



Division of Student Affairs

Student Code of Responsibilities and Conduct

Updated version approved by the Board of Regents of the University of Oklahoma, June 19, 2018

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Student Rights, Responsibilities, and Expectations Policies

Student Rights and Responsibilities

Students of Rogers State University are guaranteed certain rights by the Constitutions of the United States and the State of Oklahoma and the Rogers State University Student Government Association. In recognition of those rights and in keeping with the values underlying them, the University respects the following student rights:

1. To pursue an education as long as University's applicable academic standards, policies, and laws are followed;
2. To certain procedural due process, including notice and an opportunity to be heard, upon being deprived of a right;
3. To request appropriate action from the administration for any violation of right guaranteed by this Code;
4. To establish or disseminate publications free from any censorship or other official action controlling editorial policy or content, in accordance with applicable regulations and University policy;
5. To invite and hear any speaker of choice on any subject, in accordance with applicable regulations and University policy;
6. To use campus facilities, in accordance with applicable regulations and University policy;
7. To peaceably assemble to demonstrate, inform, or protest, in accordance with applicable regulations and University policy;
8. To be secure in his/her possessions, against invasion of privacy, and unreasonable search and seizure;
 - a. Students have the same rights of privacy as any other citizens and surrender none of these rights by becoming members of the academic community.
 - b. When the University seeks access to a student's room in a residence hall to determine compliance with provisions of applicable multiple dwelling unit laws or for improvement or repairs, the University will attempt to give as early as practicable advance notice to the occupant. Entry without notice is permitted in emergencies or where immediate danger to life, safety, health, or property is reasonably feared or during fire drills.
 - c. Inspections of residence hall rooms may be performed to determine compliance with regulations concerning the use of institutional property.
 - d. The University will not conduct a search of a student's room in a University housing unit to determine compliance with federal, state, or local criminal law.
2. 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. Provided, in accordance with Oklahoma state law, a religious student association may choose to limit its membership or leadership based on the sincerely held religious beliefs, observances, or practices of the group; and
3. Not to be charged more than once for one incident by University's Code of Conduct.

The above provisions are general restatements of the rights of all citizens and do not create additional or special rights beyond those afforded by the constitutions and laws of the United States and the State of Oklahoma.

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

Definitions

When used in this Code...

1. The terms "University" and "RSU" mean Rogers State University, and collectively, those responsible for its control and operation.
2. The term "student" includes all persons taking courses at the University, both full-time and part-time.
3. The term "faculty" means any person hired by the University to conduct classroom activities. In certain situations, a person may be both "student" and "faculty." Determination of status in a particular situation shall be controlled by the surrounding facts.
4. The term "registered" used in conjunction with student organization refers to compliance with the registration process.
5. The term "publication" means any printed, written, typewritten, or duplicated material published or disseminated, whether by students or non-students, that consists of other than primary promotional or advertising content, though publications may contain some advertising.

6. The term “shall” is used in the imperative sense.
7. The term “may” is used in the permissive sense.
8. The term “public place” for the purpose of restricting distribution and solicitation shall be solely limited to designated common areas. Soldier’s Field shall be considered a building.
9. The term “day” shall be limited to any day on which Rogers State University holds regularly scheduled class(es). “Regularly scheduled” shall include intersession (if any), the regular summer school period, and regularly scheduled final examination days.
10. All other terms have their natural meaning unless the context dictates otherwise.

Non-Academic Code of Conduct

1. Distinction Between Academic and Non-Academic Student Discipline

Academic conduct is generally considered to be related to the actions of students that are associated with the learning environment. Non-academic conduct includes all other forms of student behavior on University premises and University sponsored functions or generally related to the University community.

2. Student Code of Conduct

The University’s basic standard of behavior requires a student (a) not violate any municipal, state, or federal laws, or (b) not interfere with or disrupt the orderly educational process of Rogers State University. A student is not entitled to greater immunities or privileges before the law than those enjoyed by other citizens.

3. Authority

- 3.1 Authority is vested in the Board of Regents for the University of Oklahoma and the President of the University. This includes authority to control and regulate various aspects of student behavior through disciplinary means. Disciplinary authority and judicial latitude necessary to accomplish the discipline are delegated to the Vice President for Student Affairs. The decision of the Vice President for Student Affairs/ shall be final and not appealable except in cases of interim suspension, suspension, or expulsion, which may be appealed to the Committee on Student Conduct.
- 3.2 Generally, institutional discipline shall be applied only in response to conduct which adversely affects the University community’s pursuit of its educational objectives, violates or shows disregard for the rights of individuals within the University community; damages property; and/or violates local, state or federal law.

4. Prohibited Conduct

Each student shall maintain the highest standards of integrity, honesty, and morality and shall obey the University rules and regulations. The following is a non-exhaustive list of conduct that is prohibited and subject to disciplinary action.

- 4.1 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. The frequency of the conduct, its severity, and whether it is threatening or humiliating are factors that will be considered in determining whether conduct is abusive. Abusive conduct includes verbal abuse, physical abuse, 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.
- 4.2 Alcohol violations: Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages on or off campus in violation of law or University policies.
- 4.3 Arson: The willful setting fire to or burning of a structure or its contents or the property of another.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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.

- 4.9 Failure to comply with the direction of a University official who is performing his or her duties.
- 4.10 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.
- 4.11 Harassment, intimidation or bullying: Harassment, intimidation or bullying involves unwelcome conduct by an individual(s) that is sufficiently severe or pervasive that it alters the conditions of education, employment, or living environment and creates an environment that a reasonable person would find intimidating, hostile, offensive, undermining, humiliating, or denigrating.
- 4.12 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.
- 4.13 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.
- 4.14 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.
- 4.15 Misuse or defacement of University property: Damage to or misuse of equipment, property, furniture, facilities and buildings belonging to the University.
- 4.16 Misuse or defacement of property belonging to another.
- 4.17 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.
- 4.18 Sexual Misconduct: Violating the University's Gender-Based Misconduct Policy for Students.
- 4.19 Stalking (not gender-based): Willfully, maliciously, and repeatedly following or harassing another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested.
- 4.20 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.
- 4.21 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.
- 4.22 Violation of local, state, federal law or University regulation or policy.
- 4.23 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.

Administration of Student Code

I. Directors

Under the direction of the Vice President for Student Affairs (VPSA), the Director of Student Development shall be primarily responsible for the administration of the student conduct system. The Director of Residential Life or designee will be responsible for resolving disciplinary problems resulting from the violation of regulations within University housing according to the Student Code ("Code"), the Housing Application and Contract, and the Residential Life Handbooks. Violations of the Gender-Based Misconduct Policy for Students will be handled according to the policies and procedures set forth in that document.

II. Committee on Student Conduct

Comprised of three faculty members (including one from each school) appointed by the Faculty Senate, two staff members appointed by the University President, and two students recommended by the Student Government Association and approved by the VPSA, the Committee on Student Conduct ("Committee") hears appeals of non-academic misconduct cases resulting in interim suspension, suspension, or expulsion. At least five members of the Committee (one of whom must be a student) must be present, and Committee decisions are final. The Committee chair will work closely with the VPSA to follow appropriate procedures for the hearing (Sections VII - X).

III. Temporary Administrative Action

- A. *When Appropriate.* In the event the President or the VPSA has reasonable cause to believe that a student poses (1) a danger to the safety of the student, other persons, or University property; or is (2) an ongoing threat of disrupting the educational environment, the VPSA or the President may place immediate, temporary restrictions upon a student's rights within the University community, up to and including a removal from the University community, pending an Administrative Investigation as outlined in Section IV. If the Director of Student Development or the Director of Residential Life has reasonable cause to believe that a student poses (1) a danger to the safety of the student, other persons, or University property; or is (2) an ongoing threat of disrupting the educational environment, the Director may temporarily impose restriction, up to and including removal from housing, with the exception of suspension and expulsion, pending an Administrative Investigation as outlined in Section IV.
- B. *Notice of Temporary Action.* Upon the decision to impose temporary restriction, the student shall be notified by the most expeditious means available.
- C. *Hearing.* When temporary restrictions are imposed, the VPSA shall immediately initiate the disciplinary procedures provided in the Code, and an Administrative Review meeting (Section IV(A)(4)) shall be held no later than ten class days after such action was taken.

IV. Administrative Investigation of Alleged Code Violations

- A. Investigation
 1. *Allegation.* After a Code violation is alleged, information is sent by the reporting party to the Director of Student Development or Director of Residential Life.
 2. *Preliminary Inquiry.* The appropriate hearing officer conducts a timely preliminary inquiry into the alleged violation to determine whether the complaint warrants further investigation.
 3. *Notice of Investigation and Administrative Review.* If the Director determines that the complaint warrants further investigation, the Director shall send notice to the student that a complete investigation will occur and request the student's attendance at a meeting to discuss the alleged Code violations. This meeting shall occur as soon as possible, but no earlier than five class days after notice is given. The student may agree to a more expedient meeting.
 4. *Administrative Review.* The Director may discuss, consult and advise with the parties (i.e., complainants and respondents) involved and they shall attend such meetings as summoned. On the student's appearance before the Director, the Director shall give the student an opportunity to relate or explain any facts bearing on the alleged violation. The Director will conduct additional investigation as needed in order to make an administrative disposition. A determination will be made regardless of a student's attendance, based on the information and evidence available.

5. *Administrative Disposition.* After a fair and impartial assessment of all of the information collected during the investigation, the Director shall determine whether a University policy was violated. The Director shall indicate the decision, including disciplinary action, if any, in writing as soon as reasonably practical but no later than five class days after completion of the administrative review. The Director shall have the discretion to limit or waive a disciplinary action against a student if the Director determines that an educational and safety focused response, rather than a disciplinary consequence, to an incident will better serve the University community. Examples may include, but are not limited to, (1) students who stay and render assistance to others and call for appropriate medical personnel or law enforcement or (2) students who bring their own use, addiction, or dependency on alcohol, drugs, or other addictions to the attention of the University prior to any conduct incidents or reports. In no case, however, will students or individuals who negatively impact the outcome of an incident qualify for this limitation or waiver of disciplinary actions. Students participating in this limitation or waiver of disciplinary actions provisions will be required to complete educational sanctions as outlined in an administrative disposition.
6. *Appeal of Administrative Disposition.* The student has five class days after the notification of the administrative disposition in which to file a written appeal to the VPSA. Please refer to Section VI - Appeals & Review.

V. Honesty Standard

Individuals are not required to answer any questions that are asked; however, any information an individual chooses to provide must be true and correct to the best of their knowledge. An individual who intentionally provides false or misleading information will be charged with falsifying information. Additionally, a pattern of lying or fabrication will be considered when imposing sanctions.

VI. Disciplinary Penalties

- A. *Nature of Penalties.* The following penalties comprise the range of official University actions which may be taken when a student engages in prohibited conduct. Those penalties are not exclusive and may be imposed together with other penalties.
 1. **Warning:** A verbal or written notice to the student that a violation of a published University policy has occurred and that the continuation of such conduct or actions could result in further disciplinary action.
 2. **Restricted privileges:** Denial or restriction of one or more privileges granted to students. These may be, but are not limited to, the use of an automobile, dining privileges, visitation privileges, or participation in athletics or other extracurricular activities. The restriction may be imposed only for a definite term.
 3. **Special project:** The requirement that the student complete a special project, which may be, but is not limited to, writing an essay, attending special classes or lectures, or visiting a counseling center. The special project may be imposed only for a definite term.
 4. **Alcohol or Other Drugs Abuse Assessment:** Alcohol or Other Drugs Abuse Assessment is an assessment through Counseling Services regarding alcohol and other drugs abuse. The assessment is confidential; however, verification of attendance and completion is required. Students may also be sanctioned to complete additional counseling based on the assessment by Counseling Services.
 5. **Anger Management Assessment:** Anger Management Assessment is an assessment through Counseling Services regarding anger management. The assessment is confidential; however, verification of attendance and completion will be required.
 6. **No Contact:** A No Contact restricts a student or anyone acting on their behalf from having any form of verbal or nonverbal contact with another community member. This includes, but is not limited to, face to face interactions, social networking, letters, phone calls, texts, and emails.
 7. **Restitution:** Paying for physical or property damage, losses, or misappropriation, either monetarily or by the performance of specific duties.
 8. **Housing probation:** An indication that the student is not in good standing in Student Housing. In the event of a subsequent violation, sanctions may be more severe, up to and including cancellation of student housing contract.
 9. **Cancellation of student housing contract** subject to the terms and conditions set forth in the contract.

10. Fines: In addition to or in lieu of other sanctions, fines may be imposed in accordance with the following maximums: Administrative Disposition-\$150.00; Committee-\$150.00. Should the Committee or appropriate administrative official determine a fine would result in an unreasonable hardship on the student, a work program can be imposed in lieu of a fine. The in lieu work program shall be jointly approved by the Director/Committee and the VPSA or designee.
 11. Disciplinary probation: An indication that the student is not in good standing and that his/her continued enrollment is conditioned upon adherence to published University policies. Probation may be imposed only for a definite term but automatically restricts the following privileges:
 - a. A student on disciplinary probation or harsher disciplinary sanction is ineligible to hold or be elected to an office of any student organization recognized by the University;
 - b. A student on disciplinary probation or harsher disciplinary sanction may not represent the University in any special honorary role (e.g., debate tournament, athletic competition, etc.);
 - c. If a specific question is asked whether the student has been involved in any discipline situations, there is no alternative but to give an accurate answer to the question as allowed by applicable federal law. (This situation automatically exists for items 7-13).
 12. Parental/Guardian notification as permitted by federal law.
 13. Withholding an official transcript or degree.
 14. Prohibition against readmission.
 15. Denial or non-recognition of a degree.
 16. Loss of or ineligibility for a student scholarship, grant, or loan.
 17. Suspension: Separation from the University for a definite term, during which the student shall not be permitted to attend classes or participate in any University activity.
 18. Expulsion: Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the order of expulsion. When an offense is so severe that the University will not allow the student to re-enroll, the student will be expelled. Expulsion is not a permanent separation, but neither is a definite time set when return is expected.
- B. *Recording of Penalties.* Disciplinary records will be maintained in the Office of Student Development. Housing disciplinary records will be maintained in the Office of Residential Life. Penalties of suspension and expulsion shall be maintained permanently in the Office of Student Development and are subject to review if a written request is made to the VPSA.
- C. *Finality of Penalties.* Disciplinary action becomes final:
1. In the event of an Administrative Disposition, upon acceptance by the student of the Director's decision. Disciplinary action may be imposed immediately following the Administrative Disposition, pending the outcome of an appeal.
 2. In the event of an appeal, upon notice to the student of the Committee's Final Disposition.
 3. In the event of a hearing in cases where suspension or expulsion may be sought, upon notice to the student of the decision of the Committee, and when the time in which to file a notice of appeal to the President of the University has expired.

