Southeastern Oklahoma State University

Student Code of Conduct

2015

(as of 2/13/2015)
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A Message from the Vice President for Student Affairs

Welcome to the Southeastern Oklahoma State University (SE) Community!

We are pleased that you have chosen Southeastern for your college education. We believe that we have much to offer our students. Take advantage of all the services that are available to you. We have excellent academic support services, student services and support staff at the University to assist you with your questions and concerns. The faculty is here to assist you in meeting your academic goals. Talk to them when you are having problems. Make sure that you are connected with the University through your faculty, our staff in all our departments and service areas, your residence halls, your campus job, your coaches and your fellow students. Share your concerns. We are here to help you make these the best years of your life! Southeastern is very student-centered. We want you to succeed. We also want you to get involved in academics and in activities that will enhance your University experience.

Take a few minutes to familiarize yourself with the contents of this code. The purpose of this publication is to provide you with information related to your rights and responsibilities. It includes the Student Code of Conduct. It tells you what you can expect from the University and outlines what the University expects of you. By accepting admission to the University and University housing (where applicable), you are agreeing to abide by these policies and procedures and will be held accountable for abiding by them. Take advantage of all the University has to offer and enjoy your college experience. We look forward to what you have to contribute to your University.

Have a great year!

Sharon Robinson
Vice President for Student Affairs

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY
STUDENT CODE OF CONDUCT

A. SCOPE OF REGULATIONS

1. Board Rule – University authority is vested by the Regional University System of Oklahoma Board of Regents with the President. This grants the President the responsibility and authority to promulgate rules governing student conduct and rules ensuring the order and safety of the campus. Students must comply with all the rules and regulations of the institution.

Generally speaking, disciplinary authority and the judicial latitude necessary to accomplish it are delegated to the Office of Student Affairs.

The objective of Southeastern Oklahoma State University is to provide an opportunity for education to all students. In order to achieve this objective, it is important to define standards of conduct or limits of behavior which will enable students to work together and with the faculty, staff, and administration in a positive manner.

The voluntary entrance of a student to Southeastern Oklahoma State University means that the student also voluntarily assumes obligations of attendance, performance and behavior reasonably imposed by the University.

University rules and regulations are designed to ensure optimal conditions for learning for all students. Standards of conduct for students are seen as a base or foundation of behavior rather than arbitrary limits of behavior.

Misconduct is considered a matter of concern by the University. Reports of misconduct variously labeled offensive, unacceptable, destructive, and in violation of University regulations, usually are made in the first instance to the Office for Student Affairs for investigation and determination of appropriate action, if any.

The University’s policies concerning students’ behavior take an educational and rehabilitative approach in contrast to a punitive approach. The former approach emphasizes assisting students to understand and accept responsibilities for their behavior as students of the University. Both the interests of the student and the University are taken into account in deciding the desirability of undertaking a program of rehabilitation within the University.

The President of Southeastern Oklahoma State University, or his/her designee, shall have the authority to deny admission and/or readmission to applicants to attend the University after review and consideration of any applicant’s previous actions of law violations, misconduct, rule violations, or any interference with the orderly conduct of the University, separately or in combination.

2. When University Rules Govern – Students who are enrolled at the University are subject to the rules and regulations of the institution.
B. STUDENTS OBLIGATIONS & REGULATIONS

Each student assumes an obligation to obey all rules and regulations made by the University, to preserve faithfully all property provided by the State for his/her education, and to discharge his/her duties as a student with diligence, fidelity, and honor. The term —student includes all persons enrolled at the university, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but who have a relationship with the university are considered —students. This definition includes but is not limited to incoming freshmen, transfer students, anyone participating in university sponsored programs and activities for students, and persons who enroll for courses from time to time. Failure to observe the following regulations will subject the student to disciplinary action:

1. Acts of Dishonesty. No student shall commit acts of dishonesty, including but not limited to the following:
   a. Cheating, plagiarism, or other forms of academic dishonesty.
   b. Furnishing false information to any university official, faculty member, or office.
   c. Forgery, alteration or misuse of any university document, record or instrument of identification.
   d. Falsifying or participating in the falsification of any university record.
   e. Assuming the identity of another.
   f. Any other acts of dishonesty which adversely affect the university pursuit of its objectives.

2. Public Law. All students are expected to conform to all local, state, and federal laws.

3. Personal behavior. Each student shall maintain the highest standards of integrity, honesty, and morality and shall obey the University rules and regulations.

4. Disturbing the Peace and Destruction of Property. No student or group of students shall disturb the peace, injure any person, (including hazing), damage or remove university property, or disrupt the functions of the university including its teaching, research, administration, or disciplinary proceedings, public-service functions or other authorized university activity, or interfere with its faculty or staff in the performance of their duties. No student shall encourage or in any way participate in the formation or prolonging of such a gathering.

Should any of these conditions exist, students will be asked to leave the area. For their personal safety, it is suggested students return immediately to their place of residence so there can be no question concerning their behavior.

5. Alcoholic Beverages – On Campus. The use, possession, manufacturing, distribution, and/or being under the influence of alcoholic beverages and/or low point beer, as defined by Oklahoma Law, on the campus or at any on-campus activity sponsored by or for a student organization or any other university sponsored activity for students is not permitted. Campus includes but is not limited to university
housing including sorority and fraternity housing.

6. Alcoholic Beverages – Off Campus. Each university is authorized to develop and implement a policy regulating consumption of alcohol at officially sponsored off campus events.

7. Controlled Substances. The use, possession, manufacturing, distribution and/or being under the influence of controlled dangerous substances, or controlled substances as defined by Oklahoma law, except as expressly permitted by law and/or University policy is not permitted. The inappropriate use, mis-use, or abuse of prescription or over-the counter medications is forbidden.

