



Southeastern Oklahoma  
State University

Student Handbook

2019-2020

## **SCOPE OF REGULATIONS**

**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, student 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 deemed offensive, unacceptable, destructive, criminal, or 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 student 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 conduct 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.

**When University Rules Govern** – Students who are enrolled at the University are subject to the rules and regulations of the institution. This includes conduct on campus, at a University sanctioned or sponsored event, and any criminal action that might take place off-campus or a non-University event.

## **STUDENT OBLIGATIONS AND REGULATIONS**

Each student voluntarily assumes an obligation to conform to rules, regulations, and standards of behavior expected by the University in order 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 also 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:**
    - i. Unless the instructor specifies otherwise, all examinations and other assignments, including homework, are to be completed by the student alone, without inappropriate assistance of any kind.
    - ii. Improper collaboration is considered cheating. When an instructor syllabus permits or encourages “working together” it is expected that group study sessions may result in similar responses or answers to exam questions or other work product. When working together is not permitted, such similar responses will be considered as evidence of academic misconduct.
    - iii. Unless the instructor specifies otherwise, it is assumed that all work submitted for a grade will be the product of the student's own understanding, and thus expressed in the student's own words, calculations, computer code, research data, etc.
  - b. **Plagiarism:**
    - i. All writing assignments are to be composed entirely of words generated (not simply found) by the student, except where words written by someone else are specifically marked as such with proper citation. This includes copying words from the internet, a periodical, or a book without proper reference. Simply documenting the source in a footnote or bibliography isn't good enough. You must also indicate that the words themselves are quoted from someone else. For this reason, sentences that should have quotation marks but appear in the paper without quotation marks are plagiarism.
    - ii. It is plagiarism to copy words and then modify them slightly. Paraphrasing is fine when you cite the source and indicate the new expression is actually your own. When the expression remains substantially similar to the source as a whole or in one of its parts – it is plagiarism.
    - iii. Self-plagiarism or “recycled academics” occurs when a student submits the same project or paper for multiple classes and violates the crucial assumption that academic work is performed on a class-by-class basis in order to achieve learning, practice, and growth. Unless the second instructor expressly permits a project or paper from a prior class for credit, this is not permitted.
  - c. **Other academic dishonesty:**
    - i. Facilitating or aiding in the cheating, plagiarism, or dishonesty of another student.
    - ii. Attempting at cheating, plagiarism or other academic dishonesty even if not successful.

- iii. Lying in order to gain academic advantage, including dishonesty about why a class was missed, dishonesty to gain an extension on a project or assignment, or dishonesty to gain admission to a program.
2. **Furnishing false information:**
  - a. **Forgery:** alteration or misuse of any university document, record or instrument of identification.
  - b. **Falsifying** or participating in the falsification of any university record.
  - c. **Assuming the identity of another.**
  - d. **False reporting:** including the false reporting of a violation of this code.
3. **Public Law:** All students are expected to conform to all local, state, and federal laws.
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, 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. Physical obstruction and/or the unauthorized occupation of a space will not be tolerated. Should any of these conditions exist, students will be asked to leave the area and will be expected to comply.
5. **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.
6. **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.
7. **Physical abuse or threat of physical abuse:** Acts that endanger the health, safety or property of others; fighting, assaulting, battering, using a weapon, physically abusing or restraining; 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.
8. **Disorderly Conduct:** Behavior that is disorderly, lewd, indecent or obnoxious. This includes nonconsensual photography, video or audio recording of another person without consent. This also includes classroom disruption, and engaging in behavior a reasonable person would view as substantial or repeated interference with the instructor's ability to teach the class or the ability of other students to benefit from the instructional program. 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. (Note: If a student is dismissed from class due to classroom misconduct, the student must seek permission from the conduct officer 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.)

9. **Unauthorized use**, entry or occupancy of University facilities or premises; or unauthorized possession, duplication, or use of keys to any University premises. Including abuse of the university email or phone systems, and unauthorized use of the University's symbols, seals, imagery and trademarks. Any violation of the University's Graphic Standards and Guidelines is prohibited. (See: [http://homepages.se.edu/ancillary-services/files/2012/01/Graphic\\_Standards.pdf](http://homepages.se.edu/ancillary-services/files/2012/01/Graphic_Standards.pdf) )
10. **Gambling**: Gambling for money or other things of value on campus or at university sponsored activities is prohibited.
11. **Student Dress and Appearance**: 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 student conduct officer for violations of this code.
12. **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 regardless of age. Campus includes but is not limited to university housing including sorority and fraternity housing.
13. **Alcoholic Beverages – Off Campus**: Criminal violations off-campus can result in conduct sanctions. This includes public intoxication, driving under the influence of alcohol, physical control of a vehicle while under the influence of alcohol, transporting an open container, possession or use of a fake I.D., and being a minor in possession of alcohol.
14. **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. Inhaling or ingesting any substances that will alter a student's mental state (glue, paint, etc.) is prohibited.
15. **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.

16. **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.
17. **Theft:** Engaging in theft, attempted theft, or unauthorized possession of property belonging to the University or other individuals on University property is prohibited.
18. **Fire Safety:** Abuse of fire alarm systems or firefighting equipment is prohibited, 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. Failure to evacuate when a fire alarm is activated is prohibited.
19. **Abuse of Technology:** 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, abusive, or harassing messages.
  - 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.
  - j. Any failure to follow Internet Technology policies found at:  
<http://www.se.edu/dept/information-technology/computer-policies-procedures/>
20. **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.

21. **Littering and Vandalism** are prohibited.
22. **Tobacco:** Southeastern is a tobacco-free environment. This tobacco-free campus environment includes any and all Southeastern owned, leased, rented, or maintained property including but not limited to buildings, facilities, sidewalks, roadways, parking lots, and grounds. Campus also includes all University owned, leased, or rented vehicles. Campus may not include any owned properties which are leased to third parties under long-term leases. This tobacco-free policy also extends to all university-organized off-property meetings or events. Tobacco includes all forms of tobacco but is not limited to cigarettes, cigars, pipes, chewing tobacco, snuff, and all other kinds and forms of tobacco prepared in such a manner to be suitable for spit tobacco use, smoking, or both. It also includes herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products including but not limited to electronic cigarettes (e-cigarettes)/vaping devices, cloves, bidis, and kreteks. Tobacco use: includes smoking, chewing, dipping or any other consumption or use of tobacco products. For more information see: <http://homepages.se.edu/setobaccofree/tobacco-free-policy/>
23. **Discrimination:** Discriminating on the basis of gender, race, age, status as a veteran, sexual orientation, gender identity, national origin, religion or qualified disability is prohibited.
24. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress.
  - a. "Course of conduct" means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - b. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
  - c. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - d. Conduct that amounts to Oklahoma's legal definition of stalking is also prohibited.
    - i. Oklahoma law defines stalking in 21 O.S. §1173, as any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that (1) would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; and (2) actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
    - ii. Two or more acts, including, but not limited to, acts in which the stalker

directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property shall constitute stalking.

25. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence, immediately below.

26. **Domestic Violence:** A felony or misdemeanor crime of violence committed

- a. By a current or former spouse or intimate partner of the victim.
- b. By a person with whom the victim shares a child in common.
- c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- d. By a person similarly situated to a spouse of the victim who is protected from that person's acts under the domestic or family violence laws of the State of Oklahoma, specifically: Okla.Stat. Ann. Tit. 21, §644.1.
- e. Domestic violence includes physical, sexual, emotional, economic, or psychological actions or threat of actions that influence another person.
- f. Conduct that amounts to Oklahoma's legal definition of domestic violence is prohibited.
  - i. Oklahoma law defines domestic violence in 21 O.S. §644 as "...any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant." Further, Oklahoma law defines domestic abuse in 22 O.S. §60.1 as "...any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who are family or household members or who are or were in a dating relationship."

