

THE UNIVERSITY OF OKLAHOMA

Student Rights and Responsibilities Code

2016-2017

Approved by the University of Oklahoma Board of Regents – June 30, 2015

I. Overview and Mission

The purpose of the Student Rights and Responsibilities Code (referred to as the “Code” or “this Code”) is to establish specific student rights and responsibilities while maintaining an environment conducive to the University of Oklahoma’s mission. The processes and procedures of this Code establish and enforce standards of conduct through educational experiences, fostering student learning and development while maintaining student retention.

II. Authority and Jurisdiction

The Board of Regents of the University of Oklahoma is charged in the Constitution of the State of Oklahoma with governing the University, and nothing in this Code prevents the Board of Regents from establishing or amending rules or procedures in order to fulfill its responsibility. In collaboration with the appropriate University official, the University Vice President for Student Affairs has day-to-day responsibility for disciplinary matters and maintenance of records of all actions taken. The University Vice President for Student Affairs shall be vested with the authority to establish and operate a Student Conduct Office. The respective campus Director of Student Conduct shall work in collaboration with appropriate University officials, but shall report to the University Vice President for Student Affairs (“UVPSA”) for the operation of the Student Conduct Office (“Student Conduct”).

This Code and the Procedures shall be effective beginning July 1, 2015.

III. Student Rights

Students of the University of Oklahoma are guaranteed certain rights by the Constitutions of the United States and the State of Oklahoma and the University of Oklahoma Student Government Association. Those documents are controlling and any questions of student rights must be decided on the language contained in those documents. Among other rights, the following apply:

1. The student has the right to form, join and participate in any student organization or group without regard to race, color, national origin, sex, sexual orientation, gender identity, gender expression, genetic information, age (40 or older), religion, disability, political beliefs or status as a veteran. <http://www.ou.edu/home/eoo.html> and <http://www.ou.edu/home/misc.html>
2. The student has the right to pursue his/her education as long as he/she meets the University’s applicable academic standards and observes applicable laws and policies.
3. The student has the right to certain procedural due process, including notice and an opportunity to be heard.
4. The student has the right to a prompt, fair, and impartial process during University investigations and proceedings, from an initial investigation to the final result.
5. In cases involving sexual misconduct, the complainant and the respondent have the right to have the investigation and proceedings conducted by officials with annual training on issues related to dating violence, domestic violence, sexual assault, and stalking, and on how to conduct an investigation

and hearing process that protects the safety of victims and promotes accountability.

6. The student has the right to request appropriate action from the administration for any violation of right guaranteed by this Code.
7. The student has the right not to be charged twice by the Student Conduct Office for one incident.
8. The student has the right to establish and/or disseminate publications free from any censorship or other official action controlling editorial policy or content in accordance with University policies.
9. The student has the right to invite and hear any person of his/her choice on any subject of his/her choice subject to applicable regulations and/or University policy.
10. The student has the right to use campus facilities, subject to regulations governing the facility.
http://www.ou.edu/content/studentaffairs/services/policies_and_forms.Html
<http://www.ouhsc.edu/policy/>
11. The student has the right of assembly to demonstrate, inform, or protest, in accordance with University policy.
12. The student has the right to be secure in his/her possessions, against invasion of privacy, and unreasonable search and seizure.

IV. Student Conduct Proceedings

Procedures under this Code are attached as Appendix A and available at: <http://studentconduct.ou.edu/> In collaboration with the appropriate University official, the UVPSA or other appropriate administrative official vested with such authority, has discretion to take various actions under this Code for violations of law or University policy. *Such actions are separate from civil, criminal or licensure proceedings that may relate to the same incident.* Proceedings under the Code may be carried out prior to, simultaneously with, or following civil, criminal or licensure proceedings, at the discretion of the University.

The University will initiate the appropriate process under the Code within 365 calendar days from the date that a University employee discovers the act. Provided, however, the appropriate process shall be initiated immediately upon receipt of findings from the University's Equal Opportunity Office. In addition to any proceedings described in the Student Conduct Procedures (see Appendix A, the "Procedures")), the University may take any of the following actions:

A. Direct Administrative Action

In collaboration with the appropriate University official, the UVPSA or other appropriate administrative official vested with such authority, may immediately take Direct Administrative Action, which he/she deems necessary for the welfare or safety of the University Community; to maintain order on the campus and preserve the orderly functioning of the University; to stop or prevent interference in any manner with the public or private rights of others on University premises; to stop or prevent actions that threaten the health or safety of any person; or stop or prevent actions that destroy or damage property of the University, its students, faculty, staff, or guests.

