(s) is taken, the instructor of record must communicate in writing, within ten (10) working/school days, the actions taken, and the reasons for them to the (1) student, (2) student’s advisor, (3) instructor of record’s division chair, (4) Office of the Vice President for Academic Affairs, and (5) Office of Student Conduct.

3. Student Appeal of Alleged Academic Dishonesty: A student alleged to have engaged in academic dishonesty shall have the right of due process and review as delineated herein, should he/she believe the instructor’s action was unfair. If the student decides to challenge any disciplinary actions not involving a recommendation of suspension or expulsion, he/she may file an appeal with the Academic Appeals Board within ten (10) school days of receiving the written notice of action taken by the instructor of record. For an incident which occurs at the very end of the semester, the student must file an appeal within (10) school days of the beginning of the next scheduled semester. No disciplinary action may be carried out while a case is being appealed; nor may the student who has been accused of academic dishonesty withdraw from the course while the accusation is pending. If the student is absolved of alleged academic dishonesty, withdrawal from the course with no record appearing on the transcript is allowed. Conversely, should the Academic Appeals Board sustain the



action of the instructor the student will not be permitted to drop the class. The student will use the following appeal procedures.

- a. The student obtains and completes an appeal form. Appeal forms are available from the Office of the Vice President of Academic Affairs and the Office of Student Conduct. In completing an appeal form, the student must discuss the situation with (1) his/her advisor, (2) the instructor of record, and (3) the instructor of record's division chair or designated representative. The completion of this form insures that appropriate parties have an opportunity to consider the allegation and appeal.
- b. The student submits the appeal form to the Office of the Vice President of Academic Affairs. The Office (1) gives the student notice of receipt of the appeal, (2) notifies the Chair of the Academic Appeals Board that an appeal is being made, (3) assembles the verification documents, and (4) transmits the case to the Academic Appeals Board.

In cases of alleged academic dishonesty where the instructor of record recommends that the student be suspended or expelled from the University, the Office of Student Conduct shall be responsible for implementing disciplinary action. Since students are guaranteed the right of due process and appeal no action is required of the student to appeal the initial recommendation of suspension or expulsion. In cases where suspension or expulsion are possible the Student Conduct Officer will examine the merits of the charges and where substantial evidence exists the Office of Student Conduct shall immediately request that the Academic Appeals Board review and issue a ruling on the student's alleged academic dishonesty. If the Academic Appeals Board finds that an instance of academic dishonesty has occurred, a decision about suspension or expulsion will be made by the Student Conduct Officer.

The faculty person involved and the Academic Appeals Board may not be aware of previous dishonesty offenses. If the Division Chair or Office of Student Conduct, after reviewing the case, believes in light of previous dishonesty offenses that more stringent disciplinary action is warranted (i.e. conduct probation, suspension, or expulsion from the University), such action may be initiated through the Office of Student Conduct. **When such additional disciplinary action is contemplated, the student will be afforded the right of due process and appeal.**

When a student is officially notified of a charge of academic dishonesty with a recommendation for more stringent disciplinary action, and if the **Division Chair involved agrees that the alleged offense merits such a measure**, he/she will write a memorandum to the Registrar requesting that the student's transcript/diploma be withheld until a decision can be made concerning that recommendation.

#### **G. Alleged Academic Misconduct Procedures**

The factor distinguishing academic misconduct from academic dishonesty is the lack of intent to obtain intellectual advantage by fraudulently violating specific rules and accepted academic standards.

1. Instructor Procedure(s): If after consultation with the student the instructor of record decides to take academic disciplinary action, he/she may do one or both of the following:

- a. Require the student to complete a substitute assignment or examination.
- b. Award a reduced grade, a "zero" or an "F" for the assignment or examination.

The student must be clearly notified in writing of any penalty within ten (10) working/school days of the discovery of the alleged act of misconduct. These penalties can be severe (a zero on an examination, for example) if the student has been properly instructed in the rules and warned of the consequences of violating them; such warning is of course the responsibility of the instructor and calls for care in the writing of the course syllabus.

2. Burden of Proof of Alleged Acts of Academic Misconduct: Grade reductions for reasons of academic misconduct make no allegation of moral shortcomings and require no further notification of University officials. Student appeals in such cases are to be seen as generally comparable to grade appeals. In this instance the burden of proof rests upon the student to establish his/her case. This may be done by showing that (1) the student was not clearly notified of the non-permissibility of the behavior in question, (2) the penalty was inconsistently administered, or (3) the non-permissible behavior did not occur.

If the student wishes to argue the third alternative, he/she should be prepared to present corroborating evidence in support of the claim.

#### **H. Academic Appeals Board:**

The Academic Appeals Board is authorized by the President of the University to review appeals of alleged academic dishonesty or misconduct, and to decide upon the appropriateness of all sanctions except suspension or expulsion.

##### Composition

The Board shall be composed of 5 faculty members, 3 of which will be designated as voting members, and 3 students. The faculty members shall be appointed by the President or his designee, designating one of them as chairperson. Each faculty member shall serve for a two-year period. The 3 student members shall be appointed by the President upon recommendation of the President of the Student Government Association, and serve for a one-year period. In addition, the Board may be assisted by an Administrative Secretary who is appointed by the Office of the Vice President for Academic Affairs.

##### Duties

The Academic Appeals Board will (1) determine whether or not the parties involved acted within the prescribed policies and procedures for academic dishonesty or misconduct, (2) determine whether or not the allegations of academic dishonesty or misconduct are valid; and (3) decide whether or not the instructor's action was appropriate.

