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NORTHEASTERN STATE UNIVERSITY

# 2019 Annual Security Report

Tahlequah — Broken Arrow — Muskogee

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f), 34 CFR 668.46)

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## Notice of Availability of the Annual Security Report

The Federal Student Right-to-Know, Crime Awareness and Campus Security Act, now cited as the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” and herein identified as the “Clery Report,” requires institutions of higher education to annually prepare and publish a report concerning campus crime statistics and security policies. The report is distributed annually through appropriate publications, mailings, or computer networks to all current students and employees, as well as to prospective students and employees upon request.

The annual security report is prepared by the Dean of Student and/or designee in partnership with the University Police department. It is prepared through comparison of records collected from various NSU offices. Statistics are gathered from Campus Police, HawkReach Counseling Services, Student Conduct and Development, and University Housing. Questions regarding the 2019 Annual Security Report should be sent to:

Name	Title	Contact Information
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An email notification is sent to all enrolled students and employees providing a link to the report. It can be access directly at <https://offices.nsuok.edu/publicsafety/CLERY-Reporting>. To request a printed copy, send an email to [studentaffairs@nsuok.edu](mailto:studentaffairs@nsuok.edu) and provide your full mailing address or preferred campus for pick up the following offices:

Office	Location	Contact Information
NSUPD Tahlequah	Admin. Building, Lower Level 601 N Grand Ave Tahlequah, OK 74464	918.444.2468 university_police@nsuok.edu
NSUPD Broken Arrow	Business & Technology 101 3100 E. New Orleans Broken Arrow, OK 74014	918.444.2468 university_police@nsuok.edu
NSUPD Muskogee	Administration Building 2400 W Shawnee St Muskogee, OK 74401	918.444.2468 university_police@nsuok.edu
Vice President for Student Affairs	Admin. Building, Suite 209 601 N. Grand Ave Tahlequah, OK 74464	918.444.2120 studentaffairs@nsuok.edu
Office of Student Affairs- Broken Arrow	Admin. Services Rm 211 3100 E. New Orleans Broken Arrow, OK 74014	918.449.6136 studentaffairsba@nsuok.edu
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## Introduction

### Compliance with the Clery Act

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh had not been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

The Act applies to every institution of higher education that receives federal financial aid. Title II of the Act was called the "Campus Crime Awareness and Campus Security Act of 1990." It requires institutions of higher education to distribute to all current students and employees, and applicants for enrollment or employment, the following information:

- Policies regarding procedures and facilities for students and others to report crimes or other emergencies on campus and the university's response to such reports.
- Policy concerning security of and access to campus facilities, including residences, and security considerations used in the maintenance of campus facilities.
- Campus law enforcement policies, including enforcement authority, and policies encouraging accurate and prompt reporting of crimes.
- Description of the type and frequency of programs designed to inform students and employees about campus security procedures and crime prevention procedures and practices to encourage students and employees to be responsible for their own security and security of others.
- Annual reporting of statistics concerning specific types of crimes.
- Policy regarding possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws.
- Policy regarding possession, use and sale of illegal drugs and enforcement of federal and state drug laws.
- Description of drug and alcohol abuse education programs.
- Campus sexual assault programs and procedures to prevent sex offenses.
- Information regarding emergency response and evacuation procedures.
- Policies, procedures, statistics and programs associated with sexual misconduct.
- Fire safety information and statistics/equipment for campus residential facilities.
- Policy regarding missing student notification procedures.

The most recent update in 2013 seeks to increase transparency, accountability, and education surrounding the issue of campus violence, including sexual assaults, domestic violence, dating violence and stalking.

## Northeastern State University's "Clery Geography"

Northeastern State University (NSU) is Oklahoma's fourth-largest public four-year institution and one of six regional institutions governed by the Regional University System of Oklahoma board. The university serves as a learning hub in northeast Oklahoma formed by three campuses in Tahlequah, Broken Arrow and Muskogee, which together served an average of 9,700 students in the 2018-2019 academic year.

## Reporting

### Procedures

Crime victims and witnesses to a crime, regardless of the crime, are encouraged to promptly report incidents to the NSU Police Department or another appropriate police agency. To report a crime, the victim, if he or she elects to, or witness needs only to call the police and a police officer will meet them to gather information.

An official report will be made with copies available to the victim after a completed investigation. Each month, the number of incidents in each category of crime are counted and reported to the Oklahoma State Bureau of Investigation, which in turn provides the information to the Federal Bureau of Investigation. Crime victims and witnesses may request assistance in notifying law enforcement authorities if the victim so chooses. In addition, a crime victim has the option to decline to notify law enforcement or campus authorities. Each year, the FBI publishes a book of crime statistics, "Crime in the United States," which includes accurate accounting of criminal incidents that occurred on the NSU Tahlequah campus.

If you are the victim of a crime or a witness to one, you should do the following:

1. Call the police immediately: Dial 918-444-2468 or dial 9-1-1.
2. Obtain a description: Attempt to obtain a description of the offender(s), including gender, age, race, hair, clothing and distinguishing features. Also attempt to obtain a description and license number of any vehicle(s) involved. Note the direction of travel of any offender(s) or vehicle(s) and report these to the police.
3. Preserve the crime scene: Do not touch any items involved in the incident. Close off the area of the incident and do not allow anyone in the crime area until police arrive.

### Daily Crime Log

A daily crime log is available for review 24-hours a day via the NSU Police Department. You can visit us in person to ask questions about the Daily Crime Log. The information in the crime log includes the police incident number, crime classification, date reported, date occurred, time occurred, general location and disposition of each crime. The log does not include names of parties involved except for the names of persons arrested.

### Police Enforcement Authority

The Northeastern State University Police Department is made up of certified police officers who have the same powers of arrest and law enforcement authority as municipal and county officers (Oklahoma State Statute, 74 O.S. 360). They work with state, tribal and local law enforcement authorities to investigate crimes on campus and in the community. There are always officers on duty who can be reached through our 24-hour dispatch.

Our jurisdiction includes all NSU owned facilities and the adjacent public property. We encourage everyone in the community to report any offense or disturbance promptly. All reports of criminal behavior will be handled in an appropriate and professional manner.

### Reporting Concerning Behaviors and Other Incidents

NSU has an online reporting system that can be used by any person, including the victim of an incident, to report incidents such as concerning behaviors of others. This system delivers reported details to selected members of NSU's behavioral intervention team via email and therefore should not be used when time is critical. This reporting mechanism should not be used to report incidents that require an immediate response by police, fire or ambulance personnel. It is intended as accessible means to report on incidents that have happened. If you have concerns that a person(s) may be planning to harm themselves or others, call University Police.

Reports can be submitted via the following link in this report: [Report Concern or Incident](#) or by visiting this site address at <https://www.nsuok.edu/ReportConcern.aspx>

### Confidential Crime Reporting

Confidential reporting of crimes is allowed at NSU. If, for a personal reason, a person does not wish to report an on-campus crime or suspected crime to the police, that person may anonymously report it by requesting to make the report anonymously, by using the anonymous text message feature of the Omnigo app (see page 22).

### **Crimes Disclosed to a Pastoral or Mental Health Counselor**

To be exempt from disclosing reported offenses to appropriate Northeastern State University officials, a pastoral or mental health counselor must be acting in their role as a pastoral or professional counselor. This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled.

A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. Note that the pastoral counselor or mental health counselor must report the crime if it occurred on campus to NSU Police for purposes of including the incident in the annual crime statistics only. Personal information will not be conveyed when making this disclosure unless the victim consents to such disclosure.

A mental health counselor is a person whose official responsibility includes providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies to professional counselors who are not employees of the institution but are under contract to provide counseling to the institution.

## Campus Security Authorities

The U.S. Department of Education defines campus security authorities as:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution.

A CSA is responsible for reporting Clery Act crimes they discovered themselves or which they learned about in good faith from others. These crimes (including weapons, drug, alcohol offenses, dating violence, stalking, etc.) are reported to University Police Department who will investigate the incident or refer it to the appropriate office or agency for investigation.

A CSA is not responsible for determining whether or not a crime took place – that is the responsibility of the law enforcement agency having jurisdiction. A CSA should never attempt to apprehend an alleged perpetrator of a crime. This too is the responsibility of law enforcement. It is also not the responsibility of a CSA to try and convince a victim of a crime to contact law enforcement if the victim chooses not to do so. However, if the crime is a sex crime, including sexual harassment, NSU policy requires that it be reported to the appropriate department or individual with authority to take corrective action or the appropriate law enforcement agency for investigation.

### **Designated Campus Security Authorities**

The following individuals are designated campus security authorities as persons with significant responsibility for student and campus activities:

#### Athletic Department

- Director of Athletics
- Assistant/Associate Athletic Directors
- Head Coaches for athletic teams
- Assistant/Associate Coaches for athletic teams
- Graduate Assistants for athletic teams
- Athletic trainers

#### Academic Affairs

- Vice President of Academic Affairs/Provost
- Assistant/Associate Vice President of Academic Affairs
- Deans
- Assistant/Associate Deans



- Program/Department Chairs
- Director, University Advising
- Academic Advisors
- Director of Music, Band, Ensembles
- Graduate Assistants for Music, Band, Ensembles

#### Administration and Finance

- Vice President of Administration and Finance
- Assistant/Associate Vice President for Facilities, Grounds and Construction
- Human Resources Professional Staff
- Director of Public Safety
- Sworn Police Officers
- Communication Officers
- Professional Parking Staff
- Student Parking Enforces

#### Student Affairs

- Vice President of Student Affairs
- Dean of Students
- Assistant Vice President of Enrollment Management
- Assistant Vice President of Auxiliary Services
- Conference and Events Professional Staff and Graduate Staff
- Student Engagement Professional Staff and Graduate Staff
- Advisors of student organizations
- Career Services Professional Staff and Graduate Staff
- Admissions and Recruitment Professional Staff and Graduate Staff
- Riverhawk Ambassadors
- Student Conduct and Development Professional Staff and Graduate Staff
- Financial Aid Professional Staff and Graduate Staff
- Student Disabilities Professional Staff and Graduate Staff
- Riverhawk Wellness Center Professional Staff and Graduate Staff
- Housing and Residence Life Professional Staff and Graduate Staff
- Resident Assistants

#### Other

- Title IX Coordinator
- Ombudsperson
- Director, Center for Tribal Studies
- Director, Native American Support Center
- Chief Information Officer

# Safety

## Emergency Response and Evacuation Procedures

### General Information

The University Police Department shall place into immediate effect the appropriate procedures as determined by the situation. University Police, as first responders, shall assume incident command and if necessary notify the Incident Management Team (IMT). The IMT will assume incident command and will contact the Emergency Operations Center (EOC) regarding the emergency and the possible need for a declaration of a university state of emergency. Any other university official deemed necessary may be contacted at that time. The Incident Management Team will notify and conduct liaison activities with the university administration, federal, state, tribal and local agencies.

In some emergency situations, emergency personnel may order protective actions. Typically, these protective actions are either to evacuate to a safe area or to shelter in place. It is possible that in some situations one part of the campus may evacuate and another may shelter in place or require no action. When such actions are warranted, you will be appropriately advised by NSUPD or via the NSU Emergency Alert System (EAS), door-to-door notifications, or other appropriate means. During an actual disaster, if Building Coordinators have not been notified, they are to use their best judgment as to whether to evacuate or shelter in place. An evacuation is an organized exit from a building or area to reach a safe area. Upon notification to evacuate, consult the building(s) evacuation diagram or directions given by responding personnel.

### Emergency Procedures Documents

The Emergency Procedures document is designed to provide a snapshot of essential aspects of the NSU Emergency Operations Plan as a reference tool for the university community. The basic emergency procedures outlined in this guide are to enhance the protection of lives and property through effective use of University and University community resources. Whenever an emergency affecting the university reaches proportions that cannot be handled by routine measures, the President/designee may declare a state of emergency, and these contingency guidelines may be implemented. Since an emergency may be sudden and without warning, these procedures are designed to be flexible in order to accommodate contingencies of various types. Emergency Procedures Jurisdiction These procedures apply to all students, faculty, staff, visitors, buildings, and grounds owned/operated by Northeastern State University (NSU) to include those peripheral areas adjoining the University.