8. Payment of Accounts. Students shall make satisfactory arrangements for the settling of University accounts promptly. Failure of a student to make satisfactory arrangements for the settlement of a University account by the due date will result in a late payment penalty. Continued failure to settle the account will result in either suspension or placing of a hold on the student’s records. A student may neither re-enroll, receive a diploma, live in on-campus housing nor obtain a transcript until the student has (1) cleared the account and (2) paid the assessed service charge to cover the administrative expense involved in placing the financial hold on the record.

9. Weapons. The possession or firing of firearms, fireworks, explosives or weapons or imitations of weapons including but not limited to bows, knives, or guns by students is prohibited on campus, in any student residence, sorority, fraternity, approved private housing or university operated facility, except as they are used in officially approved university programs.

University regulations and 21 O.S., § 1277 prohibits the possession of concealed weapons on university property except in a vehicle and prohibits the removal of the weapon from the vehicle while on campus.

10. Change of Address. Students must notify the Registrar’s Office of their current address through Campus Connect. Failure to do so may result in disciplinary action.

11. Technology Theft or Abuse. Theft or other abuse of computer resources and facilities, including but not limited to the following is forbidden:

a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

b. Attempts to circumvent established security procedures or to obtain access privileges to which the user is not entitled.

c. Unauthorized transfer of a file.

d. Use of another’s identification and password.

e. Use of computing facilities to interfere with the work of other students, faculty member or university official.

f. Use of computing facilities to send obscene or abusive messages. Harassment is defined by Section C(5) below.
g. Use of computing facilities to willfully, publish, distribute or exhibit any obscene expression.

h. Use of computing facilities to interfere with normal operation of the university computing system.

i. Use of computing facilities and resources in violation of copyright laws.

12. Failure to Comply. Failure to comply with the directive of a university official or law enforcement officer acting in the performance of his or her duties or failure to identify oneself to these persons when requested to do so may result in disciplinary actions.

13. Off Campus. Students may also be subject to university disciplinary action for actions committed off university property.

C. PROHIBITED ACTIONS AND ACTIVITIES OF MISCONDUCT

Students engaging in the following actions, among others, are subject to disciplinary action by Southeastern Oklahoma State University:

1. Interference by any means, directly or indirectly, with functions and/or activities of the University or with its educational or service programs, either by breach of the peace, force, violence, noise disturbances, disorderly conduct, physical obstruction, or unauthorized occupation of premises, and failure or refusal to comply with directions of University officials, faculty, or staff acting in the performance of their duties;

2. Dishonesty, such as cheating, violating the integrity of examinations, plagiarism, or knowingly furnishing false information to the University or staff for official University records or during University investigations;

3. Forgery, alteration, destruction, damage, or misuse of official University documents, records, or identification cards or devices;

4. Physical abuse; threat of physical abuse; hazing; acts that endanger the health, safety or property of others; or acts that interfere with education activities of any person on University owned or controlled premises, including the premises used at University sponsored or supervised functions;

5. Harassment which includes any act, statement, or combination of acts and statements so objectively and subjectively severe, pervasive, and offensive that it could be said to:

   a. deprive a reasonable student or potential student of access to the education opportunities or benefits provided by the university.

   b. create a hostile or abusive work environment for a reasonable university employee so as to affect the employee’s ability to work or remain on the job, or

   c. create a hostile or abusive environment for a visitor so as to deprive the reasonable visitor from exercising legal rights or privileges granted by the university in furtherance of the university’s mission.
Mere disagreement does not constitute harassment;

6. Disruption of or interference with classes by any means. Faculty members are authorized to dismiss students from classes pending other action, and it shall be a further offense for any student not to leave a classroom when told to do so by a faculty member;

7. Theft, vandalism, defacement or damage to property of the University, its premises, or to property of other students or members of the University community;

8. Unauthorized use, entry or occupancy of University facilities or premises; or unauthorized possession, duplication, or use of keys to any University premises;

9. Violation of University policies or regulations requiring the registration of student organizations, or prior approval of the use of University premises or facilities;

10. Tampering with the election of any University-recognized or registered student body organization;

11. Theft, unauthorized access or other abuse of University computer systems or University computer labs;

12. Theft, unauthorized access or other abuse of the University phone system;

13. Unlawful use, sale, possession, or distribution of being unlawfully under the influence of or being in knowing unlawful association with narcotics, marijuana, hallucinogenic drugs, or other controlled substances while on or off campus;

14. Disorderly conduct, lewd, indecent, or obscene conduct on University-owned or controlled property, or at a University-sponsored or supervised function;

15. Abuse of fire alarm systems or firefighting equipment, including tampering with equipment, failure to use the equipment for its intended purpose, or any other act that might produce a false alarm, or interfere with the intended use of the equipment;

16. Possession or use of weapons or imitations of weapons on campus or in University housing, except as they are used in officially approved University programs;

17. Gambling;

18. General misconduct, including any act constituting violation of federal, state, civil, or criminal laws or city ordinances. General misconduct that adversely affects the student’s suitability as a member of the University community such as the commission of a felony, misdemeanor involving moral turpitude, public nuisance, disturbance of the peace, inciting to rout or riot, disorderly conduct, and all acts that recklessly endanger the student or others;

19. Littering;

20. Refusal to exhibit a student identification card to school officials, faculty, staff, or security personnel
when required to do so on school premises or at University sponsored events;

21. Hazing. The Oklahoma Legislature has enacted a law prohibiting hazing by a person or organization against a student at an educational institution. Failure to comply with the specific provisions of the law will result in criminal penalties and fines. (See 21 O.S., § 1190)

A person commits an offense under the hazing law if that person:

a. engages in hazing; particularly for the purpose of initiation or admission into or affiliation with any organization.

b. solicits, encourages, directs, aids or attempts to aid another engaging in hazing;

c. intentionally, knowingly, or recklessly permits hazing to occur; or

d. has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the Office for Student Affairs.