The Academic Appeals Board has the final authority to sustain, reduce or dismiss the disciplinary action (except suspension or expulsion) taken by the instructor of record. All decisions involving possible suspension or expulsion will be the responsibility of the Student Conduct Officer. The procedures for the Academic Appeals Board afford the student his/her right of due process by providing:

1. Written notification of the time and place of the hearing of the appeal;
2. A copy of the appeal verification form;
3. The right to appear in person and present their 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.
4. The right to meet with the Board 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.
5. The right to be accompanied by an advisor, colleague or friend;
6. The right to call witnesses to assist in establishing facts of the case;
7. The right to ask questions and refuse to answer questions.
8. The right to an explanation of the reasons for any decision rendered.
9. The decisions of the Academic Appeals Board and its justification are communicated in writing within ten (10) working/school days to the (1) student, (2) instructor of record, (3) student's advisor, (4) instructor of record's division chair and (5) Office of the Vice President for Academic Affairs, and (6) the Office of Student Conduct.

In the event that an academic dishonesty or misconduct appeal shall involve any current member of the board as a party (either student or instructor), an ad hoc board shall be convened to hear the appeal.

- a. The ad hoc board shall be composed of three former chairpersons or members of the Academic Appeals Board, selected by the Vice President for Academic Affairs, and one student selected by the Dean of Students on the advice of the

President of the Student Government Association. One of the faculty members shall be designated as chairperson of the ad hoc board by the Vice President for Academic Affairs.

b. The ad hoc board shall hear the appeal as soon as is reasonably possible and shall adhere to all rules, regulations, and procedures applicable to the Academic Appeals Board which shall be in force at the time of the consideration of the appeal.

#### **I. Student Appeal of the Final Grade to the Academic Appeals Board:**

The following statements regarding appeals of a final grade are excerpted from the official University policy. For a detailed copy of this policy and the procedure governing grade appeals (Policy and Procedure Letter 2-016, entitled "Appeal of Final Grade Not Involving Allegation of Dishonesty or Misconduct") and/or for assistance with the filing of an appeal, contact the office of the Vice President for Academic Affairs.

1. It is the responsibility of the faculty members of Oklahoma State University Institute of Technology 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, the student shall have the right to appeal the case to the Academic Appeals Board within four months after the grade was assigned, or six weeks after the student begins a new semester, whichever comes first, if informal discussion fails to resolve the issue.

2. In hearing a case, the Academic 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 adopted by the faculty member. In all other instances, the case will be referred back to the departmental level for resolution.

3. The Academic Appeals Board has the authority to instruct the Registrar to change a final course grade.

#### **XI. Conduct Rights and Obligations of Student Clubs and 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 Director of Student Life.

##### **A. Benefits Afforded Student Clubs/Organizations**

1. The opportunity to use designated University-owned areas and/or facilities for club/organization meetings and sponsored activities;

2. The opportunity to promote your club/organization and its officers in campus publications where other recognized clubs/organizations are listed;

3. The opportunity to announce club/organization sponsored programs and activities in the OSU Institute of Technology activity announcements and list information on OSU Institute of Technology student club/organization directories, located in Covelle Hall and the Student Union;

4. The opportunity to post information in specified areas following the guidelines for "Distribution of Literature", Section XIII, E;

5. The opportunity to request funding from the student fee allocation committee after existing as an active OSU Institute of Technology student club/organization for a period of one (1) year (Request for funding does not apply to those groups that have been given special permission to act as a student club/organization);

6. The opportunity to use the OSU Institute of Technology name to show affiliation;

7. The opportunity to use the non-postage campus mail service for the distribution of materials pertaining to the business of the organization.

## **B. Obligations of Student Clubs/Organizations**

1. Required Information: Each student club/organization is required to submit the following information to the Office of Student Life at the beginning of each fall semester or when new officers are elected.

- a. name, address, and telephone number of each officer;
- b. name of the organization's faculty/staff advisor;
- c. time and place of regularly scheduled meetings;
- d. the purpose of the organization.

Changes during the school year need to be reported promptly.

2. Participation: All clubs/organizations will be represented at the monthly President's Roundtable Luncheon.

3. Advisors: All clubs/organizations must have an advisor who is a full-time faculty or staff member. Exceptions to this rule may be granted by the Office of Student Life. Sponsors are ultimately held accountable for actions taken by the club/organization. Advisors responsibilities include:

- a. attending group meetings and sponsored activities;
- b. assisting in program and/or project development;
- c. serving as a resource to the club/organization with regard to University Policy and procedures;
- d. advising the club/organization on financial matters.
- e. serving as the point of contact between the club/organization and Student Life.

4. Financial Obligation: All funds of recognized clubs/organizations must be kept on deposit with the University. All funds must be deposited with the Bursar within 24 hours of receipt. Funds of clubs/organizations may not be used to purchase alcohol or beer.

5. Meetings: It is the responsibility of the student club/organization to schedule its meetings and activities in accordance with the policies of the University, campus, student activities, and the building being scheduled. All student club/organization activities shall be properly organized and supervised. All student activities must be approved through the Student Life Office. Copies of approved Campus Activity Requests will be forwarded to the appropriate offices.

To assure sponsored activities meet all requirements, the following procedures must be observed:

- a. Authorized student club/organizations planning an entertainment activity, project, or activities for raising funds must complete and submit a Campus Activity Request to the Student Life Office for approval prior to advertising, scheduling, making commitments, or related arrangements. Activity requests should be approved seven days prior to the activity and should be announced in Student Life activity announcements during the week of the event.
- b. The sponsor is to assist the student group in completion of Campus Activity Request forms and will be responsible for arrangements and supervision of the activities. All school activities sponsored by a campus club should have two faculty and/or staff members as chaperons. For club recreational activities off-campus, the number of chaperons assigned, in addition to sponsor(s), shall be at the discretion of the Director of Student Life and Division Chair.

