

# Student Conduct and Development Student Conduct Code

## PREAMBLE

Northeastern State University's Student Conduct Code is designed to set forth standards necessary to provide a learning environment conducive to the preparation of students for success in an increasingly challenging, diverse, and global society. The University is, first and foremost, a community where the academic standards are strictly upheld and where the rights, responsibilities, safety, and dignity of every individual are respected and paramount to the achievement of academic excellence.

The Student Conduct Code serves not just as a disciplinary system but also as a part of the educational process. The student conduct process is administrative in nature and is separate from any civil or criminal processes. The purpose of the Student Conduct Code is to teach students to live and act responsibly in a community setting and to encourage the development of good decision-making and personal integrity. University community members are expected to respect the rights of fellow community members, property, common resources, Student Conduct Code, and laws associated with the broader community (e.g., city, state, nation and world).

Any potential Student Conduct Code violation, including academic misconduct, may be submitted to the Office of Student Conduct and Development; all reports should be made as soon as possible after the incident takes place or after becoming aware of the incident. Reports may be submitted online <https://www.nsuok.edu/ReportConcern>, in person (Tahlequah, Admin 209), or by fax 918-458-2340.

In order to encourage reporting, NSU practices limited immunity for students who are attempting to assist another individual(s) during a medical emergency, who are seeking help for themselves, or who are reporting a sexual misconduct offense. The fear of "getting in trouble" should not be a deterrent to reporting.

## ARTICLE I: DEFINITIONS

- A. **University** – The term "University" means Northeastern State University.
- B. **Student** – The term "student" includes all persons enrolled at the university, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term, but who have a relationship with the

university, are considered "students." This definition includes, but is not limited to, incoming freshmen, transfer students, non-student residents, anyone participating in university sponsored programs and activities, persons who enroll for courses from time to time, and participants in third-party programs. (RUSO 4.4.3)

- C. **University Official** – For the purpose of this document, the term "University official" includes any person employed by the University, performing assigned academic, administrative, or professional responsibilities.
- D. **Member of the University Community** – includes any person, group, or organization, be they a student, employee of the University, or any other person directly affiliated with the University. A person's status in a particular situation shall be determined by the VPSA or designee.
- E. **University Premises** – The term "University premises" includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- F. **Organization** – The term organization means any number of persons who have or have not complied with the formal requirements for University registration.
- G. **Registered Student Organization** – is a group that has complied with the Student Registration process as outlined by the Office of Student Engagement. Registered Student Organizations (RSOs) are required to have a Constitution and a faculty/staff advisor.
- H. **Vice President of Student Affairs (VPSA) or designee** – The term VPSA means the person designated by the University President to be responsible for the administration of the Student Conduct Code.
- I. **Student Conduct Administrator(s)** – The term "Student Conduct Administrator(s)" means a University official authorized, on a case-by-case basis by the VPSA or designee, to determine whether student(s) have violated the Student Conduct Code. The VPSA or designee may authorize the same Student Conduct Administrator to impose sanctions in all cases.
- J. **Appeal's Administrator(s)** – The term "Appeal's Administrator(s)" means any person(s) authorized by the VPSA or designee to consider an appeal from a Student Conduct Conference.
- K. **Student Conduct Conference** – The term "Student Conduct Conference" means a meeting between Student Conduct Administrator(s) and student(s) who potentially violated the Student Conduct Code.
- L. **Student Conduct Appeals Committee** – The term "Student Conduct Appeals Committee" is a committee consisting of faculty, staff, and students created to consider an appeal in student cases resulting in

- suspension, expulsion, degree revocation, or rescission of credit.
- M. **Policy** – The term “policy” means the written regulations of the University as found in, but not limited to, the Student Conduct Code, Residence Life Handbook, the University website, the Student Organization Handbook, computer and network use policy, and Graduate/Undergraduate Academic Catalogs.
- N. **Cheating** – The term “cheating” includes, but is not limited to:
- 1) use of any unauthorized assistance in taking quizzes, tests, or examinations;
  - 2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
  - 3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; or
  - 4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- O. **Plagiarism** – The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- P. **Individual** – The term “Individual” includes any student, employee, resident, or guest of the University.
- Q. **Complainant** – any party who reports a crime or policy violation by another party. As necessary, NSU reserves the right to initiate a student conduct complaint, to serve as complainant, and to initiate conduct proceedings with or without a formal complaint.
- R. **Respondent** – The term “Respondent” includes any party/parties accused of violating the Student Conduct Code or other policy.
- S. **Academic Integrity** – Academic Integrity is the understanding and respect for scholarship through learning and teaching. As defined by the University’s core value of integrity, “we model ethical and intellectual development by advancing honesty, human dignity, and accountability.”

## ARTICLE II: STUDENT CODE AUTHORITY

- A. The Student Conduct Administrator shall:
- 1) coordinate investigations, as deemed necessary;
  - 2) determine if a potential Student Conduct Code violation has occurred;
  - 3) impose sanctions, if necessary; and/or

- 4) refer appeals as necessary.
- B. The VPSA or designee shall develop policies for the administration of the student conduct system and procedural guidelines of Student Conduct conference(s).
- C. Decisions made by Student Conduct Administrator(s) shall be effective immediately.

## ARTICLE III: PROSCRIBED CONDUCT

### A. Jurisdiction of the University Student Conduct Code

- 1) The Student Conduct Code shall apply to conduct that occurs on University premises (including on-line), at University Affiliated/Sponsored activities, at events hosted or affiliated with RSOs, and/or off-campus conduct (including on-line) that adversely affects the University Community and/or its member(s), the pursuit of its objectives, and/or as required by law or policy.
- 2) Each student shall be responsible for their conduct from the time of initial enrollment through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, and even if their conduct is not discovered until after a degree is awarded.
- 3) The Student Conduct Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.
- 4) The Student Code of Conduct shall apply to RSOs or other organizations.
- 5) The VPSA or designee shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus, on a case-by-case basis.

