

# Student Code of Conduct

A Guide to Student Rights and Responsibilities

2016-2017



Office of Student Development  
103 Administration Building  
(580) 559-5208

# EAST CENTRAL UNIVERSITY

## STUDENT CODE OF CONDUCT

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# EAST CENTRAL UNIVERSITY

## I. INTRODUCTION

The Student Code of Conduct and the incorporated University policies are provided to inform the student body of the expected standards of behavior and policies that are fundamental to the normal activities of East Central University. Moreover, the purpose of the Code of Conduct is to develop and maintain guidelines for a reasonable and comfortable learning environment for all East Central University community members. The intent of the University is to ensure that students do not overlook their civic and social responsibilities nor lose their rights as citizens and members of this community. Therefore, this document specifically clarifies the rights and responsibilities of students at the East Central University.

Anyone enrolling at East Central University is entitled to all rights granted to him/her by the Constitution of the United States and is entitled to the full protection of the law. Apart from those rights and duties enjoyed by non-students, enrollment in the University carries with it special privileges and imposes special responsibilities. The University has established regulations and certain due process procedures essential to an atmosphere of mutual respect which is sensitive to rights of all individuals. These rights and responsibilities follow:

1. Students have the right to enjoy the educational opportunities afforded by the University without discrimination because of race, color, religion, sex/gender, national origin, age, disability, sexual orientation or status as a veteran.
2. Students are entitled to the right of due process as provided and explained by the East Central University Student Code of Conduct.
3. Students are entitled to freedom from unreasonable search and/or seizure regarding their person, their residence, and their personal property.
4. Students have a right to privacy, including the maintenance of confidential records in accordance with the provision of the Family Educational Rights and Privacy Act as amended and as qualified by the Oklahoma Open Records Act.
5. Students have the right of access to campus crime statistics and graduation rates as defined by the Student Right-to-Know and Campus Security Act, as amended.
6. Students have the right to affiliate with officially registered student organizations if the membership requirements of those organizations have been met and the right to establish, through official procedures, additional student organizations of their choosing.
7. Students have the right to participate in University governance through the Student Senate, student organizations and representations on University committees.
8. Students have the right to peaceably assemble in accordance with federal, state, local, and University policies and/or regulations.
9. Students have the right of access to the University campus and facilities.
10. Students have the right to expect:
  - a. A campus environment conducive to learning and working that is free from any form of harassment.
  - b. A drug-free University environment
  - c. Accurate information concerning institutional services, regulations, policies, and procedures in published form.

## II. DEFINITIONS

For the purposes of this policy, these definitions apply:

1. The term “**University**” means East Central University.
2. The term “**student**” includes any person admitted and/or enrolled at East Central University, whether full-time, part-time, concurrent, on campus, abroad, online, or any other form of enrollment. Persons not officially enrolled for a particular semester, but who are eligible to enroll or who have a continuing relationship with East Central University may be considered students.
3. The term “**University official**” includes faculty, staff, and agents of the University having responsibility for working with that student in admissions, registration, advisement, housing, counseling, student conduct, teaching, financial aid, payment of fees, or any other activity

directly related to the student’s academic program, or pursuant to law or governmental regulation including, but not limited to, contractors, consultants, volunteers, and other outside parties to whom the University has outsourced services or functions it would otherwise use employees to perform with a legitimate educational interest. A University official has a legitimate educational interest if the official needs to review the contents of an educational record in order to fulfill his or her professional responsibilities.

4. The term “**Member of the University Community**” includes any person who is a student, faculty member, University official, person employed by the University (directly or by contract), or any nearby stakeholder of the University. The Dean of Students shall determine a person’s status as the situation warrants.
5. The term “**University Premises**” includes all land, buildings, facilities, sidewalks, roadways, parking lots, and/or grounds controlled, owned, or leased by the University. University premises also include, but is not limited to, all University-owned, leased or rented vehicles.
6. The term “**student organization or student group**” means any number of students who have complied with the formal requirements for University recognition / registration.
7. The term “**Hearing**” means an initial formal gathering and educational opportunity for complainants and respondents to voice their version of involvement of reported incidents, hear and question the findings of the investigation, present witnesses, and be supported by advisors before a hearing body, which may consist of faculty, staff, and/or students. A hearing may be a student conduct hearing, a Title IX hearing, or an appeal hearing. Each type of hearing is explained further in section III.P. Prior to hearings, complainants and respondents will receive notice of the date, time and location of hearings. Additionally, complainants and respondents are notified of the final outcomes of hearings.
8. The term “**Hearing Body**” means any person or persons authorized by the Dean of Students to hear misconduct cases, consider the provided information, and recommend an appropriate outcome, which may include recommending or imposing sanctions. A hearing body may be referred to as a board or committee.
9. The term “**Policy**” is defined as any written regulation of the University as found in, but not limited to, the Code of Student Conduct, Residence Life Handbook, Student-Athlete Code of Conduct, Employee Handbook, Faculty Handbook, Adjunct Faculty Handbook, and the University Catalogs, which has been approved and/or signed by the President of the University.
10. The term “**Academic Misconduct**” includes, but is not limited to: The use of any unauthorized assistance in taking quizzes, test, or examinations; Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or, The acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff.
11. 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 acknowledgement. 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. (Please refer to Section IV.D.3. for more information on plagiarism and it’s relation to academic misconduct.)
12. The term “**Reporting Party**” means any person who reports an incident of an alleged violation of this Student Code of Conduct. Anyone may be a reporting party and submit a complaint of misconduct to the Dean of Students, ECU Police Department, or the appropriate University official.
13. The term “**Complainant**” means any person who believes and claims that he or she has been a target of a crime and/or the subject of a violation of the Student Code of Conduct by another student and/or student organization. The “complainant” has the right to report violations of law or university policy with the Dean of Students, ECU Police Department, or the appropriate University official.