Any student so affected may be entitled to a hearing as outlined in the Procedures, attached as Appendix A and available at: <http://studentconduct.ou.edu/>

B. Disciplinary Hold and Disciplinary Stop

While conduct proceedings are pending, the University may place a disciplinary hold on the student's records, which prohibits the student from registering for classes until the conduct process, including any review procedure, if requested, is complete. The University may also

place a disciplinary hold if a student fails to complete assigned sanctions, which has the same impact on a student's records and registration as described above. If a disciplinary hold is placed, the hold will not be removed until the student satisfactorily completes all sanctions.

The University may place a disciplinary stop on a student's record if a student is suspended as part of the sanctions, prohibiting a student from being admitted to or registering for classes at any campus governed by the Board of Regents of the University of Oklahoma. A disciplinary stop shall remain in effect until the suspension period is over, the student has complied with all conditions, has reapplied and been readmitted.

V. Advisors

The disciplinary process is an administrative, not a legal proceeding. Nonetheless, if a student wishes to consult an advisor, the SGA¹ General Counsel, or other advisors as may be provided by the University, advises students free of charge; or a student may hire a private advisor or attorney (collectively referred to as “advisors”) at his/her own expense. Direct participation of the student is essential to the educational and/or remedial nature of the conduct process; therefore, the student must be present and actively engaged throughout the process. In cases involving a potential violation of the Sexual Misconduct, Discrimination, and Harassment Policy, the reporting party and the respondent shall have the same opportunity to be accompanied by an advisor of choice during a disciplinary proceeding or related meeting.

Except as outlined in the Procedures, attached as Appendix A and available at: <http://studentconduct.ou.edu/>, the advisor is limited to counseling the student and may not be present, act or speak for the student, participate directly in any hearing or meetings, cross-examine witnesses, or otherwise disrupt or delay the proceedings. Hearings and meetings, etc. will be scheduled based on student availability not advisor availability. Any advisor not complying with this section will be removed from the process at the discretion of the Director of Student Conduct or appropriate hearing Chair, in accordance with Appendix A.

VI. Student Responsibilities

Enrollment in the University creates special obligations beyond those attendant upon membership in general society. In addition to the requirement of compliance with all applicable laws and regulations, the student assumes the obligation to comply with all applicable University and College regulations.

It is the responsibility of all students who are potential parties or witnesses to an alleged violation of the Code to participate in the conduct process. Students have a duty to cooperate and discuss the incident with appropriate University officials, adhere to stated deadlines, attend scheduled meetings, provide documentation as requested and participate in all proceedings. Failure to meet these duties may result in a decision being made without the benefit of the student’s participation, or may result in a student being charged with failing to comply with the direction of a University official.

Prohibited Conduct

These definitions include, but are not limited to, the following:

1. Abusive conduct: Unwelcome conduct that is sufficiently severe and pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, harassing or humiliating. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. This includes physically abusing a person or holding a person against his or her will. Simple teasing, offhanded comments and isolated incidents (unless extremely serious) will not amount to abusive conduct.