### B. Conduct—Rules and Regulations

Any student or organization found to have committed or to have attempted to commit the following violations is subject to the disciplinary sanctions outlined below.

#### **1) Acts of dishonesty**

(RUSO Student Policy 4.4.3 Students' Obligations and Regulations)

- a. Acts of dishonesty may include, but are not limited to, the following:
- b. Cheating, plagiarism, or other forms of academic dishonesty.
- c. Furnishing false, misleading, or distorted information to any

- University official, faculty member, office, or law enforcement officer acting in the performance of their duties.
- d. Assuming an identity other than your own.
  - e. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
  - f. Falsifying or participating in the falsification of any University record.
  - g. Unauthorized possession of examinations or other course materials.
  - h. Academic Misconduct as defined in the University Undergraduate and Graduate Catalogs.
  - i. Any other act of dishonesty which adversely affects the University or the pursuit of its objectives.

## **2) Disruption or Obstruction**

Disruption or obstruction of teaching, administration, disciplinary proceedings, other University activities or functions on or off campus, or of other authorized non - University activities when the conduct occurs on University premises.

## **3) Abuse**

Abuse may include, but is not limited to, acts of verbal abuse, threats, intimidation, dating violence, domestic violence, coercion, and/or other conduct which threatens or endangers the health or safety of any person(s). Planning, conspiring, and/or threatening to commit any act of violence is considered a violation of this policy. Methods of abuse may include, but are not limited to verbal, written, electronic, and/or visual displays.

## **4) Physical Violence**

An intentional act or acts, that has caused, is intended to cause, or threatens bodily harm. Engaging in physical violence of any nature against any person, on or off campus, includes, but is not limited to, fighting, assaulting, battering, using a weapon; restraining or transporting someone against their will; or acting in a manner that threatens or endangers the physical health or safety of any person or causes reasonable perception of such harm.

## **5) Harassment**

Harassment includes patterned or repetitive conduct that is sufficiently severe and/or pervasive and that adversely affects or interferes with the educational program and/or creates an intimidating, hostile, or offensive environment within the University community. Forms of

harassment may include, but are not limited to: physical, mental, sexual, racial, ethnic harassment, and/or may be based on national origin, religion, gender identity, or sexual orientation or perception of such.

## **6) Sexual Harassment (for Title IX Cases)**

Sexual Harassment Offenses Include, but are not Limited to: Quid Pro Quo Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Sexual Harassment consists of behaviors which are:

- a. unwelcome, verbal, nonverbal, or physical conduct of a sexual nature that is,
- b. severe, pervasive and objectively offensive denies or deprives a person equal access to NSU's educational program and/or activities, and is
- c. based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.
- d. Examples include, unwelcome sexual advances, requests for sexual favors, acts of sexual violence, attempts to coerce an unwilling person into a sexual relationship, repeatedly subjecting a person to egregious, unwelcome sexual attention, punishing a refusal to comply with a sexual based request, making a benefit conditional upon submitting to sexual advances, sexual violence, intimate partner violence, stalking, sex-based bullying.

### *Domestic Violence*

Domestic violence is a pattern of abusive behaviors and tactics used to inflict power and control over another person. This includes felony or misdemeanor crimes of violence committed by a current or former spouse/intimate partner of the victim.

- a. By a person with whom a person shares a child in common
- b. By a person who is cohabitating with, or has cohabitated with the victim as a spouse/intimate partner
- c. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- d. By any other person, against an adult or youth victim, who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred

### *Dating Violence*

Dating violence is violence committed by a person who is, or has been, in a social relationship of a romantic or intimate nature with the victim. And, the existence of such relationship shall be based on the reporting

party's statement and with consideration of the length of the relationship, the type of the relationship, and/or the frequency of the interactions between the persons involved in the relationship. Dating violence includes, but is not limited to: Sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under Domestic Violence.

### *Stalking*

Stalking is a pattern of behavior directed at a specific person that would cause a reasonable person to:

- a. Fear for one's safety or the safety of others
- b. Suffer substantial emotional distress
- c. Examples include but are not limited to: 2 or more acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

## **7) Stalking**

Stalking is a pattern or repetitive behavior that involves willfully and/or maliciously following or harassing another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, or harassed.

## **8) Hazing:**

Any act which endangers the mental or physical health or safety of an individual for the purposes of initiation, admission into, affiliation with, status in, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not considered a neutral act; they are violations of this rule. Methods of hazing may include, but are not limited to: physical, verbal, written, electronic, and/or visual displays.

## **9) Bullying and/or Heckling**

Bullying is considered repeated behavior by a group or individual that is intended to harm, intimidate, offend, degrade, or humiliate another person, possibly in front of others, whereas heckling is considered to be any behavior that badgers, embarrasses, harasses, disempowers, or challenges people or processes in a manner that undermines their integrity. Methods of bullying and/or heckling may include, but are not limited to: physical, verbal, written, electronic and/or visual displays.

## **10) Sexual Misconduct (when not Title IX)**

Sexual Misconduct includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual misconduct expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment. These behaviors may impact an individual's academic pursuits; University employment; participation in activities sponsored by the University, organizations, or groups related to the University; or opportunities to benefit from other aspects of University life. This includes, but is not limited to, on-campus residence.

## **11) Theft and/or Damage**

Includes the unauthorized use, removal, or damage of University, community, or other personal or public property.