14. The term **“Respondent”** means any student or student organization accused of violating this Student Code of Conduct of Student Conduct or any other related published University policy, such as those mentioned in Section III of this document. The president or designee(s) of the respondent organization shall be the primary point of contact for correspondence with the Dean of Students throughout and upon the conclusion of investigations.
15. The term **“Sexual Harassment”** shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context: When submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing; or, When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or, When such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or academic environment. (Please refer to Section VI.F. for the University policy statement and examples of sexual harassment.)
16. The term **“Non-consensual Sexual Contact”** is defined as any intentional sexual touching, however slight, with any object, with another person without consent of that person. (Please refer to Section VI.G. for additional information.)
17. The term **“Non-consensual Sexual Intercourse”** is defined as any sexual intercourse (anal, oral, or vaginal), however slight, with any object, with another person without consent of that person. (Please refer to Section VI.G. for additional information.)
18. The term **“Consent”** is defined as a knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Effective consent is informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapacitated. (Please refer to Section VI.G. for additional information.)
19. The term **“Incapacitation”** is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (i.e. to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is most often due to lack of consciousness, age, mental disability or the ingestion of drugs or alcohol.
20. The term **“Force”** is defined as the use of physical violence and/or physically imposing on someone to gain sexual or non-sexual access to a person or their property. Force includes threats, implied threats, intimidation, and coercion that overcome resistance or produce reluctant consent.
21. The term **“Coercion”** is defined as unreasonably pressuring another person for sexual contact, sexual intercourse, or any other physical activity. Continued pressure beyond the point where someone has made clear that they desire to stop can be coercive.
22. The term **“Sexual Exploitation”** is defined as taking nonconsensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit a person other than the one being exploited.
23. The term **“Stalking”** is defined as the act of willfully, maliciously, and repeatedly following or harassing another person in a manner that: a) would cause a reasonable person or member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; or b) actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested. (Please refer to Section VI.H. for the University policy statement and examples of stalking.)
24. The term **“Domestic Violence”** is defined as a crime of violence committed by a current or former spouse or intimate partner of an individual, person with whom and individual shares a child in common, person who is cohabitating with an individual or has cohabitated with as a spouse, or person similarly situated to a spouse of the individual under domestic or family violence law of the jurisdiction in which the crime of violence occurred.
25. The term **“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 another person. The existence of such relationship shall be determined based upon consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.
26. The term **“Tobacco Products”** includes all forms of tobacco, but is not limited to cigarettes, cigars, pipes, chewing tobacco, snuff, and all other kinds and forms of tobacco prepared in such a manner to be suitable for spit tobacco use, smoking, or both. This term also includes herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, including but not limited to e-cigarettes, “vapes”, cloves, bidis, and kreteks.
27. The term **“Tobacco Use”** includes smoking, chewing, dipping or any other consumption or use of tobacco products.
28. The term **“Event”** as it related to student organizations shall generally be defined as an activity which meets two (2) or more of the following criteria:
  - a. Fulfills an intended goal of a short-term or long-term plan of a University affiliate or University-recognized entity;
  - b. Utilizes (in part or whole) the University affiliate’s or University-recognized entity’s expenses;
  - c. Several members or several individuals recognized by an observer as members of the University affiliate or University-recognized entity in attendance;
  - d. Indications of advertisement(s) distributed, which may include, but are not limited to:
    1. Information concerning the event was announced during a chapter meeting.
    2. Information concerning the event was physically or electronically posted.
    3. Information concerning the event was emailed or texted to an organization distribution list.
    4. Information concerning the event was circulated via social media (i.e. Facebook, Twitter, Instagram, etc.)

Any question of interpretation regarding these definitions should be referred to the Dean of Students.

### III. STUDENT EXPECTATIONS AND RESPONSIBILITIES

The objective of East Central University is to provide an opportunity for education to all of its students. In order to achieve this objective, it is important to define standards of conduct or limits of behavior that will enable students to work together with the faculty, staff, and administration in a positive manner.

#### A. Standards of Behavior

Attendance at East Central University is not compulsory. The voluntary entrance of a student into East Central University means that the student also voluntarily assumes obligations of performance and behavior reasonably imposed by the University. East Central University is an institution of higher learning. Thus, the rules and regulations are designed to ensure optimal conditions of learning for all students. Standards of conduct for students are seen as a base or foundation of behavior rather than arbitrary limits of behavior. The University’s approach to student discipline emphasizes assisting students in understanding and accepting responsibilities for their behavior. Both the interests of the student and the University are taken into account in deciding the desirability and appropriateness of undertaking a course of discipline.

#### B. Scope of University Authority

1. The University’s authority is vested in the Oklahoma State Regents for Higher Education, the Regional University System of Oklahoma, and the President of East Central University. This includes authority to control and regulate various aspects of

student behavior through disciplinary means. The President of East Central University delegates to the Vice President for Student Development or the Vice President's designees the authority to investigate potential or alleged violations of University regulations or law and to determine and administer appropriate penalties using a preponderance or weight of the evidence standard.

All disciplinary decisions are carried out in the name of the President or other appropriate University Official as designated by the Vice President for Student Development. Any sharing or delegation of the student conduct function remains revocable.