6. Poster and Posting Regulations: Distribution of handbills, pamphlets, flyers, etc., is a privilege granted only to students of recognized clubs/organizations. All such literature must bear the name of the club/organization on the front page of the material distributed and be approved by the Office of Student Life. Such material may be distributed only in those areas designated as distribution areas by the Office of Student Life or Residential Life, as appropriate. A copy of the literature to be distributed must be filed in the Office of Student Life. Special permission may be granted to other

groups by the Student Life Office for distribution only on designated public boards. (See Section XIII, E, "Distribution of Literature" for more details.)

7. Production of Club Items and Apparel: Student clubs may wish to produce items such as, but not limited to, T-shirts, caps, mugs, towels, notebooks, banners, or clothing. Any item bearing the University name, logo, and/or club name must be approved through the Student Life Office. A full design layout of the item(s) to be produced must be submitted to the Student Life Office for approval prior to purchase.

### **C. Student Clubs/Organizations Misconduct**

It is not possible to list every potential situation which might result in a determination that a student club/organization has violated the policies of the University. Advisor/students violating University Policy will be referred to a Hearing Officer. If it is found more likely than not that advisors/students were in violation of University Policy while representing their club/organization, the Director of Student Life will make a determination regarding the club/organization's status which could result in probation or suspension of the registration as a recognized club/organization by the University. Any appeals of the decision made by the Director of Student Life shall be made to the Dean of Students.

### **D. Code of Ethics for Student Clubs/Organizations**

1. Relationship of student club/organizations to the University: Registration of a club/organization does not mean that the University supports or adheres to/by registered student groups. Responsibility for any action which violates federal, state, or local laws 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 registered student clubs/organizations to conduct their organizations and activities as responsible bodies in their relationships with their members, other students, the community and the University. Clubs/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 student club/organizations. Each registered student club/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 a portion of a club's/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 a club/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 club's/organization's members have a responsibility to know and uphold all relevant federal, state, and local laws and University policies. Student clubs/organizations should be knowledgeable of and comply with the expectations set forth by the University for individual students and student clubs/organizations.

h. Multi-Cultural Sensitivity: Both the University community and the larger society are diverse, with persons from differing ethnic and cultural backgrounds. Clubs/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 at the Student Life Office, or the Student Services Office.

### **E. Obtaining Recognition as a Student Club/Organization**

Registration entitles your club/organization to certain privileges, assists the Student Life Office in its advisory responsibilities to your club/organization, provides resources and needed information, and furnishes potential new members with a point of contact to your club/organization. To receive recognition as an OSU Institute of Technology student club/organization, your group must complete the following three (3) steps:

1. Have an accepted Petition for Recognition Form on file in the Student Life Office

a. meet with the intended sponsor and Director of Student Life prior to beginning the process of petitioning;

b. complete the Petition for Recognition Form which should be filled out by the intended sponsor and include the following information:

i. name of group;

ii. purpose of group;

iii. objectives of group;

iv. state if your group will duplicate the function of any existing club/organization on campus;

v. state if the need and desire of students will be sufficient to maintain a strong organization (Fifteen or more charter members are required to form a club/organization and to remain active);

vi. signature of intended sponsor and intended sponsor's division chair, department head or supervisor acknowledging that he/she is aware of the responsibilities and requirements of sponsoring a student club/organization on the OSU Institute of Technology campus.

2. Have an approved Constitution and By-Laws on file in the Student Life Office

a. draft the constitution and by-laws using the following outline:

i. the purpose of the group;

ii. methods of electing/selecting officers and members;

iii. role of the officers;

iv. goals and how they will be met (committees, funding, etc.);

v. anti-discriminatory clause within the membership section of your group's constitution.

b. Constitutions and by-laws are approved by the Director of Student Life and the Dean of Students.

c. All student clubs/organizations are required to update/revise their constitution and by-laws a minimum of one time every three years and submit a copy to the Student Life Office.

3. Have a current/updated club/organization Registration Form on file in the Student Life Office

## **XII. Residential Life Rights and Responsibilities**

Oklahoma State University Institute of Technology reserves the right to assign men and women students to rooms in the residence halls according to availability. New housing units must be filled first. The following guidelines are current OSU Institute of Technology procedures and are subject to change as conditions warrant.

Residents should refer to the Resident Handbook for all housing rules and regulations.

### **A. First year**

#### **OSU Institute of Technology Students**

All first year OSU Institute of Technology students are required to live in residence halls. Exceptions can be made for one of the following reasons: being married, being 21 years of age or older, living with parents or legal guardian in Okmulgee or within a 50 mile radius, or have already lived on OSU Institute of Technology campus two consecutive semesters.

Exceptions must be requested in writing, and approved by the exceptions committee. If campus housing is not available, permission may be granted to live off campus for a specified time with the understanding that the student will return to live on campus when campus housing becomes available.

### **B. Residence Hall Guests**

Residents are allowed to have guests (non-resident students and non-students) in their room/suite provided they adhere to the following procedures:

1. Non-student guests under the age of 18 are not allowed in the Residence Halls.
2. Overnight guests are allowed with prior approval from the Director of Residential Life. \$5.00 per night will be assessed.
3. Weekday visitation begins at 10:00 a.m. and ends at 12 a.m. (midnight). Weekend visitation begins at 10:00 a.m. and ends at 2:00 a.m. Guests are only allowed in the residence halls during set visitation hours.
4. Residents are responsible for their guests at all times. Guests must observe the same rules and regulations as their host/hostess.

## **XIII. 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.

### **B. 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.

### **C. Solicitation on Campus**

No sales or solicitation may be conducted if such is in competition with products or services offered in the Student Union or in conflict with the covenants of the University bond requirements. Bond indentures or buildings financed with self-liquidating bonds pledge all revenues collected in the building to be deposited with the official depository or accounted for by the University administration; therefore, close supervision of sales must be maintained. Normally, solicitation can be divided in to the following categories.