## **12) Failure to Comply**

Any action or failure to act which disregards reasonable requests or directions of University officials or law enforcement officers acting in performance of their duties.

## **13) Identification**

You are required to carry your NSU I.D. card while on University property or at University sponsored events and activities (including registered student organization events). An I.D. may not be used by any person other than the person to whom it was issued. I.D. cards being used by someone other than the card owner will be confiscated by University officials. Students are required to present their I.D. upon request of any University employee. If an I.D. card becomes missing, it is the responsibility of the card owner to promptly report the card lost or stolen to University police or I.D. services. Students should not deface, alter, or use IDs for anything other than their intended purpose.

## **14) Unauthorized Entry**

Includes entry to or use of University-controlled property, including locations situated off campus, without permission. Unauthorized entry also includes, but is not limited to, unauthorized possession, duplication or use of keys (or any other such devices) to access University premises.

## **15) Controlled Substances**

The use, consumption, possession, manufacturing, distribution and/or



being under the influence of any controlled substance(s) is prohibited, except as expressly permitted by law and/or University policy. Possession of drug paraphernalia and the inappropriate use or abuse of prescription or over-the-counter medications is also prohibited.

## **16) Alcohol**

The use, possession, manufacturing, distribution, and/or being under the influence of alcoholic beverages is prohibited, except as expressly permitted by law and/or University policy. This includes, but is not limited to, having alcohol or being under the influence of alcohol in the residence halls. Being under the influence includes, but is not limited to: acting noticeably out of character, impaired motor skills, or otherwise disorderly or belligerent conduct.

## **17) Firearms and Weapons**

The use, possession and/or distribution of firearms, explosives, bomb-making materials, other weapons, imitation weapons, or dangerous chemicals on University premises is prohibited except as expressly permitted by law and/or University policy. This includes, but is not limited to, bows, knives, lasers or lasersights, guns, water guns, paintball guns, or air-soft weapons.

## **18) Disturbing the Peace**

Disturbing the peace includes, but is not limited to, participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; and/or leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area. Refer to [University policy on Expressive Activities](#) for more information.

## **19) Traffic Obstruction**

Traffic obstruction includes, but is not limited to, obstruction of the free flow of pedestrian or vehicular traffic (including emergency response vehicles).

## **20) Disorderly Conduct**

Conduct that is disruptive, lewd or indecent, a breach of peace, or which aids, abets, or encourages another person to breach the peace on University premises, at university sponsored functions, or participated in by members of the University community. This may also include participating in or hosting parties or gatherings that disturb the peace and or violate the law and/or policy.

## **21) Technology Theft and/or Abuse**

(RUSO Student Policy 4.4.3d) Technology theft or other abuse of computer facilities and resources includes, but is not limited to, the following:

- a. unauthorized entry into, transfer of, or use of a file;
- b. use of another individual's identification and/or password or allowing the use of yours;
- c. use of computing facilities and resources to interfere with the work of another student, faculty member, or University Official;
- d. use of computing facilities and resources to send obscene or abusive messages;
- e. use of computing facilities and resources to interfere with normal operation of the University computing system;
- f. use of computing facilities and resources in violation of copyright laws;
- g. attempts to circumvent established security procedures or to obtain access privileges to which the user is not entitled;
- h. any violation of University policy on Computer and Network Use;
- i. use of computing facilities to willfully publish, distribute, or exhibit any obscene expression.

## **22) Abuse of Student Conduct, Academic, and/or Administrative Process(es)**

Abuse of the Student Conduct, Academic, and/or Administrative Process(es) includes, but is not limited to:

- a. failure to obey the notice from a Student Conduct Administrator(s) or University official(s) to appear for a meeting or conference as part of the Student Conduct Process;
- b. attempting to discourage or interfere with an individual's proper participation in, or use of, any student conduct, academic, or administrative process;
- c. attempting to influence the impartiality of a Student Conduct Administrator(s) or University Official prior to and/or during the course of the Student Conduct meeting or conference or other Academic or Administrative process;
- d. harassment (verbal or physical) and/or intimidation of Student Conduct Administrator(s) or University Official(s) prior to, during and/or after a student conduct meeting or conference or other Academic or Administrative process or

- any other disruption or interference with the orderly conduct of a student conduct meeting, conference, and/or other Academic or Administrative process;
- e. failure to comply with the sanction(s) imposed under the Student Conduct Code;
  - f. influencing or attempting to influence another person to commit an abuse of the student conduct, academic, and/or administrative process;
  - g. retaliation: A direct or indirect action taken against a person or organization as a response to their involvement or affiliation with the conduct, academic, and/or administrative process.
  - h. filing a false report or issuing a false complaint
  - i. otherwise obstructing or attempting to obstruct any administrative process, such as through falsification, distortion, or misrepresentation of information.

### **23) Passive Participation**

Passive participation includes, but is not limited to, the following: complicity in the violation of a policy such as when a student or organization is present for or aware of a violation of policy but takes no action to confront, prevent, or report the violation to a university official or a failure to intervene as a bystander to an incident involving a violation of University policies.

### **24) Violation of any University Policy**

Violation of University Policy shall include any University policy, rule, or regulation published in hard copy or available electronically on the University website (i.e., residence hall policies, Student Organization Handbook, Tobacco Free Campus, Drug Free Campus and Community Act, NCAA policies).

### **25) Violation of Law**

Violation of Law shall include violation(s) of any federal, state, or local law.

## **C. Concurrent Law and University Policy Violations**

- 1) A University conduct meeting or conference may be held with a student and/or organization whose actions potentially violate both criminal law and the Student Conduct Code. The Student Conduct process is separate from civil or criminal litigation proceedings. Meetings or conferences under the Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal

proceedings off campus at the discretion of the VPSA or designee. Determinations made or sanctions imposed under the Student Conduct Code shall not be subject to change due to criminal charge dismissal, reduction, or resolution in favor of or against the criminal law defendant.