Hazing includes,: a) any type of physical brutality; b) physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student (i.e. sleep deprivation, exposure to the elements, calisthenics); c) activity involving consumption of a food, liquid, alcoholic beverage, liquor, drugs, or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student; d) activity that intimidates or threatens the student with ostracism; and e) activity that subjects the student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of the student.

The aforementioned activities are only examples of specific hazing offenses. Any type of activity which falls within the general definition of hazing is prohibited under the hazing law. Consent of the individual subjected to the hazing is not a defense against prosecution of an offense under the hazing law.

Organizations that are covered under this law include any recognized campus organization whose members are primarily students at an educational institution. A student means any individual who is enrolled at said educational institution and who is associated with said organization.

Specific penalties which may be imposed against an individual or organization guilty of an offense under the hazing law include the imposition of fines ranging between $500 and $1,500 and/or confinement in the county jail for a period of time not to exceed 90 days. An organization convicted will be required to forfeit, for a period of not less than one year, all of the rights and privileges of being an organized or operated organization at the educational institution.

The specific penalty imposed for a hazing offense depends on the seriousness of the offense and whether or not bodily injury or death to an individual resulted from the hazing incident.

22. Failure to comply with the sanctions imposed under the Student Code of Conduct or sanctions otherwise imposed by the University;
23. Actions not committed on University property may be subject to University disciplinary action in cases where a clear and distinct interest of the University if involved or affected.

D. STUDENT DISCIPLINARY PROCEDURES

1. Authority of Vice President for Student Affairs. The Vice President for Student Affairs, Dean of Students or their designee are authorized by the President to investigate potential violations of university regulations or law and to determine and administer appropriate penalties using a preponderance of the evidence standard. The Office of Student Affairs has the responsibility for handling on a person-to-person basis, as many of the complaints as possible, except for those cases which by their nature require initial action by another University department, such as

a. Matters of Academic Dishonesty and Classroom Misconduct

Academic dishonesty matters may first be considered by the faculty member who may recommend penalties such as withdrawal from the course, reduction or changing of a grade in the course, test, assignment, or in other academic work; denial of a degree and/or performing additional academic work not required of other students in the course. Acceptance of the faculty member’s recommended penalties by the student shall make the penalties final and constitute a waiver of further administrative procedures. If the student does not accept the decision of the faculty member, the student may have the case reviewed by the academic department chair. If the student does not accept the decision of the academic department chair, the student may have the matter referred to the Executive Dean for Academic Affairs. If this decision is not accepted, the student may have the matter referred to the Vice President for Academic Affairs. Student(s) seeking to be heard about a grade dispute should file an appeal with the Academic Appeals Committee. The Academic Appeals Committee will serve as an appeals board upon receipt of written requests from faculty or students who seek to have grades or records altered. The Committee will also act on appeals of students who are on academic probation or who have been suspended for academic reasons. The decision of the Academic Appeals Committee will be final.

If a student is dismissed from class due to classroom misconduct, the student must seek permission from the Dean of Students before returning to that class.

Faculty reserve the right to include in their syllabi statements of expectation and penalties for academic dishonesty and classroom misconduct.

b. Residence Hall Matters

Students who reside within the residence hall system are under a contractual obligation to abide by the rules and regulations of Residence Life, as well as being bound by the University catalogs and all other University rules and regulations governing the conduct of students. For further information please click on this link. Please click on this link http://homepages.se.edu/residence-life/.
c. Financial Matters

In matters involving a violation of a financial obligation to the University, including issuance of a check without sufficient funds, the University may initiate action and may assign penalties such as late fees, service charges, fines, loss of money-related privileges, blocks from re-enrollment, etc. If the student believes the penalties have been applied prejudicially or in an arbitrary or capricious manner, or where penalties are the result of an alleged error on the part of the University, student may have the matter reviewed by the Vice President for Business Affairs or their designee.

d. Health Matters

Students whose physical or mental health problems may affect the health, safety, and/or welfare of the University community, or who represent a danger to themselves or others, or whose continuing presence disrupts the academic or administrative process, or who fail to follow the directives of the Office of Student Affairs’ health or psychological personnel regarding these problems may face disciplinary sanctions from the University.

In all cases covered by this policy, the University reserves the right to exercise the final judgment with respect to the admission or retention of the person whose fitness has been questioned.

e. Dean of Students’ Office Disciplinary Procedures

The following procedures will be used in all cases referred to the Dean of Students:

1. Investigation and Summons

When a complaint is lodged, the Dean of Students will review the report and investigate any alleged violation of published University policy. The student will be notified of the charges of alleged violation of University policy.

2. After preliminary investigation of alleged misconduct, the Dean of Students may discuss, consult, or advise with the individuals involved and they shall attend such meetings as requested. Failure to report after two (2) requests to appear may result in suspension from the University.

After a fair and impartial assessment, the Dean shall make a determination of whether a published University policy was violated, and if so, will impose the appropriate disciplinary sanction(s)

Unless precluded by law, informal disposition may be made of individual proceeding by stipulation, agreed settlement, consent order, or default

If a formal disposition is rendered, the Dean of Students shall indicate the student decision in writing.

3. Explanation of Rights

Prior to the commencement of any disciplinary action provided for herein, the Dean of Students, or a representative, shall explain to the accused student, the student’s rights under the terms and conditions of these rules and regulations.

The Dean shall give the student an opportunity to present evidence or argument on any facts bearing
on the alleged violation. All legally permissible presumptions will be entertained in the disciplinary action if a student chooses to remain silent.