### Declaration and Definitions of an Incident

The authority to declare and end a university state of emergency rests with the University President or his/her designee. The University President/designee, in consultation with the University Incident Management Team (IMT), serves as the overall incident command during any minor emergency, major emergency or disaster. The following definitions of an emergency are provided as guidelines to assist university community response. Any emergency should be reported to University Police Department as soon as possible.

1. Minor Incident (NIMS Type 5 Event): Any incident, potential or actual, which will not seriously affect the overall functional capacity of the university (examples- medical calls, accidents, alarms).

2. Major Incident (NIMS Type 4 Event): Any incident, potential or actual, which affects an entire building or buildings, and which will disrupt the overall operations of the university. Outside emergency services will likely be required, as well as, major efforts from university support services. Major policy considerations and decisions will usually be required from the university administration during times of crisis. In all cases of major emergencies, an Incident Command Post may be activated, and the appropriate support and operational plans will be executed (examples- football games, concerts, commencements).
3. Disaster (NIMS Type 1-3 Event): Any event or occurrence which has taken place and has seriously impaired or halted the operations of the university. In some cases, mass casualties and severe property damage may be sustained. A coordinated effort of all university resources is required to effectively control the situation. Outside emergency services will be essential. In all cases of disaster, an Incident Command Post will be activated, and the appropriate support and operational plans will be executed (examples- tornado, flood, natural disaster, terrorism).

### **Assumptions**

- The NSU Emergency Procedures are designed to address the problems likely to be encountered at a university during a minor emergency, major emergency or disaster. The following are general guidelines: An emergency or a disaster may occur at any time of the day or night, weekend or holiday, with little or no warning.
- The succession of events in an emergency is not predictable. Operational plans will serve only as a guide and checklist, and may require field modification in order to meet the requirements of the emergency.
- Disasters may affect residents adjacent to the university, therefore city, county, and federal emergency services may not be available. A major emergency may be declared if information indicates that such a condition is developing or is probable.
- An emergency or disaster may occur with non-university persons on university property and may not be restricted to university students and/or personnel.

### **Emergency Response**

The Incident Commander will authorize the use of the Emergency Alert Systems (EAS) as necessary to transmit information and instructions to large segments of the university notifying of an emergency situation. Communication methods include, but are not limited to: NSU website, university television cable system, telephone alert system, email, text messaging, public announcement systems, and NSU computer network broadcast, NSU website and social media.

### **Response Teams**

The following groups are formally organized to address the needs of the university community before, during, and after an emergency.

Emergency Operations Center (EOC) – The physical location at which the coordination of information and resources to support incident management (on-scene operations) activities normally takes place. An EOC may be a temporary facility or may be located in a more central or permanently established facility, perhaps at a higher level of organization within a jurisdiction. EOC's may be organized by major functional disciplines (e.g., Federal, State, regional, tribal, city, county), or some combination thereof. Staffing of the EOC may include but not limited to the University President's Cabinet.

University Incident Management Team (IMT) – An incident Commander and the appropriate Command and General Staff personnel assigned to an incident. The level of training and experience of the IMT members, coupled with the identified formal response requirements and responsibilities of the IMT, are factors in determining “type.” or level, of IMT.

Campus-Community Emergency Response Team (C-CERT) - C-CERT is a team trained to respond to emergency situations as additional support to professional responders. C-CERT may be dispatched by the IMT or respond independently in the event of an emergency.

Building Coordinators – Building Coordinators are responsible for maintaining records of occupancy, classes and activities for designated University buildings. Building Coordinators aid in mitigating and preparing for crisis by building community awareness of emergency response guidelines. They also notify occupants of building exits, provide safety resources, assist emergency personnel with response actions and offer direction and instruction as needed to occupants.

### **Emergency Operations Plan and Training**

The Department of Public Safety (DPS) will have overall responsibility for coordinating and implementing the Emergency Operations Plan. As part of their responsibility, the DPS will meet annually to evaluate the emergency procedures as outlined in the Emergency Operations Plan and consider revisions and updates as necessary. The DPS will also assume responsibility of ensuring that each university building has appropriate building coordinators assigned, and that emergency evacuation procedures are posted throughout each facility. DPS will coordinate routine “table-top” exercises, drills, simulations, and general training throughout the year. DPS is charged with implementing at least one full scale exercise annually at each of the three campuses. Uniformed University Police Officers are on duty twenty-four (24) hours per day on the Tahlequah campus. Officers are on duty during peak times at both the Broken Arrow and Muskogee campuses.

## **General Emergency Response Protocols**

### **Severe Weather**

When severe weather approaches, NSU Department of Public Safety monitors meteorologist reports, civil defense information and the local radio. DPS will notify the campus community of the weather emergency and the appropriate actions to be taken via the EAS.

#### **Severe Weather – General**

- Listen to radio, television and NSU information systems for weather updates:
- NSU Facebook page
- NSU Homepage
- Local Radio Stations: KEOK-FM (102.1), KRMG (102.3 or AM 740), KFAQ (AM 1170)
- Local television stations: KTUL (Channel 8), KOTV (Channel 6), KJRH (Channel 2), FOX (Channel 23)

Flash Flood Watch- When weather conditions are favorable for the development of flash flooding a flash flood watch is issued. A watch does not mean that the flood is actually occurring; only that conditions have created a significant risk for it.

Flash Flood Warning- When flash flooding is occurring a flash flood warning is issued. If flash flood actually does occur urgent action should be taken. Avoid drainage and low-lying areas.

Severe Thunderstorm Watch- When weather conditions are favorable for the development of severe thunderstorms a severe thunderstorm watch is issued. A watch does not mean that the severe weather is actually occurring; only that conditions have created a significant risk for it.

Severe Thunderstorm Warning- When severe thunderstorms have formed a severe thunderstorm warning is issued. If severe weather actually does occur urgent action should be taken.

Tornado Watch- When weather conditions are favorable for the development of severe thunderstorms that are capable of producing tornadoes a tornado watch is issued. A tornado watch therefore implies that it is also a severe thunderstorm watch.

Tornado Warning - The saferooms and shelters will not be opened until a Tornado Warning was issued. - Go to saferooms or shelters. If you cannot get to a shelter: Go directly to an enclosed, windowless area in the center of the building – away from glass and on the lowest floor possible. Then, crouch down and cover your head. Interior stairwells are usually good places to take shelter, and if not crowded, allow you to get to a lower level quickly. Stay off the elevators; you could be trapped in them if the power is lost.

The following buildings have basements that are designated as storm shelters:

#### Tahlequah Campus

- University Center
- Business and Technology Building (overflow location)

#### Broken Arrow Campus (rooms with gray steel doors)

- Administration: Room 170 and restrooms on either side of Room 170
- Business and Technology: Room 127 and Room 128
- Education: Rooms 118, 120, 136, 137 and 138
- Liberal Arts: Rooms 116, 118, 130 and 132

#### Muskogee Campus

- Administration: Rooms 108, 109, 110, both bathrooms
- Synar Building: East Hallway bathrooms, under stairwells.

### **Evacuation or Shelter-in-place plans**

In some emergency situations, emergency personnel may order protective actions. Typically, these protective actions are either to evacuate to a safe area or to shelter in place. It is possible that in some situations one part of the campus may evacuate and another may shelter in place or require no action. When such actions are warranted, you will be appropriately advised by NSUPD or via the NSU EAS, door-to-door notifications, or other appropriate means. During an actual disaster, if Building Coordinators have not been notified, they are to use their best judgment as to whether to evacuate or shelter in place. An evacuation is an organized exit from a building or area to reach a safe area. Upon notification to evacuate, consult the building(s) evacuation diagram or directions given by responding personnel.

- Secure any hazardous materials or equipment before leaving.
- Assist all individuals with disabilities or special needs.
- Do not use elevators.

- Take personal belongings (keys, purses, wallets, backpacks, bags etc.) and proceed in an orderly fashion to the nearest available exit.
- Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and crews.
- Based on the type of emergency, select a safe area away from the building- not in an adjacent parking lot.

#### Shelter in Place

When emergency conditions do not warrant or allow evacuation, the safest method to protect individuals may be to take shelter inside a university building and await further instructions.

- Move indoors or remain there – avoid windows and areas with glass
- If available, take a cellphone, computer, radio or television to the room to track emergency status
- Keep cellular and land lines free for emergency responders. DO NOT CALL 911 FOR INFORMATION.
- Shelter in place instructions will be provided by the Emergency Alert Systems and social media

#### Timely Warning Policy

In the event that a situation arises, either on or off campus, that, in the judgment of university officials, constitutes an ongoing or continuing threat to the NSU community, a “timely warning” will be issued by the department of Public Safety. The Emergency Alert System (EAS) notifies the community through text messages, emails, voicemails and a campus wide public address system. The University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the EAS, unless the notification will, in the professional judgment of the concerned authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

#### Missing Student Notification

In accordance with Section 485 of the Higher Education Act, 20 U.S.C. § 1092(j), Northeastern State University has developed this investigation and notification policy regarding students who reside in campus housing and have been reported as missing. Any missing student report must be referred immediately to the University Police Department. Any student residing in University Housing who has been reported missing for 24 hours will be investigated by the University Police Department. Anyone may report a student residing in University Housing as missing to the University Police Department either by phone or in person. Any resident may register a confidential contact person to be notified in the case that the resident is reported missing. Only campus officials and law enforcement may have access to this confidential contact. If you are interested in registering a confidential contact you may come to the University Police Department, 830 N. Grand Ave., to complete the process. Due to the confidentiality concerns we will only register contacts in person. The registration of a confidential contact is not required for a student to be reported missing. All residents reported missing will be investigated. If the missing student is under 18 years old and not emancipated their parent or guardian will be notified. The University Police Department will begin an investigation immediately upon receiving a report of a resident missing for any amount of time. There is no 24-hour requirement.

#### Firearms on Campus

Oklahoma law, Title 21, section 1272 dealing with Unlawful Carry of firearms changed on November 1, 2019. The law removes the requirement for persons to obtain a permit to carry a weapon concealed or

not concealed assuming the person meets certain requirements. This *does not change Title 21, section 1277*, which prohibits carrying a firearm onto any college or university property unless it meets one of three exceptions:

1. A weapon (firearms and other weapons) may be locked and otherwise properly stored in a vehicle parked in a designated parking area of campus.
2. Any campus property authorized for a specific individual by written consent of the President.
3. Law enforcement officers, on-duty or off-duty, may carry a firearm without specific permission from the President.

Any person found to be in possession of a firearm on campus property who does not meet a lawful exception is subject to arrest and prosecution. Weapons on campus policies are provided elsewhere in this report.

### Facilities and Access to Campus

Northeastern State University is open to the public. University buildings will be open during business hours and while classes are in session. University buildings are secured by employees when business operations are completed. Residence halls are secured with electronic access or individual key fobs and access is given to students residing in facilities and such university employees needing access to perform their functions.

An informational publication (Student Housing Handbook – Guide to Campus Living) is provided by Housing and Residence Life as a guide for living in residence halls. All resident rooms and windows are equipped with locking devices. Educational programs are presented periodically to residents to increase awareness of safety and security issues. University housing facilities are patrolled by university police officers on a regular basis. Residents are encouraged to keep doors and windows locked. Tenants should report any suspicious activity to NSU Police immediately.

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Northeastern State University police officers regularly patrol and report any malfunctioning lights and other unsafe physical conditions to the Facilities Management for correction. Other members of Northeastern State University community are helpful when they report equipment problems to the Northeastern State University Police Department (918-444-2468) or Facilities Management (918-444-2400).

### Lost and Found

Northeastern State University Police Department Lost and Found is located at the University Police Department, 600 N. Grand Ave., Tahlequah. Additionally, there are lost and found areas located in other campus buildings. After a certain period of time, all buildings and offices are encouraged to forward any found items to the Northeastern State University Police Department to maintain a central location for persons seeking lost property. Inquiries about lost and found property can be made by calling the University Police Department at 918-444-2468.