1. Student Clubs and Organizations will adhere to the following:
  - a. Secure permission from the Office of Student Life.
  - b. Secure permission from the Division Chairs or Unit Leaders affected by the sale if appropriate. All solicitation in University recognized housing must have primary approval of the Director for Residential Life.

c. Sales solicitation to more than one campus group or residence must have the approval of all student groups and Division Chairs or Unit Leaders which are affected by the sale. The scheduling of space will be determined by the Office of Student Life.

2. Private Enterprise: No private enterprise will be permitted to solicit business on grounds, in academic buildings, or in the University Physical Plant service facilities.

Special permission may be granted for sales and solicitation from tables in approved non-academic public spaces. A rental fee may be assessed by Student Life. Door-to-door sales to students' rooms are not permitted; however, deliveries may be made to rooms.

#### **D. Charitable Fund Drives on Campus**

Solicitation of funds for charitable purposes wherein such solicitation involves the personnel of one division must be cleared in advance by the Division Chair. Solicitation involving the residence halls must be cleared in advance by the Director of Residential Life. Solicitation involving broader segments of the student body must be cleared with the Director for Student Life.

#### **E. Distribution of Literature**

Distribution of handbills, pamphlets, etc., is a privilege granted only to students of recognized and registered clubs and organizations. All such literature must bear the name of the club or 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 Student Life or Residential Life, as appropriate. A copy of the literature to be distributed must be filed in the Office of Student Life. Special permission may be granted to other groups by the Office of Student Life for distribution only on designated public boards.

Once approved, the Office of Student Life will stamp the approved information with a special permit stamp. Any materials posted without the special permit stamp will be removed.

Sponsoring groups must remove all posted information after the advertised event. Flyers, posters, signs, etc. without a special permit stamp, those left after the expiration date, or those posted in an unauthorized area will be removed.

Information may not be posted on walls (interior or exterior), trees or shrubs, trash cans, elevators, or any other area other than the areas specified as approved posting areas on campus. Any group or individual that does not follow the above mentioned guidelines for posting information on campus will be in violation of University policy.

1. The privilege of distribution which is accorded to any free student publication shall be equally accorded to all free student publications.

2. For buildings other than organized living units, the Director of Student Life shall determine, after consultation with the administrative occupants, the places of distribution.

#### **F. Use of Tobacco in Academic Facilities**

OSUIT Policy #1-008, Tobacco Free Campus, prohibits the use of tobacco on all non-leased buildings and grounds owned or under the control of OSUIT. Smoking and the use of all tobacco products is prohibited on the OSUIT campus and in parked and moving vehicles while on grounds owned or under the control of OSUIT. If a vehicle is on university property, then the OSUIT Tobacco Free policy applies.

Tobacco use includes, but is not limited to, the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device, e-cigarettes, the use of smokeless tobacco including snuff, chewing tobacco, smokeless pouches, or any other form of smokeless tobacco.

This policy applies to all students, faculty, staff and visitors.

#### **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 Institute of Technology to be a superior educational center for the preservation, transmission, and discovery of knowledge. 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. Sexual Harassment and Discrimination**

Oklahoma State University Institute of Technology prohibits discriminatory practices in any of its academic offerings or benefits or in employment situations based upon the gender of a person. Sexual harassment of faculty and staff is prohibited in the workplace and in the recruitment, appointment, and advancement of employees; sexual harassment of students is prohibited in and out of the classroom and in the evaluation of the students' academic performance. It is also policy of the University that accusations of sexual harassment, which are made without good cause, shall not be condoned. It should be remembered that accusations of sexual harassment are indeed grievous and can have serious far-reaching effects upon the careers and lives of individuals. This policy is equally applicable to faculty, staff and students. 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. Grievance procedures consistent with the principles of due process have been developed and implemented for faculty, students, and staff; the latter includes both administrative and professional employees and classified staff. (Complaints and grievances concerning sex discrimination will be reviewed under the appropriate grievance procedures for the accuser. Complaints and grievances concerning disciplinary action will be reviewed under the appropriate grievance procedures for the person accused.) Grievance procedures for students (OSU Institute of Technology Policy and Procedure Letter 4-007, entitled "Student Grievances") and employees are available in the Office of the Vice President of Student Services, Student Life, or in the Office of Human Resources. Policy and procedures regarding sexual harassment may also be found in "Appendix B" annexed to this document. Sexual misconduct policy and procedures may be found in OSU Institute of Technology Policy and Procedure Letter 4-006, entitled "Sexual Misconduct" and in "Appendix C" of this document. Sexual harassment and misconduct complaints against students should be filed with the Office of Student Conduct. Sexual harassment and misconduct complaints against OSU Institute of Technology employees should be filed with the Office of Human Resources.

#### **I. Other Student Discrimination Grievances**

In addition to the prohibition of discrimination on the basis of gender (Section H, above) it is the policy of Oklahoma State University Institute of Technology 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 Institute of Technology students shall have available to them certain procedures for resolving complaints and grievances regarding alleged illegal discrimination as well as alleged invidious, arbitrary, and/or capricious 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 will also have procedures for resolution of the complaints and grievances.

Discrimination complaints against students 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. Discrimination complaints against OSU Institute of Technology faculty or staff should be filed with the Office of Human Resources. The policy and procedures are available in the Office of the Executive Vice President, Office of Student Conduct, and the Office of Human Resources/Affirmative Action.

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.