2. Alcohol violations: Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages on or off campus in violation of law or University policies.
3. Arson: The willful setting fire to or burning of a structure or its contents or the property of another.
4. Dishonesty: Manufacturing, possessing, providing, making, or using false information or omitting relevant information to University officials or on University applications, forging, altering or misusing a University record or document, initiating a false report, and knowingly using or possessing forged, altered or false documents or records.
5. Disruption or obstruction of a University activity: Interference with, obstruction or disruption of University activities such as teaching, research, recreation, meetings, public events and disciplinary proceedings.
6. Drug violations: Possessing, using, providing, manufacturing, distributing, or selling drugs or drug paraphernalia in violation of law or University policies. This includes the use or possession of prescription drugs other than by the person prescribed or for a purpose other than what was prescribed.
7. Ethical or professional code violations, violation of licensure board rules and regulations, state and federal laws, and/or other applicable regulatory or privileges issues: as defined by the student's College or professional association or licensure board, as may be applicable to the student(s), or applicable laws or regulations.
8. Failing to abide by or complete a University sanction in a satisfactory manner: Failure to adhere to sanctions or engaging in other prohibited conduct while on disciplinary probation or suspension.
9. Failure to comply with the direction of a University official who is performing his or her duties.
10. Failure to keep records up to date: Failing to keep Admissions and Records notified of current school and/or permanent directory information, including email information.
11. Hazing: Any action or situation that recklessly or intentionally endangers the mental or physical health, safety, or welfare of an individual for the purpose of initiation, participation, admission into or affiliation with any organization at the University, as defined by Oklahoma or federal law.
12. Interfering with, obstructing or disrupting police or fire responses: Tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or alarms; failing to evacuate during a fire alarm; resisting arrest; failing to abide by the directions of police or fire personnel.
13. Mental harassment: Intentional conduct that is so extreme and outrageous that a reasonable person would not tolerate it.
14. Misuse of computing facilities: Misusing computer labs and equipment as well as technology resources including the Internet, University networks, computer software, data files belonging to others, email addresses and accounts belonging to others, University databases and violating University Information Technology computing policies. The University's Computer Use Policy is found at:
<http://www.ou.edu/committees/itc/policy/Acceptable Use of Information Resources.html>
<http://it.ouhsc.edu/policies/AcceptableUse.asp>
15. Misuse or defacement of University property: Damage to or misuse of equipment, property, furniture, facilities and buildings belonging to the University.
16. Misuse or defacement of property belonging to another.
17. Retaliation: Taking any adverse action against a person because of, or in retaliation for, the person's reporting of a crime or violation of University policy, or in assisting in such a claim.

18. Sexual Misconduct: Violating the University of Oklahoma Sexual Misconduct, Discrimination, and Harassment Policy. The following types of conduct, as defined in the Sexual Misconduct, Discrimination, and Harassment policy are all prohibited by this Code: (A) Sex Discrimination, (B) Sexual Harassment, (C) Retaliation, (D) Sexual Violence, (E) Sexual Exploitation, (F) Dating Violence, (G) Domestic Violence, and (H) Stalking (gender based).

The University of Oklahoma Sexual Misconduct, Discrimination, and Harassment Policy may be found at:

<http://www.ou.edu/home/misc.html>

19. Stalking (not gender-based): Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.
20. Theft: Possessing property that is known or should have been known to be stolen, taking property without the consent of the owner, even with intent to return the property, or obtaining property by false pretenses.
21. Unauthorized entry or exit or attempted entry or exit: Entering or exiting or attempting to do the same without authority or consent with respect to University facilities, property belonging to another and fraternity and sorority houses.
22. Violation of local, state, federal law or University regulation or policy.
23. Weapons violations, possession of weapons, firearms, explosives, fireworks, ammunition or incendiary devices on campus: Actual or constructive possession or control of any weapon, including but not limited to air pistols, air rifles, lock blades, fixed blades, knives with a blade longer than four inches, blackjacks, metal knuckles, chemical substances, bombs, or any other device found to be a violation of this Code by Student Conduct. Instruments designed to look like any of the above are included in this prohibition.

VII. Sanctions

In collaboration with the appropriate University official, the UVPSA, or other appropriate administrative official vested with such authority, may issue the following sanctions in accordance with the procedures established for each campus, including an order, by agreement of the parties or by a default decision. Sanctions not on this list may be issued when deemed appropriate by the University.

1. Verbal Warning: A verbal notice that the behavior was inappropriate.*
2. Written Warning: A written statement that the behavior was inappropriate, which will remain on the student's University disciplinary record for a specified period of time or until the student meets certain conditions.*
3. Disciplinary Probation: A written statement that the behavior was inappropriate and should subsequent violations occur, the University will take more serious conduct action up to and including suspension or expulsion. This can include exclusion from University affiliated entities, including student organization activities for a period of time or until the student meets certain conditions. Disciplinary probation will remain on the student's disciplinary record for a specified period of time or until the student meets specified conditions.*
4. Educational Sanctions: A specific number of hours of community service, completion of a reflection or research paper, attending a class, program or lecture, attending counseling, or other actions.*
5. Restitution: Repayment for damages or misappropriation of property. This may include monetary compensation or other related service(s), such as cleaning or restoration.*