## Outreach and Prevention Efforts

### Alcohol and Drug

Northeastern State University seeks to encourage and sustain an academic environment that respects individual freedoms and promotes the health, safety and welfare of its students, faculty, staff and visitors. These participants are expected to know and follow the applicable laws and all Northeastern State University policies and regulations. Each person is responsible for his or her own behavior. Northeastern State University enforces compliance with state law and alcoholic beverage laws on campus and at University-sponsored events.

### **Drug Free Campus and Community**

The Drug-Free Schools and Communities Act (DFSCA) of 1989 - also known as the Drug-Free Schools and Campuses Act - requires institutions of higher education to establish policies that address unlawful possession, use, or distribution of alcohol and illicit drugs. The DFSCA also requires the establishment of a drug and alcohol prevention program. All members of the NSU Community are encouraged to review the information on the following pages. This information is distributed on an annual basis.

### **Standards of Conduct**

Use of illegal drugs, and the illegal use of alcoholic beverages, is identified as "conduct which adversely affects the university community." University regulations prohibit any unlawful possession, use, distribution, or sale of alcohol and other drugs by University students, faculty, staff, or guests to the University, on University-owned property and at all University sponsored activities. Northeastern State University students are also prohibited from the illegal use of drugs or alcohol whether on or off campus. The legal age for the consumption of alcohol is 21 years of age. Any underage student consuming alcohol is violating standards for student conduct. Additionally, excessive alcohol use can lead to additional violations, such as driving while intoxicated or public intoxication. Northeastern State University is designated as a tobacco-free environment. Smoking and the use of all tobacco products and e-cigarettes are prohibited.

### **Disciplinary Sanctions**

The penalties for misconduct range from warning to expulsion- see the list in the list in the Conduct Process section. Typically, students who have violated the Student Code of Conduct will be referred to the Student Health Services for assessment and Hawkreach Services to complete an individualized education plan. A Health and Substance Abuse Educator will meet with the student and complete an assessment covering alcohol and other drug use history, reason for referral, family and personal history, health concerns, safety issues, and the consequences associated with use. The educator will also assess the student's readiness for change and establish behavior change goals. NSU employee sanctions are listed in the employee handbook. Local, state, and federal laws provide for a variety of legal sanctions and penalties for the unlawful possession or distribution of illicit drugs and alcohol.

### **Health Risks**

Specific serious health risks are associated with the use of alcohol and drugs. Some of the major risks are listed below. For more information contact Student Health Services located on the east corner of the Riverhawk Wellness Center on Tahlequah campus, or by calling 918-444-2126.



- Alcohol and Other Depressants (barbiturates, sedatives, and tranquilizers) - Abuse of alcohol and use of other depressant drugs can cause addiction, accidents as a result of impaired ability and judgment, alcohol poisoning, overdose when used with other depressants, damage to a developing fetus, and heart and liver damage. Amphetamines/Stimulants - Amphetamines and stimulants (speed, uppers, crank, caffeine, etc.) can speed up the nervous system which can cause increased heart and breathing rates, higher blood pressure, decreased appetite, headaches, blurred vision, dizziness, sleepiness, anxiety, hallucinations, paranoia, depression, convulsions and death due to a stroke or heart failure.
- Anabolic Steroids - Anabolic steroids can seriously affect the liver, cardiovascular, and reproductive systems. They can cause sterility in males and females, as well as impotency in males.
- Marijuana - Marijuana may impair short-term memory, thinking, and physical coordination. Marijuana can cause panic reaction and increase the risk of lung cancer and emphysema. It can interfere with judgment, attention span, concentration, and overall intellectual performance. The use of marijuana impairs driving ability. The use of marijuana may cause psychological dependence and compromise the immune system.
- Cocaine - The use of cocaine can cause addiction, cardiovascular system damage including heart attack, brain damage, seizures, lung damage, severe depression, paranoia, and psychosis. Similar risks are associated with other stimulants, such as speed and uppers.
- Nicotine - Tobacco smoke contains thousands of chemical compounds, many of which are known to cause cancer. Nicotine, which is a central nervous system stimulant, produces an increase in heart and respiration rates, blood pressure, adrenaline production and metabolism. People can rapidly become physically and psychologically dependent on tobacco. Nicotine also compromises the immune system.
- Inhalants - Inhalants are a diverse group of chemicals that easily evaporate and can cause intoxication when their vapors are inhaled. Most inhalants are central nervous system depressants. Use of these drugs slows down many body functions. High doses can cause severe breathing failure and sudden death. Chronic abuse of some of these chemicals can lead to irreversible liver damage and other health problems.
- Prescription Drug Abuse - Prescription drug abuse can cause adverse reactions, dependency, withdrawal, and overdose.

### **Alcohol and Drug Education Programs**

Treatment Options and Education Resources- A variety of resources exist for alcohol and other drug prevention education, counseling and referral. For detailed information concerning these resources available from the University and community agencies, students may contact Outreach and Prevention at 918-444-4735 located at the south entrance to the John Vaughn Library on the Tahlequah campus or HawkReach Counseling Services at 918-444-2042 located at Leoser Complex. Faculty and staff members may contact the Employee Assistance Program at 1-888-628- 4824 or Human Resources at 918-444-2230.

Hawkreach Counseling Services - Provides counseling to help students cope with problems stemming from alcohol or drug abuse by a family member(s) and friend(s). Student Counseling Services is available through Student Affairs.

Residence Halls Staff - Provide advice and referral for counseling.

Alcohol and Other Drug Education Programs (AODEP) - Student Affairs department of Outreach and Prevention coordinates AODEP. Campus-wide programs and customized group programs focused on effects of alcohol and other drug use/misuse are offered throughout the academic year to bring awareness, education, and outreach to the campus community.

It is the intent of Northeastern State University to expand current educational programs and services to decrease the risks to students resulting from alcohol and drug abuse. The following toll free, hotline numbers may be of use to someone needing help or advice.

- National Institution on Drug Abuse Information and Referral, 1-800-662-HELP, M-F, 8:30-4:30
- Safe & Drug-Free Schools, 1-800-624-0100, M-F, 8-5
- National Council on Alcoholism, 1-800-622-2255, 7 days a week, 24 hours a day
- American Council for Drug Education, 1-800-488-DRUG Clearinghouse for Alcohol & Drug Information, 1-800-SAYNOTO
- Cocaine Helpline, 1-800-COCAINE
- Reach-Out Hotline, 1-800-522-9054 (alcohol, drug crisis intervention, mental health and referral)

Any questions regarding the rules, regulations, and policies set forth in this statement may be referred to Student Affairs or Human Resources.

### Crime Prevention

In addition to our direct efforts at crime control through patrols and interaction with the community, we offer a number of programs to increase the safety of the campus community:

- Omnigo cellphone Application. Daily. The cellphone application is available for free download on the iPhone or Android phones. The cellphone application allows users to contact the University Police Department and transmits the caller's location and personal information that the user entered in the system. Users can contact the police department via voice or text and can send images or videos to the dispatcher. Text messages can be sent anonymously. The app also contains emergency procedures, a crime map, and a friend watch.
- Operation ID. Daily. Bring your valuables by the police department and we will engrave a unique owner number on them. This aids in recovery if the items are lost or stolen.
- Safety Escorts. Daily. If you don't feel comfortable walking at night, you may call for an officer to escort you to your campus destination. There is free application for iPhone and Droid phones available to all students.
- Motorist Assistance. Daily. Our officers can assist with lock-outs and have battery packs for jump-starting your vehicle.
- Bike/UTV Patrol. Weather permitting. These patrol programs offer a greater interaction with the community. Don't hesitate to stop and chat with us.
- Building Security. Daily. Most academic buildings remain unlocked throughout the day and into the evening. Custodians are instructed to report any suspicious situations to the police immediately. University officers will often walk through buildings to enhance security.
- Publications. Daily. The University Police Department has various publications on public safety topics available.

- RAD– Rape Aggression Defense Classes. When requested. We offer, a self-defense course for women. The RAD system is offered to as few as five people at a time. Any group may request a class or attend one of our regularly scheduled classes.
- QPR- Suicide Prevention/Mental Health First Aid. When requested. The University Police will provide an instructor for classes to learn the Question, Persuade, Refer Suicide Prevention instruction to include all campus resources for those in need.
- Public Speakers. When requested. The Department of Public Safety will provide public speakers for various topics related to crime prevention and public safety including alcohol awareness, safe driving practices, theft prevention, sexual assault prevention, alcohol and drug addiction and consequences or any other topics related to the department.
- ALICE. When requested. ALICE, which stands for Alert, Lockdown, Inform, Counter, Evacuate is a course taught by officers to non-police personnel to prepare them to participate in their own survival and help others to safety in a violent incident before help arrives. Students are taught to reporting methods, locking methods and barricading doors, countering methods, safe evacuation and how to recognize and report persons needing behavioral intervention.
- Security Cameras. Daily. Security cameras are placed strategically at each of our campuses to help deter crime and aid in investigations.

## Personal Safety

The following general precautions and crime prevention tips provide guidance:

- Program the Northeastern State University Police Department’s phone number in your cellphone (918-444-2468) and install the Omnigo app. Report any suspicious activity on campus to the Northeastern State University Police Department immediately.
- Never take safety for granted. Always be aware of your surroundings.
- Try to avoid walking alone at night. You may request a safety escort through the cellphone app or by calling the University Police Department at 918-444-2468.
- Limit your alcohol consumption and leave social functions that get too loud, crowded or have too many people drinking excessively or out of control. Call the University Police or the local police for help at the first sign of trouble.
- Use lighted walkways and thoroughfares, even if it means going out of the way.
- Carry only small amounts of cash and keep purses, backpacks and wallets close to your body.
- Do not struggle if someone tries to take your property.
- Never leave valuables (wallets, purses, books, calculators, laptops, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles, motorcycles and scooters. Lock your vehicle.
- Remember to lock the doors of your residence. Be certain that your door is locked to your residence when you go to sleep, and keep windows closed and locked when you are not at home. Do not allow others access to residence halls.
- Do not leave valuables in your car, especially in areas that are easily noticed.
- Engrave your driver’s license number on items of value. The University Police Department will provide this service for free.
- Inventory your personal property and insure it appropriately with insurance coverage.
- Never prop open doors to residence halls or apartment buildings.

- Do not hide spare keys outside your room or apartment. Do not put your name or address on your key rings.
- Always check the area around your vehicle as you approach it and check in the rear seat for intruders before entering the vehicle.
- Never hitchhike and don't pick up hitchhikers.
- If your vehicle breaks down, call the police. Do not allow any person access to you or inside your vehicle. Be aware that an accident may be staged to provide another an opportunity to commit a criminal act.
- Be alert to your surroundings. If you suspect you are being followed call the police right away.

**Security Escort Service**

The University Police provides a safety escort service free of charge. Call 918-444-2468 or use the cellphone app to request a safety escort.

**Violence Prevention and Educational Programming**

Northeastern State University provides educational programming in regards to the prevention of domestic violence, dating violence stalking, and sexual violence through the Violence Prevention Coordinator. Northeastern State University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined in the "Definitions" section. Northeastern State University further prohibits the crimes of domestic violence, sexual assault, and stalking, as defined under Oklahoma law, set forth in the attached Appendix B. More information on these issues and Northeastern State University's efforts to combat sexual violence, contact any of the individuals or departments listed below.

Name	Title	Contact Information
Michelle Raborn	Violence Prevention Grant Coordinator	918.444.2120 violence_prevention@nsuok.edu
Dr. Sheila Self	Dean of Students	918.444.2120 selfsj@nsuok.edu
James Bell	Captain, NSU Police Department	918.444.2468 bell02@nsuok.edu

**3E Campus Safety Learning Program**

3E Campus Safety is a program to assist colleges nationwide with tackling this important topic by giving them the ability to Educate, Empower, and Enforce. Our top priority is helping institutions provide a safe environment that is conducive to learning and that students can thrive in. As a result of this commitment we have developed a proactive course which covers how to prevent, recognize, and report acts of sexual assault. 3E Campus Safety is a web-based platform that not only meets the objectives of the education component of the VAWA/Campus SaVE Act but also provides:

- Pre-post tests to demonstrate the effectiveness of the steps that your institution has taken.
- A backend completion verification method, which can be used for student accountability.
- Requires students to have proficient level of knowledge before allowing completion.