#### **J. Student Complaints Regarding Faculty or Non-faculty Staff**

Students who believe that they have been unfairly treated by employees of the University have the right to seek redress through specific procedural channels. Complaints about faculty will be filed with and administered by the Office of the Vice President of Academic Affairs and complaints about conduct by non-faculty staff will be filed with and administered by the Office of the Vice President of Student Services as set forth in the OSU Institute of Technology Policy and Procedure. Academic grade appeals supervised by the Office of the Vice President of Academic Affairs are required to be processed through the academic appeal process (see Section X, H., Student Appeal of the Final Grade to the Academic Appeals Board). Copies of these policies may be found in the University library, the Office of the Vice President for Academic Affairs, Office of Student Conduct, Office of Student Life, and the Office of Human Resources/Affirmative Action. In appropriate circumstances, students may be assisted by any of these offices regarding the understanding of their rights to seek an internal review of complaints.

#### **K. Family Educational Rights and Privacy Act of 1974 (Buckley Amendment)**

Oklahoma State University Institute of Technology provides students with all protection provided under the Family Educational 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 specific request by the student is received asking that the information not be released. A complete statement of rights under these laws and the University’s declaration of what constitutes “directory information” can be found in OSU Institute of Technology Policy and Procedure Letter 4-008, entitled “Buckley Amendment-Family Educational Rights & Privacy Act” and Appendix E.

#### **L. Equal Opportunity Policy**

Oklahoma State University Institute of Technology, in compliance with Title VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, title IX of 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.

#### **M. Avoidance and Control of Serious Communicable Diseases on Campus**

Oklahoma State University Institute of Technology 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 and for the protection of the confidentiality of persons who may be infected with communicable or infectious diseases. A copy of the University’s policy on avoidance and control of serious infectious and communicable diseases may be found at “Appendix F” annexed to this document.

Beginning with the fall semester 2004, Oklahoma state law requires that all new students who attend Oklahoma colleges and universities for the first time provide proof of immunization for certain diseases. If you cannot verify your immunizations you will need to be re-immunized. Medical, religious and personal exemptions are allowed by law and such requests must be in writing using the OSU Institute of Technology Certificate of Exemption form available at the Campus Health Services Office or online at [www.osuit.edu/campus\\_community/campus\\_health/](http://www.osuit.edu/campus_community/campus_health/).

Section 3243 of Oklahoma Statute Title 70 requires all new students that live in on-campus housing to comply with one of the following options:

- Option A: Be immunized for meningococcal disease. (copy of immunization records not required)
- Option B: After having reviewed information about meningitis provided by OSU Institute of Technology, decline the vaccination based on medical, religious, or personal objection.

These choices will be provided by the OSU Institute of Technology Residential Life Office and must be completed prior to moving into campus housing.

#### **N. Drug Free School and Workplace Programs**

Oklahoma State University Institute of Technology complies with the provisions of federal Drug Free Workplace Act of 1989

and 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 G" (Drug Free Workplace Act) and "Appendix H" (Drug Free Schools and Communities Act Amendments).

#### **O. Financial Aid Policies and Procedures**

Oklahoma State University Institute of Technology complies with all federal laws and administrative regulations concerning the availability and disbursement of financial aid. A synopsis of the University policies and procedures affecting financial aid is annexed to this document as "Appendix I".

## 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 Institute of Technology to be a superior educational center for the preservation, transmission, and discovery of knowledge. The wide variety of extracurricular activities at Oklahoma State University Institute of Technology 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.
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 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 noncontroversial 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, 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 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 Student Life. When a request has been granted, such action shall be final and the requestor shall be promptly notified.

b. Ask the Director of Student 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 Student 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)];

The authorized designee must take one of the above actions within six working days of submission of the request. 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-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 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 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 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 hearing proceeding within the three-day period, the request shall be deemed granted.

**4.** If the Campus Review Committee 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. Campus Review Committee**

**1.** Composition: The committee shall be composed of two (2) faculty members, two (2) staff members and three (3) students. The two (2) faculty members shall be appointed by the Chair of the Faculty Council who shall also designate one of them as chairperson. One staff member shall be appointed by the Chair of the Staff Advisory Council and the other by the University President. Each faculty and staff member shall serve for a two-year period. The three student members shall be appointed by the President of the Student Government Association, and they shall serve for a one-year period. Those responsible for appointing members shall appoint interim replacements to temporarily serve in the absence of regular members. Four members of the Committee shall constitute a quorum, provided at least one faculty member, one staff member, and one student are part of such quorum. Only those motions which pass with a majority vote shall be considered approved by the committee. Motions, which fail to pass or on which there is a tie vote, shall be considered disapproved by the Committee. The chairperson shall have the responsibility of arranging for conducting all proceedings. A list of current membership and the designated chairperson shall be maintained by the University President. When appropriate, the Committee shall be provided administrative assistance and the services of the University's Legal Counsel.

**2.** Duties: The Committee shall convene and conduct hearings in accordance with the Procedural Standards stated in Appendix A, Section III, and Appendix E (3.06). In the conduct of such hearings, the Committee shall have access to

any information relevant to the issue involved and shall permit the parties to provide related additional information and oral testimony.

The Committee shall also be responsible for resolving issues concerning the applicability of this policy and to recommend compliance with the Principles and Standards stated in Section II.

#### **D. Extracurricular**

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

#### **E. 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:

- i. The violent overthrow of the government of the United States, the State of Oklahoma, or any political subdivision thereof;
- ii. The willful damage or destruction, or seizure and subversion, of the institution's buildings or other property;
- iii. The forcible disruption of, or interference with, the institution's regularly scheduled classes or other educational functions;
- iv. 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
- v. 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 Institute of Technology):

- i. appeals to the prurient interests;
- ii. portrays sex in a clearly offensive way; and
- iii. 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 Universities, and insofar as Oklahoma State University Institute of Technology 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. Sexual Harassment**

**1. Policy** (This policy is designed to apply only to employment and/or academic relationships among faculty, staff and students.)