- 2) When a student and/or organization is arrested and/or charged by federal, state, or local authorities with a violation of law, and if the alleged offense is also being processed under the Student Conduct Code, the University may advise off-campus authorities of the existence of the Student Conduct Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student/organization violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students, organizations, and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES

### A. Administrative Summons

An Administrative Summons may be issued by the administrative officers of the University and is to be honored by students. Failure to answer the summons could result in immediate temporary suspension from the University until the issue is resolved.

### B. Submitting Reports/Allegations

- 1) Any person(s) may submit a report of a potential Student Conduct Code violation. A report shall be directed to Student Affairs, University Police, Student Engagement, or Residence Life. Any report should be submitted as soon as possible. Reports may be submitted here: <https://www.nsuok.edu/ReportConcern.aspx>
- 2) A submitted report will be reviewed to determine merit, need for further investigation, appropriate referral if necessary, and/or dismissal.

### C. Investigations

- 1) When a formal investigation is deemed necessary, the VPSA or

- designee will assign investigators. All formal investigations will be conducted by at least two investigators who have received appropriate training. The investigators must be free from conflicts of interest or bias for or against complainants or respondents. Investigators may include (but are not limited to) the Student Conduct Administrators, Title IX Coordinator; other appropriate NSU faculty/staff/administration; or contracted, external investigators. The investigation shall be concluded within a reasonable amount of time. The investigation will be conducted in a manner so that it is adequate, reliable, and impartial.
- 2) Informal investigations may be conducted by the VPSA or designee but will not require two investigators.
  - 3) The investigation may include but is not limited to interviews of the parties involved, including witnesses, and the gathering of other relevant information.
  - 4) Parties to the complaint may present witnesses and other evidence. At any time during the investigation, the investigators may recommend that interim protections or remedies for the parties involved, including witnesses, be provided by appropriate NSU officials. These protections or remedies may include but are not limited to, separating the parties, placing limitations on contact between the parties, temporary suspension, or making alternative, classroom, workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation(s) of the Student Conduct Code.
  - 5) Once a formal investigation is concluded, a written investigative report shall be submitted within a reasonable timeframe. The investigation report is a written report describing the factual findings gathered from the investigation with description of all the interviews and any other documents reviewed. The VPSA or designee will determine whether further action is needed pursuant to NSU policy and/or state or federal law, and respond accordingly. If further action is deemed necessary resolution processes or disciplinary procedures will be initiated.
    - For Title IX investigations, see the Title IX policy

#### D. Notifications of Allegations/Conduct Conferences

- 1) All allegations shall be presented to the Respondent(s) in written form. A time shall be set for a Student Conduct Conference, not less than three (3) University business days from the issue date of the letter. The Respondent may choose to waive the three (3) University business day requirement. Scheduling of the Student Conduct Conferences may be extended at the discretion of the Student Conduct Administrator(s).

- 2) All allegations and time/location of the Student Conduct Conference shall be presented to the Complainant(s), in cases of a Title IX allegation or act(s) of violence, simultaneously, and in writing, with the written notification to the Respondent(s).
- 3) Complainant(s) and/or Respondent(s) are considered "notified" when an email is sent to their NSU email address. Failure to open/read the email does not excuse participation in the conduct process.

## E. Interim Safety or Preventative Measures

Interim Measures may be appropriate for respondent(s) and/or complainant(s) pending the outcome of a student conduct conference, University Investigation, or other administrative process. Interim measures may be put into place without a formal complaint, conduct process, or a finding of responsibility. Interim Measures may include, but are not limited to:

### 1) Temporary Suspension/Cease and Desist

- a. A Temporary suspension/Cease and Desist may be imposed:
  - i. to ensure the physical or emotional safety and well-being of members of the University community
  - ii. to ensure preservation of University property;
  - iii. To prevent ongoing threats to, disruption of, or interference with, the normal operations of the University.
- b. During the temporary suspension/cease and desist, access may be denied to the residence halls and/or to other campus locations (including classes), and/or to other University activities or privileges for which the student or organization might otherwise be eligible. In the case of an organization this may include functions such as, but not limited to, meetings and events.
- c. The temporary suspension/cease and desist does not replace the conduct process outlined below.
- d. The student and/or organization shall be notified in writing of this action and the reasons for the temporary suspension/cease and desist.

### 2) Alteration in Living Arrangements

This may include being relocated to a different room/floor within the same building, a different room/floor in a different building, or removal from University housing altogether.

### **3) Class Change/Academic arrangement**

This interim measure may involve, but is not limited to, a change in class section, location, delivery modality, or other appropriate accommodation.

### **4) No Contact Order**

A no contact order is the termination of any and all communications between two or more parties in order to establish and maintain the safety of the campus community and its individuals. This includes using third parties to facilitate communication.

### **5) Loss of Privilege**

Loss of privilege is denial of specified benefits, for a designated (consecutive) period of time. For organizations, this includes being placed on limited operations.

### **6) Restricted Access**

May include restricting entry to, or use of, University controlled property including locations situated off campus.

### **7) Change of Student Employment**

This interim measure may involve, but is not limited to, a change in student work location, hours, duties, or other appropriate accommodation(s).

### **8) Escort Arrangements**

In circumstances where an escort to and/or from classes, meetings, or other University functions may be arranged as long as doing so does not put undue burden on University resources.