4. After a fair and impartial assessment, the Dean shall make a determination of whether a published University policy was violated, and if so, will impose the appropriate disciplinary sanctions.

Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

If a formal disposition is rendered, the Dean of Students shall indicate the student decision in writing either at the time of the hearing or later.

5. Dean of Students’ Decision

The Dean of Student’s decision and the recommended sanctions are final. Only suspension, expulsion or degree revocation cases may be appealed to the Committee on Student Conduct.

6. Appeals Process

If the student does not accept the Dean of Students’ decision, the student may appeal suspension, expulsion or degree revocation cases in writing that the matter be heard by the Committee on Student Conduct.

E. SANCTIONS

Sanctions – The Vice President for Student Affairs, Dean of Students, or his or her designee may authorize the following sanctions for violations of University regulations or public law may include one or a combination of the following:

1. Warning.

2. Imposing of specified restrictions and sanctions, including but not limited to: letter of apology, presentation of a workshop, preparation of a research paper or project, social probation, community service, assessment or evaluation, counseling, restitution for damages, punitive fines, eviction from residence halls, loss of privileges (i.e. visiting privileges in housing or denial of access to computer services) prohibiting membership or leadership in campus organizations; OR denial of participation in any official athletic or non-athletic extracurricular activity, including practices or travel; OR withholding of official transcript or degree; or blocking from enrollment for a specified period of time; intervention program fee; or any combination of the above, and any other appropriate sanction.

3. Conduct probation. A student may be placed on conduct probation. If a second violation occurs while a student is on probation, disciplinary action will be based on both charges. The record of conduct probation is kept in the student’s personnel folder in the Dean’s office. If the student has a Dean’s disciplinary hold on the student records, it is removed at the discretion of the Dean of Students.

4. Suspension. A student may be suspended from the University for reasons of conduct for a definite period of time not less than the remainder of the current semester in which student is enrolled. The student who has been suspended may apply for readmission at the close of the period for which the
student was suspended. A suspension hold will be placed on the student’s transcript during the period of suspension.

5. Expulsion. When a student is expelled, a record of this action will be noted on the student’s transcript and it will be a part of the student’s permanent record in the Office of the Registrar. A student who is expelled will not be allowed to re-enter the university.

6. Degree revocation or rescission of credit.

7. Temporary suspension. A student may be temporarily suspended from the university or university housing prior to the student code of conduct hearing to ensure safety and well-being of members of the university community or preservation of university property; to ensure a student’s own physical or emotional safety and well-being; and/or if the student poses an ongoing threat or disruption. Such an administrative decision will be effective immediately.

During the temporary suspension, a student may be denied access to university housing and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate.

The temporary suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a student hearing, if required.

The student will be notified in writing of this action and the reasons for the temporary suspension. The notice shall include the time, date, and place of a subsequent show cause hearing at which the student may show cause why his or her continued presence on the campus or in university housing does not constitute a threat.

F. STUDENT DISCIPLINARY APPEALS

1. Appeals Process. A committee consisting of faculty, staff and students will be created to consider the appeal of cases resulting in temporary suspension, suspension, expulsion, degree revocation or rescission of credit of students. The committee will be designated as the — Committee on Student Conduct. The committee shall be appointed by the president of the university and shall include faculty members and administrative employees whose primary duties are not concerned with the administration of student conduct and affairs. The president will receive nominations for committee memberships from the Faculty Senate and Staff Association, provided that nominations must be submitted within thirty (30) days from time of notification these vacancy(s) exists. Provided further, that if nominations are not made within thirty (30) days, the president will fill the vacancy(s) from the faculty and staff.

The student members of the committee shall be nominated by the Student Senate provided that said nominations must be submitted in the same manner as those for the Faculty Senate and Staff Association. A student instituting an appeal to the Committee on Student Conduct shall have the right to exclude any member of the committee upon proper request. One or more students may be included in the membership of the committee, such number to be determined by the president of the university. Any act by a properly constituted committee, at which a quorum of the committee is present, shall be binding.
A quorum of the committee shall consist of a majority of the currently appointed members of the committee.

To initiate an appeal, a student must make the request. The request and reason for appeal shall be made in writing, by hard copy, signed, and dated, to the Vice President for Student Affairs within twenty-four (24) hours (not including state holidays or weekends) after the disciplinary decision is rendered.

If the student appeals a decision of suspension, expulsion, degree revocation, or rescission of credit, the decision will not become effective until after a hearing before the Committee on Student Conduct unless a temporary suspension remains in place in accordance with the policies herein.

Hearings will be held as soon as practical after the request is made by the student.

2. Explanation of Rights. Prior to the commencement of any disciplinary action provided for herein, the Vice President for Student Affairs or a representative shall explain to the accused student the student's rights under the terms and conditions of these rules and regulations.

3. Hearing before the Committee on Student Conduct.
   a) The Vice President for Student Affairs, or designee, will notify the accused student in writing of the date, time, and place of the hearing, the reason for the hearing, and the procedures and possible outcomes.

   b) All hearings are closed and information presented in them and all supporting documents are confidential.

   c) During the hearing, the accused student may be accompanied by an advisor of the student’s choice so long as the availability of the advisor does not hamper the timeliness of the hearing. The student may choose to have an attorney serve as advisor; however, the advisor does not represent the student in a student conduct hearing and the student will be expected to speak for him or herself at all times.

   d) During the hearing, the student has the opportunity to offer information on his or her own behalf and to review all information, statements, or evidence presented.

   e) The chair of the Committee on Student Conduct will decide any questions or objections to hearing procedures that are raised during the hearing.

   f) Members of the committee may ask questions of any person present during the hearing and the chair will invite questions and comments from the accused student if present. Since decisions are based only on the preponderance of evidence introduced at the hearing, the chair may reconvene the hearing if the committee decides that essential information has not been presented. The hearing shall be reconvened at the earliest practical time that the necessary information will be available.

   g) After the chair has determined that all necessary information has been presented and questions answered, the committee will go into closed session and all other persons will be excused. The
committee will determine whether or not it believes the accused student is responsible for a violation of the regulations and, if so, whether the penalties determined by the Dean of Students are reasonable. The committee hearing will result in one of two outcomes:

1) that the Dean of Students’ determination is affirmed; or

2) that the Dean of Students’ determination is modified or reversed.

h) The committee’s decision shall be final unless within three (3) days following the entry thereof, the student lodges a written appeal with the president of the university. Appeals with the president shall relate to procedural matters only.