**1.01** It is the policy of Oklahoma State University Institute of Technology that sexual harassment of faculty and staff is prohibited in the workplace and in the recruitment, appointment, and advancement of employees; sexual harassment of students is prohibited in and out of the classroom and in the evaluation of students' academic performance. It is also the policy of the University that accusations of sexual harassment which are made without good cause shall not be condoned. It should be remembered that accusations of sexual harassment are indeed grievous and can have serious and far-reaching effects upon the careers and lives of individuals. This policy is equally applicable to faculty, staff and students. 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.

**1.02** Grievance procedures consistent with the principles of due process have been developed and implemented for students, faculty and staff. Policy and Procedure Letters are available in the Office of the Executive Vice President, Office of Student Conduct, and the Office of Human Resources/Affirmative Action.

## **2. Policy Guidelines**

**2.01 Definition** - The Equal Employment Opportunity Commission's guidelines on discrimination because of sex defines sexual harassment as follows (For the purpose of this policy definition academic situations are incorporated). Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute 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; or,
- 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 has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working/academic environment.

See Appendix A, Equal Employment Opportunity Commission, 29 CFR part 1604 following this section.

### **2.02 Regulations**

- a. It shall be a violation of University policy for faculty, staff and/or students to engage in sexual harassment as defined in Section 2.01.
- b. It is a violation of University policy for anyone to seek advancement, gain, improved academic standing or consideration in return for sexual favors.
- c. Any allegation of sexual harassment which is made without good cause is a violation of University policy.
- d. It is a violation of University policy for faculty, staff and/or students to initiate any action as a reprisal against a faculty or staff member or student for reporting sexual harassment.
- e. Whenever there is a demonstrated instance of sexual harassment, or reprisal for reporting same, prompt and corrective action shall be taken. Failure to take appropriate actions is against University policy.

### **2.03 Procedures**

- a. Persons who have a complaint alleging sexual harassment should state their complaint through normal administrative channels. Individual administrators empowered to receive complaints shall include the Dean of Students and the Director of Human Resources.
- b. This policy will be published in the Faculty Handbook, the Student Rights and Responsibilities Governing Student Behavior document, and the OSU Institute of Technology Policy and Procedure Letters.
- c. This policy will be administered through the grievance procedures for employees and students respectively.

Approved by Board of Regents June 25, 1982

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 re-affirm 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: 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.7 Unwelcome sexual advances, request 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 function 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) know 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 U.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 Approved by Board of Regents June 25, 1982

**C. Sexual Misconduct**

**I. General Statement**

Oklahoma State University Institute of Technology 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 Institute of Technology will not tolerate nor condone any form of sexual misconduct, whether physical, mental, or emotional in nature (Refer to OSU Institute of Technology Policy and Procedure Letter 4-006, entitled "Sexual Misconduct"). 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 matter, the University may still pursue the matter 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.

## **II. 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 cases of sexual misconduct. It is possible that a particular action may constitute sexual misconduct even if not specially mentioned in these examples:

**1. Sexual Assault I:** The vaginal, anal, or oral penetration, however slight, by a sexual organ of another, or the vaginal or anal penetration, however slight, by any means, accomplished without effective consent and with a male or female who may be an acquaintance or a stranger. These behaviors are also known as rape, acquaintance rape, date rape and gang rape.

**2. Sexual Assault II:** The attempted or intentional touching, mauling or feeling of the body or private parts of any person without the effective consent of that person. Sexual assault II includes, but is not limited to the attempted touching or actual touching of a person's genitalia, buttocks, breasts, or clothing covering them.

**3. "Effective Consent"** means that individuals are acting freely and voluntarily, have knowledge of the nature of the act or transaction involved, and have given affirmative response, either verbally or by voluntary acts unmistakable in their meaning, to the act or transaction.

- Initiators of sexual activity are responsible for attaining 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.

**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.

## **III. To Consult About Or File A Sexual Harassment Complaint:**

Against a student, go to the

OSU Institute of Technology Office of Student Conduct, north end of the Campus Police Building.

Against an OSU Institute of Technology employee, go to the Office of the Office of Human Resources, Suite B, all located in the Clack Center (See Section XIII, I).

## **IV. If you have been sexually assaulted:**

**1. Do what you need to do to feel safe:**

- a. Call "0" immediately if you believe you are in danger and ask for police assistance;
- b. Get to a safe place or call a supportive friend or advocate;
- c. Call CALL RAPE, a local 24 hour Rape Crisis Line (918-744-7273) or the Okmulgee Rape Response team (918-756-2545). Advocates are available to give advice, discuss options, and 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 police (Call "0" and ask for Campus Police) and/or to file a complaint in the Student Conduct Office (918-293-5206).**

5. Seek support and counseling. On campus resources include Counseling Services (918-293-4988). Community resources include the Okmulgee Rape Response team (918-756-2545) and CALL RAPE (918-744-7273).

#### **V. Sexual Misconduct, Including Sexual Harassment, Special Concerns**

Oklahoma State University Institute of Technology 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);
- c. The alleged victim shall have the right to be informed of the outcome of the hearing upon its conclusion by the hearing; 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, at the discretion of the Hearing Officer 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. The Hearing Officer may, at his/her 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 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.

In the case of an appeal, the Appeals Officer should consider the appropriateness of permitting such accommodations.

#### **D. Statements of Administration Regarding Arbitrary or Irrational Acts of Discrimination**

Oklahoma State University Institute of Technology 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. The Fourteenth Amendment of the United States Constitution, among other regulatory clauses, ensures protection from arbitrary and capricious acts.