Appeals and Review

VII. Requesting Appeal

- A. *Written Appeal Request.* A student wishing to appeal the Director's decision under Section IV(B) must file a signed, written notice of the appeal request with appropriate rationale with the VPSA no later than 5 p.m. five class days after notice of the Director's decision is hand delivered or mailed to the student. Appeals of interim suspension, suspension, or expulsion will be heard by the Committee on Student Conduct. All other appeals will be heard by the VPSA and will generally proceed as an Administrative Review as described under Section IV(A)(4) above.
- B. The grounds for appeal are:
1. Insufficient evidence to support the decision.
 2. An error that significantly prejudiced the rights of the defendant.
 3. Significant new information which could not with reasonable diligence have been discovered and introduced at the hearing.

- C. *Time.* For appeals of interim suspension, suspension, or expulsion, the VPSA will notify the Committee Chair of the written appeal request. The Committee Chair will schedule a hearing no later than ten class days after the appeal request, unless there are extenuating circumstances (such circumstances are to be shared with the student.) If disciplinary action is involved prior to appeal, the student may request a more expedient hearing.
- D. *Notice.* The Committee Chair will notify the student in writing of the time, date, and place of the appeal Hearing with other required information. See Sections VII - X for detailed hearing procedures.

Hearing Procedures

The following procedures are applicable to any hearing before the Committee on Student Conduct. The Committee will only hear appeals of suspension or expulsion resulting from non-academic misconduct.

VIII. Pre-hearing Procedures

- A. *Notice.* Upon initiation of the hearing process, as described in Sections VII - X, the Committee will provide written notice to all parties (i.e., complaints and respondents):
 - 1. *Time of Hearing:* Notice shall state the date, time, and location of the hearing. A Committee Hearing shall be held no later than ten class days after the required written notice to the student. Every effort will be made to accommodate a student's request for a more immediate hearing.
 - 2. *Summary of Allegations:* Notice shall include a short and plain statement of the University policies alleged to have been violated, the factual background of the matter, and the basis for the Committee Hearing (i.e., student appeal of interim suspension, suspension, or expulsion).
 - 3. *Service of Notice:* Service shall be by hand delivery or by certified mail, return receipt requested, to the student at the student's permanent or local address (as appropriate) on file in the Office of the Registrar or Residential Life. When the above steps have been taken, return receipt, whether signed or not, shall be deemed sufficient evidence that the student has been properly served and it shall be presumed that the student has received and read the notice.
- B. *Disclosures.* At least two class days before the hearing, all parties shall make the following disclosures to the Committee, in writing. The Committee Chair will provide copies of the disclosures to all parties.
 - 1. Whether any legal counsel or advisor will attend the hearing with a party.
 - 2. Names of all witnesses each party intends to call to testify during the hearing, including a brief summary of each witness's expected testimony.
 - 3. Copies of all documents and/or exhibits the parties intend to introduce during the hearing. NOTE: The Committee may, in its discretion, allow introduction of evidence not previously disclosed, in accordance with Section IX(B)(2)(e).
- C. *Pre-Hearing Meeting.* At the discretion of the Committee Chair, a pre-hearing meeting may be convened to present objections to documents or witnesses or clarify the charges, responses, or procedures to be used during the hearing.

IX. Hearing Regulations

- A. *General Decorum.* The Chair shall exercise control over the hearing to ensure fairness and a professional atmosphere. Any person who disrupts a hearing or who fails to adhere to the established procedure or rulings of the Chair may be disciplined, including without limitation exclusion of witnesses or evidence.
- B. *Advisors.* Parties are entitled to have parents, legal guardians, and/or a legal advisor present during the hearing. Advisors may support the student and provide advice about the investigation and disciplinary process. During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not intervene in a meeting or hearing or directly address panel members, complainants, or witnesses, nor may they make objections. If parties desire to have attorneys serve as their advisors, they may do so at their own cost.
- C. *Confidentiality.* Hearings and matters discussed therein are confidential and should be closed to the public.
- D. *Evidence.* Formal judicial procedures are not required, and formal rules of evidence do not apply. The Committee Chair makes final rulings on all objections to evidence and the admissibility of evidence and testimony. Evidence will be admitted if the Chair determines that it is the sort of information reasonable people would rely upon in the conduct of their affairs.
 - 1. All parties should have reasonable opportunity to respond, present relevant information, question witnesses, and present argument.

2. A party may conduct cross-examinations required for a full and true disclosure of facts. When the Committee Chair determines that a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. In case of an expulsion hearing, affidavits should not be permitted in lieu of live testimony unless agreed to by the opposing party or unless the Committee Chair determines that the parties' interests will not be prejudiced.
3. Information from Non-Parties. At the request of either party, the University shall instruct a University student or employee to appear as a witness. The University may require the witness to attend the hearing or to furnish documents or other physical evidence requested by the party.
4. Transcript. The University will keep an audio recording of the hearing, which shall be provided by the Committee at the request any party, at the expense of the requesting party.
5. Record. The record in a proceeding shall include all evidence and testimony received or considered by the Committee at the hearing, any objections to evidence and the Committee's rulings, and all other information or data considered by the Committee, provided all parties have had access to such evidence.

X. Hearing Procedures

A. General Rules

1. A hearing may be postponed at the discretion of the Committee Chair for good cause upon written request being filed with the Committee Chair at least 24 hours before the hearing.
2. The student or any pertinent party may challenge the impartiality of a Committee member at any time prior to the hearing. The Committee Chair shall be the sole judge as to whether the specific individual can serve with fairness and objectivity. In the event the member is disqualified, a substitute will be chosen by the VPSA.
3. During the hearing, only the Committee members, the student and the advisor, the student's parents or legal guardians, and the witness currently testifying will be allowed in the hearing room. No witnesses, after testifying, may remain in the hearing room. All persons present at the hearing shall treat the matters discussed therein as confidential information not to be disclosed to others.
4. A student may not be compelled to testify against himself/herself and the hearing officer and Committee shall presume the student innocent of the charges until the Committee is satisfied, by a preponderance of the evidence that a violation has occurred.
5. The hearing will occur regardless of a student's attendance, based on the information and evidence available.

B. Hearing Process

1. Opening Remarks. If desired the parties may briefly outline their cases before the presentation of evidence. The Committee should use discretion when determining the proper evidentiary value of information presented during Opening Remarks.
2. Presentation of Evidence
 - a. The University will usually present its case first, followed by the student.
 - b. Each party is allowed an opportunity to cross-examine witnesses presented by the other party.
 - c. Further questioning of the witnesses by the parties is at the discretion of the Committee Chair.
 - d. The Committee members may ask questions of the witnesses at any time, at the discretion of the Chair.
 - e. After each party has presented its case, upon request of either party the Committee, at its discretion, may permit introduction of additional evidence to clarify or rebut evidence presented during the course of the hearing.
3. Closing Remarks. At the Committee's discretion, the parties may make brief summary statements.

XI. Post Hearing Process

A. Committee Decisions

1. For appeal hearings regarding interim suspension, Committee Decisions shall be provided to all parties, in writing, within five class days of the hearing date.
2. For suspension and expulsion hearings, the Committee shall provide its written Decision to the President, who shall review the official record of the hearing and, in writing, either approve, reject or modify the Decision, or remand the matter back to the Committee for further hearing or consideration. Unless remanded, the action of the President, in conjunction with the approved or modified Decision, shall be the Disposition of the matter.
 - a. The Final Disposition of an expulsion matter shall be subject to rehearing, reopening, or reconsideration by the President. Any application or request for such rehearing shall be made by an aggrieved party within ten class days from the date of the notice of Final Disposition. The grounds for such request may be:

- i. Newly discovered or newly available evidence, relevant to the issues;
 - ii. Need for additional evidence to adequately develop the facts essential to proper decision;
 - iii. Probable error committed by the Committee in the proceeding or in its Decision, which would form a reasonable independent basis for reversal of the decision;
 - iv. Need for further consideration of the issues and the evidence in the public interest;
 - v. A showing that issues not previously considered ought to be examined in order to properly dispose of the matter;
 - vi. Fraud practiced by the prevailing party or procurement of the Decision by perjured testimony or fictitious evidence.
- b. Any rehearing, reopening, or reconsideration by the President shall be confined to those grounds upon which the rehearing was ordered.
3. Each party shall be provided, either personally or by certified mail, a copy of the Final Disposition.
- B. *Discretionary Review.* The VPSA, the President, and the Board of Regents may, on their initiative, review any disciplinary case. Upon such review they may approve, reject, or modify the decision or the penalties imposed, or may remand the matter to the Committee for presentation of additional evidence and reconsideration of the decision.

Cases Requiring Administrative Action

Voluntary Withdrawal for Psychological Reasons

When a student initiates a voluntary withdrawal from the University for psychological reasons, the general guidelines established by the University will be followed. This process is initiated by the student, beginning with the Office of Student Affairs. Documentation is required if a student is seeking reimbursement. The evaluation will be reviewed by both the Office of Student Affairs and the Office of Academic Affairs as to the appropriateness of determining withdrawal status.

Immediate Interim Withdrawal or Interim Suspension

In cases where a student poses an imminent threat of safety to the University community, the Vice President for Student Affairs may order immediate interim withdrawal or interim suspension.

Facility Use Policy for Registered Student Organizations and Individual RSU Students

I. Policy Overview

Rogers State University (University) strives to provide for the free exchange of ideas and opinions. To that end, registered student organizations (RSOs) and individuals currently enrolled in Rogers State University classes (Students) may use defined University facilities for their activities in accordance with the policies adopted by the Vice President for Student Affairs, coordinated by the Student Activities Coordinator and defined herein. The goals of the policies governing the use of University facilities by RSOs and students shall be to facilitate the orderly conduct of the educational process and to facilitate the regular, efficient, and consistent use of University facilities.

The University is a large campus with many public, private, and limited access/use locations, including public sidewalks, public lawns, specially landscaped lawns, traditional areas of free speech, administrative buildings, classroom facilities, athletic facilities, commercial facilities, leased facilities, music halls, theaters, and other facilities. Not all locations are available for use by RSOs/students at all times.

Nothing herein creates any contractual, constitutional or other legal rights on behalf of the students, RSOs or others regarding the use of University property/facilities. No traditional public forum is intended to be created by any policy contained herein. The University reserves the right to amend, modify, or delete any of the policies contained herein at any time and in its sole discretion.

II. Requesting Outdoor Locations

- A. *Public Areas for RSOs/Students.* There are several public areas located on the University campus that are open to students and RSOs for free speech, protests, leafleting, etc. and require no reservation or notice (unless use also includes the placement of tables, booths, structures, large displays, vehicles, sound, audio or PA systems, or when assistance is needed from the University, in which case reservations as noted in Paragraph B below are required). Although not required, Student Affairs requests that RSOs/individual students notify the University of the use of such locations to ensure the space can accommodate such request, to ensure that no disturbance of the University's educational mission occurs, to ensure it is not in conflict with other prior requests for the area, and so that the University can assist in reserving the requested location. Notifications may be made by calling Student Affairs: 918-343-7579 or by email addressed to: student_affairs@rsu.edu.

The public areas for use by RSOs/Students include all sidewalks, and the following areas:

- Claremore Campus: Lawn to the west of the Centennial Center
- Claremore Campus: Lawn between Chapman Dining Hall and the University Village Club House
- Claremore Campus: Lawn between Bushyhead Fieldhouse and the Will Rogers Auditorium
- Bartlesville Campus: Outdoor congregating areas do not currently exist on this campus
- Pryor Campus: Lawn between the circle drive and highway 69A

Reservations are required to use other outdoor areas of campus not specifically identified above. All of the above areas may be used on a first-come, first-served basis unless another RSO/student has specifically reserved the space. RSOs/Students cannot reserve these locations through place holders except by providing the University with advance notice. Provided, however, where 72 hours advance notice has been given and approved for items noted in Subsection IV B below, such use shall be given priority where feasible.

Under no circumstances shall an event, speech, protest, etc. in these areas interfere with the space already reserved for another event; disrupt University operations, including classes; impede ingress/egress of sidewalks, roadways, or any building; create a clear and present danger to the public; be unlawful in anyway; or disrupt another student or individual's right to expression.

- B. *3-Day Notice Requirement for the Use of the Above Locations.* Should an RSO/student desire to utilize any structure, large display, vehicle, table, equipment, booth, sound or audio systems, or in instances where there is need of University assistance, Student Affairs (who will promptly notify the Physical Plant) must be notified three (3) business days in advance of such use to ensure the space can accommodate such request, to ensure that no disturbance of the University's educational mission occurs, and to ensure it is not in conflict with other prior requests for the area. If the requesting person/group does not commence utilizing the space within 30 minutes of its requested time, the person/group will have forfeited its reservation. Not all requested accommodations from the University (lighting, tents, etc.) can be provided within three (3) business days. Accordingly, the University requests reservations needing accommodations from the University provide at least two weeks' notice.

C. *General Rules*

1. When requests by RSOs/students for the use of outdoor University facilities must be submitted as noted above, they are submitted to Student Affairs for scheduling. To reserve those outdoor University facilities requiring a reservation, RSOs/students must complete an Event Registration Form available at www.rsu.edu/sga-forms and submit it to Student Affairs a minimum of three (3) working days in advance of the date requested.
2. Requesting RSOs/students must be in good standing with the University and fully comply with policies governing use of University facilities. RSOs/students failing to abide by this policy may have outdoor use privileges suspended.
3. Generally, RSOs and individual students may request to reserve only one outdoor location on any day. The Student Activities Coordinators may grant exceptions provided justification for the extension is submitted along with the request. Such decision shall be guided by the need for the outdoor areas by other RSOs, students and others, the availability of other locations, the costs associated with providing other locations, and the actual need, as opposed to speculative need, identified by the RSO or student (e.g. RSO or student attempting to reserve space not necessary to further their use but merely to prevent others from utilizing the facility).