4. Expulsion Hearing Before Committee on Student Conduct. When expulsion is a possible sanction due to the seriousness of the offense, the Oklahoma Administrative Procedures Act relating to disciplinary expulsions will apply. The following pertinent sections of the Act are included in this section for ease of reference. (75 O.S. § 309 et. seq. as amended).

   a) In an individual proceeding, all parties shall be afforded an opportunity for hearing after reasonable notice.

   b) The notice shall include:

   1) a statement of the time, place, and nature of the hearing;

   2) a statement of the legal authority and jurisdiction under which the hearing is to be held;

   3) a reference to the particular sections of the statutes and rules involved; and

   4) a short and plain statement of the matters asserted. If the university or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

   c) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

   d) Deliberations by administrative heads, hearing examiners, and other persons authorized by law may be held in executive session pursuant to paragraph 8 of section 307 of Title 25 of the Oklahoma Statutes.

   e) Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

   f) The record in an individual proceeding shall include:

   1) all pleadings, motions and intermediate rulings;

   2) evidence received or considered at the individual proceeding;
3) a statement of matters officially noticed;
4) questions and offers of proof, objections, and rulings thereon;
5) proposed findings and exceptions;
6) any decision, opinion, or report by the officer presiding at the hearing; and
7) all other evidence or data submitted to the hearing examiner or administrative head in connection with their consideration of the case provided all parties have had access to such evidence.

g) Oral proceedings shall be electronically recorded. Such recordings shall be maintained for such time so as to protect the record through judicial review. Copies of the recordings shall be provided by the university at the request of any party to the proceeding. Costs of transcription of the recordings shall be borne by the party requesting the transcription. For judicial review, electronic recordings of an individual proceeding, as certified by the university, may be submitted to the reviewing court by the university as part of the record of the proceedings under review without transcription unless otherwise required to be transcribed by the reviewing court. In such case, the expense of transcriptions shall be taxed and assessed against the non-prevailing party. Parties to any proceeding may have the proceedings transcribed by a court reporter at their own expense.

h) Findings of fact shall be based exclusively on the evidence received and on matters officially noticed in the individual proceeding unless otherwise agreed upon by the parties on the record. (See 75 O.S. § 309)

In individual proceedings:

i) Agencies may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law in respect to: self-incrimination; confidential communications between husband and wife during the subsistence of the marriage relation; communication between attorney and client, made in that relation; confessions made to a clergyman or priest in his or her professional capacity in the course of discipline enjoined by the church to which he or she belongs; communications made by a patient to a licensed practitioner of one of the healing arts with reference to any physical or supposed physical disease or of knowledge gained by a practitioner through a physical examination of a patient made in a professional capacity; records and files of any official or agency of any state or of the United States which, by any statute of a state or of the United States are made confidential and privileged. No greater exclusionary effect shall be given any such rule or privilege than would obtain in an action in court. Universities may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expeditied and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

j) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;
k) A party may conduct cross-examinations required for a full and true disclosure of the facts;

l) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the universities’ specialized knowledge. Parties shall be notified either before or during the hearing, or by reference party may request the disqualification of a hearing examiner or agency member on the grounds of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the administrative head of the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a hearing examiner, the agency shall assign another in his stead or shall conduct the hearing itself. Upon the disqualification of a member of an agency, the agency shall proceed with the proceeding if a quorum remains. If a quorum no longer exists, by virtue of the member’s disqualification, the Governor immediately shall appoint a member pro tempore to sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of Section 311 of this title shall apply. (See 75 O.S. § 316)

m) Any party shall at all times have the right to counsel, provided that such counsel must be duly licensed to practice law by the Supreme Court of Oklahoma, and provided further that such counsel shall have the right to appear and act for and on behalf of the party he or she represents.

n) A party may request the exclusion of witnesses to the extent and for the purposes stated in Section 2615 of Title 12 of the Oklahoma Statutes. Exclusion of a witness shall not be a violation of the Oklahoma Open Meeting Act. (See 75 O.S. § 310)

6. Proposed Orders

A. If the administrative head of an agency has not heard the case or read the record of an individual proceeding, a final agency order adverse to a party shall not be made until a proposed order is served upon the party, and an opportunity is afforded to the party to file exceptions and present briefs and oral argument to the administrative head who is to render the final agency order. The proposed order shall be accompanied by a statement of the reasons therefore and of each issue of fact or law necessary to the proposed order, prepared by the hearing examiner or by one who has read the record.

B. Such proposed order shall be served upon the parties at least fifteen (15) days prior to a hearing or meeting at which the administrative head is to consider or render a decision on the proposed order. At such hearing or meeting, the parties shall be afforded an opportunity to present briefs and oral arguments concerning the proposed order.