Curriculum follows the four principles (perceivable, operable, understandable, and robust) in order to best address the needs of the widest possible range of learners. Sexual assault is an issue that affects all people of every culture, nationality and orientation. 3E makes sure that the graphics and media used reflect the diversity of the population that it has been created for. 3E causes students to interact with the platform on average every 30-45 seconds, which helps increase the retention of information. Provides students the ability to learn anywhere, anytime with our flexible online learning platform. Perfect for orienting students about campus culture and expectation prior to start of the school year.

## OneLove

The One Love Foundation was created in 2010 to honor the memory of Yeardeley Love, a University of Virginia senior who was killed by her ex-boyfriend just weeks before graduation. After her death, Yeardeley's family and friends were surprised to learn that 1 in 3 women and 1 in 4 men in the U.S. will experience intimate partner violence in their lifetime. It is with this understanding that One Love seeks to get to the root cause of this issue by teaching people how to treat one another in healthier ways. Sharon Love and Lexie Love, Yeardeley's mother and sister, set out to create powerful content that starts the conversation about healthy and unhealthy relationships with the hope that it will ultimately end relationship violence. The One Love Foundation strives to achieve this goal by educating, empowering and activating young people in a movement for social change.

- The **Escalation Workshop** is the core product and is a film-based experience that educates about the warning signs of an abusive relationship. Utilizing peer-facilitators trained by One Love staff, Escalation provides young people with the framework they need to identify the warning signs and the tools to help a friend who may be in an abusive situation. To date, 209,837 students have participated in the Escalation workshop. This workshop is recommended for ages 14-30.
- **#ThatsNotLove** is a series of short, shareable digital content in four unique chapters (Behind the Post, Because I Love You, Couplets, Love Labyrinth) that seeks to define the gray area between love and control. Behind the Post (ages 14-30) focuses on social media and how it can skew our view of the relationships around us and, in some cases, influence our decisions to stay in unhealthy ones. Their guide to 10 signs of an unhealthy relationship explore the signs of an unhealthy relationship and encourages young people to start a conversation with their friends. The series, *Because I Love You* (ages 14-30), is focused on how the phrase "Because I love you," can be used to manipulate someone in an abusive relationship. To help people with this conversation, One Love created a guide complete with questions and answers to help someone talk about controlling statements and other unhealthy relationship behaviors. Love Labyrinth (ages 14-30) focuses on how feeling trapped in a Love Labyrinth is a very real and very frightening symptom of relationship abuse. Even the tiniest of behaviors from your partner can impact your self-esteem, independence and ability to recognize the relationship you deserve. The Couplets series (ages 11-13) consists of eight short clips that show both the healthy and unhealthy version of a situation. The discussion guide for these videos also includes a lesson plan with discussion questions and classroom activity ideas.

The **Campus Ambassador Program** creates a virtual and collaborative space for college and high school students to engage with one another on a national level to build grassroots movements to end relationship abuse in their communities.

## Sexual Violence

All forms of sexual violence should be reported, no matter the severity. Northeastern State University's primary concern is safety; therefore, individuals should not be deterred in reporting even if the use of alcohol or other drugs was involved. Northeastern State University offers both confidential reporting and non-confidential reporting options. It is important to be aware that different individuals who victims can contact for assistance following an incident may have different responsibilities regarding confidentiality, depending upon their position. Under state law, some individuals can assure the victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other institution employee cannot guarantee complete confidentiality, unless specifically provided by law.

Type of Report	Office/Individual	Contact Information
Confidential, On-Campus	Elizabeth Mai Student Advocate	918.444.2042 maiea@nsuok.edu
Confidential, On-Campus	Hawkreach Counseling Services	918.444.2042 hawkreach@nsuok.edu
Confidential, Off-Campus	CREOKS Behavioral Health Services	918.207.0078 (24 hours)
Confidential, Off-Campus	Help In Crisis (Domestic Violence)	918.456.0673
Confidential, Off-Campus	Crisis Line for Domestic Violence and Sexual Assault- Broken Arrow	888.372.9400
Confidential, Off-Campus	VA Muskogee (Veterans Services)	800.827.1000
Confidential, Off-Campus	WISH (Women in Safe Homes, Muskogee)	918.682.7879
Non-confidential reporting	NSU Police Department- all campuses	918.444.2468 university_police@nsuok.edu
Non-confidential reporting	Tahlequah Police Department	918.456.8801
Non-confidential reporting	Broken Arrow Police Department	918.251.5311
Non-confidential reporting	Muskogee Police Department	918.683.8000
Non-confidential reporting	Cherokee County Sheriff's Office	918.456.2583
Non-confidential reporting	Wagoner County Sheriff's Office	918.485.3124
Non-confidential reporting	Muskogee County Sherriff's Office	918.687.0202

The Board of Regents for the Regional University System of Oklahoma and the Clery Act require all other employees (excluding counselors and victim advocate) who become aware of an instance of sexual violence or harassment to report it to the Northeastern State University Police Department or the Title IX Coordinator. The report should include the nature, date, time, and general location of an incident. A responsible employee is an employee who has the authority to address sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could

reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the institution will investigate the alleged sexual violence, end any sexual violence, prevent the sexual violence from re-occurring, and educate on sexual violence. Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations and if the victim wants to remain confidential, then the student should be directed to a confidential resource.

## Victim Information

If you are a victim of sexual violence, you are not alone and you are in no way responsible for your assault. If you are not safe and need immediate help, call the police. No matter where the incident occurred, you may call the Northeastern State University Police department for assistance.

Do what you need to do to feel safe.

- Go to a safe place or contact someone with whom you are comfortable. You can call the Oklahoma Rape Crisis hotline at 1-800-522-7233 to get advice and discuss options for how to proceed.
- Do not shower, bathe, douche, change or destroy clothes, eat, drink, smoke, chew gum, take any medications or straighten the room of place of incident. Preserving evidence is critical for criminal prosecution. Although you may not want to prosecute immediately after the incident, you may want to in the future. The evidence collected can also be useful in the campus conduct process.
- Go to the nearest medical facility to receive care for any physical injuries that may have occurred. On-campus, the Student Health Center is located at the Fitness Center. While in the emergency room or other treatment facility, treatment will be provided for sexually transmitted diseases and to prevent pregnancy. Northeastern State University Health Services and local hospitals have access to Sexual Assault Nurse Examiner. Upon arrival at the medical facility, you will be taken to a private exam area. The nurse, advocate, and police officer will be directed to this same location. You will be examined to treat any injuries and gather evidence.
- You are not required to make a police report, and you will not be charged for the examination or treatment related to the incident.
- A victim's advocate will support you throughout the entire exam, which will be performed by the Sexual Assault Nurse Examiner. The advocate will provide a packet of written materials that contains information about common reactions to rape, follow-up medical needs, and support services.

## On and Off Campus Resources

The University will provide written notification to students and employees about resources such as counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims (both within the institution and in the community). Victims will be provided written notification about options for available assistance with, and how to request changes to:

- Academic situations
- Living situations

- Transportation issues
- Work environments/schedules
- Protective measures

### Medical Services

It is important to have a thorough medical exam after a sexual assault even if you do not have any apparent physical injuries. Medical providers can treat any injuries and provide tests for sexually transmitted diseases. They are not required to report any information about an incident to the Title IX Coordinator without the victim’s permission. However, they will report the number of incidents without any identifiable information for the purposes of the Clery Act. While these professional counselors, non-professional counselors (those who act under the supervision of a licensed counselor), advocate, and health providers may maintain a victim’s confidentiality, they may have reporting or other obligation under state law, such as mandatory reporting to law enforcement in the case of minors, imminent harm to self or others, or requirement to testify if subpoenaed in a criminal case.

Provider	Location	Contact Information
NEO Health Services- Tahlequah Campus	529 N. Oak Ave Tahlequah, OK 74464	918.444.2126
Arkansas Verdigris Valley Health Clinic- Broken Arrow Campus	607 S. Broadway Coweta, OK 74429	918.486.5564
NEO Health Services- Muskogee Campus	1328 S. York Street Muskogee, OK 74403	918.683.0470
Cherokee Nation W W Hastings Hospital- Tahlequah Campus	100 Bliss Ave Tahlequah, OK 74464	918.458.3100

### Interim Measures

The Coordinator of Student Conduct and Development can put in place interim measures for student victims of sexual violence as needed. A formal complaint does not need to be submitted to have interim measures put in place. Northeastern State University will maintain as confidential any interim measures provided as long as it does not impair the ability to provide the interim measures. If you are in need of one or more of these interim measures, please contact the Victim’s Advocate at 918-444-2012.

- **Assistance in Reporting:** Student Affairs can assist you in filing a complaint with the institution conduct process and the appropriate law enforcement agencies against the student(s) who caused harm.
- **No Contact Order:** Student Affairs can put in place a No Contact Order between the complainant and the respondent, which would prohibit contact between parties through any means of communication, as well as not having others make contact on their behalf.
- **Emergency Protective Order:** The University Police Department, Violence Prevention Coordinator or Student Affairs can assist you in filing for an Emergency Protective Order. This is a court- ordered petition that prohibits contact between the complainant and respondent. Violations of a Protective Order are an arrestable offense.



- Safety Measures: Student Affairs or the Violence Prevention Coordinator can coordinate any reasonable arrangements that are necessary for your ongoing safety. This includes transportation arrangements or providing an escort.
- Living Arrangements: Student Affairs or the Violence Prevention Coordinator can assist in changing your on-campus living arrangements or that of the accused to ensure the safety and comfortable living situation.
- Academic Arrangements: Student Affairs can assist in adjusting your academic schedule or that of the accused as well as assist in providing access to academic support services
- Other Interim Measures: Student Affairs can coordinate any reasonable arrangements to address the effects of the sexual violence on you, including connecting you with counseling, health care or academic support resources.

## Disciplinary Proceedings

Anyone can report instances of sexual harassment and sexual violence, as well as other crimes or violations of the Student Handbook. A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident. Any individual who has experienced, witnessed, or knows about discrimination on the basis of sex is encouraged to seek help and report the incident. Incidents or complaints may be reported online, or by contacting the Title IX Coordinator, or contacting one of the central reporting offices listed.

A complaint can be filed by contacting:

Individual/Office	Title	Location	Contact Information
Joshua Rader	Senior Coordinator of Student Conduct & Development	711 N. Grand Ave Tahlequah, OK 74464	918.444.2260 conduct@nsuok.edu
Jean Logue	Director, Human Resources	601 N. Grand Ave Admin. Bldg. Suite 115 Tahlequah, OK 74464	918.444.2230 humanresources@nsuok.edu

## Student Rights in the Conduct Process

Accused Students Have the Right to:

- A. A written notice of the alleged violation(s) – sent to the student’s official university address (electronic or physical);
- B. Waive written notice of the alleged violations;
- C. Reasonable access to the review of the contents of the individual case file;
- D. Have no student rule violation assumed until proven through the student conduct process;
- E. Say nothing with the knowledge and understanding that no assumption of responsibility is made solely as a result;
- F. Be accompanied by one advisor/counselor (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 and/or counselor may not be an individual and/or student that is and/or may be charged as a result of the same or similar fact pattern. 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;
- G. Question his/her accuser - directly or indirectly - at the discretion of the Student Conduct Administrator or Student Conduct Administration body;
- H. Question witnesses - either directly or indirectly - at the discretion of the Student Conduct Administrator or Student Conduct Administration body;
- I. Present material witnesses - those with firsthand knowledge of the incident (character witness information may only be submitted in written form);
- J. Written notification of the outcome of the student conduct conference – sent to the student’s official university address (electronic or physical) - such information may not be shared with any individual or entity;
- K. Have an avenue to appeal the decision of the Student Conduct Administrator of Student Conduct Administration body.