## **F. Student Conduct Conferences for Individuals**

Student Conduct Conferences may be conducted by a Student Conduct Administrator or designee and/or a conduct panel according to the following guidelines:

- 1) Student Conduct Conferences shall be conducted in private.
- 2) During a Student Conduct Conference involving more than one Respondent, the Student Conduct Administrator(s), may permit the Student Conduct Conference concerning each student to be conducted either separately or jointly.
- 3) Advisors:
  - a. For cases other than Title IX: The Respondent and Complainant may be accompanied by one advisor each (may be an attorney at the student's expense) so long as the availability of the

advisor does not hamper the timeliness of the conference. The selected advisor may not be an individual who may be accused as a result of the same incident. The advisor is limited to advising the student and may not present the case, question relevant parties, or make statements during the proceedings. The mere presence of a University attorney does not indicate representation.

- b. For Title IX cases: The Respondent and Complainant must be accompanied by one advisor each (may be an attorney at the student's expense) so long as the availability of the advisor does not hamper the timeliness of the conference. The selected advisor may not be an individual who may be accused as a result of the same incident.
- 4) The Respondent(s) and their advisor, if any, shall be allowed to attend the entire portion of the Student Conduct Conference at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Conference shall be at the discretion of the Student Conduct Administrator(s).
- 5) The Respondent, Complainant, and/or the Student Conduct Administrator(s) may arrange for witnesses to present pertinent (case specific) information to the Student Conduct Administrator(s). Witnesses will provide information to and answer questions from the Student Conduct Administrator(s). Questions may be suggested by the Respondent and/or Complainant to be answered by other witnesses. These questions shall be directed to the Student Conduct Administrator(s) rather than to the witness directly. Questions of whether potential information will be received shall be resolved at the discretion of the Student Conduct Administrator(s). It will be at the discretion of the Student Conduct Administrator(s) to determine if a student conduct conference will be delayed due to the unavailability of a witness.
- 6) Cross Examination: In Title IX cases, cross-examination must be conducted orally, directly, and in real time by the advisor, but never by a party directly. Advisors from each party must be permitted to ask the other party and any witnesses all relevant questions and follow-up questions including those challenging credibility. Decision-makers must determine relevance of each individual question before the party answers. Any question deemed not relevant must be explained to the advisor of the party asking. If any party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination of responsibility. Questions are considered irrelevant if asked about a complainant's prior sexual behavior unless offered to prove that someone other than the



- respondent committed the alleged misconduct or offered to prove consent.
- 7) Relevant records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration. Character references/letters of support are not considered relevant information for consideration.
  - 8) The Student Conduct Administrator(s), at his or her discretion, may stop a Student Conduct Conference to evaluate new information obtained during a Student Conduct Conference and reevaluate the accusations (add or eliminate) against the respondent.
  - 9) The Student Conduct Administrator(s) may choose, at their discretion, to end a Student Conduct Conference (to be reconvened at a later time) for reasons such as: disruptive, threatening, or disorderly conduct; emergency situation; or procedural issue.
  - 10) After the portion of the Student Conduct Conference concludes in which all relevant information has been received, the Student Conduct Administrator(s) shall determine whether the Respondent is found to be responsible for the conduct code violation(s) of which they were accused.
  - 11) The Student Conduct Administrator(s) determination shall be made based upon whether a preponderance of the evidence (more likely than not) indicates that the Respondent violated the Student Conduct Code.
  - 12) In cases involving acts of violence and/or Title IX violations, complainant(s) will be notified of the time, date, and location of the conduct meeting. Additionally, simultaneous notification will be provided to complainants and respondents about the outcome of the student conduct meeting.
  - 13) All procedural questions during the course of the Student Conduct Conference are subject to the final discretion of the Student Conduct Administrator(s).
  - 14) For Title IX Cases: An audio or audio/visual recording or transcript will be created. No other recordings shall be permitted by other parties. For other cases: An audio or audio/visual recording may be created.
  - 15) For non-title IX cases if a Respondent, with notice, does not appear before a Student Conduct Administrator(s), the information shall be presented and considered **even if the Respondent is not present**. Should an emergency or other compelling circumstance arise, the Student Conduct Administrator may provide an alternate time and date of the conduct meeting as long as requests are made at least 24 hours in advance of the scheduled meeting.
  - 16) The Student Conduct Administrator may also approve/arrange for further reasonable accommodations that may be needed in order

- for respondent(s) and/or complainant(s) to participate in the conduct process as long as doing so does not put undue burden on University resources or hamper the timeliness of the process.
- 17) For Title IX cases, if either party or witness does not appear for the live hearing the hearing will be conducted in their absence but will not rely on any statement of that party or witness in reaching a determination regarding responsibility.
  - 18) For non-Title IX cases, The Student Conduct Administrator(s) may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Respondent, Complainant, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen and/or by permitting participation by telephone, video conferencing, written statement, or other means, as determined by the sole judgment of Student Conduct Administrator(s) to be appropriate.

## G. Student Organization Conduct Process:

An organization and its members may be held collectively and/or individually responsible for violations of the Conduct Code for the actions of those associated with the organization, including guests and alumni of the organization.

- 1) The following guidelines may be utilized when determining individual vs. organizational responsibility (however, determination is not limited to these guidelines).
  - a. When individual members, in the name of the organization, represent themselves as members in the planning, organizing, or preparing of the event/activity
  - b. When a venue is utilized that is associated with the organization
  - c. When electronic communication is sent out that a reasonable person would view as an organizational contact list
  - d. When the group completes a type of admission process such as recruitment, intake, guest lists, tickets, and/or selection process
  - e. When the organization's logos, markers, or other identifying information (identifiers) are used in advertising the activity/event or when displayed at the activity/event.
  - f. When the event/activity is supported using organizational funds or is compelled as a part of individual membership

Note: When group members participate in an event/activity, and a reasonable person would view the group as an organization, the organization

may be held accountable.