2. Misconduct is considered a matter of concern to the University. Reports of misconduct that are labeled inappropriate, disruptive, destructive, and/or in violation of University regulations usually are made in the first instance to the Dean of Students. Generally, reports of academic misconduct are dealt with through the faculty chair/director of each academic department or college.
3. The primary responsibility for student discipline will lie with the Dean of Students. The Dean of Students may be reached in the Office of Student Development, Administration Building, Room 103, (580) 559-2208.
4. East Central University recommends that complaints of misconduct be made as soon as possible after the incident has occurred, preferably within two (2) University business days. However, there is not a statute of limitations on filing complaints within the Office of Student Development. After a review of the allegations, the Dean of Students may decide to close the case without further investigation, due to insufficient, unavailable, irrelevant and/or compromised documentation.
5. A hearing body consisting of students and/or faculty will consider the appeal of cases resulting in suspension, expulsion, degree revocation or rescission of credit. This hearing body will be designated as the "Student Conduct Committee." The Student Conduct Committee shall be composed of five (5) faculty and two (2) students.
6. Any act by a properly constituted committee, at which a quorum of the committee is present, shall be binding. Please refer to Section III.Q.2. For further details on the composition and operations of the Student Conduct Committee.
7. A designated student conduct officer or designated hearing body will review with the respondent the nature of the complaint, relevant information and witness statements.
8. The designated student conduct officer or hearing body will also allow the respondent's version of the incident to be heard. When the investigation is completed, including interviewing of the respondent and complainant, the designated student conduct hearing body will make appropriate recommendations for the disposition of the case. The designated hearing body has the responsibility and authority to take disciplinary action, if such action is appropriate. Any information obtained either from the respondent or other sources may be used by the designated hearing body in determining proper action, including closing the case without action.
9. The Vice President for Student Development reserves the right to intervene and/or hear any case of student misconduct.
10. The Dean of Students shall develop policies for the administration of the student conduct program and procedural rules for student conduct hearings, which are consistent with the provisions of the Student Code of Conduct.
11. Decisions made by the Dean of Students and/or a hearing body shall be final, pending the normal appeal process.

#### **C. Jurisdiction of the University**

Generally, University jurisdiction and discipline shall be limited to conduct which occurs on or near University premises or which adversely affects the University Community and/or the pursuit of its objectives.

#### **D. Interpretation and Revision**

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students for final determination. The Student Code of Conduct will be reviewed annually, under the direction of the Vice President for Student Development.

#### **E. Admission and Readmission of Students Under Disciplinary Sanctions**

1. Admission requests of students who are currently under disciplinary sanctions at other institutions must be approved through the Office of the Student Development, Administration Building, Room 103, (580) 559-5208. All such applications and requests will be forwarded to the Dean of Students for review. Each student's case will be reviewed by a hearing body, as designated by the Dean of Students. The student seeking admission may be contacted to acquire further information prior to the final decision.

Students who are seeking readmission after a temporary suspension, suspension, or expulsion from East Central University that occurred as a result of student misconduct or lawless behavior, must obtain approval through the Office of Student Development, Administration Building, Room 103, (580) 559-5208. All such applications and requests will be forwarded to the Dean of Students for review. In such cases, students must have met all previously required sanction criteria prior to re-admittance. The student seeking readmission may be contacted to acquire further information prior to the final decision.

The University reserves the right to deny or rescind admission or readmission to any student based upon prior conduct history, prior illegal activity, and/or false or omitted information on submitted admission applications. East Central University typically upholds current suspensions from other institutions.

#### **F. Admission and Readmission of Students with Felony Records**

East Central University requires a background check on applicants who indicate on their admission application that they have been charged or convicted with a felony violation of the law. The Office of Admissions will forward the applications of those charged or convicted with a felony to the Dean of Students. Applicants that are deemed academically admissible will be notified and instructed to pursue eligibility consideration. In order to be considered for eligibility, the applicant must provide additional information as requested by the Dean of Students. The final decision regarding eligibility rests with the Felony Application Review Board, a panel of staff members designated to review academically admissible applicants who have disclosed a felony charge or conviction on their application. The applicant will be notified by the Office of Admissions and/or the Dean of Students of when eligibility has been determined.

#### **G. Prohibited Conduct**

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Section III.P. (Please see Section II. for the University definition of a student.)

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, bribery, or other forms of academic misconduct, as stated in Section IV.
  - b. Furnishing false information to any University official, faculty member or office. This includes the submission of documentation in which required information or documents have been omitted.
  - c. Forgery, unauthorized alteration, or misuse of any University document, record, or instrument of identification.
  - d. Knowingly falsifying or being a party to the falsification of any official University record.

- e. Tampering with the election of any University recognized student organization.
  - f. Assuming the identity of another.
  - g. Any other act of dishonesty which adversely affects the University or the pursuit of its objectives.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public-service functions on or off-campus, or other authorized non-university premises.
  3. Verbal abuse (persistent or severe), threats, intimidation, harassment, stalking, bullying (verbal, physical, and/or cyber), coercion and/or other conduct that threatens or endangers the health or safety of any person.
  4. Attempted or actual physical abuse that results or could result in bodily injury, pain, or impairment. This includes fighting, assault, battery, or any other form of physical violence against another person.
  5. Attempted, actual theft of, or unauthorized removal of University property, property of another individual, or public property.
  6. Attempted or actual damage to University property, property of another individual, or public property.
  7. Hazing and/or any solicitations to engage in hazing are strictly prohibited at East Central University. Hazing is an act which recklessly or intentionally endangers the mental or physical health or safety of a student, which may degrade any person or lead to the destruction or removal of public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. No student organization or any person associated with any organization sanctioned or authorized by the University shall engage or participate in hazing. Any penalties imposed by the University for hazing are separate from, and in addition to, penalties resulting from criminal cases, or the organization's governing body.  
Regardless of the incident location(s), any student(s) and/or student organization(s) found responsible for any form of hazing may be subject to immediate suspension and/or expulsion. The expressed or implied consent of the victim shall not be considered as a defense. Apathy and/or consent in the presence of hazing are not neutral acts; they shall be considered violations of this policy. Please refer to Section V.J. for more information on the Oklahoma Law against hazing.
  8. Failure to comply with the directions of University officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so. (Regional University System of Oklahoma Policy Manual; Section 4.3.3.g.)
  9. Unauthorized possession, duplication, or use of keys or access means to any University premises or unauthorized entry to, presence, or use of University premises.
  10. Aiding and/or facilitating the access means of an unauthorized guest and/or the use of University equipment or property by an unauthorized guest.
  11. Violation of any accessible University policies, procedures, rules or regulations.
  12. Violation of federal, state or local law.
  13. Use, possession, manufacture, cultivation, being in the presence of, or distribution of marijuana, heroin, narcotics, other controlled substances (schedules I-IV), or drug paraphernalia (including objects used or intended for drug consumption), except as expressly permitted by law, is prohibited. Intentionally or recklessly inhaling or ingesting substances (e.g. nitrous oxide, glue, paint, etc.) that will alter a student's mental state is also prohibited. The consumption, possession, or being in the presence of illegal narcotics in any form, on campus properties, in