## **Alleged Victim of Sexual Misconduct or Crimes of Violence**

Northeastern State University students who are the alleged victim of sexual misconduct or a crime of violence have the right to:

- A. Be given an explanation of the student conduct process;
- B. Have access to evidentiary material the complainant or alleged victim submitted - this includes police reports;
- C. Choose to be present or not present during the student conduct conference – in person or through an indirect means - the mere presence does not imply a forced participation in the conduct proceedings;
- D. Be accompanied by one advisor/counselor (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 and/or counselor may not be an individual and/or student that is and/or may be charged as a result of the same or similar fact pattern. 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
- E. Question the accused/material witnesses - directly or indirectly - at the discretion of the Student Conduct Administrator of Student Conduct Administration body;
- F. Have evidence of past sexual history excluded during the student conduct conference, - the past sexual history of the alleged victim with persons other than the alleged perpetrator shall be presumed irrelevant - relevancy is at the discretion of the Student Conduct Administrator of Student Conduct Administration body;
- G. Submit a victim impact statement for the Student Conduct Administrator of Student Conduct Administration body to consider – only if the student is found responsible - prior to issuing any sanction(s);
- H. Upon written request, be notified of the outcome of the conduct proceeding – if the request is granted such information may not be shared with any individual or entity.
- I. If the conduct code violation alleged arises from an allegation of dating violence, stalking, domestic violence or sexual assault, a written notice will be sent to the accuser and accused of the outcome of the proceedings, the procedures for an appeal by the accuser or the accused, any changes as the result of an appeal and when such results are final
- J. If the alleged victim is deceased as a result of such crime or offense, the next of kin of the victim shall be treated as the alleged victim for purposes of disclosure under this policy.

## **Conduct Process**

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. Students are expected to actively participate in class as deemed appropriate by the course faculty member. Students should promote a positive learning environment by arriving to class on time, removing any personal distractions (i.e., personal cell phones or data devices) and being prepared for

class. Students should be respectful to each other and to the person facilitating the course (faculty member, course instructor, guest speaker, fellow student presenter, etc.).

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. Incident Reports may be submitted online, 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 other 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, anyone participating in university sponsored programs and activities for students, and persons who enroll for courses from time to time, and participants in third-party programs. (RUSSO 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 or 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 his/her 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 complied with the formal requirements for University recognition. It may also include groups who have not complied with formal requirements.
- G. Vice President of Student Affairs (VPSA) or his/her designee – The term VPSA means the person designated by the University President to be responsible for the administration of the Student Conduct Code.

- H. 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 his/her designee, to determine whether student(s) have violated the Student Conduct Code. The VPSA or his/her designee may authorize the same Student Conduct Administrator to impose sanctions in all cases.
- I. Appeal’s Administrator(s) – The term “Appeal’s Administrator(s)” means any person or persons authorized by the VPSA or his/her designee to consider an appeal from a Student Conduct Conference.
- J. 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.
- K. 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 cases resulting in suspension, expulsion, degree revocation or rescission of credit of students.
- L. 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 webpage and computer and network use policy, and Graduate/Undergraduate Academic Catalogs.
- M. Cheating – The term “cheating” includes, but is not limited to:
  - a. use of any unauthorized assistance in taking quizzes, tests or examinations;
  - b. use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
  - c. the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; or
  - d. engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- N. 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.
- O. University Affiliated/Sponsored – The term “University Affiliated/Sponsored” means any activity on or off-campus that is initiated, aided, authorized or supervised by the University or by a recognized student organization of the University.
- P. Individual – The term “Individual” includes any student, employee, resident, or guest of the University.
- Q. Complainant – The term “Complainant” includes any individual or organization who claims to have been the victim of a crime or violation by another student and/or organization.
- R. Respondent – The term “Respondent” includes any student(s) or organization accused of violating the Student Conduct Code or other policy. The president or designee(s) of the respondent organization shall be the primary point of contact for communication with Student Affairs throughout and following the conclusion of conduct proceedings.
- 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:
  - a. coordinate investigations, as deemed necessary
  - b. determine if a potential Student Conduct Code violation has occurred;
  - c. impose sanctions, if necessary; and/or
  - d. refer appeals to the Vice President of Student Affairs (VPSA) or his/her designee.
- B. The VPSA or his/her 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
  - a. The University Student Conduct Code shall apply to conduct that occurs on University premises (including online), at University Affiliated/Sponsored activities, and off-campus (including online) conduct that adversely affects the University Community and/or member(s), the pursuit of its objectives, and/or as required by law.
  - b. Each student shall be responsible for his/her 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.
  - c. The Student Conduct Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.
  - d. The VPSA or his/her designee shall decide whether the Student Conduct Code shall be applied to conduct occurring off-campus, on a case-by-case basis, in his/her sole discretion.
- B. Conduct—Rules and Regulations
 

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV.

  - a. Acts of dishonesty – (RUSO Student Policy 4.4.3 Students' Obligations and Regulations)
 

Acts of dishonesty may include, but are not limited to, the following:

    - i. Cheating, plagiarism or other forms of academic dishonesty.
    - ii. Furnishing false information to any University official, faculty member or office.
    - iii. Assuming an identity other than your own.
    - iv. Forgery, alteration or misuse of any University document, record or instrument of identification.
    - v. Falsifying or participating in the falsification of any University record. Any other act of dishonesty which adversely affects the University or the pursuit of its objectives.
    - vi. Assuming the identity of another.
    - vii. Unauthorized possession of examinations or other course materials.
    - viii. Academic Misconduct.
    - ix. Any other act of dishonesty which adversely affects the University or the pursuit of its objectives.

- b. Disruption or Obstruction – Disruption or obstruction of teaching, administration, disciplinary proceedings, other University activities, including its public service functions on or off-campus, or of other authorized non-university activities when the conduct occurs on University premises.
- c. Abuse – Physical abuse, verbal abuse, threats, intimidation, dating violence, domestic violence, coercion and/or other conduct which threatens or endangers the health or safety of any person. Methods of abuse may include, but are not limited to physical, verbal, written, electronic and/or visual displays. Abuse can include but is not limited to the following:
  - i. Assault: An intentional act or acts, that has caused, is intended to cause, or is perceived by the victim to cause bodily harm.
  - ii. Harassment: 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, national origin, religion, or sexual orientation. University policy “Gender-Based and Sexual Misconduct Discrimination” may be used.
  - iii. Hazing: Any act which endangers the mental or physical health or safety of an individual for the purposes of initiation, admission into, affiliation with 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. (See Hazing on page 54 for more information.)
  - iv. Heckling: Oppositional behaviors that badger, embarrass, harass, disempower, or challenge people or processes in a manner that undermines their integrity.
  - v. Bullying: Repeated behavior by a group or individual that is intended to harm, intimidate, offend, degrade or humiliate another person, possibly in front of others.
  - vi. Stalking: Willfully, maliciously and/or repeatedly following or harassing another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened or harassed. Refer to University policy “Gender-Based and Sexual Misconduct Discrimination”.
  - vii. Sexual Misconduct: 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 that expressly or implicitly imposes conditions upon, threatens, interferes with or creates an intimidating, hostile, or demeaning environment for an individual’s:
    - 1. academic pursuits
    - 2. University employment
    - 3. participation in activities sponsored by the University or organizations or groups related to the University, or
    - 4. opportunities to benefit from other aspects of University life, including but not limited to on-campus residence.

5. Theft and/or Damage – Includes the unauthorized use or removal or damage of University, community, or other personal or public property.
- d. Failure to Comply – Failure to comply with reasonable requests or directions of University officials or law enforcement officers acting in performance of their duties.
  - e. Identification – You are required to carry your NSU I.D. card while on University property or at University sponsored events and activities (including recognized 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.
  - f. 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.
  - g. Controlled Substances – The use, consumption, possession, manufacturing, distribution and/or being under the influence of any controlled substances except as expressly permitted by law and/or University policy is prohibited. Possession of drug paraphernalia and the inappropriate use or abuse of prescription or over-the-counter medications is also prohibited.
  - h. Alcohol – The use, possession, manufacturing, distribution and/or being under the influence of alcoholic beverages except as expressly permitted by law and/or University policy is prohibited. 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. Possession of alcohol paraphernalia (including, but not limited to, empty alcohol containers or decorated alcohol containers) is not permitted in the residence halls.
  - i. Firearms and Weapons – The use, possession and/or distribution of firearms, explosives, other weapons, imitation of 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 laser sights, guns, water guns, paintball guns or air-soft weapons.
  - j. 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.
  - k. Traffic Obstruction – Traffic obstruction includes, but is not limited to, obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.



- I. 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 or at functions sponsored by, or participated in by, the University or members of the University community.
- m. 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:
  - i. unauthorized entry into, transfer of or use of a file;
  - ii. use of another individual’s identification and/or password or allowing the use of yours;
  - iii. use of computing facilities and resources to interfere with the work of another student, faculty member or University Official;
  - iv. use of computing facilities and resources to send obscene or abusive messages;
  - v. use of computing facilities and resources to interfere with normal operation of the University computing system;
  - vi. use of computing facilities and resources in violation of copyright laws;
  - vii. attempts to circumvent established security procedures or to obtain access privileges to which the user is not entitled;
  - viii. any violation of University policy on Computer and Network Use;
  - ix. use of computing facilities to willfully publish, distribute, or exhibit any obscene expression.
- n. 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:
  - i. 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;
  - ii. falsification, distortion or misrepresentation of information before a Student Conduct Administrator(s) or University Official(s);
  - iii. attempting to discourage an individual’s proper participation in, or use of, any student conduct, academic, or administrative process;
  - iv. 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;
  - v. 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;
  - vi. failure to comply with the sanction(s) imposed under the Student Conduct Code;
  - vii. influencing or attempting to influence another person to commit an abuse of the student conduct, academic, and/or administrative process;
  - viii. retaliation: A direct or indirect action taken against a person or organization as a response to their involvement in the conduct, academic, and/or administrative process.

- o. Passive Participation – Passive participation includes, but is not limited to, the following:
    - i. encouraging or enticing any behavior or activity prohibited by law and/or University policy;
    - ii. knowingly witnessing or observing any behavior or activity expressly prohibited by law and/or University policy.
  - p. 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, NCAA policies).
  - q. Violation of Law – Violation of Law shall include violation(s) of any federal, state or local law.
- C. Concurrent Law and University Policy Violations
- a. A University conduct meeting or conference may be held with a student whose actions potentially violate both criminal law and the Student Conduct Code. The Student Conduct process is separate from, and may disregard the 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 his/her 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.
  - b. When a student is 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 violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students 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
  - a. An Administrative Summons may be issued by the administrative officers of the University and is to be honored by students duly enrolled. Failure to answer the summons could result in immediate temporary suspension from the University until the issue is resolved.
- B. Submitting Reports/Allegations
  - a. Any member of the University community may submit a report of a potential Student Conduct Code violation. A report shall be prepared in writing and directed to Student Affairs, University Police or Residence Life. Any report should be submitted as soon as possible after the event takes place.
  - b. A submitted report will be reviewed to determine merit, need for further investigation, appropriate referral if necessary and/or dismissal.

- C. Notifications of Allegations/Conduct Conferences
  - a. 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 University business days from the issue date of the letter. The Respondent may choose to waive the three University business day requirements. Scheduling of the Student Conduct Conferences may be extended at the discretion of the Student Conduct Administrator(s).
  - b. 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).
- D. Interim Safety or Preventative Measures: Interim Measures may be appropriate for respondent and/or complainant pending the outcome of a student conduct conference, University Investigation, or other administrative process. Interim Measures may include, but are not limited to:
  - a. Temporary Suspension (RUSO Student Policies, Penalties 4.4.5)
    - i. Temporary suspension may be imposed only:
      - 1. to ensure the safety and well-being of members of the University community or preservation of University property;
      - 2. to ensure the student's own physical or emotional safety and well-being; and/or
      - 3. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
    - ii. During the temporary suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the VPSA or his/her designee may determine to be appropriate.
    - iii. The temporary suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Conference, if required.
    - iv. The student shall be notified in writing of this action and the reasons for the temporary suspension. The notice will include an option for a subsequent show cause meeting at which the student may show cause why his or her continued presence on the campus does not constitute a threat during the interim of an investigation and student conduct conference.
  - b. Alteration in Living Arrangements: This may include a student being relocated to a different room within the same building, a different room in a different building, or removing a student from University housing altogether.
  - c. 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.
  - d. 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.
  - e. Loss of Privilege: Loss of privileges is denial of specified privileges for a designated (consecutive) period of time.