27. **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.
28. Any engagement in subjectively or objectively offensive verbal abuse, threats, intimidation, harassment, coercion, bullying or other conduct that threatens or endangers the mental or physical health and/or safety of any person or causes reasonable apprehension of harm is prohibited.
29. **Sexual Harassment:** Unwelcome conduct of a sexual nature including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature in the following context:
- a. When submission to such conduct is made wither explicitly or implicitly a term or condition of educational benefits, employment, academic evaluation, academic opportunity, or used as some form of duress or extortion.
  - b. When submission to ore rejection of such conduct by an individual is used as the basis for an employment decision or academic decision affecting the individual, or
  - c. When conduct is sufficiently severe, pervasive, or persistent and objectively offensive that it has the effect of creating an intimidating, hostile, or offensive environment which negatively affects an individual's academic or employment environment.
  - d. Depending on the facts, dating violence, domestic violence, and stalking may simultaneously be forms of sexual harassment.
30. **Sexual Assault:** Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- a. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim.
  - b. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.
  - c. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Oklahoma law.
31. **Sexual Exploitation:** Taking nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. This includes but is not limited to:
- a. Nonconsensual video or audio recording of sexual or lewd activity, exceeding the

boundaries of explicit consent.

- b. Exceeding the boundaries of explicit consent for such consent.
- c. Engaging in voyeurism (as in a peeping tom).
- d. Knowingly transmitting a sexually transmitted disease or infection to another student.

32. **Definition of Consent:** for the student conduct process the following shall be the definition of consent:

- a. Effective Consent is freely and actively given in a mutually understandable manner through words or actions that indicate a willingness to participate in a mutually agreed upon sexual activity. Consent is voluntary.
- b. Initiators of sexual activity are responsible for obtaining effective consent.
- c. Silence or passivity is not effective consent.
- d. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- e. Previous relationships or prior consent cannot imply consent to future sexual acts.
- f. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- g. Prior sexual activity between individuals does not imply consent for future acts of sexual activity
- h. Lack of consent includes instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity and instances where the victim is threatened with force, threat, or other duress. Temporary mental incapacity to consent includes situations where an individual is under the influence of alcohol or other drugs to the extent that it mitigates situational awareness and clarity of thought.
  - i. Force negates consent. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
  - ii. There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance.
- i. Use of alcohol or other drugs on the part of the accused will never function as a defense for any behavior that violates this policy. For all conduct sections where consent is required consent must be present.

33. **Attempts and complicity:** Attempts to or encouraging others to commit acts prohibited by this conduct code will be sanctioned to the same extent as if one had committed the prohibited act. Apathy or acquiescence in the presence of prohibited conduct may constitute a violation of this policy.

34. **Housing and Residence Life Policy:** Failing to comply with the Resident Student Handbook is

prohibited.

35. **Off Campus:** Actions not committed on University property may be subject to University disciplinary action in cases where there is a clear and distinct interest of the University if involved or affected.
36. **Retaliation:** Retaliating against a person who, brings a complaint forward or against an individual or who has participated or is participating in an investigation or conduct process is taken seriously and is prohibited. For more information see sections 5-7 and 5-11 of the Regional University System of Oklahoma (RUSO) Policy Manual.

In cases of gender-based or sexual misconduct, the protections against retaliation are critical to reducing the prevalence of sexual misconduct within the University community. Retaliation against anyone who has reported an incident of sexual misconduct, provided information, or participated in an investigation into a report of sexual misconduct is prohibited. Acts of retaliation include but are not limited to intimidation, threats, and harassment – whether physical or communicated verbally or written, as well as adverse changes in work or academic environments.

37. **Interference with the Student Conduct Process:** Obstruction, misdirection, and interference with conduct procedures or outcomes is prohibited. This includes falsification, distortion or misrepresentation of information, knowingly filing a complaint without good faith, and the harassment or intimidation of a conduct officer or other individual involved in the conduct process including witnesses. This also includes the failure to comply with sanctions properly imposed through the conduct process.
38. **Student Organizations:** It is considered prohibited conduct to violate University policies or regulations requiring the registration of student organizations, or prior approval of the use of University premises or facilities;
39. **Tampering with the election** of any University-recognized or registered student body organization.
40. **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.
41. **Hazing:** Oklahoma law prohibits 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). "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. 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 at the university, or has firsthand knowledge that a specific hazing incident has occurred, and fails to report.
- e. Hazing includes:
  - i. Any type of physical brutality
  - ii. 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).
  - iii. 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.
  - iv. Activity that intimidates or threatens the student with ostracism.
  - v. Activity that subjects the student to extreme mental stress, shame or humiliation, or that adversely affects the mental health or dignity of the student.
- f. 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.

## STUDENT DISCIPLINARY PROCEDURES

**Authority of Dean of Student Affairs:** The Dean of Student Affairs, or their designee such as the Student Conduct Coordinator, 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. At a minimum, individuals involved in the student conduct process, including members of the Committee on Student Conduct, will receive annual training on issues relating to dating violence, domestic violence, sexual assault, and stalking. This training will include how to conduct the investigation and hearing process that protects the safety of victims and promotes accountability. The University is committed to enforcing a prompt, fair, and impartial process from an initial investigation to the final result. The Office of Student Affairs has the responsibility for handling as many conduct complaints as possible, except for those cases which by their nature require initial action by another University department, such as:

- **Matters of Academic Dishonesty and Classroom Conduct:**

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 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 conduct officer 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. (Note: 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.)

- **Residence Hall Matters**

Students who reside within the residence hall system are under a contractual obligation to abide by the rules and regulations of Housing and Residence Life, as well as being bound by the Student Conduct Code and all other University rules and regulations governing the conduct of students. If a residence hall conduct officer determines an immediate threat exists in any residence hall matter the case will be immediately referred to the university conduct officer. For further information please refer to the Resident Student Handbook at <http://homepages.se.edu/hrl>.

- **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.

- **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 and/or be recommended to take a medical leave of absence. 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. Details of voluntary medical/psychological leave and involuntary leave for students who pose a direct threat of harm to others can be found in the Voluntary Medical/Psychological Leave and Involuntary Leave for Students Who Pose a Direct Threat or Harm to Others.

- **Disciplinary Procedures for All Other Student Conduct:** The following procedures will be used in all cases referred to the conduct officer:
  - **Investigation and Summons:** When a complaint is submitted, the conduct officer will review the report and investigate any alleged violation of University policy. The student will be notified of the alleged violation of University policy.
  - **Explanation of Rights:** Prior to the commencement of any disciplinary action provided for herein, the conduct officer, or a representative, shall explain to the accused student, the student's rights under the terms and conditions of these rules and regulations. The conduct officer 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.
  - **Initial Hearing:** The student will be contacted to schedule an initial hearing with the conduct officer. The conduct officer will discuss, consult, or advise the individuals involved and they shall attend such meetings as requested. Failure to report after two (2) requests to appear may result in a determination based on available information. After a fair and impartial assessment, the conduct officer shall make a determination of whether a University policy was violated, and if so, will impose the appropriate disciplinary sanction(s). Unless precluded by law, informal disposition may occur for individual proceedings by stipulation, agreed settlement, consent order, or default. If a formal disposition is rendered, the conduct officer shall indicate the decision in writing.