- University Housing or at student organization or other University sponsored activities for students is strictly prohibited. (Regional University System of Oklahoma Policy Manual; Section 4.3.3.e.) The possession, smoking, misuse, and distribution of synthetic cannabinoids, such as JWH-018 or K2 (Spice), and smoking herbs is prohibited on the properties of the University and at University sponsored activities.
14. The nonmedical use of prescription medication (i.e. "pain killers") is expressly prohibited. This includes possession and distribution of medications that are off label and those that are not prescribed to the person in question, or use of prescription medication at a rate not congruent with the prescription. (Regional University System of Oklahoma Policy Manual; Section 4.3.3.e.)
  15. Use, possession, manufacture, distribution, and being under the influence of alcoholic beverages and/or non-intoxicating beverages as defined in Section 163.2 of Title 37 of the Oklahoma Statutes except as expressly permitted by state law and regulations, or public intoxication. The use, possession, manufacturing, being in the presence of, or distribution of alcoholic beverages and/or non-intoxicating beverages, or illegal narcotics in any form, on campus properties, in University Housing, or other University sponsored activities, unless explicitly and lawfully approved by authorized University officials for students is strictly prohibited. (Regional University System of Oklahoma Policy Manual; Section 4.3.3.b.)
    - a. It is also strictly prohibited to drive, operate, or be in actual physical control of a motor vehicle (Section 11-902, Article 9 of Title 47 of the Oklahoma State Statutes):
      1. While under the influence of alcohol, any other intoxicating substance, or a combination thereof;
      2. With a blood or breath alcohol concentration level at or above the applicable legal limit is prohibited.
  16. Use, possession, manufacture, distribution or attempted distribution of alcoholic beverages, in any circumstances, by or to any person under the age of twenty-one (21).
  17. Violation of any accessible Housing and Dining Services policies and/or contracts.
  18. Illegal or unauthorized possession, usage, or storage of firearms, explosives, electronic control devices, such as Taser or other stun guns, other weapons, or dangerous chemicals on University premises in a manner that would reasonably be expected to threaten, harm, incapacitate, or cause fear to other University community members. The possession or firing of firearms, fireworks, explosives, ammunition, replica firearms or weapons such as bb guns, paintball guns, rifles, bows, swords, metal knuckles, blackjacks, hand chains, knives and inappropriately used knives or bladed instruments by students is prohibited on-campus except as used in officially approved University programs. Lawfully stored handguns may not be removed from vehicles without prior valid written consent of the University President while the vehicle is on University property. (21 O.S. 1277.)
  19. Initiating, causing, or contributing to any false report, warning, or threat of fire, terrorism, or other emergency.
  20. Participation in an on-campus or off-campus demonstration which disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and normal activities within any campus building or area; and/or, intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
  21. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or University sponsored or supervised functions.
  22. Conduct which is disorderly, lewd, or indecent. Indecent conduct includes indecent exposure as defined by Oklahoma law and

- public exposure and unsolicited communications that are obscene, lewd, or indecent (i.e. unclothed drawings, depictions, or pictures of oneself or others to another individual).
23. Conduct in which a student engages or threatens to engage in that poses a danger of causing physical harm to others.
  24. Conduct which would disturb the peace, injure any person (including hazing), cause property damage, directly impede the lawful activities of others, interfere with University faculty or staff in the performance of their duties, or interfere with the educational process and the orderly operation of the University or which may impede its teaching, research, administration, disciplinary proceedings, and public service functions (Regional University System of Oklahoma Policy Manual; Section 4.3.3.f.)
  25. Theft or other abuse of computer and network resources, including but not limited to:
    - a. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
    - b. Unauthorized file transfer, modification, deletion, or security access parameters.
    - c. Unauthorized use of another individual's identification and password.
    - d. Use of computing facilities to interfere with the work of another student, faculty member or University official.
    - e. Use of computing facilities to view or send obscene or abusive messages.
    - f. Use of University computing facilities and/or other University resources to interfere with normal operation of the University computing system or network.
    - g. Any violation of the University Technology and Network Usage Policy, which can be located at <https://www.ecok.edu/administration/academic-affairs/academic-affairs-programs/information-technology/it-policies-and-procedures>.
  26. Abuse of the student conduct system including but not limited to:
    - a. Failures to obey the notice of a hearing body or University official to appear for a meeting or hearing as part of the student conduct system.
    - b. Falsification, distortion, or misrepresentation(s) of information before a hearing body or University official.
    - c. Disruption or interference with the orderly conduct of a hearing body proceeding.
    - d. Facilitation of an unauthorized Student Conduct Hearing.
    - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
    - f. Attempting to influence the impartiality of a member of a hearing body prior to and/or during the course of the student conduct proceeding.
    - g. Harassment (verbal or physical) and/or intimidation of a member of a hearing body prior to, during, and/or after a hearing body proceeding.
    - h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct by the Vice President for Student Development, Dean of Students, the Student Conduct Committee, or any other University Official who has the authority to impose sanctions.
    - i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
    - j. Failure to complete assigned sanctions by the specified deadline.
  27. Making unwelcomed sexual advances, requests for sexual favors, and other verbal or physical contact or communication of a sexual nature when:
    - a. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations or other academic opportunities;
    - b. Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual; or
    - c. Such conduct is sufficiently severe, pervasive or persistent, and both subjectively and objectively offensive, that it has the effect of creating an intimidating, hostile or offensive environment which negatively affects and individual's academic or employment environment.