- f. Restricted Access: May include restricting entry to, or use of, University controlled property including locations situated off-campus.
  - g. 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.
  - h. 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.
- E. Student Conduct Conferences

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

- a. Student Conduct Conferences shall be conducted in private.
- b. During a Student Conduct Conference involving more than one Respondent, the Student Conduct Administrator(s), at his or her discretion, may permit the Student Conduct Conference concerning each student to be conducted either separately or jointly.
- c. The Respondent (and Complainant in a Title IX or act of violence case) may be accompanied by one adviser each (may be an attorney at the student's expense) so long as the availability of the adviser does not hamper the timeliness of the conference. The selected adviser and/or counselor may not be an individual and/or student that is and/or may be charged as a result of the same incident. The adviser 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.
- d. The Respondent(s) and their adviser, 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).
- e. The Respondent, Complainant, and/or the Student Conduct Administrator(s) may arrange for witnesses to present pertinent 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).
- f. Relevant records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration.
- g. 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.
- h. 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.
- i. 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.

- j. 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. The burden of proof rests with the Respondent.
  - k. Formal rules of process, procedure and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in Student Conduct Code proceedings.
  - l. The Student Conduct Administrator(s) will provide simultaneous notification of the outcome of the student conduct meeting, and will notify complainant(s) (in a Title IX case) of the time, date, and location of the conduct meeting.
  - m. All procedural questions during the course of the Student Conduct Conference are subject to the final decision of the Student Conduct Administrator(s).
  - n. The University reserves the right to create a single verbatim record or recording of a Student Conduct Conference, excluding deliberations. The record shall be the property of the University. No other recordings shall be permitted by other parties.
  - o. 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.
  - p. 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.
- F. Sanctions
- a. One or more of the following sanctions may be imposed upon any student(s) found to have violated the Student Conduct Code. Sanctions include but may not be limited to:
    - i. Warning – A warning is a written reprimand to the student indicating a violation of the Student Conduct Code has occurred. (RUSO Student Policy 4.3.3a)
    - ii. Conduct Review – Conduct Review is severe enough in nature to warrant the monitoring of a student’s behavior for a specified 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 on Conduct Review remains in good standing with the University.
    - iii. 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 regulation(s) during the probation period. A student on Conduct Probation is not in good standing with the University. An individual not in good standing: (RUSO Student Policy 4.3.3c)
      - 1. may not officially represent the University in any University sponsored event,

2. may not hold any leadership position in any University recognized organization, and/or
  3. may affect receipt of institutional scholarships and/or financial aid.
- iv. 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.
  - v. Loss of Privileges – Loss of privileges is denial of specified privileges for a designated (consecutive) period of time.
  - vi. Restitution – Restitution is the compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - vii. 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 4.4.4b Penalties)
  - viii. 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.
  - ix. 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.
  - x. Residence Hall Expulsion – Residence Hall Expulsion is the permanent separation of the student from the residence halls.
  - xi. Residence Hall Transfer – Administrative room reassignment for a determined or indefinite period of time.
  - xii. University Suspension – 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 4.4.5d)
  - xiii. 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 4.4.5e)
  - xiv. 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.
  - xv. Removal from Class(es) or Program(s) – May be permanent or for a designated (consecutive) period of time.
  - xvi. Revocation of Admission and/or Degree – Admission to or a degree awarded from 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 4.4.5f)

- xvii. 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.
- xviii. Deferred Sanction – Deferred Sanction is the delay or postponing of any sanction. If a student is found responsible for any violation of the Student Conduct Code while on a deferred sanction the original sanction will be implemented, in addition, a new conduct process may be initiated.
- xix. 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 parent or legal guardian notification.
- xx. 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.

- b. More than one of the sanctions listed above may be imposed for any single violation.
- c. Other than University expulsion, revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s disciplinary record.
- d. A student may request in writing to expunge a disciplinary record 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 his/her designee.
- e. In cases where a student is found responsible for a violation(s) of the Student Conduct Code, the sanctions shall be determined and imposed by the Student Conduct Administrator(s).
- f. Following the Student Conduct Conference, the Student Conduct Administrator(s) will advise the appropriate parties of the outcome.

#### G. Conduct Conference Outcomes

- a. 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.
- b. 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).
- c. A student is considered notified of the outcome as of the date the written notification is sent.

#### H. Separation Procedures

- a. 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.

- b. Following a decision to suspend, the student's ID, housing key, and any other University property should be turned in to NSU Officials.
  - c. The student will be accompanied by a University representative to collect belongings from their room in University Housing and/or locker.
  - d. 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 an escort if permission is granted.
- I. Appeals
- a. Appeal Request
    - i. 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 Affairs (Admin 209, Tahlequah) or may be emailed to Student Affairs (studentaffairs@nsuok.edu) within seven University business days following the date the outcome letter was sent. Any email should be sent from the student's NSU email account.
    - ii. 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
      - 1. Sanctioning is believed to be too severe or too lenient.
      - 2. 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).
      - 3. Errors in procedure occurred which may have significantly impacted the outcome.
      - 4. NOTE: 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.
  - b. Additional Guidelines
    - i. 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.
    - ii. 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.
    - iii. 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. Exceptions may be requested in writing to the VPSA or designee. 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.

- J. Denied Appeals
  - a. 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).
- K. Approved Appeals
  - a. If an appeal is approved, both complainant(s) and respondent(s) involved in the same case 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. 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).
- L. Student Conduct Appeals Committee
  - a. If the appeal involves suspension, expulsion, degree revocation, or rescission of credit, the Student Conduct Appeals Committee will consider the appeal.
  - b. 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 30 days from time of notification that a vacancy(s) exists. If nominations are not made within 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 Title IX Violation(s) and acts of violence.
  - c. A student who is granted an appeal shall have the right to exclude the student members of the committee upon request.
  - d. Any act by a properly constituted committee, at which a quorum of the committee is present, shall be binding.
  - e. Hearings will be held as soon as practical after the request is made by the student
  - f. 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:
    - i. To determine whether the sanction(s) were too severe or too lenient.
    - ii. To consider the new information and determine if it would have significantly impacted the original findings or sanctions.
    - iii. To determine whether errors in procedure occurred and significantly impacted the outcome.
  - g. The appeal process is file-review only.
  - h. 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.

- i. The committee will:
    - i. Select a committee chair.
    - ii. Review the student's written appeal, any statements submitted in response to the appeal, and the conduct case file(s).
    - iii. Deliberate as needed to determine one of the following actions:
      - 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
      - 3. Uphold the outcome and/or sanctions
  - j. The committee must have quorum and majority vote. The committee's decision must be submitted in writing to the VPSA no later than two business days after the appeals meeting. Committee reasoning for the decision must be included.
- M. Appeal Outcomes
- a. The VPSA will notify the appropriate parties of the committee's finding in writing via University email and/or printed letter.
  - b. All appeal outcomes are final.
- N. Disciplinary Files and Records
- a. Case referrals will result in the development of a disciplinary file in the name of the respondent. If the student is found not responsible for the charges, the file will be marked no action, no record, and shall not constitute a disciplinary record. Such files will be destroyed after one year.
  - b. The files of students found responsible for charges against them, with sanctions less than suspension or expulsion, will generally be maintained in the Student Conduct Office for seven years from the calendar year of record, after which they are destroyed.
  - c. Records of cases in which suspension or expulsion from the University occur are kept for 10 and 15 years respectively.
  - d. 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.
  - e. Re-release of disciplinary information/records – Individuals participating in disciplinary proceedings are bound by law to not disclose information discussed in the proceedings. When disciplinary records are permitted to be disclosed to an individual only, that information should not be re-disclosed, under penalty of law.

#### Article V: Interpretation and Revision

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

## Sex Offender Registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.

Oklahoma law (Title 57, Sections 583-584) requires anyone required to register as a sex offender to do so with both their local law enforcement (municipal or county) agency at their residence and also with the police or security department of any institution of higher education at which they are enrolled as a student (full-time or part-time), are an employee (full-time or part-time) or reside (or intend to reside or stay) on any property owned or controlled by the institution of higher education.

Information on any sex offender who works for, attends, or lives on property owned by Northeastern State University can be found at the University Police Department, Tahlequah Police Department or Cherokee County Sheriff's Office.

## Crime Statistics

Northeastern State University policies and procedures require the publication of annual crime statistics. Included in this report are crimes reported to the Northeastern State University Police Department and other campus officials, including University Counseling Services, Residential Life and Student Conduct Services, and local law enforcement. Crime statistics are collected by the Northeastern State University Police Department. The crime and arrest statistics reported are those that occurred within the jurisdictional boundaries of campus. They do not include off-campus private housing, which are within the municipal or county police jurisdictions. Crime statistics are available through the local municipal or county police agencies.

### Definition of Terms for Statistical Charts

The charts setting forth statistical data on reported crimes include the following terms.

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-campus Student Housing Facilities: For purposes of the Clery Act (as well as the HEA missing student notification and fire safety regulations, which are discussed in Chapters 10 and 11–14, respectively), any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Other: Any non-residence area on campus.

Non-Campus Building or Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### Crime Definitions

Aggravated Assault: Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson: Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary: Burglary is the unlawful entry of a structure to commit a felony or a theft.

Criminal Homicide: These offenses are separated into two categories: Murder and Nonnegligent Manslaughter, and Negligent Manslaughter. Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another. Negligent Manslaughter is defined as the killing of another person through gross negligence.

Dating Violence: Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Domestic violence is a felony or misdemeanor crime of violence committed by a:

- Current or former spouse or intimate partner of the victim,
- Person with whom the victim shares a child in common,
- Person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner,
- Person similarly situated to a spouse of the victim under the domestic or family violence laws of Oklahoma; or,
- 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 Oklahoma.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.

Drug Abuse Violations: A drug abuse violation is the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Hate Crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Larceny or Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another without use of force or violence. It includes shoplifting, picking pockets, purse snatching, thefts of motor vehicle parts and accessories, bicycle and computer thefts.

Liquor Law Violations: Liquor Law Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Motor Vehicle Theft: Motor vehicle theft is the theft or attempted theft of a motor vehicle.

Robbery: Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape means sexual intercourse with a person who is under the statutory age of consent (16).

Stalking: Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.
- Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Unfounded Crimes: A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

Weapons Law Violations: A weapons law violation is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

## Obtaining Reports

To request a copy of a report or ask other related questions, contact the Northeastern State University Police Department at 918-444-2468. Requests for incident reports or traffic accident reports by persons involved will be processed when the investigation is completed. Northeastern State University students, faculty and staff are not charged for obtaining report copies when involved in the reported incident.

The Northeastern State University Police Department is committed to complying with its obligations under the Freedom of Information Act (FIOA) without undue delay, but realizes that the release of records may have an impact on victims, witnesses and the integrity of investigations. If an investigation

is ongoing and still open, a request for any related Northeastern State University Police Department report may be denied and information of a personal nature will be withheld or redacted where the public disclosure of such information would constitute an invasion of privacy.

### Off-Campus Crime

If the Tahlequah Police Department is contacted about criminal activity occurring off-campus involving a member of the Northeastern State University community, the Tahlequah Police Department may notify the Northeastern State University Police Department. However, there is no official policy requiring such notification. Individuals in these cases may be subject to arrest by the Tahlequah Police Department and subject to Northeastern State University judicial proceedings through the Office of Student Affairs.