For initial hearings regarding domestic violence, dating violence, sexual assault, or stalking, the complainant is entitled to be present during this disciplinary proceeding and has the opportunity to be accompanied by an advisor of their choice. Note on advisors: 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.

- **Letter of Decision:** The conduct officer's written and dated decision and sanctions are final. Only suspension, expulsion or degree revocation cases may be appealed to the Committee on Student Conduct. In cases of domestic violence, dating violence, sexual assault, stalking and any other violent crimes, the complainant will be notified of the outcome, in writing, at the same time as the respondent. Additionally the letter sent to them will include any protective measures that will be implemented for the complainant.
- **Appeals Process:** If the student does not accept the conduct officer's decision, the student may appeal suspension, expulsion or degree revocation cases in writing so that the matter be heard by the Committee on Student Conduct. To initiate an appeal the request and reason for appeal shall be made in writing, by hard copy, signed, and dated, to the Dean of Student Affairs within twenty-four (24) hours (not including state holidays or weekends) after the prior 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. In cases of domestic violence, dating violence, sexual assault, and stalking, both the complainant and respondent will be notified of any changes that take place to the conduct outcome prior to appeal. In cases of domestic violence, dating violence, sexual assault, and stalking the complainant also has the right to appeal the outcome. Appeals by either or both parties are combined into a single hearing. Please see the more detailed description of student disciplinary appeals below.
- **Timeline:** Every effort shall be made to ensure that the entire process from initiation to the conclusion of the appeal shall not exceed 60 calendar days.

## POSSIBLE SANCTIONS

The student conduct officer, or his or her designee, may authorize the following sanctions for violations of University regulations or public law which may include one or a combination of the following:

- **Warning.**
- **Customized Restrictions or Projects:** 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, no contact orders (may include restricted access to campus services/amenities/enrollment/facilities/etc.) , assigned a mentor/role model, required community/organizational involvement, restitution for damages, punitive fines, eviction from residence halls, loss of privileges (i.e. visiting privileges in housing or denial of access to computer or other campus 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 (may require a fee); or any combination of the above.

- **Conduct probation:** A student may be placed on conduct probation for a specified time frame. If a second violation occurs while a student is on probation, disciplinary action will be based on both charges. If the student has a Dean's disciplinary hold on the student records, it is removed at the discretion of the Conduct Officer.
- **Suspension:** A student may be suspended from the University 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.
- **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.
- **Degree revocation or rescission of credit.**
- **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, privileges, and property for which the student might otherwise be eligible, as the conduct officer 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 and appeal, 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 an initial 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.

## STUDENT DISCIPLINARY APPEALS

**Appeals Committee:** A committee consisting of faculty, staff and students exists to consider the appeal of cases resulting in suspension, expulsion, degree revocation or rescission of credit of students. The committee is 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) calendar days from time of notification these vacancy(s) exists. Provided further, that if nominations are not made within thirty (30) calendar 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 making 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. At a minimum, the committee will receive annual training on issues relating to dating violence, domestic violence, sexual assault, stalking, and the fundamentals of due process. This training will include how to conduct a hearing process that protects the safety of victims and promotes accountability. A quorum of the committee shall consist of a majority of the currently appointed members of the committee.

**Hearing before the Committee on Student Conduct:** The Dean of 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. All hearings are closed and information presented in them and all supporting documents are confidential.

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. For appeals regarding domestic violence, dating violence, sexual assault, or stalking, the complainant is entitled to the same opportunities to have an advisor present as presented in this section. 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.

The chair of the Committee on Student Conduct will decide any questions or objections to hearing procedures that are raised during the hearing. 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. Parties before the committee shall direct all statements, including questions, to the committee and not to other parties. 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.

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 during deliberation. 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 conduct officer are reasonable. The committee hearing will result in one of two outcomes: that the conduct officer's determination is affirmed; or that the conduct officer's determination is modified or reversed. The committee shall reconvene to announce their decision. In cases of domestic violence, dating violence, sexual assault and stalking both the accused and accuser shall be informed of the committee's decision, followed by written notification.

The committee's decision shall be final unless within three (3) business 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.

## **GENDER BASED AND SEXUAL MISCONDUCT POLICY**

[NOTE: If you are accessing this policy to seek information immediately after being a victim sexual assault, please skip to the list of immediate steps to take.]

Students have the right to be free from all forms of gender and sex-based discrimination, including but not limited to acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking as covered in the prohibited conduct section of this student handbook. Southeastern Oklahoma State University prohibits all unlawful discrimination on the basis of sex or gender in its educational programs and activities. Discrimination on the basis of sex or gender is also prohibited by federal laws, including Title VII and Title IX. Questions about Title IX and sexual misconduct may be directed to Southeastern Oklahoma State University's Title IX Coordinator, Michael J. Davis at (580) 745-3090 or [mdavis@se.edu](mailto:mdavis@se.edu).

All individuals in the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of gender based or sexual misconduct is brought to the attention of the University, serious sanctions will be used to reasonably ensure that such actions are never repeated. In instances where there is reason to believe that Southeastern Oklahoma State University's policies prohibiting gender based and 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 conduct system. This policy has been developed to reaffirm these principles and to provide recourse for students whose rights have been violated.

The University's Title IX Coordinator will be informed of all complaints of gender based and sexual misconduct, including misconduct by students. Southeastern will make every effort to successfully complete its conduct process for allegations of gender based and sexual misconduct in a period of 60 calendar days or less. The victim/complainant will receive status updates on the progress of the investigation and conduct process including any subsequent appeals, and has a right to be present for any conduct hearing relating to their complaint, if they so choose. The victim/complainant also has the right to appeal conduct determinations and sanctions. This policy applies to all cases of gender-based or sexual misconduct in which a student is the respondent. This includes any case where the complainant is a student, employee, faculty, or guest of the University. For cases where the respondent is a non-student University employee, see the Employee Handbook for the Employee Gender-Based and Sexual Misconduct Policy.

The application of other University policies not related to gender-based or sexual misconduct may trigger this policy if any report or complaint that arises under those processes contains elements of gender-based or sexual misconduct, and will therefore be addressed in accordance with this policy.

[For example: a grade appeal is normally routed to the Academic Appeals Committee, but if the appeal contains elements of gender discrimination, the case may first be reviewed in accordance with this policy for a resolution of that element, prior to being considered by the Academic Appeals Committee.]

Retaliation against anyone reporting or having reported sexual misconduct is prohibited by University policy as well as Title IX and other laws. Please see item 36 under the list of prohibited conduct actions.

Southeastern acknowledges its legal responsibility to end sexual misconduct, prevent its recurrence, and remedy its effects. In addition to this policy, the University is committed to preventative programming and outreach to the campus community in order to improve campus attitudes and understanding about sexual misconduct, effective consent, bystander intervention, and other important sexual wellness topics.

### **On and Off-Campus behaviors:**

This policy applies to sexual misconduct that occurs on campus or in the context of any University program or activity, including off-campus conduct in the context of a University program or activity. This policy also applies to sexual misconduct that has or is likely to have a continuing adverse effect or creates a hostile environment on campus or in any University program or activity whether on or off campus.

### **Intellectual Inquiry and Academic Freedom**

The definition of gender-based or sexual misconduct, including sexual harassment, in this policy is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive sex related matters, when related to a pedagogical purpose. Southeastern promotes intellectual inquiry and debate. The mere expression of views that might be seen as offensive does not by itself create a hostile environment or constitute a per se violation of this policy.