Sexual harassment does not include verbal expressions or written materials that are relevant and appropriately related to course subject matter, educative programming, or curriculum.
  28. Sexual Misconduct: Engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior including, but not limited to, the following examples of prohibited conduct:
    - a. Unwelcome sexual touching: Touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.
    - b. Exposure: Engaging in indecent exposure, sexual acts in a public place, voyeurism, or non-consensual sharing of sexually explicit images.
    - c. Non-consensual sexual assault: Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part.
    - d. Forced sexual assault: Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to ingestion of drugs or alcohol, age or mental disability) of which the respondent was aware OR should have been aware.
  29. Stalking: Stalking refers to one who engages in course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.
    - a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
    - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
    - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  30. The use, sale, or distribution of all forms of tobacco products including, but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, spit tobacco, and herbal tobacco products. The University prohibits tobacco use on all University grounds, in all University buildings, all University grounds (including parking areas), outside of buildings, common outdoor areas, and University vehicles(s) owned or leased by the University.
  31. Gambling for money or other things of value on campus or at University sponsored activities, except as permitted by law.

32. Initiating (directly or indirectly) any adverse action against an individual or organization in reprisal to the person's or organization's reporting of a university policy violation or crime. This includes any adverse action against an individual or organization assisting in or witnessing such a report.

#### **H. Legal Proceedings and University Student Conduct Procedures**

University student conduct proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code of Conduct. Conduct, such as when both violations result from the same factual situation, without regard to pending civil litigation in court or criminal arrest and prosecution. Proceedings under this Code of Student Conduct may be carried out prior to, simultaneously with, or following civil and/or criminal proceedings off-campus. Moreover, determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because of criminal charges arising out of the same facts.

When a student is charged by federal, state, or local authorities with a violation of law, the University has the ability to request or agree to special consideration for that individual because of his or her status as a student.

If the alleged offense is also the subject of a proceeding before a hearing body under the Student Code of Conduct, the University may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters are typically handled internally within the University community. The University will cooperate with law enforcement and other federal, state, or local agencies in the enforcement of criminal law on-campus and in the conditions imposed by criminal courts for the rehabilitation of student violators, as required by federal privacy and compliance laws including, but not limited to, the Family Educational Rights and Privacy Act of 1974. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

When a student is charged by federal, state, or local authorities with a violation of law, the University has the ability to grant special consideration to individuals regarding the student conduct proceedings, due to legitimate circumstances and an absence of imminent danger. Legitimate circumstances will be determined by the Dean of Students.

#### **I. Filing Complaints**

Any person may file a written complaint against any student for violations of the Student Code of Conduct. Complaints shall be requested in writing and submitted to the Dean of Students. All complaints should be submitted as soon as possible after the event takes place or as soon as the complainant becomes aware of an incident, preferably within forty-eight (48) University business hours. The student conduct process requires a written statement from the Complainant, unless other documentation outweighs the need for the written statement. Complaint forms may be acquired online at <https://www.ecok.edu/student-development/student-development-home/resources>.

#### **J. Prohibition of Retaliation for Reporting**

Retaliation against complainants and/or alleged victims of persons accused of ECU policy violations is prohibited by University policy and federal and state laws. Retaliation includes, but is not limited to, threats, hazing, intimidation, stalking, and/or reprisals against anyone who reports or files a complaint against an ECU student. This policy also prohibits retaliation against witnesses of alleged policy violations.

#### **K. Amnesty Policy**

East Central University encourages:

1. The reporting of alleged sexual misconduct and
2. Seeking emergency medical assistance for themselves or others in alcohol or drug-related medical emergencies.

The University also recognizes that the potential for disciplinary action by the Office of Student Development may act as a deterrent to

reporting and/or seeking medical assistance. Therefore, the University may offer amnesty for minor conduct violations to:

1. A student who may have committed a minor violation at the time of a more serious incident, or;
2. A student who offers help to those who need medical assistance.

If amnesty is offered, educational options may be explored, but no conduct actions or record will result.

#### **L. Temporary Suspensions**

In cases whereby there is a student who poses an immediate and present danger or ongoing threat of damage to life, University property, or disruption of normal University operations, the University may impose a Temporary Suspension from a University residence hall/apartment or the University prior to a hearing. Such an administrative decision will be effective immediately to ensure the safety and well-being of members of the University community, preservation of University property, students' physical or emotional safety and/or well-being. During the specified temporary suspension period, a student may be denied access to the University residence halls/apartments, to all University premises (including classes), and/or all other University sponsored on- and off-campus activities, including, but not limited to approved student organization on- and off-campus events. The temporary suspension does not replace the regular student conduct process, which shall resume at the conclusion of the temporary suspension time period.

The student shall be notified of this action and reasons for the temporary suspension in writing. Unless extenuating circumstances prevent the immediate scheduling of a hearing, then the notice shall also include the date, time, and place of a subsequent Student Conduct Hearing. In cases whereby a hearing is unable to be immediately scheduled, a subsequent letter will be sent to specify the date, time, and place of the upcoming Student Conduct Hearing at the earliest possible time. The Student Conduct Hearing shall provide the student with an opportunity to hear and contest all complaints and demonstrate why his or her continued presence on the University campus or within University Housing facilities does not constitute a threat.

#### **M. Investigations**

Once the Office of Student Development receives a written complaint, the Dean of Students or the Dean's designee may conduct an investigation to determine if the complaint has merit. Investigations may consist of Informal Conduct Meetings (interviews) with the complainant, any alleged victims, the respondent, the president of a respondent organization, possible witnesses, and the evaluation of relevant documentation such as photographs, video, and cellular telephone logs. Generally, contacts with the complainant, the respondent, and possible witnesses are made by a telephone call, email, or post letter sent to available on- or off-campus addresses or classrooms. This contact is established to arrange for an Informal Conduct Meeting.

Students who are contacted by the Office of Student Development should respond immediately by following the directions specified in the personal conversation, voice mail, email, and/or post letter that they receive and schedule a meeting with the Dean of Students or his/her designee by the deadline identified within the notice. Notices issued through University email addresses are considered proper notification to students (Section VI.K.). Students are responsible for checking their email on a regular basis for University communication. Failure to comply with these directions can be considered a violation of University policy, Section III.H.8.