### Working Relationships with Other Law Enforcement Agencies

The University Police Department works with state, tribal and local law enforcement authorities to investigate crimes near or on campus and in the community that may affect the safety and security of our campuses. Major incidents on campus are investigated in conjunction with the Oklahoma State Bureau of Investigation. The University Police Department has jurisdiction in the City of Tahlequah through a Police Services Agreement. A copy of the agreement is in the appendix A. These agencies include, but are not limited to, the following:

- City of Tahlequah
- Cherokee Nation Marshals Service
- Cherokee County Sheriff's Office
- City of Broken Arrow
- Wagoner County Sheriff's Office
- City of Muskogee
- Muskogee County Sheriff's Office

2017-2019 CRIME STATISTICS FOR TAHLEQUAH CAMPUS

Offense	Year	Tahlequah Campus		
		On-Campus	On-Campus Student Housing	Public Property
Murder/Non-Negligent Manslaughter	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
Negligent Manslaughter	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
Rape	2019	0	2	0
	2018	0	0	0
	2017	0	0	0
Fondling	2019	0	1	0
	2018	2	2	0
	2017	2	2	0
Incest	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
Statutory Rape	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
Robbery	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
Aggravated Assault	2019	1	0	0
	2018	1	0	0
	2017	0	0	0
Burglary	2019	9	2	0
	2018	1	1	0
	2017	1	1	0
Motor Vehicle Theft	2019	1	0	0
	2018	0	0	0
	2017	1	0	0
Arson	2019	1	0	0
	2018	0	0	0
	2017	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	2019	1	1	0
	2018	0	0	0
	2017	2	2	1
Dating Violence	2019	0	1	0
	2018	4	2	0
	2017	1	1	0
Stalking	2019	1	0	0
	2018	3	1	0
	2017	0	0	0



		Tahlequah Campus		
Arrests	Year	On-Campus	On-Campus Student Housing	Public Property
Weapons Law Violation	2019	0	0	0
	2018	0	0	0
	2017	1	2	1
Drug Law Violation	2019	5	2	9
	2018	16	6	8
	2017	16	13	5
Liquor Law Violation	2019	1	0	0
	2018	0	0	0
	2017	2	2	0
<b>Disciplinary Actions</b>				
Weapons Law Violation	2019	0	0	0
	2018	0	0	0
	2017	0	0	0
Drug Law Violation	2019	1	10	0
	2018	6	5	0
	2017	6	6	0
Liquor Law Violation	2019	2	3	0
	2018	2	2	0
	2017	16	16	0

**UNFOUNDED CRIMES:** If a crime is reported as occurring On-Campus, in or on Non-Campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

- The total number of unfounded crimes for the 2019 calendar year at this campus is 2.
- The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
- The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**HATE CRIME REPORTING:** There were no hate crimes reported for this campus in 2019, 2018 or 2017.

2017-2019 CRIME STATISTICS FOR BROKEN ARROW CAMPUS

Offense	Year	Broken Arrow Campus		
		On-Campus	On-Campus Student Housing	Public Property
Murder/Non-Negligent Manslaughter	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Negligent Manslaughter	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Rape	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Fondling	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Incest	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Statutory Rape	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Robbery	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Aggravated Assault	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Burglary	2019	0	N/A	0
	2018	1	N/A	0
	2017	1	N/A	0
Motor Vehicle Theft	2019	0	N/A	0
	2018	1	N/A	0
	2017	0	N/A	0
Arson	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
<b>VAWA Offenses</b>				
Domestic Violence	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Dating Violence	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Stalking	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0

		Broken Arrow Campus		
Arrests	Year	On-Campus	On-Campus Student Housing	Public Property
Weapons Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	1
Drug Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	1
Liquor Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
<b>Disciplinary Actions</b>				
Weapons Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Drug Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Liquor Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0

*NSU Broken Arrow does not have On Campus Student Housing Facilities.*

**UNFOUNDED CRIMES:** If a crime is reported as occurring On-Campus, in or on Non-Campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

- The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
- The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
- The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**HATE CRIME REPORTING:** There were no hate crimes reported for this campus in 2019, 2018 or 2017.

2017-2019 CRIME STATISTICS FOR MUSKOGEE CAMPUS

Offense	Year	Muskogee Campus		
		On-Campus	On-Campus Student Housing	Public Property
Murder/Non-Negligent Manslaughter	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Negligent Manslaughter	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Rape	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Fondling	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Incest	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Statutory Rape	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Robbery	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Aggravated Assault	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Burglary	2019	0	N/A	2
	2018	0	N/A	0
	2017	0	N/A	0
Motor Vehicle Theft	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Arson	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
<b>VAWA Offenses</b>				
Domestic Violence	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Dating Violence	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Stalking	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0

		<b>Muskogee Campus</b>		
<b>Arrests</b>	<b>Year</b>	<b>On-Campus</b>	<b>On-Campus Student Housing</b>	<b>Public Property</b>
Weapons Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Drug Law Violation	2019	0	N/A	1
	2018	0	N/A	0
	2017	0	N/A	0
Liquor Law Violation	2019	0	N/A	2
	2018	0	N/A	0
	2017	0	N/A	0
<b>Disciplinary Actions</b>				
Weapons Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Drug Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0
Liquor Law Violation	2019	0	N/A	0
	2018	0	N/A	0
	2017	0	N/A	0

*NSU Muskogee does not have On Campus Student Housing Facilities.*

**UNFOUNDED CRIMES:** If a crime is reported as occurring On-Campus, in or on Non-Campus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

- The total number of unfounded crimes for the 2019 calendar year at this campus is 0.
- The total number of unfounded crimes for the 2018 calendar year at this campus is 0.
- The total number of unfounded crimes for the 2017 calendar year at this campus is 0.

**HATE CRIME REPORTING:** There were no hate crimes reported for this campus in 2019, 2018 or 2017.

## Annual Fire Safety Report

A requirement of the Higher Education Opportunity Act instructs any institution that maintains an on-campus student housing facility must collect fire statistics, publish an Annual Fire Safety Report, and keep a “fire log.” These requirements are new and separate from the Clery Act requirements. However, to reduce administrative burden and to make it easier for students and parents to find the information, the regulations for data collection and dissemination will be published here.

- A. **DEFINITION OF A FIRE** For fire safety reporting, a fire is, “Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.” Fire definition citation 34 CFR 668.49(a) definitions.
- B. **FIRE STATISTICS** Fire statistics must be collected and reported in both the annual fire safety report and the U.S. Department of Education’s web-based data collection system.

### Reporting Fires and Fire Safety Concerns

Any person may make a report concerning a fire, a fire safety issue or other issue to the following individuals or departments:

Individual/Office	Title	Contact Information
Craig Reinehr	Director, Housing & Residence Life	918.444.4700 <a href="mailto:reinehr@nsuok.edu">reinehr@nsuok.edu</a>
Andi Smith	Emergency Manager	918.444.2453 <a href="mailto:Smith38@nsuok.edu">Smith38@nsuok.edu</a>
Dennis Moore	Coordinator of Campus Safety	918.444.2426 <a href="mailto:mooredg@nsuok.edu">mooredg@nsuok.edu</a>

### Fire Safety Drills

At the beginning of each academic semester, all residence halls will host and successfully complete at least one fire drill per hall. All residence life staff and residential students will participate if present in the building.

### Fire Alarm Systems & Equipment

The residence halls are equipped with a fire alarm system consisting of a control panel, alarmed fire exits, alarm pull stations, smoke detectors, heat detectors, and/or sprinkler pipes. Tampering with safety equipment (including AED stations) is a violation of State law. Hanging any item from a sprinkler head or pipe is also prohibited. Furniture, personal items, may not be within 18 inches of the ceiling, smoke detector or any other alarm equipment installed in the residence hall. Smoke detectors will be inspected periodically by residence life staff. Removal of the unit batteries or the unit itself or tampering with the detector in any way will result in disciplinary action. Use of fire escapes, except under emergency conditions, is prohibited.

When using appliances in the residence halls, please follow the manufacturer’s safety precautions. Be sure to unplug appliances when you are not using them. Do not overload circuits or extension cords. The following items are prohibited because of a potential risk of fire and life-threatening injury to others: Appliances- The only appliances allowed in the residence halls are low-wattage microwave ovens (1000 watts or less), compact refrigerators (3 cu.ft or less.), appliances 24 with self-contained heating

elements (coffee makers, crock pots, rice cookers) and other appliances such as irons and hair styling tools. All appliances must be UL-approved. Appliances not allowed in the residence halls include, but not limited to, space heaters, lava lamps, halogen lamps, toasters, toaster ovens, George Foreman Grills, hot plates, or any appliance with an open heating element. Any appliance that causes a false fire alarm will be subject to removal as well as the resident facing disciplinary action. Fire Hazards- No materials, liquid or otherwise, of an explosive or combustible nature shall be kept in the residence halls. Candles, Wax Warmers, Oil Lamps, Oil Warmers, Incense, Gas/Fuel or other substances are not permitted in residence halls. Fireworks/firecrackers are not permitted on campus in any form. Halogen, Neon, and Lava lamps are not permitted in the halls. Only artificial, flame-retardant Christmas trees are permitted. Electric Christmas lights must be UL-approved. Ground Regulations- In accordance with fire safety regulations, stairwells, and hallways must be kept free of furniture, bicycles, trash cans, debris or other obstructions at all times. Keep breezeways and entries uncluttered at all times. Do not store personal property in the breezeways or entries at any time. The path of egress must be kept clear at all times. Do not place cords or wires under rugs. Do not hang items from the sprinkler pipes, heads or smoke detectors in your room.

### Fire Evacuation

NSU takes every precaution to prevent fires in residential facilities. If you hear the alarm or see a fire, remain calm. Act fast, but do not panic.

In case of fire, feel the door. If the door is hot or if smoke is seeping in:

- Do not open the door. Stay in your room. Let someone know you are there by opening your window just enough to hang a sheet out. This is a signal to the outside that someone is in there and needs help.
- Wedge a cloth or a towel around the door. If water is available, soak the towels before placing them around the door.
- Make a tent for yourself with the blanket in the window or cover your face with a wet cloth to avoid inhaling smoke. Wait until you are rescued, especially if you are on the 3rd floor or higher.

If the door is cool:

- Open the door slightly but be ready to close it if you find smoke or flames in the corridor. Leave if the corridor seems safe.
- Take your key and walk to the nearest fire exit, if there is no smoke. If smoke is detected or, if it's dark, crawl to the exit, counting doors so you don't get lost.
- Close all doors behind you.
- Do not use the elevators.
- Turn back if you encounter heavy smoke. Look for another exit.
- Leave the building as quickly as possible, using the proper exits and meet at your designated meeting area.

The following meeting areas have been designated evacuation sites in case of a fire:

- Cobb Hall residents should meet at the parking lot adjacent to the baseball fields.
- Logan and Ross and Hastings residents should meet with staff in the Fitness Center parking lot.
- North Leoser Complex residents should meet with staff in the Wyly Hall parking lot.
- South Leoser Complex residents should meet with staff in the Physical Plant parking lot.

- Seminary Suites residents should meet with staff in the parking lot outside of their building (A & B at the optometry parking lot; C, D, E in the parking lot across from the clubhouse)
- Wilson Hall residents should meet with staff in the Library parking lot.
- Wyly Hall residents should meet with staff in the Wyly Hall parking lot.

Your RA and Hall Manager will be helping to evacuate the building while the NSU Department of Public Safety notifies the fire department. Help your staff by reporting to your designated evacuation area quickly, so they can begin a head count. Report any missing person to your hall staff.