III. Requesting Classroom or Indoor Facilities by Registered Student Organizations

- A. Because the mission of Rogers State University is to teach and promote academic excellence, the educational purpose of the University must be maintained at all times. To avoid conflict with the teaching goals of the University, the following policies must be followed when using classrooms or indoor facilities:
1. Buildings on the academic campus are primarily for academic purposes (i.e. scheduled classes, departmental programs) and such use takes priority over any other type of use.
 2. Programs sponsored by branches of the Rogers State University Student Government Association (SGA), which include the SGA Executive Branch, SGA Student Congress, and Campus Activities Team (CAT), have first priority followed by programs sponsored by RSOs, and then individual student use.
 3. Classroom space and some indoor facilities may not be available for use by RSOs and individual students during the first three weeks of each academic semester in order to accommodate necessary academic class adjustments.
 4. Classroom and indoor facility space with a capacity of 100 or more is at a premium at the University. The multi-functional uses of these spaces – classes, films, speakers, etc. – result in a high demand for reservations by University departments and RSOs. To ensure equitable accessibility, RSOs and individuals may reserve these classrooms one time only during any given week.
 5. To avoid reservation conflicts between RSOs and official University programs, reservation requests by RSOs must be made two weeks in advance and will be considered tentative until 5 days before the date requested. It is the responsibility of the RSO to confirm the reservation, and reservations are on a first-come, first-served basis.
 6. Conferences, statewide or regional meetings, or similar events will normally be scheduled in University facilities designed for that purpose. However, these events may be scheduled by RSOs in academic buildings if the *Rules Governing Facility Use* (VII of this Policy) are met.
 7. Unless authorized by Student Affairs, RSOs and individual students may not use classrooms or other indoor facilities after 10 p.m. for security reasons.
- B. In addition to the Event Registration Form, requests by RSOs for the use of University classroom and indoor facilities must be submitted to the appropriate Building Warden (see Appendix A). Building Wardens may be contacted by phone, email, or in person, but ultimately written confirmation of reservation must be submitted to Student Affairs as an attachment to the Event Registration Form. The Student Activities Coordinator will contact the reserving party once all appropriate approvals are received, which includes Building Warden and Physical Plant approval. The requesting organization must be in good standing with the University and fully comply with policies governing use of University facilities. RSOs failing to abide by this policy may have classroom use privileges suspended. The Student Activities Coordinator processes these requests.
- C. Scheduling of University facilities for RSO use will be made for only the current semester or session. Each request must be submitted and processed separately.
- D. Facilities generally may be scheduled for a period of up to four (4) hours. The Student Activities Coordinator may grant exceptions provided justification for the extension is submitted along with the request, identifying why additional time is needed for the event. The Student Activities Coordinator may consult with Vice President for Student Affairs or other appropriate University personnel to determine whether extended time shall be given. Assuming there are no conflicts regarding the use of the requested facility, and assuming no actual disruption of the educational mission of the University or its daily operations is likely to occur because of the extension, most extensions will be granted. Requests for use of facilities for periods longer than four hours may require that the RSO provide additional security as defined in Section V, and additional facility use fees or other criteria as determined by the Student Activities Coordinator in light of the needs of the event, the costs associated with the requested facility and the likelihood of actual disruption caused by the event. Review and approval by the Physical Plant will be facilitated by the Student Activities Coordinator, as after-hours events typically require adjustments be made to the HVAC systems as well as possible schedule adjustments for custodial services, etc.
- E. The University does not charge a facility use fee for classroom or indoor facility use to RSOs or for University sponsored events where only the University community is invited. However, a reasonable fee may be charged for costs associated with opening and maintaining the facility for the event as well as any clean-up charges associated with use of the facility. For events in the Centennial Center and Chapman Dining Hall, Sodexo will, at its discretion, charge a reasonable set up fee for tables, chair arrangements, etc.
- F. Arrangements and payment for electricity, trash receptacles, and/or any equipment such as platforms, chairs, microphones, etc., must be made directly with Physical Plant for all campus facilities except the Centennial Center and Chapman Dining Hall, which are coordinated through Sodexo. RSOs using SGA funds must obtain a purchase order before charging anything to a SGA account.

IV. Requesting Facilities on Athletic Event Days or Major Campus Event Days

- A. The University hosts numerous athletic and other major campus events. These events attract large crowds. Use of facilities and outdoor property may be limited or restricted on the days of these events depending on the anticipated number of people in attendance, the location of the facility and the location of the athletic or other major campus event.
- B. The Executive Assistant to the Athletic Director coordinates all requests for events on athletic event days with the Athletic Department
- C. Facilities where athletic and other major campus events occur may not be available for use before, during, and after those events.
- D. To ensure the safety of attendees and to ensure there is no impediment of ingress and egress to the facility, no picketing, leafleting, handbilling, peddling or other displays shall be permitted within 300-feet of the facility hosting the event on the day of such an event. Provided, however, such activities by RSOs/students are permitted on all remaining public areas and public sidewalks, as defined in Article VII (A) below. RSOs and students must ensure these activities do not disturb the educational mission of the University or its daily operations and must not impede individuals' abilities for ingress and egress.

V. Security

The University wants to provide a safe and secure environment for its community. The University realizes that there are individuals who criminally prey on those attending special events, become involved in affrays, and otherwise disturb events, causing injury, or the defacement of property. During all special events, the following minimum standards will apply:

- A. The Director of the RSU Police Department (RSUPD), or his/her designee, shall have the final decision- making capability and will decide how many police officers will be present, if any, and how many security personnel will be present, if any, after being properly advised as to the facts surrounding the event and the likelihood of potential disruptions or security threats, based on the history of the event in other areas, room size, value of the property, number of entry and exit points, daytime/nighttime use, estimated crowd size, and the nature of the area hosting the event.
- B. The Student Activities Coordinator, in conjunction with the RSUPD Director, or his/her designee, shall review security requirements for all events scheduled outdoors or in classroom facilities. When the RSUPD Director determines that additional security beyond that normally provided is necessary, the Student Activities Coordinator shall so inform the RSO/student. The RSO/student shall be responsible for the cost of additional security. If an event requires reserved parking, it should be noted on the Event Registration Form so the Student Activities Coordinator and RSUPD Director can make necessary arrangements as practicable.

VI. Facility Deposit Charges and Damage Recovery

- A. *Classroom and Other Facilities.* The University does not charge a facility use fee for classroom or indoor facility use to RSOs or for University sponsored events where only the University community is invited. However, to ensure continued use of University facilities, including those scheduled and serviced by Sodexo, by RSOs and individual students, it is important that the facility be left clean and as found prior to use. Therefore, RSOs and individual students may be charged for costs associated with opening and maintaining the facility for the event as well as any clean-up charges associated with use of the facility.

If an RSO or individual student sponsors an event where the public-at-large is invited, the University may charge a standard fee for facility use. Fees are charged depending on the timing of the event, the nature of the event, the nature of the facility, the length of the event, costs associated with opening and maintaining the facility for the event as well as any clean-up charges associated with use of the facility.

- B. *Other Facilities.* Facilities may have cancellation policies and damage policies specific to the facility. RSOs and individual students are advised to be fully knowledgeable of those policies at the time of reservation.
- C. *Damages.* RSOs/students shall be responsible for any cost to clean or repair damage. Damages will be deducted from the RSO's student organization account and/or appropriated SGA funds for the event, or charged to the individual student's account. Payment will be required before any other University facilities may be used by the individual student or the RSO or its individual officers.

VII. Rules Governing Facility Use

- A. Use of University facilities may not disturb or disrupt the continuity of the educational process and must be otherwise consistent with the educational mission of the University and should typically be scheduled between the hours of 7 a.m. and 10 p.m., Sunday through Saturday, unless authorized by the Student Activities Coordinator.
- B. Unless otherwise permitted (e.g. fundraising for student organizations, University-related vendor/licensing arrangements), University facilities or properties may not be used for personal profit or gain. Advertising encouraging students at the University to purchase reports and/or research material done by others requiring the reader to send money to obtain further information on the product is not acceptable.
- C. Attendance must not exceed the capacity of the facility requested.
- D. The physical characteristics of the facility requested must be appropriate for the activities planned.
- E. No weapons are permitted on campus, including swords.
- F. The facility request must comply with all requirements of this policy and other applicable regulations and policies.
- G. Permission to host a concert or operate a sound truck or a public address system at any time on the University campus or adjacent streets must be secured from the Student Activities Coordinator in accordance with Section II above.
 - 1. The use of loudspeakers near academic buildings and student campus residences is prohibited from 7:30 a.m. to 5 p.m., Monday through Friday and 8 a.m. to noon Saturday and Sunday, except as authorized by the Student Activities Coordinator who may consult with the Director of Residential Life, Vice President for Academic Affairs, and/or Vice President for Student Affairs to make a determination, and except during Residential Life quiet hours (10 p.m. to 10 a.m.) and as prohibited by City of Claremore ordinance.
 - 2. No bands or loud music are allowed in classrooms at any time.
 - 3. Noise levels must be kept to a minimum during any organization meeting, rehearsal, or performance taking place in academic facilities. RSOs are expected to remember that classes and other meetings may be taking place around them. If complaints are received, the RSO's privileges to use academic facilities may be suspended.
- H. Any RSO or individual RSO's officers or individual students misusing University facilities are subject to being charged under the provisions of the Code of Student Conduct. Complaints of misuse will be forwarded to the Office of Student Development. Misuse includes, but is not limited to, use of reservable University facilities without filling out the online reservation, failing to notify Student Activities Coordinator where required, failing to receive permission for such use, disrupting the educational process, or damaging the facility.
- I. RSOs and RSO officers and advisers will be responsible for organization's activities and conduct during an event, and the prompt payment of expenses incurred. The individual applying for or reserving the facilities must be present throughout the event. If the individual applying for or reserving the facilities is not present, the University will consider this "fronting" as defined herein and will order the event to cease.
- J. Facilities should be left clean and as found prior to use, subject to inspection by University staff.
- K. There may be times when the high legal risk of damage to persons or property exists, the RSO and its individual officers and individual students reserving facilities may be asked to agree to indemnify, defend and hold the University, its officers, employees, agents, current and former Regents harmless from any and all claims arising out of the RSO's or the individual student's use of University facilities, including but not limited to any claims of personal injury, strict liability, products liability, environmental claims or negligence.
- L. Decorations shall not include items that cannot be easily removed after an event without damage.
- M. Events where minors (under the age of 18) may be in attendance are required to have adult supervision at all times and must comply with the University's Minors on Campus Policy.
- N. The University prohibits the unlawful possession, use, manufacture, or distribution of alcohol and other drugs by students and employees on university owned or controlled premises, as a part of any university sponsored activities, or in the work place. The consumption or distribution of alcoholic beverages is governed by the following policies: "Policy On Alcohol & Substance Abuse" (Student Code), "Prevention of Alcohol Abuse and Drug Use on Campus and in the Workplace" (Employee Policies & Procedures), and "Prevention of Alcohol Abuse and Drug Use on Campus and in the Workplace" (OU Board of Regents Policy Manual).

- O. *Facility Use for Political Activity by RSOs.* Rogers State University is committed to protecting free speech rights of its students, faculty and staff. Assuming responsibility for the use of University facilities includes protecting the rights of speakers to be heard, the rights of the University community to hear speakers, and the reputation of the University as a center for free speech and scholarly inquiry. However, such speech and advocacy may be exercised in the University facilities at such times and places and in such manner as to ensure orderly conduct, the least possible interference with University responsibilities as an educational institution, protection of the rights of individuals in the use of University facilities and reasonable protection of persons against practices that would make them involuntary audiences. Political campus organizations shall have access to University facilities on the same basis as all other campus organizations in keeping with the rights of all members of the campus community to express political views. All political organizations are to be assessed the usual costs for the use of these facilities. A policy of nonpartisanship and neutrality will govern the University at all times in its relationship with elected officials or persons campaigning for public office.
1. Political RSOs may be provided facilities on the same terms as other (non-political) RSOs for campus-related (non-political) activities. If the public at-large is invited to an RSO political event, (as opposed to only the University community being invited), the RSO will not be charged the standard facility rate charged to the public for such use. Such events are not considered “fronting” as defined herein. Standard fee schedules for RSOs as well as those fees charged to the general public may be requested of any venue.
 2. Except as provided herein, RSOs may not use University facilities to promote or to oppose the campaign of a candidate for public office.
 3. There may be no fundraising during the RSO political event.

VIII. Publicity

- A. Advertising must not begin until reservation, if required, of the facility has been confirmed.
- B. All advertising, promotional or informational materials using the University’s trademarks, logos and tradenames must be submitted to the Student Activities Coordinator before distribution, as the Public Relations department must approve all such usage. All advertising, promotional or informational material designed for display on any surface is restricted to permanent bulletin boards inside or outside University buildings unless there is prior approval by the Student Activities Coordinator. Signage such as banners, directional signs, and anything not displayed on bulletin boards must, in addition to being approved by the Student Activities Coordinator, be installed by the Physical Plant upon consultation regarding placement.
- C. Using chalk to write on concrete sidewalks is allowed. All chalking must be approved by the Student Activities Coordinator prior to its use. The name and phone number of the responsible party should be submitted with the message. Chalking can be done 72 hours prior to an event and should be removed within 72 hours after the function. Consult the Student Organization Handbook for additional stipulations.
- D. All posters, flyers, and other printed materials to be placed on University bulletin boards or offered for free distribution must either appear in English, or the poster, flyer or other printed materials must be provided to Student Activities Coordinator, along with English translations signed and certified as accurate by a student organization officer, prior to distribution.
- E. All printed materials that announce an event or program, including invitations, news releases, fliers and newsletters, must include information to offer accommodations. An appropriate phrase to offer accommodations is: “Accommodations on the basis of a disability are available by contacting (name, address, phone) by (date).”
- F. RSOs and individual students shall not imply, infer, or otherwise state that the views it expresses are those of the University.
- G. To ensure the campus remains litter free, RSOs or individual students engaged in excessive leafleting, pamphleting, posting flyers, etc. may be asked to clean up the materials handed out or posted after activity has concluded. RSOs or students failing to do so may be charged for cleanup costs or issued a citation for littering.

IX. Solicitation

- A. Solicitation shall be prohibited on campus except for solicitation by RSOs or branches of the SGA, which may occur in conjunction with regular student activities and campus events with the approval of the Student Activities Coordinator, or where in conjunction with vendor or licensing agreements with the University.
- B. Fronting is strictly prohibited.

C. Fronting

1. "Fronting" is defined as permitting a non-University individual or organization to use University space/facilities and services under the guise that the activity is a University- sponsored program in order to avoid payment. Fronting is prohibited by University policy.
2. Non-University individuals/organizations are required to request use of University space through Sodexo or individual Building Wardens (see Appendix A) and pay for use of space and services in accordance with current policy and fee schedules. Any sponsoring University individual or organization that reserves space for the purpose of allowing non-University groups or vendors to advertise, hold meetings, and/or sell items without the express understanding and permission of the Student Activities Coordinator is participating in fronting for the organization.
3. Violation of this policy by an individual student or RSO may result in student misconduct charges.