To reaffirm the policies and practices applicable at Oklahoma State University Institute of Technology, all should know that OSU Institute of Technology will not tolerate invidious discriminatory acts and procedures, whether they are based on such factors as manner of speech, sexual orientation, obesity, or some other basis. As used in this statement, the term invidious acts and procedures means those acts which are arbitrary, irrational, and not reasonably related to a legitimate purpose.

Any member of the University community who believes services and/or access to programs or activities administered by the University and for which they are eligible have been arbitrarily and unreasonably denied has avenues accessible for appeal under the current grievance procedures. Student cases will be processed under procedures contained in the Student Rights and Responsibilities Governing Student Behavior.

Adopted 6/92

Modified 2/93

#### **E. Buckley Amendment - Family Educational Rights and Privacy Act**

##### **I. Purpose and Scope**

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

##### **II. Policy**

**2.01** It is the policy of Oklahoma State University Institute of Technology 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 Institute of Technology 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 Institute of Technology 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 Institute of Technology 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, i.e., students may not specify that only some of the items be kept confidential.

**2.04** It is the policy of Oklahoma State University Institute of Technology 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 Institute of Technology 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 Institute of Technology 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 Institute of Technology 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.

### **III. 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** OSU Institute of Technology “Directory Information” consists of the following information that may be released 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. program of study
- e. dates of attendance at OSU Institute of Technology
- f. degrees, honors, and awards granted or received
- g. academic classification such as 1st year, 2nd year, etc.
- h. gender
- i. class schedule
- j. educational institutions previously attended
- k. degree(s) held, date(s) granted, and institution(s) granting such degree(s)
- l. advisor
- m. participation in officially recognized clubs, organizations and activities
- n. parents' names and addresses
- o. student picture

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.

**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 month—i.e., twenty-two 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 may be filed with the Campus Review Committee by submitting a written request to the Vice President of Student Services with a copy of the original letter and the official's response being attached. The Committee 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 Office of the Vice President of Student Services must be notified of the fact at least three working days prior to the hearing. After the Committee 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.

## **F. Avoidance and Control of Serious Communicable Diseases on Campus**

### **I. Introduction and General Statement**

1.01 The Board of Regents for Oklahoma Agricultural and Mechanical Universities and Oklahoma State University Institute of Technology 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.

### **II. Policy**

2.01 The President has designated the administrator of the OSU Institute of Technology Infirmary 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 advisor. 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.

### **III. 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 by the federal Centers for Disease Control and the American University Health Association in working with problem situations.

**3.03** 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.

**3.04** 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.

**3.05** 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 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).

**3.06** The University will take appropriate administrative action to deal with any purposeful or accidental disclosure of confidential information.

**3.07** In addition to the current medical services provided, 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:

a. Counseling Services - Counseling, consultation, and referral services for employees. Psychological counseling, career/life planning, study skills development, outreach programming and consultation (services limited to OSU Institute of Technology students only).

b. Creoks Mental Health Center – Individual, group, and marriage counseling for OSU Institute of Technology students, faculty, staff, and Okmulgee residents.

**3.08** The President or designate shall appoint a standing committee comprised of the representatives from the administration, faculty, staff, Office of Legal Counsel, and students to (a) monitor health and safety policies and make recommendations as warranted, (b) monitor annual educational and training efforts related to this policy statement and make recommendations as warranted, and (c) serve as consultants as needed.

**3.09** All written documents developed under authority of this Board of Regents' directive are available for review by students, faculty, staff and interested members of the general public at OSU Institute of Technology Office of Human Resources, OSU Institute of Technology Infirmary, Office of Counseling Services, and in the Office of Student Life. Also available in these offices for review is the Administrative Guidelines and Educational Strategies for Acquired Immunodeficiency Syndrome.

Reference: Board of Regents for Oklahoma Agricultural and Mechanical Universities 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.

## **G. Drug Free Workplace**

### **I. 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.

### **II. Definitions**

**2.01** Workplace- Oklahoma State University Institute of Technology 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 Institute of Technology faculty, administrative and professional staff, classified staff, and student appointments.

### **III. Policies**

3.01 In support of this anti-drug abuse legislation, it is the policy of Oklahoma State University Institute of Technology 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 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 workplace through the implementation of the requirements set forth in the Drug-Free Workplace Act.

### **IV. 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 days after such conviction.

**4.04** The project director shall notify the Office of the Executive Vice President for an employee’s criminal drug statute conviction for violation occurring in the workplace. The Executive 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 Executive Vice President may comply with the time requirement set forth herein.

## **Oklahoma State University Institute of Technology Drug-Free Workplace Statement**

To All Employees:

In accordance with the Drug-Free Workplace Act of 1988, Oklahoma State University Institute of Technology 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 Institute of Technology, 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 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 Institute of Technology property, any available drug counseling, rehabilitation, and the penalties that may be imposed for drug abuse violations. Counseling services have been made available, free of charge, to all employees in furtherance of the drug-free awareness program. Information about the drug-free awareness program may be obtained from the Office of Counseling Services and Human Resources. Reference is made to OSU Institute of Technology Policy and Procedure Letter 1-018, entitled "Drug Free Campus Policy Statement" 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 Institute of Technology 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, the OSU Institute of Technology Policy and Procedure Letter 6, entitled "Drug Free Workplace" shall be followed insofar as the 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 Counselor may be contacted for preliminary counsel and advice regarding chemical dependency problems and referral to approved chemical dependence treatment agencies.

## **H. OSU Institute of Technology Policy for All Students and Employees Regarding the Drug-Free Schools & Communities Act**

### **I. 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 Institute of Technology to comply with this statutory directive.

## **II. Policy**

As set forth in local, state, and federal laws, and the rules and regulations of the University, Oklahoma State University Institute of Technology 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.

## **III. 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.

## **IV. 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 proscribes 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.

**Starting 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 Okmulgee laws 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 at the Human Resources office, OSU Institute of Technology Police Department and the Dean of Students 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.