#### FIRE SAFETY SYSTEMS FOR STUDENT HOUSING FACILITIES, TAHLEQUAH CAMPUS

Facility	Sprinklers	Alarm System Coverage	Monitoring	Lighting
<b>Courtside 1</b>	0	Smoke detection in all rooms	NA	NA
<b>Courtside 2</b>	0	Smoke detection in all rooms	NA	NA
<b>Courtside 3</b>	0	Smoke detection in all rooms	NA	NA
<b>Courtside 4</b>	0	Smoke detection in all rooms	NA	NA
<b>Courtside 5</b>	0	Smoke detection in all rooms	NA	NA
<b>Courtside 6</b>	0	Smoke detection in all rooms	NA	NA
<b>Courtside 7</b>	0	Smoke detection in all rooms	NA	NA
<b>Courtside 8</b>	0	Smoke detection in all rooms	NA	NA
<b>Cobb Hall</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Leoser Hall</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Hastings Hall</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Logan Hall</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Ross Hall</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Seminary Suites A</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Seminary Suites B</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Seminary Suites C</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Seminary Suites D</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Seminary Suites E</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101
<b>Haskell Hall</b>	100%	100% NFPA 72	Propriety NFPA 72	Emergency Lighting Coverage NFPA 101



FIRE STATISTICS FOR STUDENT HOUSING FACILITIES, TAHLEQUAH CAMPUS

Facility	2017		2018		2019	
	Fires	Cause of Fire	Fires	Cause of Fire	Fires	Cause of Fire
<b>Courtside 1</b>	0	NA	0	NA	0	NA
<b>Courtside 2</b>	0	NA	0	NA	0	NA
<b>Courtside 3</b>	0	NA	0	NA	0	NA
<b>Courtside 4</b>	0	NA	0	NA	0	NA
<b>Courtside 5</b>	0	NA	0	NA	0	NA
<b>Courtside 6</b>	0	NA	0	NA	0	NA
<b>Courtside 7</b>	0	NA	0	NA	0	NA
<b>Courtside 8</b>	0	NA	0	NA	0	NA
<b>Cobb Hall</b>	1	Incidental*	0	NA	0	NA
<b>Leoser Hall</b>	0	NA	0	NA	0	NA
<b>Hastings Hall</b>	0	NA	0	NA	0	NA
<b>Logan Hall</b>	0	NA	0	NA	0	NA
<b>Ross Hall</b>	0	NA	0	NA	0	NA
<b>Seminary Suites A</b>	0	NA	0	NA	0	NA
<b>Seminary Suites B</b>	0	NA	0	NA	0	NA
<b>Seminary Suites C</b>	0	NA	0	NA	0	NA
<b>Seminary Suites D</b>	0	NA	0	NA	0	NA
<b>Seminary Suites E</b>	0	NA	0	NA	0	NA
<b>Haskell Hall</b>	0	NA	0	NA	0	NA

\*incidental fire, \$700 in damages sustained to personal belongings and 1 casegoods.

## Appendix A

### POLICE SERVICE AGREEMENT

WHEREAS, the Regional University Systems of Oklahoma (RUSO) acting for and on behalf of Northeastern State University owns, leases, and rents property, namely the Northeastern State University Tahlequah Campus, within the city limits of the City of Tahlequah; and

WHEREAS, the Regional University Systems of Oklahoma (RUSO) acting for and on behalf of Northeastern State University Police Department, and City of Tahlequah have duly established and authorized law enforcement departments for the purpose of providing police protection for property and persons within each of their own jurisdictional areas; and

WHEREAS, Title 74 O.S. 2001 § 360.15 et seq, authorizes agreements between RUSO/Governing Board and Municipalities for the purpose of delineating responsibilities between the two police departments, delineating geographical boundaries thereof, and further, for the purpose of authorizing campus police departments to exercise authority and jurisdiction within areas of the municipality's jurisdiction.

NOW, THEREFORE, the Regional University Systems of Oklahoma (RUSO) acting for and on behalf of Northeastern State University, hereinafter referred to as "Board" and the City of Tahlequah Municipal Corporation, hereinafter referred to as "City", agree as follows:

1. The Northeastern State University Police Department hereafter referred to as "University Police", and its duly commissioned and certified police officers have the authority to enforce criminal statutes, Tahlequah Municipal Ordinances on all property that is Board owned, leased, or rented within the Northeastern State University Tahlequah Campus.
2. The University Police Department and its duly commissioned and certified officers are further authorized to exercise their power and authority as peace officers within the police jurisdiction of the city in the following situations:
  - a. When requested by any City Police Officer.
  - b. When necessary to complete any enforcement activities which began on Board property or property owned adjacent thereto.
  - c. When reasonably related to the activities of the University Police for the investigation of incidents occurring on Board property.
  - d. In any emergency situation or in a situation where proper action is necessary to prevent or avoid personal injury or property damages or the escape of an offender who is reasonably believed to be fleeing from the scene of a crime or to be resisting arrest.

3. Authority as used in the Agreement means that authority and power vested by the Oklahoma Statutes in Peace Officers, except the service and execution of civil summons, and includes, but is not limited to, making arrests, issuing of citations, conducting criminal investigations, and traffic accident investigations.
4. The jurisdiction of the University Police Department in the situations as set forth in Paragraphs two (2) and three (3) is concurrent with the jurisdiction of the Tahlequah Police Department. As used herein, concurrent jurisdiction denotes authority shared by the two police departments at the same time, or the same subject matter, and within the same territory.
5. The University Police shall conduct some vehicle registration and tag information request through the Tahlequah Police Department via radio or cellular telephone. The Tahlequah Police Department will allow the University Police access to Dispatch 1 for emergency use only. Emergency use is defined as a "crime in progress". The University Police shall make all other requests for assistance by telephone.
6. The University Police Department will have the primary, but not exclusive, responsibility of law enforcement, patrolling, and crime investigation only on or within Board property.
7. All other areas within the police jurisdiction of the City, including the areas wherein the University Police Department and the Tahlequah Police Department have by this Agreement concurrent jurisdiction, the Tahlequah Police Department will have the primary responsibility for law enforcement, patrolling, criminal investigations, call response, traffic accident investigations, and traffic control for the City of Tahlequah.
8. Each party shall solely be responsible for acts of its own police officers, employees, agents taken under this Agreement but not for the acts of the police officers, employees, or agents of the other party. It is expressly understood and agreed that nothing herein shall be construed as creating an employment or agency relationship between the City and the Board, its officers, employees, or agents, nor between the Tahlequah Police Department and the University Police Department, officers, employees, or agents.
9. The parties to this contract understand that time passes, situations change and ownership and occupancy varies. Parties therefore agree that each respective department is authorized, by the use of joint memorandum, joint mutual aid agreement and map, to delineate the responsibilities of each respective department and the geographical boundaries thereof, in accordance with the terms of this Agreement.
10. The Northeastern State University Police Department and its duly commissioned and certified officers have the authority to enforce criminal statutes, Tahlequah municipal ordinances, and University rules and regulations on all property, including streets, highways, roads, alleys, easements, and other public ways or public property, including

streets, highways, and alleys that are inclusive or border University or Board owned, leased, or rented property.

11. This Agreement is of indefinite duration and may be terminated by either party upon written notice to the other party thirty (30) days in advance of the date of termination.

IN WITNESS WHEREOF, the parties have set their hands and seals this 5<sup>th</sup> day of April, 2010

ATTEST:


REGIONAL UNIVERSITY  
SYSTEM OF OKLAHOMA  
By:

  
Chair

  
Secretary

(SEAL)



  
Dr. Don Metz, President NSU

  
Patti D. Buhl, Chief of Police NSU

THE CITY OF TAHLEQUAH,  
OKLAHOMA, A Municipal  
Corporation

  
Ken Purdy, Mayor of Tahlequah

  
Deb Corn, City Clerk

  
Clay Mahoney, Chief of Police  
Tahlequah

COPY

# ADDENDUM

The undersigned Oklahoma State Agency, Northeastern State University (NSU) hereby joins into the foregoing Agreement and Compact and joins as members of this Compact with all rights, privileges, duties and responsibilities as each of the other members as set out in the attached Resolution.

The Cherokee Nation and NSU will mutually benefit in areas of response to calls, protection of life and property, investigation and prosecution and other law enforcement services normally provided by working cooperatively together.

Regional University System of Oklahoma

By: Connie Reilly  
Chair

7-29-10  
Date

Attest:

Terry J. Matlock  
Secretary

7/29/10  
Date

Northeastern State University

Don Betz  
Don Betz, President

7/8/10  
Date

Patti D. Buhl  
Patti D. Buhl, NSU Director of Public Safety

8-18-10  
Date

## Appendix B- Oklahoma Statutes

### Title 22 Oklahoma Statutes §60.1 Domestic Abuse

As used in the Protection from Domestic Abuse Act and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7 of this title and Section 150.12B of Title 74 of the Oklahoma Statutes:

1. "Domestic abuse" means any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who are family or household members or who are or were in a dating relationship;
2. "Stalking" means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person 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. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to:
  - a. following or appearing within the sight of that individual,
  - b. approaching or confronting that individual in a public place or on private property,
  - c. appearing at the workplace or residence of that individual,
  - d. entering onto or remaining on property owned, leased, or occupied by that individual,
  - e. contacting that individual by telephone,
  - f. sending mail or electronic communications to that individual, or
  - g. placing an object on, or delivering an object to, property owned, leased or occupied by that individual;
3. "Harassment" means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury;
4. "Family or household members" means:
  - a. spouses,
  - b. ex-spouses,
  - c. present spouses of ex-spouses,
  - d. parents, including grandparents, stepparents, adoptive parents and foster parents,
  - e. children, including grandchildren, stepchildren, adopted children and foster children,
  - f. persons otherwise related by blood or marriage,
  - g. persons living in the same household or who formerly lived in the same household, and

- h. persons who are the biological parents of the same child, regardless of their marital status, or whether they have lived together at any time. This shall include the elderly and handicapped;
- 5. "Dating relationship" means a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship;
- 6. "Foreign protective order" means any valid order of protection issued by a court of another state or a tribal court;
- 7. "Rape" means rape and rape by instrumentation in violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma Statutes;
- 8. "Victim support person" means a person affiliated with a certified domestic violence or sexual assault program, certified by the Attorney General or certified by a recognized Native American Tribe if operating mainly within tribal lands, who provides support and assistance for a person who files a petition under the Protection from Domestic Violence Act; and
- 9. "Mutual protective order" means a final protective order or orders issued to both a plaintiff who has filed a petition for a protective order and a defendant included as the defendant in the plaintiff's petition restraining the parties from committing domestic violence, stalking, harassment or rape against each other. If both parties allege domestic abuse, violence, stalking, harassment or rape against each other, the parties shall do so by separate petition pursuant to Section 60.4 of this title.

**Title 21 Oklahoma Statutes § 1111 Rape Defined**

- A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
  - 1. Where the victim is under sixteen (16) years of age;
  - 2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
  - 3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
  - 4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
  - 5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
  - 6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
  - 7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or

- an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim;
8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system; or
  9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant.
- B. 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.

#### **21 Oklahoma Statutes § 1111.1 Rape by Instrumentation**

- A. 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.
- B. 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.
- C. 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.
- D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post- imprisonment supervision shall be in addition to the actual imprisonment.

#### **21 Oklahoma Statutes § 888 Forcible Sodomy.**

- A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony



punishable by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post- imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 7115 of Title 10 of the Oklahoma Statutes, or of any attempt to commit any of these offenses or any combination of said offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

- B. The crime of forcible sodomy shall include: 1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or 2. 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; or 3. 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; or 4. 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; or 5. 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.

#### Oklahoma Statutes Title 21 § 1173 Stalking

- A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:
1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and
  2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested, shall, upon conviction, be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail

for not more than one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

- B. Any person who violates the provisions of subsection A of this section when:
1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction;
  2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or
  3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding five (5) years, or by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.
- C. Any person who:
1. Commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction of stalking; or
  2. Has a prior conviction of stalking and, after being served with a protective order that prohibits contact with an individual, knowingly makes unconsented contact with the same individual, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding five (5) years, or by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.
- D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection B or C of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years, or by a fine of not less than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.
- E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection F of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- F. For purposes of this section:
1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of

this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

2. "Course of conduct" means a pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";
3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;
4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:
  - a. following or appearing within the sight of that individual,
  - b. approaching or confronting that individual in a public place or on private property,
  - c. appearing at the workplace or residence of that individual,
  - d. entering onto or remaining on property owned, leased, or occupied by that individual,
  - e. contacting that individual by telephone,
  - f. sending mail or electronic communications to that individual, and
  - g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and
5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.