X. Individual Student Use of Facilities

- A. Individual students requesting use of University facilities to demonstrate, inform, or protest should contact Student Affairs for a current list of locations. Some locations are open for demonstration without reservation as noted above; others may require advance notice or reservation depending upon the location or the use of the area as noted herein.
- B. Individual students are not permitted to use University facilities for political campaigning, solicitation or fundraising except as provided for in this policy.
- C. Individual students requesting use of University facilities must comply with the regulations defined in this policy for RSOs.

XI. Appeals Process

Should an application for use of a University facility be denied in any fashion, applicants may seek an appeal by submitting the Student Complaint/Grievance Reporting Form (www.rsu.edu/sga-forms) to the Vice President for Student Affairs or other executive officer responsible for the facility within 72 hours of the denial. A determination shall be made by that executive officer, or his/her designee, within 24 hours before the event. The decision of the executive officer, or his/her designee, shall be final and binding.

Student Inclusion and Wellness Policies

Affirmative Action

The Affirmative Action Plan at the University serves to supplement the Regents' policy on equal opportunity as it pertains to employment, and it is an integral part of the employment policies of the Board. The principal objectives are:

1. to assure all persons equal opportunity for employment and advancement in employment regardless of race, religion, disability, color, political beliefs, national origin, sex, gender identity, gender expression, age, or status as a veteran;
2. to meet institutional responsibilities under the applicable provisions of the Civil Rights Act of 1964 and commitments as a federal contractor under Executive Order 11246 and Executive Order 11375;
3. to take positive actions in the recruitment, placement, development, and advancement of diversity in University employment.

Discrimination Policy

The University has a policy of internal adjudication in matters relating to alleged discrimination. Any faculty member, staff member, or student, including those on temporary or part-time status, who believes that he or she has been discriminated or retaliated against, should file a complaint as provided under the Racial and Ethnic Harassment Policy. Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of discrimination and/or harassment will be treated as a separate and distinct violation of University policy. Complaints should be filed with the University Equal Opportunity Officer (Vice President for Student Affairs, 201 Centennial Center, Claremore Campus, 918-343-7599).

Equal Opportunity

Rogers State University and the Board of Regents of the University of Oklahoma, in compliance with the applicable provisions of Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Section 402 of the Readjustment Assistance Act of 1974, the Americans With Disabilities Act and other federal and state laws and regulations do not discriminate on the basis of race, color, national origin, sex, gender identity, gender expression, age, religion, disability, political beliefs or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admissions, employment, financial aid, and educational services.

Equal Opportunity Grievance Procedure

1. *Who May Use Procedure.* The grievance procedure embodied herein shall be available to any person who, at the time of the acts complained of, was employed by, was an applicant for employment with, or was enrolled as a student at the University.
2. *Filing of Complaint.* This procedure applies to persons who have complaints alleging discrimination based upon race, color, national origin, sex, gender identity, gender expression, age, religion, disability, political beliefs, or status as a veteran or complaints alleging sexual harassment, or retaliation. Such persons may file their complaints in writing with the University Equal Opportunity Officer.
3. Complainants who exercise their right to use this procedure agree to accept its conditions as outlined. Where multiple issues exist (e.g., violation of due process and grade appeal), the complainant must specify all of the grounds of the grievance of which the complainant knows or should have reasonably known at the time of filing. A grievance filed under this procedure may normally not be filed under any other University grievance procedure. Depending on the nature of the issues involved, the complainant will be advised by the University Equal Opportunity Officer or his or her designee about the appropriate procedure(s) to utilize.
4. *Timing of Complaint.* Any complaint must be filed with the University Equal Opportunity Officer within 180 calendar days of the act of alleged discrimination, harassment, or retaliation. The University Equal Opportunity Officer may reasonably extend all other time periods.

Gender-Based Misconduct Policy for Students

I. Introduction

Rogers State University (“University”) is committed to fostering an environment that is free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. The University recognizes its responsibility to increase awareness of such misconduct, prevent its occurrence, support victims, deal fairly and firmly with offenders, and diligently investigate reports of misconduct. In addressing issues of gender-based misconduct, all members of the University must come together to respect and care for one another in a manner consistent with our deeply held academic and community values.

The University complies with Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. This Policy and the accompanying Procedures are intended to ensure a safe and non-discriminatory educational environment and comply with Title IX and other applicable laws.

Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, domestic violence, and dating violence are all forms of gender-based misconduct. Gender-based misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender. The University does not tolerate any form of gender-based misconduct, and all gender-based misconduct is prohibited by this Policy.

To further the goal of eliminating gender-based misconduct from its community, the University offers: (1) educational and preventative programs; (2) services for victims and others affected by gender-based misconduct; (3) accessible, prompt, and fair methods of investigation and resolution of reports of misconduct; and (4) protections designed to prevent against recurrence.

This Policy and the accompanying Procedures set forth how the University defines and addresses gender-based misconduct involving students. The Policy first specifies prohibited conduct. It then describes available resources and reporting options, and explains whether and to what extent interactions with various resources are confidential. Finally, the Policy discusses measures that may be available in particular cases to support and assist students. The Procedures spell out the investigation, hearing, the sanctioning process, and the affected students' rights in connection with the process.

The University is founded on the principles of free speech and academic freedom. These principles create a stimulating and challenging learning environment. They promote discourse on ideas. Accordingly, nothing in this policy shall be construed to inhibit or abridge these principles. This policy does not apply to curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

II. Scope of the Policy and Procedures

This Policy governs gender-based misconduct involving students that: (1) occurs on any University campus or in connection with University programs or activities; (2) creates a hostile environment for University students; or (3) involves a respondent who is a current and enrolled concurrent, undergraduate, graduate, or professional student at the University. The Policy applies regardless of a person's gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, ability, religion, or other protected status.

The Procedures describe the investigation and disciplinary process that apply when the respondent is a current and enrolled concurrent, undergraduate, graduate, or professional student at the University, including students on leave. If the respondent is affiliated with the University but is not a University student, different procedures apply to the investigation and disciplinary process. If the respondent is a University employee, faculty, or other person doing business with the University, the investigation and disciplinary processes described in the Human Resources Policies and Procedures Manual apply.

Students are entitled to appropriate support from the University and to be treated with respect, dignity, and sensitivity in connection with all gender-based misconduct incidents. The University's Title IX Coordinator serves as the central point of contact for all University students affected by gender-based misconduct.

Note: While this Policy and the Procedures identify the University office or employee who will typically perform certain roles or duties, the University may designate other University offices or employees to perform any roles or duties described in the Policy or Procedures.

III. Prohibited Conduct

Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of gender-based misconduct under this Policy. Sexual harassment, sexual exploitation, gender-based harassment, stalking, domestic violence, and dating violence are also forms of gender-based misconduct. Intimidation for one of these purposes is gender-based misconduct, as is retaliation following an incident of alleged gender-based misconduct or attempted gender-based misconduct. Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. This Policy prohibits all forms of gender-based misconduct.

- A. *Consent.* Any non-consensual sexual activity is gender-based misconduct. Consensual sexual activity requires unambiguous communication and mutual agreement for the act in which the participants are involved. Sexual activity accompanied by coercion or force is not consensual. A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly physically constrained. A sleeping or unconscious person cannot give consent. The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.
- B. *Examples of Gender-Based Misconduct.* Specific categories of gender-based misconduct and other important definitions used in this Policy are included in the Definitions section following the Procedures, along with scenarios illustrating specific instances of gender-based misconduct. For purposes of illustration, the following list sets forth examples of conduct that could constitute gender-based misconduct under those definitions:
 1. Coercion for a date or a romantic or intimate relationship
 2. Unwelcome touching, kissing, hugging, or massaging
 3. Use of unwanted force in connection with sexual activity or attempted sexual activity

4. Sexual contact with a person who has not clearly consented
5. Unwelcome remarks about the private parts of a person's body
6. Belittling remarks about a person's gender or sexual orientation based on gender-stereotyping
7. Videotaping or photographing of activity of a sexual or private nature without the consent of the person(s) being
8. ideotaped or photographed
9. Obscene gestures of a sexual or gender-based nature
10. Derogatory posters, graffiti, cartoons, calendars, drawings, pictures, or text, whether disseminated through hard copy or electronically through e-mail, the Internet, or other digital mediums to facilitate any of the behaviors listed above

IV. Resources for Students

- A. *Immediate Assistance.* The University encourages all students affected by gender-based misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure a student's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively. Assistance is available 24 hours a day, seven days a week. The Resources list following the Procedures provides contact information for the campus and community resources available to help. University personnel will assist the student in notifying on-campus and/or local law enforcement if the student requests such assistance.
- B. *Confidentiality.* The University values the privacy of its students, employees, and other community members. It wants all community members to seek the assistance they need without fear that the information they provide will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on University personnel that, in some circumstances, can require certain personnel to share information from a report of gender-based misconduct with government authorities, University Public Safety or others at the University. The Campus and Community Resources included near the end of this policy offers a chart summarizing the confidentiality obligations of different categories of University personnel with respect to reports of gender-based misconduct. Even when University employees have an obligation to report to others, which means their office is described as "non-confidential" under this Policy, they will protect and respect students' privacy to the greatest extent possible and share information only on a need-to-know basis. Any of the staff listed as Resources will be able to explain their reporting obligations in more detail.
- C. *Advocacy and Counseling Services and Healthcare Providers (Confidential).* The University provides confidential advocacy, crisis counseling, and limited medical services. Advocates, counselors, and healthcare providers can provide students with immediate and long-term help. Conversations with them are confidential, except as described in the Resources listing following the Procedures. They will listen, help access additional assistance, and explain options for obtaining additional support from the University and others. They can also arrange for medical care and accompany students, or arrange for someone to accompany students, to seek such care. Students may use these resources whether or not they decide to make an official report or participate in University disciplinary proceedings or the criminal process. These advocates, counselors, and healthcare providers are familiar with the University's disciplinary process, can explain what to expect, and provide support while disciplinary or criminal processes are pending. If a confidential resource person operates in another University capacity outside the scope of his/her confidential status, for example, a licensed professional counselor who also teaches University classes, and a student discloses an incident of gender-based misconduct to that individual while operating, in this example, as an instructor, that instructor will not be operating as a confidential employee and is obligated to report the alleged incident to the Title IX Coordinator.
- D. *Title IX Coordinator (Non-Confidential).* The University has designated a Title IX Coordinator ("Coordinator"), assisted by Deputy Title IX Coordinators, to support and provide assistance to students affected by gender-based misconduct. The Coordinator does not act as an advocate, but is a neutral resource available to all students. The Coordinator is responsible for referring students to available resources, offering appropriate protections, and supplying the Office of Student Affairs with relevant information for the disciplinary process. The Coordinator for the University is responsible for overseeing the University's response to Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Coordinator oversees the administration of this Policy and the Procedures in a neutral and equitable manner. The Coordinator can provide support and assistance immediately following an incident, throughout the investigation and disciplinary process, and throughout a student's time at the University. Contact information for the Coordinator is included below and in the Resources listing following the Procedures.

Paul Eicher, MHR, Director of Student Development and Title IX Coordinator
Dr. Carolyn Taylor Center, 201G, 1701 W. Will Rogers Blvd., Claremore, OK 74017
918-343-7707 | peicher@rsu.edu

- E. *Law Enforcement (Non-Confidential)*. Students may report gender-based misconduct to the Rogers State University Police Department [RSUPD], the Rogers County District Attorney's Office, or the local law enforcement agency in whose jurisdiction the misconduct occurred. The University and criminal justice system work independently from one another. Law enforcement authorities do not determine whether a violation of this Policy has occurred. RSUPD personnel and the other resources included in the Resources listing are familiar with Oklahoma State law enforcement processes and can explain what happens when gender-based sexual misconduct is reported to law enforcement. Confidential support resources, the Coordinator, and RSUPD can explain how to report sexual assault and other forms of gender-based misconduct to law enforcement. Confidential support resources or RSUPD personnel will accompany any student requesting support to local law enforcement agencies or the District Attorney's Office. They cannot serve as a substitute for legal advice on these matters.

V. Reporting Gender-Based Misconduct

The University encourages students to report gender-based misconduct to the Coordinator as promptly as possible so that the University can investigate and respond effectively. Generally, once the Coordinator receives a report, a preliminary inquiry may be conducted to determine if further action and/or investigation is warranted. A preliminary inquiry will generally begin within five (5) days of receiving notice and may include interviewing individuals involved, a preliminary inquiry of documents or other evidence, recommendations to resolve the underlying issue, issuing interim measures, a dismissal, or a determination that further investigation is necessary. Preliminary inquiries and resulting outcomes will be documented. The Coordinator will notify the individuals involved of the results of the preliminary inquiry. Students may meet with the Coordinator to learn more about the process before making a report.

A. *Submitting a Report*. There are several avenues available for submitting a complaint or report:

- Leave a private voice message for the Coordinator;
- File a complaint or report on the form contained on the Title IX website;
- Send a private email to the Coordinator;
- Mail a letter to the Coordinator;
- Visit the Coordinator in person (it is best to make an appointment first to ensure availability).

The University also recognizes that students may be most comfortable disclosing gender-based misconduct to a University employee they know well, such as a faculty member, coach, or resident advisor. Any University employee (other than the confidential resources identified in the Resources listing) who receives a report is required to inform the Coordinator about the incident.

If there is a gender-based misconduct complaint about the Coordinator or any staff member that is part of administering this Policy, or if the Coordinator or Deputy Coordinators have a complaint, that complaint should be filed with the President of the University. The President will appoint another trained individual to take the place of the Coordinator for purposes of the complaint.

Additionally, the Coordinator accepts anonymous and third-party reports of conduct alleged to violate this Policy and will follow up on such reports. The individual making the report is encouraged to provide as much detailed information as possible to allow the Coordinator to investigate and respond as appropriate. The Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Coordinator to conduct a meaningful and fair investigation.

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR), Kansas City Office

U.S. Department of Education, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO 64106
Telephone: (816) 268-0550 | Facsimile: (816) 268-0559 | Email: OCR.KansasCity@ed.gov

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, N.W., Educational Opportunities Section, PHB, Washington, D.C. 20530

Email to education@osdoj.gov | Telephone (202) 514-4092 or 1-877-292-3804 | Facsimile (202) 514-8337

If someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to RSUPD (918-343-7624) or to the local law enforcement agency where the misconduct occurred. Some forms of discrimination and harassment may also be crimes. Calling local law enforcement can help obtain emergency and non-emergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.