If a respondent or representatives from an accused organization who have been provided with notice do not appear before a hearing body for a Student Conduct Hearing, then the information in support of the complainant shall be presented and considered in the absence of the respondent. A decision shall be made without the benefit of the respondent or members of the accused organization's personal input, unless a documented dire emergency can be verified to account for the respondent's or respondent organization's absence. The purpose



of the Informal Conduct Meetings is to give the complainant and respondent the opportunity to voice their version of the incident and recommendation for outcome. Students will also be given the opportunity to indicate an informal or formal resolution preference.

The Dean of Students may determine if the complaints can be disposed of administratively by an informal resolution or dismissed. If the allegations are not admitted to and/or cannot be reasonably disposed of by informal resolution, the Dean of Students may refer the case to another hearing body to be resolved formally (see Section III.N.). The hearing body that hears the complaint, either formally or informally, will make a determination of responsibility based upon a preponderance of the evidence standard. Under this standard, the designated hearing body will seek to determine what more than likely occurred. Formal rules of due process, procedure, and/or technical rules of evidence such as are applied in criminal or civil courts are not used in student conduct proceedings.

#### **N. Informal Resolution: Student Conduct Meetings**

The Informal Resolution Option is conducted through a series of investigative interviews with the complainant, any alleged victims, the respondent, the president of a respondent organization, and possible witnesses.

An informal decision shall be made after enough information has been gathered and/or received to make a final determination by the Dean of Students, or designated hearing body. Some preferences to resolve matters informally or formally may not be honored, due to the specific nature of the case and matters involved.

The hearing body's determination shall be made on the basis of whether it is more likely than not that the respondent or accused organization violated the Code of Student Conduct.

#### **O. Formal Resolution: Student Conduct Hearings**

If the complaints cannot be appropriately resolved in an informal manner, then official notice of all the allegations or complaints shall be presented to the respondent or the president or designee(s) of the respondent organization in written form (if they have not already been presented). A copy of the official notice and advisement of the upcoming hearing shall be forwarded to the identified advisor and/or national headquarters of the respondent organization. Official notice of the allegations or complaints shall also be presented to the complainant and/or alleged victim (if different than the complainant). A date and time shall be set for a hearing which does not conflict with student class schedules. At the discretion of the Dean of Students, the date and time for Student Conduct Hearings may be adjusted due to exigent circumstances, such as cases involving Temporary Suspension (see Section III.P.1.r.). All Student Conduct Hearings are closed and shall be conducted in private.

The notice for the hearing shall include:

- a. A statement of the date, time, place, and nature of the hearing;
  - b. Identification of the authority and jurisdiction under which the hearing is to be held;
  - c. A reference to the particular sections of the University policies involved; and,
  - d. A concise statement of the matters asserted. If the University or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.
3. Opportunity shall be afforded to all parties to respond and present information and arguments on all issues involved.
  4. The record in a Student Conduct Hearing and/or Appeal Hearing shall include:
    - a. All acknowledgements, questions, challenges, and denials;
    - b. Information received or considered at the Student Conduct Hearing;
    - c. Entries and offers of new information, challenges, and decision thereon;

- d. Proposed conclusions and exceptions;
  - e. Any decision, opinion, or report by the committee chair at the hearing; and,
  - f. All other information or data submitted to the committee chair or University Official in connection with their consideration of the case, provided all parties have had access to such information.
5. Oral proceedings shall be electronically and/or digitally recorded. Such recordings shall be maintained for such time so as to protect the record through any further review. Copies of the recordings shall be provided by the University at the request of any party to the proceeding. Costs of transcription of the recordings may be borne by the party requesting the transcription. For further review, electronic and/or digital recordings of any Student Conduct Hearing or Appeal Hearing may be submitted for review without transcription unless otherwise required to be transcribed. In such cases, the expense of transcriptions shall be taxed and assessed against the requesting party.
  6. The complainant, respondent, respondent organization representative(s) and their advisor, if any, shall be allowed to attend the entire portion of the Student Conduct Hearing, except the deliberation period(s). Admission of any additional person(s) to the hearing or the role adjustment of any currently involved person(s) shall be at the discretion of the chairperson of the hearing body
  7. In Student Conduct Hearings involving more than one (1) respondent the chairperson of the hearing body, at his or her discretion may permit the hearings concerning each student to be conducted separately or jointly.
  8. The complainant, the respondent, and/or the respondent organization representative(s) shall have the right to challenge the participation of any member of the student conduct hearing body. The Chair of the hearing body shall consider the merit of the challenge and make a decision to either retain the hearing body member or dismiss the hearing body member for that particular case.
  9. The complainant, the respondent, and/or the respondent organization representative(s) shall have the right to be assisted by any advisor they choose, at their own expense, unless that person's presence and/or actions disrupt the operations of the hearing. The complainant, the respondent, and/or the respondent organization representative(s) may be assisted by no more than one (1) advisor. The advisor may be an attorney. The complainant and/or the respondent or organization is responsible for presenting his, her, or their own case and, therefore, advisors are not permitted to speak or to participate directly in any Student Conduct Hearing before a hearing body. Participating students should select an advisor or person whose schedule allows attendance at the allotted dates and times for Student Conduct Hearings. Generally, delays shall not be allowed because of scheduling conflicts of advisors.
  10. The complainant, the accused, and the hearing body shall have the privilege of presenting witnesses, subject to the right of cross-examination by each party. The complainant and respondent will be required to identify their proposed witnesses to the hearing body, no later than two (2) University business days prior to the Student Conduct Hearing. A witness list form may be acquired from and submitted to the Office of Student Development. In addition, the Witness List Form is accessible from the Office of Student Development website, <https://www.ecok.edu/student-development/student-development-home/resources>.
  11. The complainant and the respondent will be allowed to present no more than five (5) witnesses each, of which only two (2) may be character witnesses. Advisors may not serve as witnesses during the same hearing. Witnesses shall provide information to and answer questions from the hearing body and opposing parties. Questions from the opposing parties shall be directed towards the

chairperson of the hearing body rather than to the witness(es) directly. This method is used to preserve the educational tone of the Student Conduct Hearing and to avoid the creation of a hostile environment.