When an organization is named as Respondent/Responding Party, the group's presiding officer and/or designee may participate in the conduct process as a representative of the group. The University allows organizations to have one representative present, plus an advisor, during the conduct process. An advisor may not be an individual who may be, accused as a result of the same incident. The advisor is limited to advising the student representative and may not present the case, question relevant parties, or make statements during proceedings. The mere presence of a university attorney does not indicate representation.

Initial reports will be evaluated for severity and complexity in order to determine the appropriate process. Cases that are not likely to result in an organizational suspension may be referred to a single Conduct Administrator for adjudication. However, if new information arises that alters the severity or complexity of the case (or changes the likelihood of suspension) then the case may be redirected as needed.

Cases that may result in organizational suspension or contain allegations that are complex, sensitive, require a number of witnesses, or involve an alleged victim, may be referred for a conduct meeting by a panel of Conduct Administrators.

If the case requires further investigation, the investigation will be conducted using the process described above.

- 2) Student Organization Conduct Meetings Conducted by a Panel
  - a. When cases are referred to a panel for adjudication the panel will be made up of the Senior Coordinator of Student Conduct and Development or designee and two additional panel members.
  - b. A representative from the investigation team may attend and participate in the conduct meeting in order to elaborate on the findings, provide clarification, and answer questions.
  - c. Appeals may be conducted by a panel made up of the VPSA or Designee from the Student Affairs Leadership Team, the AVPSA or Designee, plus a student representative. Appeals will be file review only. See Appeal Guidelines for additional information.

## H. Individual and/or Organizational Sanctions

One or more of the following sanctions may be imposed upon any

student(s) or organization(s) found to have violated the Student Conduct Code. Sanctions include but may not be limited to:

### **1) Warning**

A warning is a written reprimand indicating a violation of the Student Conduct Code has occurred. (RUSO Student Policy 4.4.5)

### **2) Conduct Review**

Conduct Review is severe enough in nature to warrant the monitoring of behavior for a specified (consecutive) amount of time. Conduct review rises to the level of conduct probation; however, is slightly less due to mitigating circumstances. If there is a finding of responsibility for subsequent violations of the Student Conduct Code during this period of time, more severe sanctions may be administered. A student or organization on Conduct Review remains in good standing with the University.

### **3) Conduct Probation**

Conduct Probation is for a designated (consecutive) period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional policies during the probation period.

- a. A student on Conduct Probation is not in good standing with the University. An individual not in good standing: (RUSO Student Policy 4.4.5)
  - i. may not officially represent the University in any University sponsored event,
  - ii. may not hold any leadership position in any University recognized organization, and/or
  - iii. may affect receipt of institutional scholarships and/or financial aid.
- b. An organization on Conduct Probation is not in good standing with the University. An organization not in good standing may be restricted in their ability to represent the university or receive benefits afforded to registered student organizations.

### **4) Student Account Hold**

A hold may be placed on a student's account as part of the outcome of a conduct conference. This may be done as a result of failure to complete additional sanctions or as a sanction on its own.

## **5) Loss of Privileges**

Loss of privileges is denial of specified benefits for a designated (consecutive) period of time. For organizations this includes being put on limited operations.

## **6) Restitution**

Restitution is the compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

## **7) Educational Requirements**

The imposing of educational sanctions includes, but is not limited to: letter of apology, presentation of a workshop, preparation of a research paper or project, community restitution, counseling, assessment, or evaluation. (RUSO Student Policy 4.4.5)

## **8) Residence Hall Review**

Residence Hall Review is notice to the resident that their behavior is unbecoming of a resident and NSU student. If the resident is found responsible for another Residence Life Policy violation, then previous conduct will be taken into consideration at the time of sanctioning.

## **9) Residence Hall Probation**

Residence Hall probation serves as written notification that a behavior was unacceptable. In addition, the resident is ineligible to hold an elected or appointed office in any affiliated residence hall organization, though involvement is encouraged. Future violations of the University or Residence Hall policies could likely result in removal from housing with penalties.

## **10) Residence Hall Suspension**

Residence Hall Suspension is the separation of the student from the residence halls for a designated (consecutive) period of time, after which the student is eligible to return. Conditions for readmission may be specified.

## **11) Residence Hall Expulsion**

Residence Hall Expulsion is the permanent separation of the student from the residence halls.

## **12) Residence Hall Transfer**

Administrative room reassignment for a determined or indefinite period of time.

### **13) University Suspension (Student)**

University Suspension is the separation of the student from the University for a designated (consecutive) period of time, after which the student is eligible to return. Conditions for readmission may be specified. A suspension hold will be placed on the transcript during the period of suspension. (RUSO Student Policy 4.4.5)

### **14) University Suspension (Organization)**

University Suspension is the separation of the organization from the University for a designated (consecutive) period of time after which the organization may be able to return. Conditions for readmission may be specified.

### **15) University Expulsion**

University Expulsion is the permanent separation of the student from the University. When a student is expelled, a record of this action will be made a part of the student's permanent record. (RUSO Student Policy 4.4.5)

### **16) Determination or Reduction of Grade(s)**

Grade(s) for a specific course, assignment, paper, project, or other academic work, may be determined, or reduced should a student be found responsible for academic or other misconduct.

### **17) Removal from Class(es) or Program(s)**

May be permanent or for a designated (consecutive) period of time.

### **18) Revocation of course credit**

Credits awarded for a specific course or courses may be rescinded.

### **19) Revocation of Admission and/or Degree**

Admission to the university or its programs and/or degree(s) awarded by the University may be revoked for fraud, misrepresentation, or other violations of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. (RUSO Student Policy 4.4.5)

### **20) Withholding Degree**

The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if

any.