The University will endeavor to follow up on any report it receives about possible gender-based misconduct, whether from a student, other member of the community or an anonymous source.

- B. *Requesting Confidentiality in Connection with a Report to the University.* A complainant may report gender-based misconduct to the Coordinator and request that his or her identity not be disclosed to anyone else, including the person who allegedly committed the misconduct. Before a student reveals information, University employees will try to ensure that the student understands the employee's reporting obligations—and, if the student wishes to maintain confidentiality, direct the student to confidential resources. A student may choose to make a full report or request confidentiality as he or she determines.

A request for confidentiality may limit the University's ability to investigate and respond to the reported misconduct. The Coordinator will consider the request in light of the University's commitment to provide a safe and non-discriminatory environment for all students and will honor the request whenever possible. The Coordinator will promptly notify the complainant whether the request will be honored.

Whether or not the University is able to grant a request to keep the complainant's identity confidential, University personnel will reveal information about investigations and disciplinary proceedings related to gender-based misconduct only to those who need to know in order to carry out their duties and responsibilities. In all cases, the University will take appropriate steps designed to mitigate the effects of the alleged gender-based misconduct, prevent its recurrence, and make accommodations for the students involved. This may include academic, residential, and work accommodations, increased monitoring, supervision, or security at locations or in connection with activities where the alleged misconduct occurred, and training and educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the University will take protective measures in consultation with the affected students.

- C. *Time for Reporting.* The University does not limit the time for submitting a report of gender-based misconduct. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.
- D. *Unknown/Non-University Offenders.* The University will conduct a preliminary inquiry and/or investigate reports of incidents affecting University students that are committed by individuals who are not members of the University community or whose identity is not known to the extent it is able, and take appropriate actions designed to protect affected students and others in the University community. In addition, the Coordinator will assist students in identifying appropriate campus and other resources.

VI. Immediate Action and Intermediate Measures After a Report

The Coordinator will work with all students affected by gender-based misconduct to ensure their safety and promote their well-being. Sometimes this assistance will take the form of immediate actions or intermediate measures to support or protect a student in the aftermath of an incident and while an investigation or a disciplinary action is pending. In cases of an investigation or if the Coordinator determines it is necessary, , the Coordinator will provide written notice to the complainant and respondent of the accommodations that may be available. Students may request accommodations even in cases where a complainant has requested that no investigation be undertaken or the complainant or respondent has declined to participate in University disciplinary proceedings or the criminal process. The Coordinator will evaluate any request for accommodations in light of the circumstances and information available at the time. The University will provide information about the accommodations only to those who need to know in order to make them effective.

Under appropriate circumstances, immediate actions or intermediate measures may include, but are not limited to:

- Moving a student's residence
- Adjusting a student's work schedule for University employment
- Changing a student's academic schedule
- Changing a student's transportation arrangements

- Allowing a student to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support
- Issuing a “no contact” order

Failure to comply with accommodations is a violation of University policy and may lead to additional disciplinary action.

The Coordinator will also assist students seeking accommodations for a disability in connection with the process of reporting or responding to an incident of gender-based misconduct by working with the appropriate disability services representatives.

Outside of the University, a complainant may also be entitled to obtain remedies under applicable law, such as a judicial restraining order. The University can assist in contacting law enforcement or legal service organizations to learn about these remedies.

VII. Anti-Retaliation/Anti-Intimidation Policy

The University strictly prohibits retaliation against and intimidation of any person because of his or her reporting of an incident of gender-based misconduct or involvement in the University’s response. The University will take strong disciplinary action in response to any retaliation or intimidation. The University will pursue such discipline through the applicable student conduct policy or other disciplinary process and follow the applicable time frames within such policies or processes.

VIII. Investigation

If, based on the preliminary inquiry, a determination is made that further investigation is warranted, the Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Coordinator will consider such a request in light of the University’s commitment to provide a safe and non-discriminatory environment for all students. If the Coordinator determines not to investigate, it will notify the complainant in writing, including that the determination was made at the complainant’s request. At the complainant’s request, the Coordinator will also notify the respondent in writing, including that the complainant asked the University not to investigate.

If an investigation proceeds, the University will notify the respondent in writing that a report has been filed. The notice will describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with investigators to review the Policy and these Procedures.

The University’s process for responding to, investigating, and adjudicating gender-based misconduct reports will continue during any law enforcement proceeding. The Coordinator may need to temporarily delay an investigation while the police are gathering evidence but it will resume the investigation after it learns that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

An investigator (or team of investigators) – either the Coordinator or authorized employee or agent appointed by the Coordinator – will interview the complainant, respondent, and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information. The investigator will follow the protocols set forth below:

- Preserving Evidence.* The investigator will direct the complainant, respondent, witnesses, and other interested individuals to preserve any relevant evidence.
- Character Witnesses.* The investigator will not interview witnesses whose sole purpose is to provide character information.
- Romantic or Sexual History in Sexual Assault Cases.* The investigator will not consider information concerning the romantic or sexual history of either the complainant or the respondent, except from either the complainant or respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.
- Prior Conduct Violations.* The investigator will not consider the respondent’s prior conduct violations, unless the Coordinator or the respondent’s school provides information because:
 1. The respondent was previously found to be responsible, and
 2. The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the investigators' assessment of individual credibility, findings of responsibility, and, if relevant, recommended sanctions. All relevant evidence used to make determinations, including inculpatory and exculpatory evidence, will be appended to the investigator's report.

The investigator(s) must determine there is a "preponderance of the evidence" for any finding of responsibility (i.e., a finding that the respondent engaged in gender-based misconduct). This means that the respondent is presumed not to have engaged in alleged conduct unless a "preponderance of the evidence" supports a finding that the conduct has occurred. This "preponderance of the evidence" standard means that it is probably more true than not true that respondent engaged in the conduct at issue. This finding will be documented in the final investigation report. Alternatively, a respondent might take responsibility for a gender-based misconduct violation during the investigation, which would also be noted in the final investigation report.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information that will be used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Coordinator will supervise this review and ensure that reasonable time is afforded for review prior to a hearing, if one is necessary.

Investigators will generally initiate the investigation within five working days of receiving the complaint. The University will endeavor to complete investigation within 30 working days. Availability of witnesses, timing of complaint, criminal investigations, and other factors may require that the investigation take longer than 30 days. However, barring extraordinary circumstance, an investigation shall not last longer than 60 days.

Once the investigation is complete, the complainant and respondent will have five (5) working days from the date of notice to review the investigative report and related materials.

- If the respondent accepted responsibility during the investigation phase, the matter will proceed to the Informal Resolution process outlined below.
- If the investigator(s) make a finding of responsibility with recommended sanctions to which the respondent:
 - does not accept responsibility;
 - believes the proposed sanctions are too severe; or
 - chose not to participate during the investigation and does not accept responsibility after reviewing the report

the matter will proceed to the Formal Resolution process outlined below. The respondent must provide written notice to the Coordinator within the five (5) working day review period that the respondent does not accept responsibility and/or believes the sanctions are too severe.

- If the investigators determine no violation occurred, the resolution will be documented, and the matter closed.

After the five-working day review period expires, the matter will proceed to the appropriate resolution process outlined below.

In cases involving a finding of responsibility by an at-will employee, the investigator's final report, including findings and recommended sanctions, will be forwarded to the Office of Human Resources to adjudicate in compliance with the policies and procedures outlined in the Human Resources Policies and Procedures Manual.

In cases involving a finding of responsibility by faculty member, the investigator's final report, including findings and recommended sanctions, will be forwarded to the Office of Human Resources and the Vice President for Academic Affairs to adjudicate in compliance with the policies and procedures outlined in both the Human Resources Policies and Procedures Manual and the Academic Policies and Procedures Manual, respectively.

IX. Rights of the Complainant and Respondent

To provide accessible, prompt, and fair methods of investigation and resolution of incidents of student gender-based misconduct, the University has developed a process for investigation and adjudication of misconduct reports. Throughout this process, both the complainant and respondent have the following rights:

- To respect, dignity, and sensitivity.
 - To appropriate support from the University.
 - To privacy to the extent possible consistent with applicable law and University policy.
 - To information about the University’s Gender-Based Misconduct Policy for Students.
 - To the presence of an advisor throughout the process.
 - To participate or to decline to participate in the investigation or hearing panel process. A decision to refrain from participating in the process either wholly or in part will not prevent the process from proceeding with the information available.
 - To a prompt and thorough investigation of the allegations.
 - To adequate time to review documents following the investigation.
 - To adequate time to prepare for a hearing.
 - To an opportunity to challenge investigator(s) or hearing panel member(s) for a possible conflict of interest.
 - To refrain from making self-incriminating statements.
 - To appeal the decision made by the hearing panel and any sanctions.
 - To notification, in writing, of the case resolution, including the outcome of any appeal.
 - To report the incident to law enforcement at any time.
 - To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- A. *Notice.* The Coordinator will give the complainant and respondent, respectively, a written explanation of their rights and options, and any available accommodations, as soon as possible after an incident is reported. The Coordinator will also ensure that both the complainant and respondent are updated throughout the investigative process, including with timely notice of meetings where either or both the complainant and the respondent may be present. More specifically, the complainant and respondent will simultaneously be given the following written notices:
1. Conclusion of the Investigation
 - a. Notice of an opportunity to review with the Coordinator the investigative report and any other information that will be used in the disciplinary proceedings, consistent with federal law governing the privacy of student information.
 2. Administrative Resolution
 - a. Notice of whether the respondent accepts responsibility for violating the Policy.
 3. Hearing Panel
 - a. Notice of the date and time of any hearing and list of hearing panel members.
 - b. Notice of the hearing panel’s finding of “responsible” or “not responsible,” along with the rationale for the outcome. This notice will include an explanation of the University’s appeals process.
 4. Sanctioning
 - a. Notice of the sanctions imposed and the reasons for the sanctions. The complainant’s notification will only include sanctions that apply directly to the complainant. This notice will include an explanation of the University’s appeals process.
 5. Appeals Process
 - a. Notice of whether an appeal has been filed.
 - b. Notice of whether the responsibility determination or sanctions have been modified.
 - c. Notice when the responsibility determination and sanctions become final.
- B. *Privacy.* The University will reveal information about its investigations and adjudication of gender-based misconduct only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all individuals participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources.
- C. *Advisors.* The complainant and respondent, respectively, may be accompanied to any meeting or hearing related to an incident of misconduct by the advisor of their choice. Advisors may support the student and provide advice about the investigation and disciplinary process. During meetings and hearings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. The advisor may not intervene in a meeting or hearing or address the investigator or hearing panel, including by questioning witnesses or making objections. If a complainant or respondent desires to have an attorney serve as his or her advisor, the complainant or respondent may do so at their own cost.

- D. *Declining to Participate.* A complainant and/or respondent may decline to participate in the investigative or disciplinary process. The University may continue the process without the complainant's and/or respondent's participation. A refusal to participate in the investigative process may preclude a complainant or respondent from participating before the hearing panel.
- E. *Conflicts of Interest.* The University requires any individual participating in the investigation, hearing process, sanctioning or appeal determinations to disclose to the Coordinator any potential or actual conflict of interest. If a complainant or respondent believes that any individual involved in the process has a conflict of interest, he or she may make a request to the Coordinator that the individual not participate. If the complainant or respondent believe the Coordinator has a potential conflict of interest, the VPSA will decide if the Coordinator will participate. A complainant or respondent who believes that a member of a hearing panel has a conflict of interest must submit this written request to the Coordinator within three days after notification of the panel's membership. Any request should include a description of the conflict. If the Coordinator determines that a conflict of interest exists, the University will take steps to address the conflict in order to ensure an impartial process.

X. Resolution

Once the Coordinator has directed a formal investigation to commence, the allegations will be resolved through one of three processes discussed briefly here and in greater detail below:

- Conflict Resolution: typically used for less serious offenses and only when both parties agree to conflict resolution
- Informal Resolution: Resolution without a Hearing Panel – a resolution without a hearing panel or in which the respondent accepts responsibility, or
- Formal Resolution: Resolution with a Hearing Panel – a resolution of contested allegations with a hearing panel.

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Coordinator. Conflict Resolution may only occur if selected by all parties. The parties can elect for Informal Resolution, but Informal Resolution may also apply if the respondent accepts responsibility for all alleged violations of policy. If either party or both parties select Formal Resolution, or the Title IX Coordinator determines that Formal Resolution is appropriate, the allegation will be addressed using the Formal Resolution option.

If conflict resolution is desired by the complainant, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

- A. *Conflict Resolution.* Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is an alternative to the formal hearing process to resolve conflicts. The Coordinator will determine if conflict resolution is appropriate, based on the willingness of all parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution. In a Conflict Resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as a result of a Conflict Resolution process, though the parties may agree to appropriate remedies. The Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. Conflict Resolution may be used to resolve allegations raised during a preliminary inquiry.

Conflict Resolution will not be the primary resolution mechanism used to address reports of violence behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Coordinator believe that it could be beneficial. Conflict Resolution will not be used in cases of sexual violence. It is not necessary to pursue conflict resolution first in order to pursue other resolutions, and either party participating in Conflict Resolution can stop that process at any time and request a shift to either Informal or Formal Resolution.

- B. *Informal Resolution: Resolution Without a Hearing Panel.* Informal Resolution can be pursued for any behavior that falls within the Gender-Based Misconduct Policy for Students at any time during the process. This option may be used when:
1. The respondent admits responsibility for all or part of the alleged policy violations at any point in the process;
 2. When the investigation reaches a finding that the parties accept;
 3. When both parties elect to resolve the allegation using the this process and the Coordinator assents.

In this process, the investigator has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy. Accordingly, investigations should be conducted with as wide a scope as necessary.

Any evidence that the investigator believes is relevant and credible may be considered, including history and pattern evidence. The investigator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

At any time during this process, the complainant, the respondent, or the Coordinator may cease the process and proceed to resolution via other means..

Resolution without a Hearing Panel must adequately address the concerns of the complainant, the rights of the respondent, and the overall intent of the University to stop, remedy, and prevent gender-based misconduct. This resolution process might include, but is not limited to, providing training to the respondent or a group of students and/or employees with which the respondent affiliates; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination, or hostile environment harassment; or having a confidential conversation with a supervisor or instructor.

If both complainant and respondent are satisfied with a proposed resolution and the Coordinator believes the resolution satisfies the University's obligation to provide a safe and non-discriminatory environment for all students, the resolution will be implemented, the disciplinary process will be concluded and the matter will be closed.