12. Pertinent records, exhibits and written statements may be accepted as information for consideration by a hearing body at the discretion of the chairperson.
13. All procedural questions are subject to the final decision of the chairperson of the hearing body. The chairperson may consult with a representative of the Dean of Students and/or University Legal Counsel at any point during the hearing.
14. Formal rules of due process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.
15. After the hearing, the hearing body shall determine (by majority vote if the hearing body consists of more than two (2) persons) whether the respondent or the accused organization has violated each section of the Code of Student Conduct that the respondent or accused organization allegedly violated.
16. Specified time periods of deliberation may range from a 30-60 minute wait outside of the Student Conduct Hearing location(s) to five (5) University business days. After a specified deliberation time period for the hearing body, if the final outcome of a particular Hearing Body has not been decided by the original specified time period, then the hearing body or representative from the Office of Student Development shall provide all participating parties with direct verbal or written notice of a new and final timeline.

**Safety Precaution Options:** The hearing body may accommodate for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during a Student Conduct Hearing by providing separate facilities, videoconference capabilities, by permitting participation by telephone, written statements, or other means, as deemed appropriate by the Vice President for Student Development or the Dean of Students.

#### P. Notice of Final Outcome

The complainant and respondent or respondent organization representative shall be informed of the final determination of responsibility for each specific alleged policy violation. The hearing body shall provide the respondent or president of the respondent organization with written notice of the final outcome of the investigation and/or Student Conduct Hearing. In accordance with the laws of the Federal Educational Rights and Privacy Act of 1974 and the Crime Awareness and Campus Security Act of 1990, the complainant or alleged victim (if different from complainant), shall be provided written notice of the outcome of the investigation and/or Student Conduct Hearing of crimes of violence. Crimes of violence include arson, assault and/or battery offenses, intimidation, stalking, burglary, criminal homicides, destruction or damage to property, kidnapping or abduction, robbery, and sexual misconduct offenses (harassment, stalking, and/or sexual assault). If appropriate, the identified advisor and/or national headquarters of the accused organization shall receive a copy of the final outcome letter.

#### Q. Sanctions

1. Penalties for violation of University regulations or law may include one (1) or a combination of the following:
  - a. **Warning** - A verbal and/or written notice to the student that the student is violating or has violated University regulations.
  - b. **Apology Letter** - A typed and signed apology letter by the respondent(s) acknowledging responsibility for the University violation(s) and providing a sincere expression of remorse to the victim(s) and/or stakeholders of the misconduct.
  - c. **Probation I** - A written reprimand for violation of specified regulations and a loss of privilege from representing the

University in on or off-campus co-curricular academic, athletic, or other social functions sponsored by the University during the probationary period. Probation is for a designated period of time and includes the probability of more severe sanctions, such as suspension or expulsion, if the student is found responsible for violating any further institutional regulation(s) during the probationary period.

- d. **Probation II** - Due to previous university violations at other institutions and/or law violations prior to admittance to East Central University, a specified conditional period of enrollment may be applied to an incoming student. The conditional period may include a denial of access to one or more of the following areas and/or events of East Central University:
  - i. Any University-sponsored co-curricular events;
  - ii. Any Housing and Dining Facility;
  - iii. Specifically identified Academic Building(s);
  - iv. Intramurals Participation; and/or
  - v. Any University structure

The conditional period may also include one or more of the following requirements:

- i. Periodic or Regular Check-Ins with the ECU Police Department;
  - ii. Periodic or Regular Check-Ins with the Dean of Students; and/or
  - iii. Periodic or Regular Check-Ins with designated Housing and Dining Officials
- e. **Deferred Suspension** - Official suspensions may be deferred for a semester or an indefinite period of time. The suspension will be automatically enforced for any subsequent violation of the Student Code of Conduct or local, state, or federal laws. If a student or student organization commits a violation of the Student Code of Conduct or local, state, or federal laws, while on deferred suspension and is found responsible, then the student will be automatically suspended. In addition, the student or student organization will be responsible for completing the subsequent sanctions, which may be applied for the most recent violation.
  - f. **Loss of Privileges** - Denial of University privileges for a designated period of time, such as denial of entry or usage of certain areas on-campus or restricted usage or attendance of certain University privileges or events.
  - g. **Disciplinary Hold** - A student given a disciplinary hold may be required to have all enrollment and release of academic records approved through the Dean of Students. A disciplinary hold may also be utilized to ensure compliance with other sanctions or requests to appear.
  - h. **Fines** - Established and published fines may be imposed for violating University policies. In addition, fines may be imposed for failure to complete assigned sanctions by designated deadlines.
  - i. **Parental Notifications** - If a student is under the age of twenty-one (21) and has been found responsible for violating any local, state, or federal laws, including any alcohol or controlled substance policies, then the Dean of Students and/or designee may contact and discuss the matter and/or resolution with the parents or legal guardian of the student.
  - j. **Assessments/Evaluations** - A directive to attend and actively participate in 1-2 appointments or sessions that will aid in the direction of the overall sanction learning outcome. These appointments or sessions may be facilitated by the ECU Student Counseling Center or other campus or non-campus agency.