## **21) Parental Notification**

When students, who are under the age of 21, are found responsible for violating the Student Conduct Code, or local, state, and federal laws in regards to alcohol and/or controlled substances the University reserves the right to notify a parent or legal guardian.

## **22) No Contact Order**

Any and all communications between two or more parties may be imposed in order to establish and maintain the safety of the campus community and its individuals. This includes using third parties to facilitate communication.

## **23) Deferred Residence Hall and/or University Suspension**

University Suspensions and/or Residence Hall Suspensions may be deferred for a pre-determined period of time, however, the suspension may be automatically enforced for any subsequent violations of university policy and/or law.

More than one of the sanctions listed above may be imposed for any single violation.

Other than University expulsion, revocation or withholding of a degree, disciplinary sanctions shall not be made part of the permanent academic record, but shall become part of the disciplinary record.

A student may request in writing to expunge a disciplinary record for low-level, non-violent, non-Title-IX related violations, no less than one academic year after completion of sanction(s). An expunged disciplinary record is the process in which student's disciplinary record is cleared for disclosure purposes only; however, the disciplinary record will remain on file. Such written request shall be made to the VPSA or designee. The decision will be made through file review.

In cases where a student or organization is found responsible for or accepts responsibility for violation(s) of the Student Conduct Code, the sanctions shall be determined and imposed by the Student Conduct Administrator(s).

Following the Conduct Meeting, the Student Conduct Administrator(s) will advise the appropriate parties of the outcome.

## I. Conduct Conference Outcomes

- 1) All outcomes shall be presented to the Respondent(s) in written form (by NSU email, postal service, and/or campus mail) following the Conduct Conference.
- 2) All outcomes shall be presented to the Complainant(s), in cases of a Title IX allegation or act(s) of violence, in writing, simultaneously with the written notification to the Respondent(s).
- 3) A student is considered notified of the outcome as of the date the written notification is sent.

## J. Separation Procedures

- 1) Any student suspended from NSU (excluding temporary suspension) will be withdrawn from both current and future classes in which they are enrolled. The date of the withdrawal will be determined as the last date of the conduct process including appeal or the last date they could have appealed if the student had chosen to do so.
- 2) Following a decision to suspend, the student's ID, housing key, and any other University property should be turned in to NSU Officials.
- 3) The student will be accompanied by a University representative to collect belongings from their room in University Housing and/or locker. Students under suspension may not enter or use any University property or facilities until such time that the Suspension is lifted. Additionally, you may not participate in classes or any University sponsored events or activities. Failure to abide by the Suspension may result in further disciplinary and/or criminal action. If for any reason you believe you may need access to the campus, you must contact the University Police or Student Affairs to obtain permission and/or escort if permission is granted.

## K. Appeal Requests

- 1) To request an appeal, the student must submit the reason for their appeal in writing (typed, not hand-written). The request may be signed, dated, and delivered to Student Conduct and Development (J.V. Library, Tahlequah) or may be emailed to Student Conduct and Development ([conduct@nsuok.edu](mailto:conduct@nsuok.edu)) within seven (7) University business days following the date the outcome letter was sent. Any email should be sent from the student's NSU email account.
- 2) An appeal request allows a respondent(s) (in all cases) or complainant (in a Title IX case or act of violence) the opportunity to bring forward concerns about the outcome of the case in which they were a part. An appeal may be requested for one or more of the following:



- a. New Information becomes available which could significantly impact the original findings or sanctions and was not available during the original conduct meeting. (This new information must be included with the written appeal request).
- b. Errors in procedure occurred which may have significantly impacted the outcome.

Failure to check or claim notice of correspondence from the University via email, Postal Service, or campus mail may not constitute an acceptable reason for appeal.

- For Title IX investigations, see the Title IX policy

## L. Additional Information

- 1) During the appeal process, records reviewed may include but are not limited to: Investigation reports, findings, sanctions assigned, the appeal request, and/or
- 2) other procedural documents. Character references/letters of support will not be considered during the appeal.
- 3) Appropriate parties shall be notified regarding the submission, denial, or acceptance, and outcome of an appeal, simultaneously when required, and within a reasonably determined time-frame.
- 4) All sanctions assigned by the original conduct administrator(s) shall remain in effect during the appeal process to ensure the safety of the campus community. Graduation, internships, co-curricular activities, athletics, exams, and other activities are generally not seen as reasons for delaying sanctions. Should the appeal result in reinstatement to the University, Student Affairs will assist in the transition back into good standing but cannot guarantee that there will not be implications or losses.

## M. Denied Appeals

Appeal requests are reviewed by the VPSA or designee in order to determine that the criteria are met. Following a review, the appeal may be denied by the VPSA or designee if it is determined that the appeal request did not meet the above mentioned criteria. If a request is denied the VPSA or designee will notify the requesting party (and complainant if applicable).

## N. Approved Appeals

- 1) If an appeal is approved, both complainant(s) and respondent(s) involved in the same case, when related to Title IX or acts of violence, may respond to the appeal. All responses must be in writing. Any party wishing to provide a response should do so, as

- there will be only one appeal.
- 2) If the appeal does not involve suspension, temporary suspension, expulsion, degree revocation, or rescission of credit, it will be reviewed by the VPSA or designee.
  - 3) The appeal process is file review only.