### **The Role of the Title IX Coordinator**

The Title IX Coordinator is responsible for the oversight of the investigation and resolution of all reports of sexual harassment, sexual violence, stalking, and domestic and dating violence involving students and employees. The Coordinator is trained in University policies and procedures as well as applicable laws, and is available to advise any individual, including a complainant, respondent, or a third party, about the courses of action available at the University, both informally and formally. The Coordinator is available to provide assistance to any University employee regarding how to respond appropriately to a report of sexual misconduct. The coordinator is additionally responsible for monitoring compliance with all procedural requirements, record-keeping, and timeframes outlined in this policy, as well as overseeing training, prevention, and education efforts. The Coordinator operates independently of other University administrative structures.

### **Reporting Options:**

Students who have been a victim of gender based or sexual misconduct should report the incident immediately. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate University officials - thereby offering options and advice without any obligation to inform an outside agency (including law enforcement) or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them. The following describes the reporting options at University:

## **Formal Institutional Reporting:**

All university employees have a duty to forward information reported to them to the Title IX Coordinator or a Deputy Title IX Coordinator, unless they fall under the “Confidential Reporting” section below. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Otherwise, employees must share all details of the reports they receive. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request with legal counsel in light of the duty to ensure the safety of the campus and comply with federal law.

In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the victim/complainant requests confidentiality or no formal resolution and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by University when formally reported, and to have those incidents investigated and properly resolved through student conduct or other Title IX compliance procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Office of Equity, Diversity and Compliance; Division of Student Affairs; Campus Police, and the Behavioral Intervention Team. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy. Records will not be disclosed outside the University unless required by law. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at <https://publicdocs.maxient.com/incidentreport.php?SoutheasternOKStateUniv> or <http://homepages.se.edu/public-safety/campus-police/silent-witness-information-form/>. Note that these anonymous reports may prompt a need for the institution to investigate and should not be utilized for reporting emergencies. Emergencies should be reported by contacting 911 or if on campus 580-745-2911. Anonymous reporting may inherently limit the scope of the investigation due to limited information and evidence.

Reports to the Title IX Coordinator can be made via email, phone or in person at the contact information below. This is considered the primary method of reporting if the respondent is anyone other than a student:

Michael J. Davis, Title IX Coordinator  
Director of Compliance and Safety  
Administration Bldg., Room 311  
580-745-3090  
[mdavis@se.edu](mailto:mdavis@se.edu)

Reports to the Dean of Student Affairs can be made via email, phone or in person at the contact information below. This is considered the primary method of reporting if the respondent is a student:

Dean Liz McCraw  
Office for Student Affairs  
580-745-  
[lmccraw@se.edu](mailto:lmccraw@se.edu)

By contacting either of the two individuals above, or through notifying an appropriate Housing and Residence Life official, the victim/complainant can be assisted in notifying law enforcement in addition to the University.

### **Direct Law Enforcement Reporting**

Emergencies can be reported by contacting 911 or (if on campus) 580-745-2911. Sexual assault, sexual violence, domestic violence, and stalking are crimes, and can be reported as such to law enforcement. Crimes reported to law enforcement may trigger both a police investigation and a University Title IX investigation at the same time. 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.

### **Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential and would like to decline to report an incident to the University or law enforcement, the reporting party may speak with:

The Southeastern Oklahoma State University Student Counseling Center  
GDJ Student Union, Room 200  
(580)745-2988

The Counseling Center will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors are available to help free of charge to students and can be seen on an emergency basis during normal business hours. These employees will submit yearly anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client. (See Section 40002(a)(20) of the Violence Against Women Act of 1994 for more information on this protection for individually identifying information.)

*Note: Other faculty, staff and employees who are licensed mental health workers or are licensed medical workers, but who are not working in that capacity, such as faculty members in psychology, social work, nursing, etc. are not confidential employees under this policy.*

### **Sexual Misconduct Involving a Child/Minor**

Sexual misconduct involving a child/minor (anyone under 18 years of age) must be reported. Oklahoma state law requires that any person who has reason to believe that a minor is a victim of child abuse or neglect (including sexual misconduct) has an affirmative duty to make an oral report to the Department of Human Services. Failure to report may result in criminal charges.

## **Reporter Amnesty**

The University strongly encourages students to report instances of sexual misconduct. Therefore, students reporting an incident of sexual misconduct will not be disciplined by the University for a violation of the student handbook related to offenses that are minor in scope and consequence that are connected to the incident of sexual misconduct. For offenses of a more serious scope, a diminished penalty will be considered if deemed appropriate under the conduct process so long as the offense is entangled in an instance of sexual misconduct.

### **Immediate Procedures victims of sexual assault should follow:**

1. Preserving Evidence: In order to best preserve evidence campus police/law enforcement officials should be contacted as soon as possible after an assault has occurred. If at all possible a sexual assault victim, who has the option of going for help at the nearest emergency room, should not shower, change clothes or brush his or her teeth. Preserving evidence may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protective order. Victims are encouraged to call the campus police or local law enforcement to initiate a report and to help preserve evidence. It is up to the victim if prosecution is pursued.
2. If unable to get to the Emergency Room, get to a safe, secure place.
3. Report by one of the following options:
  - a. To report as a crime or emergency, notify Campus Police (580) 745-2911 and/or Durant Police at 911.
  - b. To report to the University and/or to have University officials assist you in notifying law enforcement contact one of the following resources:
    - i. Housing and Residence Life
      1. Main office: 580-745-2948 (use this # during regular business hours)
      2. Other Housing Contact: (580) 380-7460
    - ii. The Title IX Coordinator: 580-745-3090
    - iii. The Dean of Student Affairs
  - c. If you prefer not to notify law enforcement or responsible University officials, you may access campus services from the University Counseling Center. Or you can call a friend and/or Crisis Control Center at (580) 924-3000 or call another support agency or office.

Reluctance or unwillingness to make a complete report to campus security and the police will make it difficult for either the police or the University to take appropriate action or safety measures; this includes reporting the dangers to the campus community.

### **Victim Care and Protective Measures**

Southeastern may offer to the victim a range of protective measures tailored to the circumstances. For the victim's safety and well-being these measures may go into effect immediately, during, or after the student conduct process takes place. These may include but are not limited to:

- Priority for class scheduling
- Priority for access to facilities and services for the victim and/or restriction to respondent
- Provision of immediate alternative housing for the victim and/or respondent
- Access to personal counseling through the Counseling Center
- Medical support and referral
- Support and guidance for obtaining a protective order
- Addition of privacy flag on directory information at the student's request
- Impose a University No Contact Order

To the extent possible privacy and confidentiality will be protected throughout the implementation of all victim care and protective measures. Medical treatment is available through local physicians or at Alliance Health Durant 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 provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or other protective measures. The University will provide these measures if the victim requests them and if they are reasonably available regardless of whether the victim chooses to report the crime to campus police or local law enforcement. This written notification will also include options for existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services if they are available for victims within the University or the local community. This written notification may be in the form of a brochure-style pamphlet.

### **Disciplinary Procedures in Cases of Gender Based or Sexual Misconduct**

Disciplinary procedures are invoked to investigate and resolve circumstances that may involve sexual misconduct whether a complaint, formal or informal, has been filed or not. These complaints must be handled under Title IX procedures, which by necessity are a modification of the normal student conduct process. The Title IX Coordinator or the Student Conduct Officer will be available to explain the process to involved parties or third parties as requested. The Title IX investigation process will be prompt, fair, and impartial. This means the process will be completed within a reasonable timeframe as designated below and without undue delay. The process will be conducted in a manner that is consistent with the university's policies and will be transparent to all parties. Lastly, the Title IX process will be conducted by trained officials who do not have conflict of interest or bias for the complainant or respondent.

Employees who are students may be subject to procedures for students or employees or both, at the sole option of the University.