If these efforts are unsuccessful, the disciplinary process will continue. If the alleged misconduct is resolved at this stage, the Coordinator will inform the parties of the final determination within three (3) days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

D. *Formal Resolution: Resolution with a Hearing Panel.* If there is a finding of responsibility:

1. to which the respondent does not accept;
2. the respondent believes the proposed sanctions are too severe; or
3. the respondent does not participate in the investigation,

the University will convene a hearing panel which will uphold or reverse the finding and/or determine whether the recommended sanctions are appropriate.

The hearing panel will consist of three members drawn from the pool of full-time University employees. All panelists will receive training at least once a year. Training will include topics about how the adjudicatory process works, determining credibility of witnesses, weighing evidence, sanctions, and other topics ensuring that the due process rights of all individuals involved are protected. The complainant and respondent will be informed of the panel's membership before the hearing process begins. The panel will hold a prehearing meeting within 5 working days of being appointed.

The panel will render any decision based on the preponderance of the evidence as defined above. If the panel finds at the hearing the respondent responsible for the violation(s), it will assign sanctions to the respondent which it deems appropriate. In addition, the panel will determine steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the complainant.

The respondent or complainant may appeal (see section XII) the findings of the panel and/or the included sanctions, steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the complainant. Any appeal must be filed with the Vice President for Student Affairs within five working days of receiving written notice of the panel's final decision.

If neither the complainant nor respondent contests the panel's decision, it is understood that the parties have accepted the final investigation report and/or the panel's decision, including the finding related to responsibility, sanctions, steps to take to prevent recurrence of any such violation, and any remedies for the complainant.

- A. *Pre-Hearing.* The hearing panel shall be provided with a copy of the final investigation report and any pertinent information or evidence used or relied up during the investigation. The hearing panel shall arrange for providing both the complainant and respondent an opportunity to review the investigation report and to submit written responses and other relevant information. Both the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions. Timing for the written submissions will be determined by the hearing panel, but in all cases written submission must be submitted to the hearing panel five days before the hearing date. The hearing panel is not required to accept evidence that was readily available during the investigation or from a respondent that did not participate during the investigation. After a review of the investigation report, written submissions, and additional evidence submitted by the parties, the panel may determine whether the evidence presented is complete or additional investigation is required. In such cases, the panel shall notify the Coordinator to address the panel's determination and/or conduct additional investigations.

If the only matter before the hearing panel is severity of sanctions, the hearing panel, after reviewing the investigation report, the written submissions, and additional evidence submitted by the parties, may determine that the sanctions are appropriate or reject the sanctions, in which case the hearing panel will assign such sanctions it deems appropriate and necessary to prevent recurrence of the alleged conduct. In such cases, the matter will be final unless appealed under section XII.

The hearing panel shall set a hearing date no later than ten (10) working days after being appointed. Before the hearing, the panel will notify complainant and respondent of its decisions to permit additional evidence, whether submitted questions will be asked, and other matters within its purview relating to the proceeding (time limits, locations, etc.).

- B. *Hearing.* The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary University personnel may be present in the hearing room or rooms during the proceeding. The Coordinator will work with other University personnel so that any student whose presence is required may participate in the hearing. In general, hearings will proceed as follows:

- Investigator statement and report
- Complainant statement
- Respondent statement
- Questions to the complainant by the hearing panel
- Questions to the respondent by the hearing panel
- Witness testimony and questioning by the hearing panel (if called by panel)
- Questions to the investigator by the hearing panel
- Closing statement by complainant
- Closing statement by respondent

The panel may set reasonable time limits for any part of the hearing. Both the complainant and respondent will have the opportunity to present witnesses and other information consistent with these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. The panel may also call other student and employee witnesses to testify and obtain other evidence held by the University or any student or University employee.

If the complainant and/or respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means. In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.

Additional hearing rules include:

- *Testimony via Video Conference.* Only the person testifying (and that person's advisor, if applicable) is in the hearing room during his or her testimony. Each of the complainant and respondent is able to view testimony from a separate, private room via video conference.
- *Questioning.* Only the panel may ask questions of the complainant and respondent and any witnesses. Before the hearing, both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.

- Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of gender-based misconduct, except for testimony offered by one or the other about the complainant and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged gender-based misconduct.
 - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless it relied on the information because the respondent was found to be responsible for a previous incident substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.
 - Recording. The University will keep a recording (audio, video, or stenographic) of the hearing.
 - Cell Phones and Recording Devices. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.
- C. *Standard of Proof.* The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. "Preponderance of the evidence" means that a panel must be convinced based on the information it considers that it is probably more true than not true that the respondent engaged in the conduct at issue. The panel shall also determine sanctions, steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the complainant.
- The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within five (5) working days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision.
- D. *Final Decision.* Within five (5) working days of the conclusion of the hearing the panel will submit a decision in writing to the parties, the Coordinator, and the Vice President for Student Affairs. The final decision will contain the following:
- Specific factual findings;
 - Specific references to the portion(s) of the policy(ies) alleged to have been violated; and
 - Sanctions, steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the complainant.

XI. Sanctions, Remedies for Complainant, and Additional Measures

Any sanctions that are imposed will be:

- Fair and appropriate given the facts of the particular case;
- Consistent with the University's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of gender-based misconduct.

In determining sanctions the following relevant factors, if applicable, should be considered:

- the specific gender-based misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.);
- the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.);
- the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.);
- the impact of the offense on the complainant;
- the respondent's prior disciplinary history;
- the safety of the University community; and
- the respondent's conduct during the disciplinary process.

The University may impose any one or more of the following sanctions on a student or organizations determined to have engaged in gender-based misconduct:

- Reprimand/warning (not available in cases of sexual assault)
- Changing the respondent's academic schedule
- Disciplinary probation

- Revocation of honors or awards
- Restricting access to University facilities or activities (including student activities and campus organizations)
- Community service
- Issuing a “no contact” order to the respondent or requiring that such an order remain in place
- Moving the respondent’s residence
- Dismissal or restriction from University employment
- Removal from student housing
- Withholding Diploma
- Revocation of Degree
- Suspension (limited time or indefinite)
- Expulsion
- Other Actions (in addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate)

In addition to any other sanction (except where the sanction is expulsion), the University will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the gender-based misconduct violation at issue. The University may also recommend counseling or other support services for the student.

Regardless of the outcome of any investigation or hearing, a complainant may request ongoing or additional accommodations or remedies. Potential ongoing accommodations include:

- Providing an escort for the complainant
- Moving the complainant’s residence
- Changing the complainant’s academic schedule
- Adjusting the complainant’s work schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or retake a class

In all cases or outcomes, the University may also determine that additional measures are appropriate to respond to the effects of the incident on the University community. Additional responses for the benefit of the University community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of the University’s policies relating to gender-based misconduct
- Climate surveys regarding gender-based misconduct

XII. Final Appeal

Either the respondent or the complainant or both may appeal the hearing panel’s final decision. Appeals are decided by the Vice President for Student Affairs (“VPSA”). Appeals are limited to the following:

- Procedural error(s) during the hearing or investigation affecting the outcome of the hearing or investigation;
- New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
- Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appealing student must submit the appeal in writing to the VPSA within five working days after receiving the final decision. The written appeal must identify the bases for the appeal. If either the complainant or respondent submits an appeal, the VPSA will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five days after notice of an appeal.

If the VPSA concludes that a change in the final decision is warranted, the VPSA may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. The VPSA may also change the sanction. If both the complainant and respondent appeal, the appeals will be considered concurrently. The VPSA will notify both parties in writing of the appeals decision. Appeals decisions will be rendered within three working days after the receipt of the written appeal. All appeal decisions are final.

XIII. Timeframes

The University may extend any time frame identified herein for good cause, with a written explanation to the complainant and respondent. Any time frame identified is subject to extension if the details of a case warrant, students and witnesses are unavailable, or the time of the academic year warrants (for example, during breaks, study periods, or final exams).

XIV. Disclosure and Reporting of Crime and Disciplinary Statistics

Disciplinary proceedings conducted by the University are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the University without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

A federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute gender-based misconduct under this Policy. As described in the chart in the Resources listing following the Procedures, many employees who receive reports of gender-based misconduct are required by the Clery Act to notify RSUPD about such incidents for statistical reporting purposes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the University to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat.

XV. Related Alcohol and Drug Violations

Sometimes students may be reluctant to report instances of gender-based misconduct because they fear being charged with University alcohol or drug policy violations. The University encourages students to report all instances of gender-based misconduct and will take into consideration the importance of reporting gender-based misconduct in addressing violations of the University's alcohol and drug policies. This means that, whenever possible, the University will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported gender-based misconduct.

XVI. Public Awareness Events

The University supports public awareness events, including candlelight vigils, protests, survivor speak outs, and other forums. These activities help inform the need for campus-wide education and prevention efforts. The disclosure of incidents of gender-based misconduct at such events is not considered a report to the University for purposes of triggering an investigation of a particular incident.

XVII. Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

- Make your limits known as early as possible.
- Be aware of your alcohol intake. 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 or colleagues 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 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. 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 one form of sexual behavior does not automatically imply consent to 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.

XVIII. Bystander Intervention

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g. "help me out of here; I don't feel well")
- Distract the perpetrator (e.g. "looks like your car is being towed")
- Confront the perpetrator (e.g. "don't speak to him/her in that manner; you are going to get yourself into trouble")
- Call for law enforcement assistance: Emergencies-911. Non-emergencies-918-343-7624.

XIX. Campus and Community Resources

Rogers State University Resources	Contact Information	Confidentiality*
Title IX Coordinator	Paul Eicher, MHR Director of Student Development/TitleIX Coordinator Dr. Carolyn Taylor Center, 201G 1701 W. Will Rogers Blvd., Claremore, OK 74017 918-343-7707 peicher@rsu.edu	Non-Confidential
Campus Police (Claremore Campus)	Gary Boergermann, Director Campus Police 1701 Will Rogers Blvd., Claremore, OK 74017 918-343-7624	Non-Confidential
Campus Police (Bartlesville Campus)	(First floor across from Admissions) 401 S. Dewey Ave., Bartlesville, OK 74003 918-338-8020 918-440-9479 (cell)	Non-Confidential
Campus Police (Pryor Campus)	Room 104, 2155 Hwy 69A, Pryor, OK 74361 918-825-6034 918-373-0357 (cell)	Non-Confidential
Counseling Services	Dr. Carolyn Taylor Center, 201H 1701 W. Will Rogers Blvd., Claremore, OK 74017 918-343-7845 nphillip@rsu.edu	Confidential
Student Health Center (Claremore)	Health Sciences Building, 164 1701 W. Will Rogers Blvd., Claremore, OK 74017 918-343-7614 lmartin@rsu.edu	Confidential

Community Resources	Contact Information	Confidentiality*
Claremore Police Department	918-341-1212	Non-Confidential
Bartlesville Police Department	918-338-4282	Non-Confidential
Pryor Police Department	918-825-1212	Non-Confidential
Rogers County Sheriff's Department	918-923-4755	Non-Confidential
Washington County Sheriff's Dept	918-337-2802	Non-Confidential
Mayes County Sheriff's Department	918-825-3535	Non-Confidential
Rogers County District Attorney	918-923-4960	Non-Confidential
Washington County District Attorney	918-337-2860	Non-Confidential
Mayes County District Attorney	918-825-2171	Non-Confidential
DVIS Call Rape Helpline	918-743-5763	Confidential
Hillcrest Hospital Claremore	1202 N. Muskogee Pl., Claremore, OK 74017 918-341-2556	Confidential
Integrus Mayes County Medical Center	111 N. Bailey St., Pryor, OK 74361 918-825-1600	Confidential
Jane Phillips Medical Center	3500 SE. Frank Phillips Blvd., Bartlesville, OK 74006 918-333-7200	Confidential
Safenet Services – Rogers County	1219 W. Dupont, Claremore, OK 74017 918-341-1424	Confidential
Safenet Services – Mayes County	19 N. Coo-Y-Yah, Pryor, OK 74361 918-825-0190	Confidential
Family Crisis & Counseling Center, Inc.	622 SE Frank Phillips, Bartlesville, OK 74003 918-336-1188	Confidential
Grand Lake Mental Health Cntr Crisis Line	800-722-3611	Confidential
Oklahoma Coalition Against Domestic Violence and Rape	405-524-0700	Confidential

* See section IV paragraph B for more detailed information regarding confidentiality regarding counselors, law enforcement agencies, medical professionals, and University personnel.

National Resources

- www.Rainn.org (Rape, Abuse, and Incest National Network)
- www.TitleIX.info (Title IX Information and Resources)

Students with complaints or questions about the University's gender-based misconduct policy may choose to contact the U.S. Department of Education Office for Civil Rights (OCR), Kansas City Office:

One Petticoat Lane, 1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106
Telephone: 816-268-0550
FAX: 816-268-0599
TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov

XX. Definitions and Concepts

Coercion. Unreasonable pressure for sexual activity. When someone makes it clear that he or she does not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and /or force. Ignoring objections of another person is a form of coercion.

Consent. Consent requires unambiguous communication and mutual agreement concerning the act in which the participants are engaging.

- A sexual interaction is considered consensual when individuals willingly and knowingly engage in the interaction.
- Someone who is incapacitated (by alcohol or drug use, unconsciousness, disability, or other forms of helplessness) cannot consent.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Silence or the absence of resistance is not the same as consent.
- Consent can be withdrawn at any time.
- Previous consent does not mean ongoing consent. (For example, consent to certain acts at one point in an evening does not mean consent to the same acts later in the same evening.)
- How drugs and alcohol affect consent: Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the respondent reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.
- The use of alcohol or drugs does not justify or excuse behavior that constitutes gender-based misconduct.
- The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.

Complainant. The person making the allegation(s) of gender-based misconduct.

Dating Violence. The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships.

Domestic Violence. The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards (a) a current or former spouse or intimate partner; (b) a person with whom one shares a child; or (c) anyone who is protected from the respondent's acts under the domestic or family violence laws of Oklahoma. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

Force. The use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Gender-based Harassment. Acts of aggression, intimidation, stalking, or hostility based on gender or gender stereotyping constitutes gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's education or educational activities or create an intimidating, hostile, demeaning, or offensive academic or living environment.

Hostile Environment. A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

Incapacitation. A state where a person cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision. Incapacitation is the inability, temporarily or permanently, to give consent, because individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.

Intimidation. Any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection.