C. The parties by written stipulation may waive compliance with this section. (See 75 O.S. § 311)

7. Final Orders – Contents-Notification.

a) A final university order adverse to a party shall:
1) Be in writing; and

2) Include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with university rules, a party submitted proposed findings of fact, the final university order shall include a ruling upon each proposed finding.

b) Parties shall be notified either personally or by certified mail, return receipt requested, of any final university order. Upon request, a copy of the order shall be delivered or mailed forthwith to each party and to his or her attorney of record. (See 75 O.S. § 312)

8. Agency Members Not to Communicate.

Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or make findings of fact and conclusions of law in an individual proceeding shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. An agency member (1) may communicate with other members of the agency, and (2) may have the aid and advice of one or more personal assistants. (See 75 O.S. § 313)


As authorized by or pursuant to law, if an agency finds that the public health, safety, or welfare imperatively requires emergency action, has promulgated administrative rules which provide for such action and incorporates a finding regarding the emergency in its order, emergency actions may be ordered pending the final outcome of proceedings instituted pursuant to this article. (See 75 O.S. § 314.1)

10. Furnishing of Information, Attending of Witnesses and Production of Books, Records, etc. – Subpoenas.

A.

1. The agency conducting any individual proceeding shall have power to require the furnishing of such information, the attendance of such witnesses, and the production of such books, records, papers or other objects as may be necessary and proper for the purposes of the proceeding.

2. The agency, or any party to a proceeding before it, may take the depositions of witnesses, within or without the state, in the same manner as is provided by law for the taking of depositions in civil actions in courts of record. Depositions so taken shall be admissible in any proceeding affected by this act. Provided, however, all or any part of the deposition may be objected to at time of hearing, and may be received in evidence or excluded from the evidence by the agency or individual conducting the hearing in accordance with the law with reference to evidence in this act or with reference to evidence in courts of record under the law of the State of Oklahoma.
B. In furtherance of the powers granted by subsection A of this section, any agency, administrative head, hearing examiner or any other duly authorized member or employee thereof, upon its own motion may, and upon the request or any party appearing in an individual proceeding shall:

1. Issue subpoenas for witnesses;

2. Issue subpoenas duces tecum to compel the production of books, records, papers or other objects, which may be served by the marshal of the agency or by any person in any manner prescribed for the service of a subpoena in a civil action; or

3. Quash a subpoena or subpoena duces tecum so issued; provided, prior to quashing a subpoena or subpoenas duces tecum the agency shall give notice to all parties. A subpoena or subpoenas duces tecum may not be quashed if any party objects.

C.

1. In case of disobedience to any subpoena issued and served under this section or to any lawful agency requirement for information, or of the refusal of any person to testify to any matter regarding which he may be interrogated lawfully in a proceeding before an agency, the agency may apply to the district or superior court of the county of such person’s residence or to any judge thereof for an order to compel compliance with the subpoena or the furnishing of information or the giving of testimony. Forthwith the court or the judge shall cite the respondent to appear and shall hear the matter as expeditiously as possible.

2. If the disobedience or refusal is found to be unlawful, the court, or the judge, shall enter an order requiring compliance. Disobedience of such an order shall be punished as contempt of court in the same manner and by the same procedure as is provided for like conduct committed in the course of judicial proceedings. (See 75 O.S. § 315)

11. Disqualification of Hearing Examiner or Agency Member.

A hearing examiner or agency member shall withdraw from any individual proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a hearing examiner or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the administrative head of the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a hearing examiner, the agency shall assign another in his stead or shall conduct the hearing itself. Upon the disqualification of a member of an agency, the agency shall proceed with the proceeding if a quorum remains. If a quorum no longer exists, by virtue of the member’s disqualification, the Governor immediately shall appoint a member pro tempore to sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of Section 311 of this title shall apply. (See 75 O.S. § 316)
12. Rehearing, Reopening or Reconsideration of Agency Decision.

A. A final agency order issued by an administrative head of an agency shall be subject to rehearing, reopening or reconsideration by such administrative head. Any application or request for such rehearing, reopening or reconsideration shall be made by any party aggrieved by the final agency order within ten (10) days from the date of the entry of such final agency order. The grounds for such action shall be either:

1. Newly discovered or newly available evidence, relevant to the issues;
2. Need for additional evidence adequately to develop the facts essential to proper decision;
3. Probable error committed by the agency in the proceeding or in its decision such as would be ground for reversal on judicial review of the final agency order;
4. Need for further consideration of the issues and the evidence in the public interest; or
5. A showing that issues not previously considered ought to be examined in order properly to dispose of the matter.

B. The order of the agency granting rehearing, reconsideration or review, or the petition of a party therefore, shall set forth the grounds which justify such action.

C. Nothing in this section shall prevent rehearing, reopening or reconsideration of a matter by any agency in accordance with other statutory provisions applicable to such agency, or, at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence.

D. On reconsideration, reopening, or rehearing, the matter may be heard by the agency, or it may be referred to a hearing examiner. The hearing shall be confined to those grounds upon which the reconsideration, reopening or rehearing was ordered.

E. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application. (See 75 O.S. § 317)


Any order of the Committee on Student Conduct affirming the expulsion of a student shall be final, unless, within three (3) days following the entry thereof, a student lodges a written appeal with the president of the university. Appeals to the president shall relate to procedural matters only.

STUDENTS’ RIGHTS TO PRIVACY

As required by the Family Educational Rights and Privacy Act of 1974 (commonly known as the Buckley Amendment), Southeastern Oklahoma State University is hereby acquainting students with their privacy
POLICY ON SERVICES FOR STUDENTS WITH DISABILITIES

(in compliance with Section 504 of the Americans with Disabilities Act and the Rehabilitation Act of 1973)

General Policy

Southeastern Oklahoma State University complies with the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504 which states, — No otherwise qualified person with a disability in the United States...shall, solely on the basis of disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal financial assistance. Please click on this link - http://www.se.edu/ada/.