6. Administrative Fee: Administrative fees for educational programs and presentations as well as policy related administrative costs. A financial stop may be placed on the student's record if the student fails to pay the administrative fee by the due date. This stop may prevent the student from registering for future terms or adding or dropping courses.*
7. University-Owned Housing Reassignment or Termination: Reassignment to another University-owned housing unit, exclusion from certain University-owned properties or termination of the student's housing agreement.
8. Administrative Trespass: Denial of access to all or a portion of campus, except for limited periods and specific activities with the permission of the appropriate University official, as designated by the University Vice President for Student Affairs or other appropriate administrative official vested with such authority. Should the student enter campus without written permission, the appropriate University official or the campus police may take action.
9. Suspension: Exclusion from the University and all campuses governed by the Board of Regents of the University of Oklahoma for a specific period of time or until the student meets certain conditions, following which the student may be permitted to re-enroll or apply for readmission to the University, as applicable.
10. Expulsion: Exclusion from the University and all campuses governed by the Board of Regents of the University of Oklahoma for an indefinite period of time, a record of which remains on file permanently.
11. Restriction or Denial of University Services. Restricted from use or denial of specified University services, including participation in University activities.
12. Delayed Conferral of Degree. Delay of issuance of a student's diploma for a specified period of time or until the student meets certain conditions.
13. Strike: The University's official recognition of a student's or organization's violation of the University of Oklahoma's Norman Campus Alcohol Policy.*

VIII. Notifications in Sexual Misconduct Cases

In cases involving a potential violation of the Sexual Misconduct, Discrimination, and Harassment Policy, the reporting party and respondent shall be notified simultaneously, in writing, of the result of any disciplinary proceeding, and shall be provided with the University's procedures to appeal the result of the disciplinary proceeding. Furthermore, the reporting party and the respondent shall be simultaneously notified of any change to the results of the disciplinary proceeding and shall be notified when the results are final.

IX. Review of the Student Conduct Code

In collaboration with the appropriate University official, the UVPSA, or other appropriate administrative official vested with such authority, and each campus Provost will appoint a committee of at least five (5) persons including the respective Directors of Student Conduct and the presidents of each campus student association to review and revise the Code every three (3) years, or sooner, if needed. The Committee will solicit input from representatives of the legislative bodies of each campus, and campus student associations as needed. Any changes to this Code required for compliance with applicable federal, state, local law, applicable regulations, or University policy shall be made automatically.

* Except in conjunction with other disciplinary measures, these sanctions are not appropriate if a student is found responsible for the following violations of the Sexual Misconduct, Discrimination, and Harassment Policy: Sexual Violence, Dating Violence, and Domestic Violence.

X. Definitions

1. Acceptance of responsibility: The charged student agrees that his or her behavior constitutes a violation of the Code. A charged student who admits responsibility is ordinarily deemed to admit to the facts as alleged and as modified by any investigation that has occurred. Acceptance of responsibility will be taken into account in the assessment of sanctions. Full and frank acceptance will be given the most consideration.
2. Day: Unless otherwise noted, day refers to a University business day.
3. Institution or University Includes the OU Norman campus, the OU Health Sciences Center campus and the OU Tulsa Schusterman Campus.
4. Notice: The University deems notice provided when a communication is sent to a student's University email account, or, where certified mail is required by law, the delivery date of the mail.
5. Preponderance of the Evidence: A fact is more likely true than not. This shall be the standard of proof used in all conduct proceedings under this Code.
6. Reporting Party: means any person who submits a charge/report alleging that a student violated this Code. In cases of sexual misconduct, the reporting party shall refer to the alleged recipient of the misconduct.
7. Student: includes all persons: eligible and taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional, or continuing education; and those who are not enrolled for a particular term but who are academically eligible to enroll. Additionally, the Code applies to all University of Oklahoma students enrolled through University programs who are studying online, abroad or at other locations.
8. Student Conduct Officer: An employee of Student Conduct who has the responsibility for conducting any meeting, review or hearing.
9. Student organization: includes a group that has fully complied with the requirements for registration and recognition by Student Affairs as a University student organization.
10. University official: includes any person employed by the University performing assigned job responsibilities, whether full or part-time.
11. University property: Equipment, objects, land, buildings and facilities in possession of or owned, used or controlled by the University or funded in whole or in part with University or University of Oklahoma Foundation funds.
12. University regulation or policy: includes regulations and policies set forth by the College of the student's enrollment, the University, including those promulgated by the Board of Regents of the University of Oklahoma, or by the Oklahoma State Regents for Higher Education.