Sexual Assault—Non-Consensual Sexual Contact (or attempts to commit same). Any intentional sexual touching, however slight, with any object without a person's consent and/or by force. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts; and any intentional bodily contact in a sexual manner.

Sexual Assault—Non-Consensual Sexual Intercourse (or attempts to commit same). Any form of sexual intercourse (vaginal, anal, or oral) with any object without consent and/or by force. Intercourse means: vaginal or anal penetration (however slight) by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, or educational or campus life activities; or (ii) submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual; or (iii) such conduct has the effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, demeaning, or offensive campus or living environment.

Sexual Exploitation. Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to: observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants; non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants; exposing one's genitals in non-consensual circumstances; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking. A course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Stalking involves repeated and continued harassment against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Stalking behaviors may include: pursuing or following; unwanted communication or contact -- including face-to-face, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

Respondent. The person alleged to have committed gender-based misconduct.

Retaliation. Any adverse action, or attempted adverse action, against an individual (or group of individuals) because of their participation in any manner in an investigation, proceeding, or hearing under this Policy, including individuals who file a third-person report. Retaliation can take many forms, including sustained abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a respondent or complainant, can engage in retaliation.

XXI. State Law Definitions

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 Oklahoma's State Court Network site: <http://www.oscn.net>.

Definition of Consent. 21 O.S. § 113:

The term "consent" means the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent cannot be:

A. Given by an individual who:

- is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
- is under duress, threat, coercion or force; or

B. Inferred under circumstances in which consent is not clear including, but not limited to:

- the absence of an individual saying "no" or "stop", or
- the existence of a prior or current relationship or sexual activity.

Definition of Rape under Oklahoma Criminal Law. 21 O.S. §1111:

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:

- Where the victim is under sixteen (16) years of age;
- Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
- Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
- 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;
- Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
- 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;
- 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;

- 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; or
- 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. (Effective November 1, 2015).
- 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.

Rape in the Second Degree under Oklahoma Criminal Law. 21 O.S. §1114(A) provides lack of consent in rape cases where:

- rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or
- 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
- 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
- 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
- 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
- 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
- rape by instrumentation committed upon a person under fourteen (14) years of age

Rape by Instrumentation. 21 O.S. § 1111.1

- Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person.
- Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, 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 conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, 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, consent shall not be an element of the crime.
- Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant.

Forcible Sodomy. 21 O.S. § 888

A. The crime of forcible sodomy shall include:

- Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age;
- Sodomy 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;
- Sodomy 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 victim or the person committing the crime;
- Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state;

- Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system;
- Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or
- Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.

Sexual Assault. 21 O.S. § 142.20

- rape, or rape by instrumentation, as defined in Sections 1111,1111.1 and 1114 of this title, or
- forcible sodomy, as defined in Section 888 of this title.

Definition of Domestic/Dating Violence under Oklahoma Criminal Law. 21 O.S. §644, defines domestic and dating violence as any person who committing “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.”

Definition of Stalking under Oklahoma Criminal Law. 21 O.S. §1173:

Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

- 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
- Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Health Related Policies

1. *Use of Tobacco.* The Board of Regents has established a Tobacco Free Policy consistent with Governor Fallin’s Executive Orders 2012-01 and 2013-43. All properties and facilities of Rogers State University are tobacco, electronic cigarette and vaping device-free. See policy: https://digital.libraries.ou.edu/regents/minutes/2014_01_29.pdf
2. *University Policy on Infectious Diseases.* The University is committed to providing a safe and healthy working and learning environment. Persons with communicable diseases shall not be excluded from enrollment or employment or restricted in their access to University facilities, programs or services unless a medically based judgment, in an individual case, establishes that exclusion or restriction is necessary for the health and safety of the infected individual or the health and safety of other members of the University community.

Students who know, or have reasonable basis for believing, that they have a communicable disease are encouraged to share that information with clinicians in the Student Health Center so that the University can respond appropriately to their health and educational needs. Faculty and staff who know, or have reasonable basis for believing, that they have a communicable disease are encouraged to share that information with their supervisor, health care provider, Human Resources, and Student Health Center, as appropriate, so the University can respond appropriately to their health and educational needs. Any such disclosure shall be treated by the recipient as strictly confidential and no further disclosure shall be made within or without the University unless such release is made pursuant to provisions of law that specifically authorize or require the release of such information or records.

Persons who know, or have reasonable basis for believing, that they have a communicable disease are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly in accordance with such knowledge for the protection of other members of the University community.

The Vice President for Student Affairs is responsible for advising the President’s office of campus initiatives for addressing communicable diseases. The Vice President for Student Affairs, in concert with the Student Health Center Director, will work with other administrators, such as directors and department heads, to ensure that relevant information about communicable disease is available to all faculty, staff, and students and that more detailed information and personal consultation is available upon request.

Individuals who have knowledge of highly contagious diseases (e.g., meningitis, tuberculosis, SARS, etc.) shall notify the highest level administrator, who will initiate the communication cascade, which may include University officials and the Oklahoma State Health Department for evaluation, treatment, and preventive measures. The official University spokesperson on communicable disease shall be the President, or designee. All inquiries from the press, from elected public officials, or the public, in general, are to be referred to the University spokesperson.

No persons with a communicable disease shall, on the basis of such fact, be discriminated against in employment, admission, or other programs or services.

3. *Policy On Substance Abuse.*

- .1 Rogers State University is committed to a program to prevent the abuse of alcohol and the illegal use of drugs by its students.
- .2 Rogers State University strictly prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the work place, on Rogers State University property, or as a part of Rogers State University-sponsored activities. Violations of applicable local, state, and federal laws may subject a student to a variety of legal sanctions, including, but not limited to, fines, incarceration, imprisonment, and/or community service requirements.
- .3 It is important to understand the very serious risks incurred through the use of drugs. A description of the health risks associated with the use of illicit drugs can be obtained from the Student Health Center. Various treatment options, both on and off campus, are available to members of the University community who have problems with drugs.
- .4 Rogers State University will impose disciplinary sanctions on students who unlawfully manufacture, distribute, possess, or use illegal drugs on University property, or as part of an event sanctioned or sponsored by the University. Any violation of this policy can result in required participation in a substance abuse educational component, satisfactory completion of an approved drug rehabilitation program, and/or disciplinary action up to and including suspension or expulsion. A criminal conviction is not required for sanctions to be imposed upon an employee or student for violation of this policy.
- .5 The University will review this policy and program biennially to determine its effectiveness, to make needed changes, and to review the consistency of the policy's enforcement and the imposition of required sanctions. This policy shall be interpreted consistently with the Drug-Free Work Place Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

5. *Policy on Alcohol.*

- a. ON CAMPUS: At no time will alcohol be served at student functions on campus. Alcohol and controlled substances are strictly prohibited in residential facilities. Strong disciplinary measures will be taken against students in possession of or who have consumed alcohol or a controlled substance on campus. **Persons who are determined to be under the influence of alcohol or a controlled substance will be referred to the Director of Student Development for disciplinary action and/or may be subject to immediate arrest.**
- b. OFF CAMPUS: Alcohol related activity that occurs off campus may come under the jurisdiction of Student Affairs. Use, possession, service, or consumption of alcoholic beverages off the premises of the University campus may be considered violations of the Student Code of Conduct and these Health Related Policies. Additionally, the following behaviors constitute Code violations:
 - a. Excessive consumption of alcohol: When a student is unconscious, experiences a loss of control, has a high Blood Alcohol Concentration, and/or needs medical attention, a charge of Excessive Consumption of Alcohol may be assigned. This may be true even in cases where students were not charged with public drunkenness or disorderly conduct.
 - b. Furnishing alcohol to minors: A Code of Conduct violation occurs when a student serves alcohol to or purchases alcohol for those under the age of 21.
 - c. Driving under the influence: A Code of Conduct violation occurs when a student is found to be operating a motor vehicle while legally intoxicated.

Additionally, recognized student organizations must abide by all local, state and federal laws with regard to the use of alcoholic beverages, including those policies and procedures stated in this handbook and the current Student Organization Handbook. Alcoholic beverages may not be served to individuals under the age of 21 at functions organized by students or registered student organizations. Registered student organizations may not purchase alcohol using funds distributed by the University for the organization's use.

Individuals with Disabilities

1. *General Statement.* Rogers State University is committed to the goal of achieving equal educational opportunity and full participation for students with disabilities. Consistent with the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Rogers State University ensures that no “qualified individual with a disability” will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination on the basis of disability under any program or activity offered by Rogers State University.
2. *Policy on Reasonable Accommodation.*
 - .1 Rogers State University will reasonably accommodate otherwise qualified individuals with a disability unless such accommodation would pose an undue hardship, would result in a fundamental alteration in the nature of the service, program, or activity, or would cause undue financial or administrative burdens. The term reasonable accommodation is used in its general sense in this policy to apply to students.
 - .2 A student must self-identify as an individual with a disability and provide appropriate diagnostic information that substantiates the disability. The Office of Student Affairs then will assess the impact of the disability on the student’s academic program and record the required academic accommodations in a memo the student may give to appropriate faculty members. All diagnostic information is confidential.
 - .3 Individuals who have complaints alleging discrimination based upon a disability may file them with the Employment and Benefits Office in accordance with prevailing University discrimination grievance procedures. Contact the Employment and Benefits Office or the Office of Student Affairs to obtain a complete copy of the University’s Reasonable Accommodation policy.

Policy Concerning the Use of Non-Academic Criteria in the Admission of Students to Rogers State University

Rogers State University is committed to providing a safe learning and teaching environment for our students, faculty, and staff. As part of that commitment, the University reviews applications from prospective students who indicate they have a felony conviction or have been suspended or expelled from another college or university for non-academic reasons to determine their admissibility. The following policy will be used to review student applications.

1. Upon indication on the Admissions Application of a felony arrest and conviction, the applicant must sign a release to authorize review of criminal history.
2. Upon receipt of the background check, a committee will review the documentation. It should be noted that students may be requested to provide additional information such as court documents or other records from police agencies.
3. The committee will be comprised of the following: the Director of Admissions, the Vice President for Student Affairs, and the Vice President for Enrollment Management and Marketing. The Director of Admissions will provide the background documentation to the committee members. The Vice President for Enrollment Management and Marketing will notify the applicant in writing of the committee’s decision.
4. The committee will review the documentation and render a decision on the acceptance of the application based on the following:
 - .1 The nature of the crime committed.
 - .2 The threat of danger to the campus community.
 - .3 The amount of time between conviction and application to RSU.
 - .4 Recidivism of criminal activity of the applicant.
5. The committee may make recommendations of conditional acceptance of the applicant, accept the applicant with no conditions, or deny the applicant. If the applicant is currently on probation, suspended, or has been expelled or has other outstanding disciplinary actions at RSU or another institution, RSU may consider that status and underlying circumstances as part of its evaluation for admission. In such cases, if the applicant otherwise meets all other academic requirements, admission may be offered on a conditional basis requiring the completion of disciplinary action, including, but not limited to completing community service while attending RSU, completing alcohol or drug counseling, etc. Failure to satisfy the conditions will result in dismissal, suspension, or expulsion.
6. The committee will render a decision as to its finding after all admission documentation has been received. The Vice President for Enrollment Management and Marketing will notify the student of the committee’s decision in writing.
7. The applicant may appeal the committee’s decision by submitting an appeal in writing to the Vice President for Academic Affairs within ten (10) business days of the date of the notice outlining the findings of the committee. The Vice President for Academic Affairs will review the student’s appeal along with the admission materials and render a final decision by notifying the applicant in writing.

Applicants might also wish to consult the Oklahoma State Regents for Higher Education Academic Affairs Procedures Handbook (<https://www.okhighered.org/state-system/policy-procedures/part3.shtml>), policy 3.9.10 regarding Non-Academic Criteria for Admission.

Racial and Ethnic Harassment Policy

Diversity is one of the strengths of our society as well as one of the hallmarks of a great university. Rogers State University supports diversity and therefore is committed to maintaining employment and educational settings which are multicultural, multiethnic, and multiracial. Respecting cultural differences and promoting dignity among all members of the University community are responsibilities each member must share.

Racial and ethnic harassment is a growing concern across American college campuses. It has taken various forms, from criminal acts (assault and battery, vandalism, destruction of property) to anonymous, malicious intimidation, most often directed toward persons whose race and ethnicity is readily identifiable. In employment, racial/ethnic harassment is race discrimination which interferes with an employee's ability to perform his or her duties or creates a hostile or intimidating work environment. It is prohibited by law under Title VII of the Civil Rights Act of 1964. In the educational context, racial/ethnic harassment is race discrimination which interferes with the students' opportunities to enjoy the educational program offered by the University, prohibited by law under Title VI of the Civil Rights Act of 1964.

1. This policy is premised on the University's obligation to provide a nondiscriminatory environment which is conducive to employment and learning. The University will vigorously exercise its authority to protect employees and students from harassment by agents or employees of the University, students, and visitors or guests. Specifically,
 - a. Agents or employees of the University, acting within the scope of their official duties, shall not treat an individual differently on the basis of race, color, or national origin in the context of an employment or educational program or activity without a legitimate nondiscriminatory reason, so as to interfere with or limit the ability of the individual to participate in or benefit from the services, activities, or privileges provided by the University; and,
 - b. The University shall not subject an individual to different treatment on the basis of race by effectively causing, encouraging, accepting, tolerating, or failing to correct a racially hostile environment of which it has notice.
2. Violations of this policy shall result in corrective action(s) or remedy(ies) designed to reestablish an employment or educational environment which is conducive to work or learning. Corrective actions or remedies will include disciplinary action directed by the executive officer having responsibility for the offender, where appropriate. Remedies or corrective actions will be tailored to redress the specific problem and may range from apologies, mandatory attendance at specific training programs, reprimands, suspension, or demotion, to expulsion or termination. Remedies or corrective actions shall be based upon the facts and circumstances of each case and shall be in accordance with the terms and guidelines of the applicable campus grievance procedures.

Violations of this policy by students will be considered as violations of the Student Code and will subject student offenders to the remedy(ies) and corrective action(s) provided by the Code.

3. The University recognizes its obligation to address incidents of racial/ethnic harassment on campus when it becomes aware of their existence even if no complaints are filed; therefore, the University reserves the right to take appropriate action unilaterally under this policy.

With respect to students, the Vice President for Student Affairs or other appropriate persons in authority may take immediate administrative or disciplinary action which is deemed necessary for the welfare or safety of the University community. Any student so affected must be granted due process.