Grievance Procedures

Students who believe that they have experienced discrimination on the basis of a disability can seek resolution through the University’s discrimination grievance procedure. Please click on this link - http://se.edu/ada/grievance-procedure-for-students-with-disabilities/

COMMUNICABLE DISEASE POLICY STATEMENT

It is the general policy of the University that applicable federal and state laws pertaining to contagious or infectious disease, all matters of public health, as well as those governing discrimination and privacy shall be appropriately observed and followed in its operation. All University personnel are expected to cooperate with authorized public health officials in resolving threatening situations which may arise. Please click on this link ____________________________

IMMUNIZATIONS

Oklahoma Statute, (See Title 70, § 3244) requires that all students who enroll as a full-time or part-time student in Oklahoma public or private postsecondary institution provide documentation of vaccinations against hepatitis B, measles, mumps or rubella (MMR).

The statute requires that Institutions notify students of the vaccination requirements and provide students with educational information concerning hepatitis B, measles, mumps and rubella (MMR), including the risks and benefits of the vaccination. The statute permits that when the vaccine is medically contraindicated and a licensed physician has signed a written statement to that effect, such student shall be exempt from the vaccination. Further, the statute permits a student or if the student is a minor, the student’s parent of other legal representative, to sign waiver stating that the administrations of the vaccine conflicts with the student’s moral or religious tenets.

Oklahoma Statutes, (See Title, §70 3243, requires that all students who are first time enrollees in any public or private postsecondary educational institution in this state and who reside in on-campus
student housing shall be vaccinated against meningococcal disease. Institutions of higher education must provide the student or the student’s parents or other legal representative detailed information on the risks associated with meningococcal disease and on the availability and effectiveness of any vaccine. The statute permits the student or, if the student is a minor, the student’s parents or other legal representative, to sign a written waiver stating the student has received and reviewed the information provided on the risks associated with meningococcal disease and on the availability and effectiveness of any vaccine, and has chosen not to be or not to have the student vaccinated.

REPORTING CAMPUS CRIME STATISTICS

SE subscribes to the approach that public disclosure of the nature of crimes, the quantity, and how they are investigated is a right-to-know issue. It is this University’s position that the public should know how active the campus police are in crime prevention and detection. SE is committed to preventing crime on campus. Please click on this link - http://homepages.se.edu/public-safety/clery-reports/

CAMPUS SECURITY AUTHORITY

All security personnel are commissioned police officers. All persons on University property are required to identify themselves to such officers when requested. The Campus Police officers are authorized to enforce the State Traffic Code, the Penal Code, the traffic and parking regulations of the University, and all other laws.

DRUG-FREE STATEMENT

Southeastern Oklahoma State University recognizes its responsibility as an educational and public service institution to promote a productive work and learning environment. Please click on this link - http://homepages.se.edu/hr/policies/

SEXUAL ASSAULT POLICY

Southeastern Oklahoma State University will not tolerate or condone any form of sexual misconduct, physical, mental or emotional in nature. This includes, but is not limited to, rape (including date or acquaintance rape) or sexual assault. In instances where there is reason to believe that Southeastern Oklahoma State University’s policies prohibiting sexual misconduct have been violated, the University will pursue disciplinary action. Students may elect to pursue the concern through the state criminal justice system as well as the University’s student conduct system. If the University has reason to believe that sexual misconduct has occurred, the University’s sanctions may include warnings, restrictions, probation, suspension or expulsion.

Definitions:

Sexual assault is defined as having sexual contact or sexual intercourse with another person without consent of that person.

Consent is defined as positive cooperation due to an exercise of free will. Persons consenting must act freely, voluntarily and have knowledge of the act or transaction involved. Consent will not be implied
from silence, passivity nor from a state of intoxication or unconsciousness. Lack of consent is implied if the victim is incapable of giving consent because of mental, developmental, or physical ability, or lack of legal age in giving consent. Lack of consent is implied if the threat of violence is used or due to an imbalance of power held by the perpetrator over the victim.

Procedures for Reporting Sexual Assault:

In the event of a sexual assault, the victim is encouraged to report the crime to Campus Police if that act occurred on campus or to the appropriate authority if the crime occurred off campus. The victims are encouraged to call the Sexual Assault Hot Line (924-3030) for medical and support services. Victims should take care to preserve the evidence of a sexual assault which may be necessary to the proof of the crime (i.e., do not take a shower.)

Prosecution of the perpetrator is a matter for the victim to consider apart from reporting the crime. The information will be treated with the confidentiality afforded any victim of a crime. Students may also report the incident to the staff within the Residence Halls, the Office for Student Affairs, the University’s Counseling Center, or other University staff who will in turn inform the Office for Student Affairs. Victims are also encouraged to report the crime to the Office of the Dean of Students in order to pursue disciplinary action through the Student Code of Conduct system. Students may request that campus personnel assist them in the reporting of the crime of sexual assault. False reporting of a crime is a misdemeanor and will be treated seriously.

Disciplinary Procedures in Alleged Cases of Sexual Misconduct:

Students who wish to file a student misconduct report should contact the Office of the Dean for Students, room 312 of the Student Union Building. If the matter cannot be resolved by the Dean of Students in an informal manner acceptable to the person bringing the complaint, it will be the option of the complainant to pursue the formal process. In the event that the complaining person wishes to file formal grievance against another student accused of sexual misconduct, the Committee on Student Conduct will hear the case. This Committee will be comprised of faculty, administrative staff and students in the same manner as outlined in the Student Code of Conduct policy. Should the complaining student name a faculty member or any other employee of the Institution as the alleged perpetrator, the established University policy for grievance as found in the University Employee Handbook shall be followed. To initiate this action, contact the Office of Affirmative Action/Risk Management.

a. The complainant shall be permitted to have a person or persons of his or her choosing accompany him or her throughout the disciplinary hearing.

b. The complainant shall be permitted to be present during the disciplinary hearing (except during the deliberations of the panel.)

c. The complainant shall have the right to be informed of the outcome of the formal hearing upon its conclusion by the panel.

d. The person alleged to have engaged in sexual misconduct shall also be afforded all of the rights set
forth in this section.

e. If the sanctions against the alleged perpetrator include suspension or expulsion, the perpetrator may appeal, in writing, the committee decision to the Vice President for Student Affairs within 5 (five) working days of the issuance of the decision.