## O. Student Conduct Appeals Committee

- 1) For cases not related to Title IX, if the appeal involves suspension, expulsion, degree revocation, or rescission of credit, the Student Conduct Appeals Committee will consider the appeal.
- 2) The appeals committee shall be appointed by the President of the University and may include students, faculty, and staff whose primary duties are not concerned with the administration of student conduct and affairs. The President will receive nominations for committee memberships from the Faculty Senate and Staff Council, provided that Faculty Senate and Staff Council nominations are submitted within thirty (30) days from time of notification that a vacancy(s) exists. If nominations are not made within thirty (30) days, the President will fill the vacancy(s) from faculty, staff, and students. The student members of the committee shall be nominated by the Northeastern Student Government Association. Nominations must be submitted in the same manner as those for the Faculty Senate. Student members shall be excluded from the appeals committee for cases involving acts of violence.
- 3) Committee outcomes require quorum and majority vote.
- 4) A student who is granted an appeal shall have the right to exclude the student members of the committee upon request.
- 5) Appeal review meetings will be held as soon as practical after the request is made by the student.
- 6) An appeal shall be limited to a review of the record of the Student Conduct Conference and supporting documents for one or more of the following purposes:
  - a. To consider the new information and determine if it would have significantly impacted the original findings or sanctions.
  - b. To determine whether errors in procedure occurred and significantly impacted the outcome.
- 7) The appeal process is file-review only.
- 8) The VPSA or designee provides oversight for the appeal process and committee functions. The VPSA or designee is responsible for the training of committee members.
- 9) The committee will:
  - a. Select a committee chair.
  - b. Review the student's written appeal, any statements submitted in response to the appeal, and the conduct case

- file(s).
- c. Deliberate as needed to determine one of the following actions:
    - i. Return the case to the original Student Conduct Administrator(s) for a new Conduct Conference and/or sanctions
    - ii. Reverse or modify the outcome and/or sanctions. Modification may include reducing or increasing the severity of the original sanctions.
    - iii. Uphold the outcome and/or sanctions
- 10) The committee's decision must be submitted in writing to the VPSA no later than two business days after the appeal review meeting. Committee reasoning for the decision must be included.

## **P. Appeal Outcomes**

All appeal outcomes are final.

## **Q. Appeal Guidelines: Student Organization Appeals**

### **1) Appeal Requests**

- a. To request an appeal, the organizational representative (usually the organization's president) must submit the reason for their appeal in writing (typed, not hand-written). The request may be signed, dated, and delivered to Student Conduct and Development (J.V Library, Tahlequah) or may be emailed to Student Conduct and Development ([conduct@nsuok.edu](mailto:conduct@nsuok.edu)) within seven (7) University business days following the date the outcome letter was sent. Any email should be sent from the student's NSU email account.
- b. An appeal request allows a respondent(s) (in all cases) or complainant (act of violence) the opportunity to bring forward concerns about the outcome of the case in which they were a part. An appeal may be requested for one or more of the following:
  - i. New Information becomes available which could significantly impact the original findings or sanctions and was not available during the original conduct meeting. (This new information must be included with the written appeal request).
  - ii. Errors in procedure occurred which may have significantly impacted the outcome.

Failure to check or claim notice of correspondence from the University

via email, Postal Service, or campus mail may not constitute an acceptable reason for appeal.

Cases heard by the Student Conduct and Development Office will have appeals reviewed by the VPSA or designee, AVPSA or designee, and a student rep.

Once an appeal has been granted, one of the following outcomes may be reached:

- 1) Return the case to the original Student Conduct Administrator(s) for a new Conduct Conference and/or sanctions
- 2) Reverse or modify the outcome and/or sanctions. Modification may include reducing or increasing the severity of the original sanctions.
- 3) Uphold the outcome and/or sanctions

## **2) Additional Guidelines**

- a. During the appeal process, records reviewed may include but are not limited to: Investigation reports, findings, sanctions assigned, the appeal request, and/or other procedural documents. Character references/letters of support will not be considered during the appeal.
- b. Appropriate parties shall be notified regarding the submission, denial or acceptance, and outcome of an appeal, simultaneously when required, and within a reasonably determined time-frame.
- c. All sanctions assigned by the original conduct administrator(s) shall remain in effect during the appeal process to ensure the safety of the campus community. Organizational activities and/or participation are generally not seen as reasons for delaying sanctions.

## **3) Denied Appeals**

Appeal requests are reviewed to determine that the criteria are met. Following a review, the appeal may be denied by the VPSA or designee if it is determined that the appeal request did not meet the above mentioned criteria. If a request is denied the VPSA or designee will notify the requesting party (and complainant if applicable).

## **4) Approved Appeals**

- a. If an appeal is approved, both complainant(s) and respondent(s) involved in the same case, when related to acts of violence, may respond to the appeal. All responses must be in writing. Any party

- wishing to provide a response should do so, as there will be only one appeal.
- b. The appeal process is file review only.

## R. Disciplinary Files and Records

- 1) Case referrals will result in the development of a disciplinary file in the name of the respondent. If the respondent is found not responsible for the charges files will be destroyed after one year.
- 2) The files of respondents found responsible for charges against them, with sanctions less than suspension or expulsion, will generally be maintained in the Student Conduct Office for seven (7) years from the calendar year of record, after which they are destroyed.
- 3) Records of cases in which suspension or expulsion from the University occur are kept for ten (10) and fifteen (15) years respectively.
- 4) Confidentiality – All disciplinary records are confidential and may not be disclosed in whole or in part except as provided by law or by the written authorization of the student, under legal compulsion, or where the safety of other persons may be involved. Disciplinary records are maintained separate from the student's academic record but are part of the student's educational record.

## ARTICLE V: INTERPRETATION AND REVISION

- A. Any question of interpretation or application of the Student Conduct Code shall be referred to the VPSA or designee for final determination.
- B. The Student Conduct Code shall be reviewed every year under the direction of the VPSA or designee.
- C. The University reserves the right to discontinue, modify, or otherwise change its Student Conduct Code.