### **INVESTIGATION**

The complainant will be notified of receipt of the complaint and the immediate actions the university will take. A university official will meet with the complainant to discuss the complaint submitted, review

the investigation and hearing process, and discuss the outcome desired from the complaint. If there is information sufficient for an investigation, an investigation will be conducted by a non-biased Title IX Investigator. This will typically be the University's Student Conduct Officer, and may be done in conjunction with a trained assistant investigator if the investigation is large in scope. This investigation will include meeting with the complainant and with the respondents, meeting with relevant witnesses, and reviewing any relevant evidence, including any prior complaints of misconduct.

Information related to prior sexual history of the parties will be prohibited, except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history. Any and all investigators will have the appropriate required and ongoing training on conducting gender-based and sexual misconduct investigations.

Parties may have an advisor present during a sexual misconduct proceeding, including an investigation meeting or hearing. The role of the advisor will be limited to being present only; they will not be permitted to speak during any University sexual misconduct proceeding, investigation meeting, or hearing. If the advisor is an attorney, the party shall notify the Title IX Coordinator that an attorney will be present.

The parties involved will have equal opportunities to present information to the investigator.

The Title IX Investigator will compile an investigation report at the conclusion of the investigation. This report will include relevant details to the investigation and make a recommendation for sanction if appropriate.

### **Alternative Resolution Option**

In appropriate cases the University may pursue alternative resolution with the consent of all parties at any point in the investigation process. Alternative resolution options can include mediation, specific action plans, voluntary agreements, or sanctions. Under any alternative resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant. All parties must be notified of the right to end the alternative resolution process at any time and resume the formal process. Mediation shall not be used in cases involving sexual violence. The investigator will document the outcome of any alternative resolution and share with the parties and the Title IX Coordinator.

### **Acceptance of Responsibility Option**

In cases where the facts are generally not in dispute, and the respondent expresses a willingness to accept responsibility for all charges in a case, with the consent of the complainant, the respondent will be offered the opportunity to waive the right to a hearing and agree to receive a sanction from the Student Conduct Officer or the hearing panel. The parties will be provided the opportunity to submit a written statement to the Student Conduct Officer for consideration in determining appropriate sanctions. The sanction decision will be made based on investigation information and the written statements, as well as any conduct history on the part of the respondent. Any appeal will be limited to the grounds that the sanction is grossly inappropriate in light of the violations committed, relevant aggravating and mitigating factors, and in consideration of applicable policy.

## **Hearing**

If neither intervening option is appropriate or if they are declined by the parties, a hearing will take place if there is enough information available in the investigative report on which to hold a hearing. No complaint will be forwarded for a hearing unless there is reasonable cause after the investigation phase to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing. If it is determined that the university will proceed with a formal Title IX conduct hearing, the complainant and the responding student(s) will be notified of the hearing date.

Hearing notification will occur at least five calendar days in advance and include the hearing date, time and location. Hearings will be scheduled around academic schedules, and will not be postponed unless extraordinary circumstances exist. At least three calendar days prior to the hearing, the parties may view the investigative report that will be submitted to the hearing panel for review. Advisors to the parties may have similar access to view the report.

## **Hearing Procedures**

The Title IX Coordinator will assemble a three-person panel from the pool of campus professionals and staff that have been annually trained on Title IX investigations and hearings. Hearings are closed to the public, and may be recorded for documentation purposes. The panel will select a chair from among their ranks. The chair will call the hearing to order and guide the hearing participants through the information and make determinations about the relevancy and admissibility of information and evidence presented.

Allegations of gender-based or sexual misconduct will be heard by the hearing panel. The hearing includes opening statements, presentation of the investigation report, information about the incident or incidents, presentation of information by witnesses brought by the parties, and closing statements.

Each party is permitted to have a person of their choosing to accompany them throughout the hearing as an advisor. Their advisor may confer quietly with their party, exchange notes, clarify procedural questions, and generally assist the party in all manner other than speaking for them on their behalf or to the panel on a substantive matter.

All parties are permitted to be present during the hearing (except during deliberations of the panel). All parties can be in the same room in a pre-arranged, non-threatening set-up or with appropriate screens in place. All parties are permitted to make statements and present their own witnesses and information during the hearing. The parties may challenge or provide context to information presented in the investigative report. Witnesses and information need to be directly related to the incident.

It is not required that the complainant be present, as their testimony and information will be in the investigative report, but it is the option of the complainant to be present and participate to the same extent as the respondent, including the presentation of witnesses, information, and asking questions to the witnesses. Unduly repetitive character witnesses can be limited at the discretion of the panel.

The complainant and respondent may not directly question each other, but may submit questions to the chair to be asked of the other party. The chair or other panel members will review questions prior to posing to the other party to prevent questioning that is not permitted under these proceedings.

The hearing panel will make a determination of the policy violations and, if any, the appropriate sanction(s). The standard of proof used in all university hearings is preponderance of the evidence.

## OUTCOME

The outcome will be determined by a majority vote of the panel, and the sanction can be based not just on the facts in the present case but also any conduct history of the respondent in totality.

Possible outcomes include the entire range of sanctions listed in the Student Handbook. When it is determined that sexual misconduct is more likely than not to have occurred, the outcome can include suspension or expulsion. Both parties have the right to be informed, in writing, of the outcome. Both parties will be notified within seven business days after the hearing.

Both parties have the right to appeal the decision reached through the hearing proceedings.

## APPEALS

The respondent or the complainant may appeal the decision of the sexual misconduct hearing panel, on paper only, to a panel consisting of the Title IX Coordinator, a Deputy Title IX Coordinator, and the Dean of Student Affairs. To initiate an appeal the respondent or complainant must send written notice of the appeal to the Title IX Coordinator. The written notice must include the basis for seeking the appeal and include information to support such basis. It must be filed no later than 2 calendar days after the date of the written decision of the sexual misconduct hearing panel is sent. If no written request for an appeal is received by the University within the time specified, the request for an appeal will not be reviewed and any sanctions proposed by the hearing panel will be imposed and the action will be final.

An appeal must be based on one of the following criteria: (1) Significant procedural error that reasonably would have affected the outcome of the case. (2) The sanction is grossly disproportionate to the violations committed in light of all relevant aggravating and mitigating factors and in consideration of University guidelines.

## **Oklahoma Criminal Law Definitions of Sex-Based Offenses**

In accordance with the Violence Against Women Reauthorization Act of 2013, please be advised that the following definitions are applicable should you wish to pursue Oklahoma state criminal or civil actions. These definitions may differ from the University's administrative policy definitions noted above. The University's administrative system and disciplinary procedures are separate and distinct from those available to someone in a state civil or criminal action. Individuals may seek administrative remedies in accordance with this policy and also may seek state or federal civil or criminal remedies for the same incident through the applicable systems. The definitions set forth below are reviewed and verified

annually; for a more frequently updated resource, please consult the Oklahoma State Court Network website at <http://www.oscn.net>.

1. DEFINITION OF RAPE Oklahoma Penal Code, 21 O.S. §1111 defines rape as: Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances: 1. Where the victim is under sixteen (16) years of age; 2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent; 3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person; 4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; 5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused; 6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape; 7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or 8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system. 9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant. i. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

2. DEFINITION OF CONSENT Oklahoma Penal Code, 21 O.S. §1114, indicates consent is not effective in cases of: a. rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or b. rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or c. rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; or d. rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused; or e. rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or f. rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or g. rape by instrumentation committed upon a person under fourteen (14) years of age.