Education:

Educational materials related to sexual misconduct will be disseminated to each incoming student during orientation as well as those students currently enrolled on the campus.

Orientation of all new students will include a component related to sexual assault and its prevention. Programming to promote the awareness and prevention of sexual misconduct will continue to be offered in the Residence Halls as well as other locations accessible to the greater student body. Self-defense seminars are offered to the student body through community resources.

Services to Victims:

Medical treatment is available through local physicians or at the Medical Center of Southeastern Oklahoma where evidence may be collected to preserve the option of prosecution if the victim so chooses. The Student Support Services Office and the University Counseling Center will provide initial counseling and referral to those students requesting assistance.

If requested by the victim, reasonable accommodations will be made to victims of sexual assault living on campus who request a room assignment change or an adjustment in their academic schedule as is possible within the existing curricular offerings.

The University will foster an environment of safety for the entire student body and will support a climate of acceptance and concern for victims of sexual assault.

SEXUAL HARASSMENT

This policy is designed to apply to employment and/or academic relationships among faculty, staff, and students.

It is the policy of Southeastern Oklahoma State University that no member of the University Community may sexually harass another. 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.

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal
or physical conduct of a sexual nature in the following context:

1. Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of instruction, employment, status or participation in any course, program or other University activity;

2. Submission to or rejection of such conduct is used as a basis for evaluation in making academic or employment decisions affecting an individual; or

3. 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 or learning environment.

Whenever there is an instance of alleged sexual harassment, or reprisal for reporting same, prompt and corrective action shall be taken.

Persons who have a complaint alleging sexual harassment should report their complaint to the alleged harasser’s supervisor or the Office for Student Affairs. For further information contact the Office for Student Affairs, (580) 745-2360.

Persons who have a complaint alleging sexual harassment should report their complaint to the alleged harasser’s supervisor or the Office for Student Affairs. For further information contact the Office for Student Affairs, (580) 745-2360 or the Title IX Coordinator at (580) 745-3090.

RACIAL AND ETHNIC HARASSMENT POLICY

Southeastern Oklahoma State University is committed to a multicultural, multiethnic and multiracial environment. Diversity is one of the hallmarks of a great university. Promoting dignity and respect among all members of the university community is a responsibility each of us must share. Please click on this link - http://homepages/se/edu/equity-compliance-diversity/affirmative-action/

TEACHER’S ENGLISH PROFICIENCY

Oklahoma Statute 70 O.S. Supp. 1982, § 3225, provides that all instructors employed at institutions within the Oklahoma State System of Higher Education be proficient in speaking the English language so that they may adequately instruct students. Any student who feels that Southeastern Oklahoma State University is in violation of this statute may file a complaint with the Office of the Vice President of Academic Affairs.

JURY DUTY

Southeastern Oklahoma State University requires that students serving on jury duty notify the Office of Student Affairs if more than one class day of a course is missed. The Office of Student Affairs will notify all professors of the reason for the absence. Proof of jury duty must be brought to the Office of Student Affairs upon return to Campus. This documentation will be copied and sent to all professors for verification of the day(s) missed.
38 O.S., § 37 signed by the Governor April 18, 1996
“No school, college, university, or other educational institution may take or permit to be taken any adverse academic action against a student because of the student’s service on a grand, multi-county grand, or petit jury.”

MILITARY LEAVE

If a student is called to active military service during a term in which the student has completed an amount of work sufficient to receive a grade, as determined by the university, the university may award a grade to the student and give the student academic credit for the full semester’s work. If the student has not completed an amount of work sufficient to receive a grade, the university may refund or waive tuition and fees in accordance with the policy of the Oklahoma State Regents for Higher Education.

STUDENT DRESS AND APPEARANCE CODE

Neatness and appropriate dress are important at all times. It is assumed that students who attend Southeastern Oklahoma State University will exercise mature discretion in regard to their personal appearance and hygiene. Extreme modes of dress and personal hygiene that interfere with the educational process are discouraged. Instructors may refer students to the Dean of Students for violations of this code.

LITTER/POLITICAL MATERIAL POLICY

Signs and posters may not be attached to campus buildings except where bulletin boards are provided, or to trees, sidewalks, handrails or traffic or directional signs, or motor vehicles parked on university property.

The Office of Student Life will be responsible for enforcing appropriate rules and regulations for for on and off campus postings in approved designated areas.

SMOKING POLICY

No smoking or other tobacco use shall be allowed in or on any vehicle, building, other structure, or land owned, leased, or under the control of Southeastern Oklahoma State University. Please click on link – http://homepages.se.edu/setobacoffree/tobacco-free-policy/

COMPUTER POLICIES AND PROCEDURES

PRINCIPLES

The Southeastern Oklahoma State University (SE) computing facilities are designed to support the research, teaching, and related activities of the SE community. These facilities include communication features that offer many opportunities for members of the SE community to share information among themselves and with outside collaborators. With the ability to share comes the responsibility to use
system in a responsible, ethical, professional, and lawful way. Universities value communication of ideas, including those new and controversial; thus, the intention of SE is to maximize freedom of communication for purposes that further the goals of SE. Misuse by even a few individuals has the potential to disrupt the academic and research work of faculty and students and University business. Please click on this link - http://www.se.edu/dept/information-technology/computer-policies-procedures/