With respect to employees, upon a determination at any stage in the investigation or grievance procedure that the continued performance of either party's regular duties or University responsibilities would be inappropriate, the proper executive officer may suspend or reassign said duties or responsibilities or place the individual on leave of absence pending the completion of the investigation or grievance procedure.

4. Threats or other forms of intimidation or retaliation against complaining witnesses, other witnesses, any reviewing officer, or any review panel shall constitute a separate violation of this policy which may be subject to direct administrative action.
5. Complaints alleging violation of the racial and ethnic harassment policy will be reviewed and investigated by the appropriate University office. Complaints may be resolved informally or may proceed through the applicable formal complaint proceedings. Complaints may be filed in the following manner:

- a. Complaints against students or student organizations shall be filed with the Vice President for Student Affairs, serving as the University Equal Opportunity Officer, for review and investigation. The Vice President for Student Affairs, or designee, may assist in the informal resolution of the complaint or in processing a complaint through the applicable campus procedures. Complaints against faculty or staff shall be filed with the Vice President for Student Affairs. The Vice President for Student Affairs or designee may assist in the informal resolution of the complaint or in processing a formal complaint through the applicable campus procedures for faculty and staff.
- b. Complaints against visitors or guests should be directed to the Campus Police.

Academic Policies

Procedures for the Release of Student Records and Information

Rogers State University gathers two types of information about current and former students: (1) directory and (2) personally identifiable information. Any office gathering such information, and/or having custody of it, shall release it only in accordance with this policy.

When a student enters the University and furnishes data required for academic and personal records, there is an implicit and justifiable assumption of trust placed in the University as custodian of such information. This relationship continues with regard to any data subsequently generated during the student's enrollment.

While the University fully acknowledges the student's rights of privacy concerning this information, it also recognizes that certain information is part of the public record and may be released for legitimate purposes.

With these considerations in mind, the University adopts the following policy concerning the release of information contained in student records:

1. *Directory Information*: This is information that routinely appears in student directories and alumni publications and may be freely released without the student's prior written consent. Upon written request by the student, this information will be treated as personally identifiable information and released only with the student's written consent. Forms for withholding student "Directory Information" are available in the Office of Enrollment Management, second floor of Markham Hall. The University identifies the following items as directory information:
 - a. Academic classification
 - b. Student's current name
 - c. Campus or local address
 - d. Campus or local telephone number
 - e. Academic major
 - f. Student's permanent address
 - g. Student's email address
 - h. Current enrollment (verify or deny only)
 - i. Dates of attendance at RSU
 - j. Degree(s) conferred and date(s) of graduation
 - k. Participation in officially recognized sports, including height and weight of members of athletic teams.
 - l. The most recent previous educational institution attended by a student.
2. *Personally Identifiable Information*: This is all other non-Directory Information contained in the student's educational record. It can only be released upon the written consent of the student, except as noted below.

The University is permitted by the Family Educational Rights and Privacy Act (FERPA) to disclose personally identifiable information from the education record without obtaining prior written consent of the student in the following circumstances:

- a. To school officials within the University who have legitimate educational interests. School officials are defined as:
 - a person employed by the University in an administrative, supervisory, academic, research, or support staff position, including health and medical staff;
 - a person appointed to the Board of Regents;
 - a person employed by or under contract to the University to perform a special task, such as an attorney or auditor;
 - a person who is employed by the Campus Police; or

- a student serving on an official committee such as a disciplinary or grievance committee, or who is assisting another school official in performing tasks.

A legitimate educational interest exists if a school official needs to review an education record to fulfill his or her professional responsibilities for the University including:

- performing a task related to the student's education;
 - performing a task related to the discipline of a student;
 - providing a service or benefit relating to the student or student's family such as health care, counseling, job placement, or financial aid; or
 - maintaining the safety and security of the campus.
- To officials of other schools to which the student seeks to transfer.
 - To the Comptroller General of the United States, the HEW Secretary, the administrative head of an educational agency, or State educational authorities.
 - In connection with a student's application for, or receipt of, financial aid.
 - To state and local officials or authorities to whom such information is specifically required to be reported under State statute adopted prior to November 17, 1974.
 - To organizations or educational agencies conducting legitimate research, provided no personally identifiable information about the student is made public.
 - To accrediting organizations.
 - To parents or legal guardians of a dependent student upon proof of dependency as defined by the Internal Revenue Code of 1954. (Parents or legal guardians of international students are excluded.)
 - To comply with a judicial order or lawfully issued subpoena provided that the educational agency or institution makes a reasonable effort to notify the student of the order or subpoena in advance of compliance.
 - In connection with an emergency when such information is necessary to protect the health or safety of the student or other persons.
 - To the public, the final results of any disciplinary proceeding conducted by the University if the disciplinary hearing was related to an alleged crime of violence and if the student was found in violation of rules or policies regarding such crime. In such instances of disclosure, only the student name, the violation committed, and sanction imposed will be disclosed.
 - To 'Authorized representatives' of State and local educational authorities, the Secretary, the Attorney General of the United States, and the Comptroller General of the United States, as may be necessary in connection with the audit, evaluation, or the enforcement of Federal legal requirements related to Federal or State supported education programs.
 - To a victim of an alleged perpetrator of a crime of violence or non-forcible sex offense, the final results of the disciplinary proceeding, regardless of whether the University concluded a violation was committed, conducted by the University with respect to that alleged crime or offense.
 - To parents of a student regarding the student's violation of any Federal, State or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled dangerous substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.
 - The disclosure concerns sex offenders and other individuals required to register under section 7010 of the Violent Crime Control and Law Enforcement Act of 1994 and Oklahoma Law.

Confidential information may be transferred to a third party (University's agents, contractors or volunteers), however, only on the condition that such party will not permit any other party to have access to the information without the written consent of the student.

Original credentials with which a student applies for admission or readmission to the University become the property of the University, are assembled in a permanent student folder, and are made available only to those persons properly authorized to receive personally identifiable information and then only in consultation with a professional staff member in the Office of Enrollment Management.

Although the permanent academic record is a cumulative record, the Registrar is the officer of the University charged with the responsibility of its accuracy and safekeeping. Accordingly, the student folder and the permanent cumulative academic record are not available to anyone for removal from the Registrar's assigned depository.

While the release of an official transcript is limited to the student, or any party to whom the student has assigned permission to request it, the student may place a hold on the release of his/her own transcript to anyone without his/her specific permission by filing a request in writing with the Registrar.

More information concerning this policy may be obtained by contacting the Office of Enrollment Management.

Notification of Student Rights to Privacy Under FERPA

FERPA affords students certain rights with respect to their education records. They are:

(1) *The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.*

Students should submit to the Registrar, written requests that identify the record(s) they wish to inspect. The Registrar 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 Registrar, the Registrar shall advise the student of the correct official to whom the request should be addressed.

When a record contains information about more than one student, the student may inspect and review only the records that relate to him or her.

(2) *The right to request the amendment of the student's education records that the student believes is inaccurate or misleading, or otherwise in violation of the student's privacy rights under FERPA.*

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. A student should contact the University's Office of Enrollment Management to request the amendment of a record. The student should clearly identify the part of the record to be amended and specify why it is inaccurate, misleading, or in violation of his or her privacy rights.
2. If the University decides not to comply with the request, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the amendment.
3. Upon request, the University will arrange for a hearing and notify the student reasonably in advance of the date, place, and time of the hearing.
4. The hearing will be conducted by a University official who has no direct interest in the outcome of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the student's education records. One or more individuals may advise the student, including an attorney retained at the student's own expense. Advisors may not address the University official or otherwise argue on the student's behalf. The University may be represented by University Legal Counsel.
5. The Hearing Office will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the University decides that the information in the student's record is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.
7. If the University decides that the challenged information is accurate, not misleading, or in violation of the student's right of privacy, it will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision, that any such statements will be maintained as part of the record as long as the contested record is maintained; and that the record, when disclosed, will include the student's statement.

(3) *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.*

The University discloses education records without a student's prior written consent under the FERPA exception for disclosures to school officials with legitimate educational concerns as those terms are defined herein.

(4) *The right to file a complaint with the U.S. Department of Education concerning alleged failures by The University to comply with the requirements of FERPA.*

The name and address of the office that administers FERPA compliance is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave, SW Washington, DC 20202- 5920

Limitations on Right of Access

Students are not permitted to inspect the following records:

1. The financial statement of the student's parents or legal guardians.
2. Letters and statements of recommendation for which the student has waived his or her rights of access, or which were maintained before January 1, 1975.
3. Records related to an application to attend the University or a component unit of the University if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.
5. That portion of any education record containing information about another student.

Refusal to Provide Copies

The University reserves the right to deny students copies of their educational records, including transcripts, not required to be made available by FERPA in the following situations:

1. The student has an unpaid financial obligation to the University.
2. There is an unresolved disciplinary action against the student.
3. The education record requested is an exam or set of standardized test questions.

Fees for Copies of Records

Fees for transcripts and other copying charges are published by the Office of Enrollment Management.

Record of Requests for Disclosure

The Office of the Registrar maintains a record of all requests for and/or disclosure of information from a student's education record. The record indicates the name of the party making the request, any additional party to whom the University knows it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The eligible student may review the record. Students may sign a release authorizing another party to have access to his or her educational record.

Parental Access to Student Academic Records

Parents or legal guardians of a dependent student may have access to grades and other personally identifiable academic information under guidelines provided in FERPA. Access to this information is limited to parents or legal guardians who claim the student as an exemption on their federal tax return.

Requests for specific grade or other academic information can be addressed to the Office of the Registrar which maintains that information. Each request must include a copy of the top portion of the parents' or legal guardians' most recent tax return showing the student, by name and social security number, listed as a dependent. Academic information can also be obtained by providing the Office of the Registrar with written consent of the student.

Transcripts

Official transcripts are released by the Office of Enrollment Management upon the written request of the student, except that the University reserves the right to withhold an official transcript for any student with financial indebtedness to the University or an unresolved disciplinary action.

Code of Academic Conduct

Please refer to the Academic Policies and Procedures Manual section 4.2 Code of Academic Conduct (www.rsu.edu/academic-policy pages 57-70).

Student Appeals Concerning English Proficiency of Faculty

[STUDENT APPEALS CONCERNING ENGLISH PROFICIENCY OF FACULTY](#) (pages 34-35)

Final Grade Appeal Process

Please refer to the Academic Policies and Procedures Manual section 4.3 Final Grade Appeal Process (www.rsu.edu/academic-policy page 70-72).

Two-Year and Four-Year Graduation Guarantee

Students at Rogers State University may follow many diverse paths to complete the associate or baccalaureate degrees. Students may elect to complete their associate degree requirements within two years of their initial freshman enrollment and/or complete their baccalaureate degree requirements within four years of their initial freshman enrollment.

Rogers State University has developed plans to help students who wish to complete an associate degree in two years and students who would like to complete their baccalaureate degree in four years. Students who elect to participate in Rogers State University's Graduation Guarantee must work closely with their advisor(s) and faculty to ensure that courses are taken in the appropriate sequence. Students who elect to participate in the agreement outlined below can be assured that they will be able to graduate in two years or four years, depending on the appropriate degree.

By completing the appropriate documents, a student agrees to participate in the guarantee. Rogers State University assures the student that he/she will be able to enroll in courses that permit graduation in either two or four years. Graduation will not be delayed by the unavailability of courses.

Conditions the student must satisfy:

1. Enter Rogers State University as a freshman.
2. Choose a major that qualifies for the Two-Year or Four-Year Plan.
3. Have the preparation to begin either a two- or four-year plan of study in a qualified major at entry to the University.
4. Complete a minimum of one-fourth of the necessary credits per semester for the associate degree and one-eighth of the credits per semester for the baccalaureate degree.
5. Meet with his/her advisor in a timely manner to discuss progress toward registration and graduation.
6. Enroll in available courses needed for his/her selected program of study considering that any specific course may not be available at the time or semester in which the student would prefer to take it.
7. Accept responsibility for monitoring his/her own progress and understanding advice given by his/her advisor so that he/she stays on track toward graduation.
8. Change majors only if, at the time of the change, all requirements can be met within the designated two- or four-year plan.
9. Remain in good academic standing as determined by the department, school, and University.
10. Accept responsibility for timely annual applications for financial assistance.
11. In writing, notify the dean of the school that offers the student's major that graduation may be delayed due to the unavailability of a course. This written notice must be made prior to the beginning of classes during the term in which the course is needed.

In the event that the University does not satisfy the commitments made herein, and the student is unable to register for needed courses due to the unavailability of a course (or courses), the department and school will choose one of the following:

1. Allow the student to graduate in two or four years by substituting a different course (or courses), as determined by the Dean of the School that offers the student's major.
2. Allow the student to graduate in two or four years by substituting an independent study assignment, as determined by the department and the school.
3. Allow the student to graduate in two or four years by waiving the requirement to be met by the unavailable course (or courses), as determined by the department and the school.
4. Allow the unavailability of a course (or courses) to delay the student from graduating in two or four years, in which case, the University will pay the tuition for the student to take the course(s) in a later term.

These procedures shall constitute the exclusive remedy for the guarantee. Rogers State University is under no obligation to provide these adjustments unless the student fulfills his/her obligations as stated above.

Campus Public Safety and Vehicle Policies

Department of Campus Public Safety: www.rsu.edu/rsupd

Parking Permits and Vehicle Registration: www.rsu.edu/parking-permits

Traffic Regulations: www.rsu.edu/traffic

Technology Policies

Computer Use and Email Policies: www.rsu.edu/acs

Cable TV and Telephone Use Policy

1. This policy sets forth the standards for responsible and acceptable use of University cable television and telephone resources. The following is prohibited:
 - a. Altering system configurations without authorization or disrupting or interfering with the delivery or administration of cable TV and telephone resources. Line features are established by the University. Students are prohibited from attempting to change the features.
 - b. Using cable TV or telephone resources for commercial or profit-making purposes without the University's express written authorization.
 - c. Using cable TV or telephone resources for illegal activities or for conduct violating any University policy. Criminal and illegal use may include, but is not limited to, threats, harassment, copyright infringement, theft, and unauthorized access.
2. Any individual engaging in unauthorized use of cable TV, telephones, or other electronic communication systems resulting in charges or expenses to the University will be billed the amount incurred by the University, fined, and subject to disciplinary action, if deemed appropriate.
3. Suspected or known violations of this policy should be reported to the Office of Student Affairs. Violations will be processed by the appropriate University authorities and/or law enforcement agencies. Violations may result in revocation of cable TV and/or telephone resource privileges, academic integrity proceedings, faculty, staff, or student disciplinary action, or legal action.