3. DEFINITION OF DOMESTIC/DATING VIOLENCE Oklahoma Penal Code, 21 O.S. §644, defines domestic and dating violence as: "...any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse." 4. Definition of Stalking Oklahoma Penal Code, §21-1173, defines stalking as: "Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that: a. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and b. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested..."

### **Federal Timely Warning Obligation**

Victims of sexual misconduct should be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

### **Risk Reduction Tips**

Do not confuse risk reduction tips for victim blaming. The Federal Violence Against Women Reauthorization Act of 2012 and associated Department of Education Regulations on the Violence Against Women Act (34 CFR Part 688) requires institutions of higher education to provide risk reduction tips to students. These tips are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization. Generally, an assault by a known offender will follow a four step pattern:

1. An individual's personal space is violated in some way. For example the perpetrator may touch the victim in a way that does not feel comfortable.
2. If the victim does not express discomfort, the perpetrator may begin to view the victim as an easy target because she/he is not acting assertively.
3. The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
4. The victim feels trapped or unable to be assertive and is raped or assaulted.

If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

- Make your limits known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.

- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### **Safe and Positive Options for Bystander Intervention**

Reducing instances of sexual assault and other gender-based misconduct must be a team effort, involving all members of the campus community. We must all take it upon ourselves to respond appropriately when we notice something inappropriate or dangerous. The following are positive options for bystander intervention:

- Notice the Incident. Bystanders first must notice the incident taking place. Obviously, if they don't take note of the situation there is no reason to help.
- Interpret Incident as Emergency. Bystanders also need to evaluate the situation and determine whether it is an emergency, or at least one in which someone needs assistance. Again, if people do not interpret a situation as one in which someone needs assistance, then there is no need to provide help
- Assume Responsibility. Another decision bystanders make is whether they should assume responsibility for giving help. One repeated finding in research studies on helping is that a bystander is less likely to help if there are other bystanders present. When other bystanders are present responsibility for helping is diffused. If a lone bystander is present he or she is more likely to assume responsibility.

- Attempt to Help. Whether this is to help the person leave the situation, confront a behavior, diffuse a situation, or call for other support/security.
- Tips for Intervening: In a situation potentially involving sexual assault, relationship violence, or stalking:
  - Approach everyone as a friend
  - Do not be antagonistic
  - Avoid using violence
  - Be honest and direct whenever possible
  - Recruit help if necessary
  - Keep yourself safe
  - If things get out of hand or become too serious, contact the police

### **Education:**

Educational materials related to sexual misconduct will be disseminated to each incoming student in an online format, and these materials will be designed to be compliant with the Violence Against Women Reauthorization Act of 2012 as it amends existing Clery Act law.

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. Other education efforts include:

- Green Dot –violence prevention program.
- Think About It – developed by the Campus Clarity Corporation.
- Haven (an online program designed by the EverFi Corporation for education on sexual assault and harassment.)
- Sexual Harassment training for all new employees facilitated through Human Resources
- Camp SE New Student Orientation (Green Dot, P.D. Services and Tips, student lead presentations – information sessions )

### **STUDENTS' RIGHTS TO PRIVACY**

As required by the Family Educational Rights and Privacy Act of 1974, Southeastern Oklahoma State University protects student privacy rights. See this webpage for more information - <http://academics.se.edu/academics/general-information/students-rights/>

Students of Southeastern Oklahoma State University have the right to:

- **Inspect and review information** contained in their educational records within 45 calendar days of the day the University receives a request for access. Students should submit to the Dean of Student Affairs written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

- **The right to request the amendment** of the student's education records that the student believes is inaccurate. They should write the University officials responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- **The right to consent to disclosures** of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agency); a person servicing on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official performing his or her tasks. A school official has a legitimate education interest if the official needs to review and education record in order to fulfill his or her professional responsibility. Upon request, the university discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
- **The right to file a complaint** with the U.S. Department of Education concerning alleged failures by Southeastern Oklahoma State University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.
- **The right to request** that directory information pertaining to them not be published.

The law requires that written approval from the student is necessary before gaining access to or releasing education records to a third party, except in the case of directory information and in response to a Federal Grand jury subpoena. Other exceptions are listed in #3 of the Notification of Rights section. Directory information is a category of information and does not refer to a publication known as a directory. Students have the right to refuse the release of information which has been identified as directory information. However, if the student chooses to exercise that right, he or she must appear in person in the Office of the Registrar and sign a form stipulating that information not be released. Information that Southeastern Oklahoma State University has declared to be directory information includes:

1. Student's Name
2. Local and permanent addresses
3. Telephone number
4. Date of birth
5. Place of birth
6. Last School attended
7. Major field of study
8. Academic classification
9. Participation in officially recognized organizations, activities, and sports
10. Dates of attendance at Southeastern Oklahoma State University
11. Degree(s) held, date granted, and institution(s) granting such degree(s)
12. Enrollment Status (full, part-time, undergraduate, graduate)
13. Awards granted (Honor Rolls, Who's Who, etc.)

14. Photographs
15. Weight and height of members of athletic teams
16. Electronic mail address

**Confidentiality:** All other information not contained in the student's record above will be released only upon written consent of the student. In implementing this policy it is recognized that:

- Parents and guardians of dependent students (a student who is claimed as a dependent for income tax purposes) have a legitimate interest in the progress of their sons and daughters, and information contained in the student's record may be released to them, consistent with the Right to Privacy Act.
- The information contained in the student's record is the student's and may, by proper authorization, allow others to use it.
- When a student requests that the student transcript be sent to another educational institution, the University shall have the right to supply such other academic information as may be requested by that institution. If a currently enrolled student seeks admission or intends to enroll in another school or university, Southeastern Oklahoma State University, upon written request from appropriate university officials, will send copies of requested academic information, if available. No information concerning disciplinary action will be released unless such action is currently active at the time of inquiry, or unless specific inquiry is made about disciplinary action
- Information may be released from a student's record to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or the University community. The following factors should be taken into consideration in determining whether records may be released under this section:
  - The seriousness of the threat to the health or safety of a student of the University.
  - The need for such records to meet the emergency.
  - Whether the persons to whom such records are released are in a position to deal with the emergency.
  - The extent to which time is of the essence in dealing with the emergency.

Some records and documents of Campus Police, which are kept apart from all other student records and are maintained solely for law enforcement purposes, are not available to persons other than law enforcement officials of the same jurisdiction and the appropriate University disciplinary officials. Certain information is available to the press upon request.

The following locations have been designated as the offices where educational records are maintained and where information may be released to the student or upon written consent of the student.

- Registrar's Office – for academic records and directory information
- Office of Student Affairs – for disciplinary records
- The Career Management Center – for records pertaining to securing employment
- The Financial Aid Office – for records pertaining to securing financial assistance
- The Student Health Services Office – for health records (if submitted)
- The Counseling Center – for counseling records
- Human Resources – for student employment
- The Office of Disability Services – for disability records and accommodation letters

## **POLICY ON SERVICES FOR STUDENTS WITH DISABILITIES**

Southeastern Oklahoma State University complies with Section 504 of the Americans with Disabilities Act and the Rehabilitation Act of 1973. 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. For a full list of disability policy please click on this link - <http://www.se.edu/ada/>.

**Disability 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.

## **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 or other legal representative, to sign waiver stating that the administration 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**

Southeastern 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 POLICE**

Campus Police employs 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 SCHOOLS AND COMMUNITIES ACT DISCLOSURE**

Dear Southeastern Students, Faculty, Staff, and Community,

The Drug-Free Schools and Communities Act Amendments of 1989 require that the University must advise faculty, staff and students of relevant laws pertaining to the illicit manufacture, possession, distribution, and usage of drugs and alcohol. This disclosure is to notify you of penalties for violations of Oklahoma and Federal statutes, the health risks associated with the usage of controlled substances, and the student conduct penalties associated with the manufacture, possession, distribution, and usage of controlled substances.