## **V. 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** 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.

**Barbiturates** (depressants, Quaaludes, Valium, Zanax, etc.) depress central nervous, cardiovascular, and reparatory functions. Barbiturate use may lower blood pressure, slow reactions, and distort reality. Convulsions, coma, and death are outcomes associated with barbiturate use. Combining the consumption of barbiturates with alcohol or 3.2 beer is especially dangerous.

**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 eyes movement and involuntary teeth clenching.

**Hallucinogens** (acid, PCP, 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.) may impair memory, attention, coordination, and learning. Short term effects of smoking marijuana may 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, 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, the 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.

**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](http://www.nida.nih.gov)

## **VI. Drug/Alcohol Treatment Resources**

Oklahoma State University Institute of Technology offers counseling and referral sources for OSU Institute of Technology students and employees.

### **Counseling Services** (students and employees)

Clack Center,  
OSU Institute of Technology  
(918)-293-4988

### **Infirmery**

Student Union, OSU Institute of Technology  
(918) 293-4946

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  
1-888-NIH-NIDA (644-6432)  
www.nida.nih.gov

**Reach-Out Hotline**

1-800-522-9054

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

**OSU Institute of Technology Area Resources****Muscogee (Creek) Nation Community Services**

(Native Americans only)  
410 W. 6th Street  
Okmulgee, OK 74447  
(918) 758-1910

**St. John Medical Center**

4720 S. Harvard  
Tulsa, OK 74135  
(918) 748-9868  
(918) 744-3900 (Inpatient)

**12 & 12**

5333 E. Skelly Drive  
Tulsa, OK 74135  
(918) 664-4224

**Metropolitan Tulsa Substance Abuse Services (MTSAS)**

3637 N. Lewis  
Tulsa, OK 74110  
(918) 428-8888

**Palmer Drug Abuse Program**

711 S. Sheridan Rd  
Tulsa, OK 74112  
(918) 832-7763

**Creoks Mental Health Services**

400 W. 6th  
Okmulgee, OK 74447  
(918) 756-9250

**Alcoholics Anonymous:**

OKMULGEE- (918) 756-3638  
TTY/TTD- (405) 524-1100

**I. Student Financial Aid Policies and Procedures**

The Office of Student Financial Services 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 also wants each student to

understand that there are certain responsibilities that are a part of the application process as well. The following information describes the rights and responsibilities of students as they relate to the University financial assistance programs and the Office of Student Financial Services.

### **I. Student Rights**

1. Access to Consumer Information: All students have the right to know what financial assistance programs are offered by OSU Institute of Technology and the criteria used to determine eligibility. In addition, students have the right to the following information upon written request:

- a. What federal programs are available to the student at the institution;
- b. What aid programs are available through the institution itself and through private agencies;
- c. How students apply for aid and how eligibility is determined;
- d. How the institution distributes aid among students;
- e. The rights and responsibilities of the student receiving financial aid at the institution.
- f. How and when financial aid will be disbursed.
- g. The terms and conditions of any employment that is part of the financial aid award.
- h. The terms and schedules of repayment of student loans.
- i. The criteria the institution uses 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 federal aid.
- j. Information on availability of community-service Work-Study jobs.
- k. The names of associations, agencies, or governmental bodies that accredit, approve, or license the institution and its programs.
- l. The cost of attending the institution, 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.
- m. The institution's policy regarding funds and on distributing financial aid information.

2. Access to the Financial Aid File: The Office of Student Financial Services 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 by federal definition "dependent" are not permitted to review or request photocopies of their parent's financial records, i.e. federal income tax returns, social security statements, et. al., without the written consent of their parent(s). This statement must be notarized.
- b. Students who are independent by federal definition are assured of not having their financial records, i.e. federal income tax returns, social security statements, et. al. released to their parent(s) without their written consent. This statement must be notarized.

It should also be noted that each student has the right to request, in writing, that financial information be released to governmental agencies, scholarship programs, etc. In addition, the student aid applicant must realize that the Office of Student Financial Services 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 OSU Institute of Technology 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: The Office of Student Financial Services recognizes that the application for financial assistance can be highly complex and paper intensive. Therefore the Office believes that it is the right of every applicant to be able 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 Satisfactory Academic 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 must be submitted by the student within 30 days of the date of the notice of academic suspension. The appeal is reviewed by the Financial Aid Appeals committee and a final decision is made. Within ten (10) days the student is notified in writing of the decision concerning the appeal and his/her financial aid status.

## **II. Student Responsibilities**

It is the responsibility of all student aid applicants to be responsive to requests made by the Office of Student Financial Services. It must be understood that the Office 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 that 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 that are made by the Student Financial Services. 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 documentation 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 OSU Institute of Technology Police are consulted. If the OSU Institute of Technology Police feel that a criminal investigation is warranted, they will 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 Student Financial Services contacts the U.S. Inspector General's Office. The Inspector General's Office then determines if a 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 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 and before February 15). 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 Federal 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 a Financial Aid Counselor if they have questions regarding the use of federal student aid.

5. **Responsibilities Specific to Student Borrowers:** The majority of student aid recipients at OSU Institute of Technology 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 Student Financial Services:** It is the expectation that all students shall interact with the Student Financial Services Staff in a responsible, rational manner. Students who verbally abuse or physically

threaten any office employee are asked to leave the Office by a supervisor or are removed from the Office by the OSU Institute of Technology Police. If warranted, 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 social security 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 Officer for possible disciplinary action.

## **J. Hazing Law Enacted for the State of Oklahoma Notice to All Students**

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 Office of Student Life at 293-4942.

Oklahoma Statutes, Section 1190 of Title 21, 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, low-point beer 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.



*Approved by Board of Regents July 2002*