### Standards of Conduct and Institutional Sanctions

#### Student Conduct:

In accordance with the Student Handbook and Code of Conduct, 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. 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, misuse, or abuse of prescription or over-the counter medications is forbidden.

#### Student Sanctions:

The violation of this student policy can result in reprimand, conduct probation, removal from residence halls, mandatory treatment or rehabilitation at the student's own expense, and can result in sanctions up to and including suspension or expulsion from the university.

#### Faculty Conduct:

In accordance with the Academic Policies and Procedures Manual, the illegal use, sale, or possession of alcohol, narcotics, drugs, or controlled substances while on university property or during any university activity is prohibited. Any illegal activity or substances will be reported to the appropriate law enforcement agency and may result in criminal prosecution. Employees who are under the influence of alcohol or drugs, or who possess or consume alcohol or drugs on the job, have the potential for interfering with their own, as well as their co-workers' safe and efficient job performance. Any university

employee who is convicted of any federal or state criminal drug statute for drug related misconduct in the workplace must report the conviction within five (5) days thereafter to the Human Resources office.

Faculty Sanctions:

Such conditions will be proper cause for disciplinary action including employment probation, mandatory treatment or rehabilitation at the employees own expense, and up to and including termination of employment.

Staff Conduct:

In accordance with the Administrative, Professional, and Support Staff Handbook, the illegal use, sale, or possession of alcohol, narcotics, drugs, or controlled substances while on university property or during any university activity is prohibited. Employees who are under the influence of alcohol or drugs, or who possess or consume alcohol or drugs on the job, have the potential for interfering with their own, as well as their co-workers' safe and efficient job performance. Any university employee who is convicted of any federal or state criminal drug statute for drug related misconduct in the workplace must report the conviction within five (5) days thereafter to the Human Resources office.

Staff Sanctions:

Any illegal activity or substances will be reported to the appropriate law enforcement agency and may result in criminal prosecution. Violation of conduct standards are cause for disciplinary action up to and including termination of employment. University officials reserve the right to require drug testing when there is reasonable cause to believe that an employee is under the influence of drugs.

Relevant State and Federal Laws

Students, faculty, and staff who violate Southeastern's drug and alcohol policies are simultaneously subject to criminal sanctions provided by federal, state, and local law. This is a summary of those legal sanctions:

| <b>Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)</b> |                                          |                                                                                                                                                                                                                                                                                             |                                                   |                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Schedule</b>                                                                             | <b>Substance/Quantity</b>                | <b>Penalty</b>                                                                                                                                                                                                                                                                              | <b>Substance/Quantity</b>                         | <b>Penalty</b>                                                                                                                                                                                                                                                                              |
| II                                                                                          | Cocaine<br>500-4999 grams<br>mixture     | <b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.<br><b>Second Offense:</b> Not less than 10 yrs. and | Cocaine<br>5 kilograms or more<br>mixture         | <b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.<br><b>Second Offense:</b> Not less than 20 yrs, and |
| II                                                                                          | Cocaine Base<br>28-279 grams<br>mixture  |                                                                                                                                                                                                                                                                                             | Cocaine Base<br>280 grams or more<br>mixture      |                                                                                                                                                                                                                                                                                             |
| IV                                                                                          | Fentanyl<br>40-399 grams<br>mixture      |                                                                                                                                                                                                                                                                                             | Fentanyl<br>400 grams or more<br>mixture          |                                                                                                                                                                                                                                                                                             |
| I                                                                                           | Fentanyl Analogue<br>10-99 grams mixture |                                                                                                                                                                                                                                                                                             | Fentanyl Analogue<br>100 grams or more<br>mixture |                                                                                                                                                                                                                                                                                             |

|                                                                                          |                                                                  |                                                                                                                                                                                                                                                                                                                                                                              |                                                                                |                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I                                                                                        | Heroin<br>100-999 grams<br>mixture                               | not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.                                                                                                                                                                                                             | Heroin<br>1 kilogram or more<br>mixture                                        | not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.<br><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. |
| I                                                                                        | LSD<br>1-9 grams mixture                                         |                                                                                                                                                                                                                                                                                                                                                                              | LSD<br>10 grams or more<br>mixture                                             |                                                                                                                                                                                                                                                                                                                  |
| II                                                                                       | Methamphetamine<br>5-49 grams pure or<br>50-499 grams<br>mixture |                                                                                                                                                                                                                                                                                                                                                                              | Methamphetamine<br>50 grams or more<br>pure<br>or 500 grams or more<br>mixture |                                                                                                                                                                                                                                                                                                                  |
| II                                                                                       | PCP<br>10-99 grams pure or<br>100-999 grams<br>mixture           |                                                                                                                                                                                                                                                                                                                                                                              | PCP<br>100 grams or more<br>pure<br>or 1 kilogram or more<br>mixture           |                                                                                                                                                                                                                                                                                                                  |
| <b>Substance/Quantity</b>                                                                |                                                                  | <b>Penalty</b>                                                                                                                                                                                                                                                                                                                                                               |                                                                                |                                                                                                                                                                                                                                                                                                                  |
| Any Amount Of Other Schedule I & II Substances                                           |                                                                  | <b>First Offense:</b> Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.<br><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.     |                                                                                |                                                                                                                                                                                                                                                                                                                  |
| Any Drug Product Containing Gamma Hydroxybutyric Acid                                    |                                                                  |                                                                                                                                                                                                                                                                                                                                                                              |                                                                                |                                                                                                                                                                                                                                                                                                                  |
| Flunitrazepam (Schedule IV)<br>1 Gram                                                    |                                                                  |                                                                                                                                                                                                                                                                                                                                                                              |                                                                                |                                                                                                                                                                                                                                                                                                                  |
| Any Amount Of Other Schedule III Drugs                                                   |                                                                  | <b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.<br><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual. |                                                                                |                                                                                                                                                                                                                                                                                                                  |
| Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam) |                                                                  | <b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.<br><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.                                                                                                          |                                                                                |                                                                                                                                                                                                                                                                                                                  |
| Any Amount Of All Schedule V Drugs                                                       |                                                                  | <b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.<br><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.                                                                                                                       |                                                                                |                                                                                                                                                                                                                                                                                                                  |

| <b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b> |                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Marijuana<br>1,000 kilograms or more marijuana                                                     | <b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine |

|                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| mixture or 1,000 or more marijuana plants                                                                                                         | not more than \$10 million if an individual, \$50 million if other than an individual.<br><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.                                                                                                                                               |
| Marijuana<br>100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants                                                                | <b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.<br><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual. |
| Marijuana<br>50 to 99 kilograms marijuana mixture,<br>50 to 99 marijuana plants                                                                   | <b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.<br><b>Second Offense:</b> Not more than 30 yrs. If death or serious                                                                                                                                                                                   |
| Hashish<br>More than 10 kilograms                                                                                                                 | bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.                                                                                                                                                                                                                                                                                                                                            |
| Hashish Oil<br>More than 1 kilogram                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Marijuana<br>less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)<br>1 to 49 marijuana plants | <b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.<br><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.                                                                                                                                                                                                                  |
| Hashish<br>10 kilograms or less                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Hashish Oil<br>1 kilogram or less                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

For a detailed and comprehensive overview of all Federal drug laws written by the Congressional Research Service, visit: <https://www.fas.org/sgp/crs/misc/RL30722.pdf>

Oklahoma 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, the Prevention of Youth Access to Alcohol, became effective July 1, 2006. For minors consuming/in possession of alcohol or 3.2 beer, the following penalties apply:

1st violation: fines up to \$300 and/or community service not to exceed 30 hours, and mandatory revocation of driver's license for 6 months;

2nd violation: fines up to \$600 and/or community service not to exceed 60 hours, and mandatory revocation of driver's license for 1 year;

3rd violation: fines up to \$900 and/or community service not to exceed 90 hours, and mandatory revocation of driver's license for 2 years;

All minors who violate this law are subject to drug and alcohol assessment;

Minors who have not yet received a driver's license will not be allowed to obtain a license for the same amount of time as the license would have been revoked.

### Counseling and Treatment Programs

Southeastern Oklahoma State University Counseling Center (students only)  
Glen D Johnson Student Union, Room 200  
580-745-2988

Southeastern Oklahoma State University Student Health Services (students only)  
Glen D Johnson Student Union, Room 200  
580-745-2867

Employee Assistance Program (faculty and staff only)  
Provided through Lincoln National Life Insurance Company  
[www.eapadvantage.com](http://www.eapadvantage.com)  
877-757-7587

### Non-Campus Programs (external options)

Bryan County Health Unit  
924-4299 or 4285  
Bryan County Counseling Center  
924-0564  
Grayson County Counseling Services  
903-892-2874  
Grayson County Health Department  
Administration and Services  
903-893-0131 or 903-465-2878  
Kiamichi Council on Alcoholism and Other Drug Abuse  
924-6692  
Medical Center of Southeastern Oklahoma  
924-3080  
Oklahoma Alcoholism Information Centers

924-7330; 371-3019  
Texas Alcoholism Information Centers  
903-892-9911  
Texoma Medical Center  
903-416-4000

#### Non-Campus Hotlines

National Institution on Drug Abuse Information and Referral, 1-800-662-HELP, Monday-Friday, 8:30 a.m.-4:30 p.m.

Safe & Drug-Free Schools, 1-800-624-0100, Monday-Friday, 8 a.m.-5 p.m.

National Council on Alcoholism, 1-800-622-2255, 7 days a week, 24 hours a day

American Council for Drug Education, 1-800-488-DRUG

National Clearinghouse for Alcohol & Drug Information, 1-800-SAYNOTO

Cocaine Helpline, 1-800-COCAINE

Reach-Out Hotline, 1-800-522-9054 (alcohol, drug crisis intervention, mental health and referral)

#### **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.

## **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 on and off campus postings in approved designated areas.

## **TOBACCO FREE 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/setobaccofree/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 the 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/>

## **VOLUNTARY MEDICAL/PSYCHOLOGICAL LEAVE POLICY AND POLICY ON INVOLUNTARY LEAVE FOR STUDENTS WHO POSE A DIRECT THREAT OF HARM TO OTHERS**

### **Introduction**

The following policies and procedures are to be used to help transition a student to a safer environment more conducive to their needs when it becomes clear that remaining at the University is not in the best interest of the student or the University community. This policy also allows for a student to take a leave voluntarily when medical conditions or psychological distress make a leave in their best interest; its goal is to define the length of separation, outline the path to re-entry, ease the transition for the student's return, and to optimize the opportunities for the student's success when they return. Under certain conditions, if a student has not opted to take a leave voluntarily, the University may institute an involuntary leave under this policy.

- Student-Initiated Voluntary Leave of Absence

- Students may initiate a leave or withdrawal from the University for medical or psychological reasons. At the discretion of the Office of Disability Services (or designee), and subject to the refund policies of the institution, arrangements may be made for partial or complete refund of tuition and/or fees. Incomplete grades or other academic accommodations may be made as well, subject to the academic policies of the University. Modifications to housing contracts may also be possible. The normal University procedures for leave or withdrawal will be followed, including any documentation requirements. If a student takes a voluntary leave, the leave documentation will specify the duration of the leave and options for extension. The student is permitted to return upon the end of the leave, subject only to any conditions or restrictions outlined and agreed to prior to the leave or withdrawal. Students taking a leave or withdrawal are under no obligation to accept these conditions, but, should they accept them, they are subject to them. Any conditions should be designed to ensure the success of the student upon return.
  
- Students who elect to fully withdraw, rather than take a leave, are required to reapply for admission after the time specified by the Admissions Office, and will be treated as any other applicant for admission at that time.
  
- University-Initiated Medical or Psychological Leave
 

If a student is behaving in a way that is threatening to others, the Dean of Student Affairs (or designee) may initiate these procedures. Students who engage in threats to others and self-harm behaviors that cause a significant disruption to the community may also be subject to the Student Handbook.
- Standard for Involuntary Leave on the Basis of Threat of Harm to Others
  - Standard for Separating a Student on the Basis of Behaviors Resulting from a Condition of Disability:
    - This section applies to all involuntary leaves from housing or from the University for any student who is at significant risk of harm to others as a result of a condition covered by disabilities law. When the potential for harm to others is present, involuntary leave actions must consider whether the endangering behavior results from a condition of disability. If so, the student will be protected by Section 504 of the Rehabilitation Act of 1973. Under this federal statute, an individual with a disability may only be separated on the basis of this disability when they are not otherwise qualified to participate in the education program of the institution. The objective of this section is to determine whether it is more likely than not that a student is a direct threat. When a student is a direct threat, they are not otherwise qualified under disabilities law, and may be placed on leave.
  
    - A direct threat exists when a student poses a significant risk to the health or safety of others. A significant risk constitutes a high probability of substantial harm. Significance will be determined by:
      - The duration of the risk;
      - The nature and severity of the potential harm;
      - The likelihood that the potential harm will occur; and
      - The imminence of the potential harm.

- The University must determine whether reasonable accommodations to policies, practices or procedures will sufficiently mitigate the risk, unless those reasonable accommodations would cause undue hardship for the University.
    - Determining that a student is a direct threat requires an objective and individualized assessment and hearing. The assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or the best available objective evidence. This standard also applies to the reinstatement of a student who has been placed on leave. They are entitled to return upon a showing they no longer pose a direct threat of harm to others. The University's Behavioral Intervention Team will likely assist in the determination.
  - Referral for Assessment or Evaluation
    - The appropriate official (or Behavioral Intervention Team) may refer or mandate a student for evaluation by a campus or independent licensed psychiatrist or psychologist (or licensed professional counselor, social worker, licensed clinical social worker, etc.) chosen by the University. Such evaluation may be appropriate if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a mental health/behavioral condition or disorder will be introduced.
    - Students referred or mandated for evaluation will be informed in writing with personal and/or certified delivery, and will be given a copy of these standards and procedures. The evaluation must be completed per the direction of the referral letter, unless the Dean of Student Affairs (or designee) grants and extension. A student who fails to complete the evaluation in accordance with these standards and procedures, and/or who fails to give permission for the results to be shared with appropriate administrators, will be referred for conduct action for "Failure to Comply" under the Student Handbook.
  - University-Initiated Leave Hearing Procedures for Direct Threat of Harm to Others.
    - The hearing process will be consistent with information outlined under possible sanctions and disciplinary procedure in the Student Handbook
- Readmission Following an Involuntary Leave
  - A student who is seeking reinstatement to the University after an involuntary leave must receive clearance by providing the Dean of Student Affairs (or designee) written evidence from a licensed medical or mental health professional that the student is no longer a direct threat to others and is otherwise qualified to participate in the University's educational program. Any other conditions outlined in accordance with this policy and/or any conduct sanctions must also be completed. A hearing, as outlined above, may be held to determine whether it is more likely than not that the student is no longer a direct threat.