- k. **Program Participation** - A directive to attend, actively participate, and successfully complete individual and/or group appointments or sessions that will aid in the direction of the overall sanction learning outcome. These appointments or sessions may be facilitated by the ECU Student Counseling Center or other campus or non-campus agency. Generally, sanctions that involve therapy shall specify a certain number of appointments or sessions for successful completion.
  - l. **No Contact Order** - A directive that prohibits all forms of contact with another person or persons, which specifies a time period of enforcement. Forms of contact may include, but are not limited to, telephone calls, contact through another person, contact initiated through social media, attendance of certain University-sponsored events, text messages, e-mail or any other electronic means. A No Contact Order may be temporarily instituted prior to a hearing as a means of preserving the safety of the University learning community and balancing the rights of respondents and/or as a final sanction at the conclusion of a hearing. Violation of the No Contact Order may result in a final sanction of suspension from the University.
  - m. **Restitution** - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - n. **Discretionary or Educational Sanctions** - Community service, program development / promotion, program participation and/or completion, written assignments, service to the University, research assignments, or other related discretionary assignments. Such assignments must have the prior and concluding approval of the Dean of Students.
  - o. **Residence Hall Transfer** - A student resident may be required to transfer residence halls due to a policy violation or pattern of policy violations that affect a particular residence hall community. This transfer may be for a specified or indefinite period of time.
  - p. **Residence Hall Contract Termination** - Separation of the student from the Residence Halls for a period of time, after which the student may be eligible to return. Conditions for readmission may be specified.
  - q. **Residence Hall Status Change:** The sanctions may include:
    - a. Restriction on visitation to specified buildings or all university housing.
    - b. Reassignment to another university housing facility as determined by Office of Housing & Residential Life.
    - c. Suspension from a University housing facility for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
    - d. Removal from living in or visiting any University housing facility. - Permanent separation of the student from the Residence Halls.
  - r. **Temporary Suspension** - A student may be temporarily suspended from the University or University Housing facilities prior to, before or during an investigation if one (1) or more of the following is necessary:
    - a. To ensure the safety and well-being of members of the University community or the preservation of University property;
    - b. To ensure the student's own physical or emotional safety and well-being; and/or,
    - c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
  - s. **University Suspension** - A student may be suspended from a University residence hall/apartment and/or the University for a finite period of time, not less than the remainder of the current semester in which he or she is enrolled. The student who has been suspended may apply for readmission at the close of the period for which he or she was suspended. Conditions for readmission may be specified. A suspension hold may be placed on the transcript during the period of suspension. Likewise, a notation of the suspension may be placed on the student's academic transcript at the discretion of the Dean of Students.
  - t. **University Expulsion** - Permanent separation of the student from the University. When a student is expelled, a notation of the expulsion will be placed on the student's academic transcript at the discretion of the Dean of Students. A student who is expelled will not be allowed to reenter the University premises or have further contact with the University.
  - u. **Degree Revocation or Rescission of Credit** - For those students found to have violated University policy and who have already graduated, the University may elect to revoke the degree(s) of a given student. Likewise, the University may elect to rescind credit for a specified course or program.
2. More than one (1) of the sanctions listed above may be imposed on any single violation. Furthermore, the aforementioned sanctions are not meant to be a comprehensive list.
  3. Other than University suspension and expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's private education records.
  4. The following sanctions may be imposed upon student clubs, groups or organizations:
    - a. Those sanctions listed above in Section III.P.1.
    - b. Restriction of hosting certain programs.
    - c. Requiring a change of on-campus advisors as a condition of continued or renewed University recognition.
    - d. Deactivation or loss of selected or all privileges, including University recognition, for a specified period of time.
    - e. Notification of governing entity.
  5. Following the investigation or Student Conduct Hearing, the hearing body and/or the Dean of Students shall advise the respondent or respondent organization representative and complainant in writing, when appropriate, of its determination and of the sanction(s) imposed, if any.
  6. Any student or student club, group or organization found responsible for a violation of University policies which does not result in their temporary suspension, suspension, expulsion, credit rescission, or degree revocation, shall be entitled to a request for an Appeal by the ECU Honor Court, as specified in Section III.Q. Additionally, any student or student clubs, groups or organizations found responsible for a violation of the University policies which results in their suspension, expulsion, credit rescission, or degree revocation, shall be entitled to a Student Conduct Appeal Hearing by the Student Conduct Committee, as specified in Section III.Q.
  7. If a student appeals a decision of suspension, expulsion, degree revocation, or rescission of credit, the decision will not become effective until after the appeal hearing before the Student Conduct Committee, unless a temporary suspension remains in place in accordance to the policies herein. The Vice President for Student Development reserves the right to intervene and/or hear any case of student misconduct.
- R. Student Conduct Appeals**
- An appeal is a review of the original hearing, not a new hearing. The Appeal Request process serves as a procedural safeguard for the student(s) involved. The complainant(s), respondent(s), or president of a respondent organization may request that the decision reached or

sanction(s) imposed by a hearing body be reviewed, according to the grounds described below.

All sanctions imposed by the original hearing body will be in effect during the appeal request and review. A request may be made to the Dean of Students for special consideration, due to exigent circumstances, but the presumptive stance of the University is that the sanctions will stand. Graduation, study abroad, internships, co-curricular activities, and athletic team involvement do not, in and of themselves, constitute exigent circumstances. Hence, students may not be able to participate in those activities during their appeal request and review. In cases whereby the appeal review results in a reinstatement to the University or of a return of previously lost privileges, all reasonable attempts will be made to restore the students to their prior status and assist with correspondence for missed coursework, while acknowledging that some opportunities may be lost in the short term. The University shall maintain safety as the first priority.

A request for an appeal shall be limited to a review of the investigation, findings of the initial investigation, related hearing, and supporting documents or one (1) or more of the following purposes:

1. Disproportionate Sanction(s): The sanctions imposed are significantly disproportionate to the severity of the violation.
2. New Information: To consider new documentation, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction(s). A summary of this new documentation and its potential impact must be included.
3. Procedural Error: To determine that a procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. unjustified and significant deviation from published procedures, etc.).
4. Unsupported Conclusion: To determine whether the decision reached regarding the respondent was based on substantial information—whether the facts discovered and disclosed were sufficient to establish that a violation of the ECU Student Code of Conduct actually occurred. (Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.)

A decision reached or sanction imposed by a hearing body may be appealed by the respondent(s) or complainants. To initiate an appeal, a student must make the written request by completing and submitting the Student Conduct Appeal Form. Appeal Forms can be acquired from the Office of Student Development, Administration Building, Room 103 (580) 559-5208 or the Office of Student Development website at <https://www.ecok.edu/student-development/student-development-home/resources>. All appeals must be completed, signed, dated, and submitted to the Office of Student Development within two (2) University days after the disciplinary decision has been rendered and received. Failure to check or claim notice of the disciplinary decision by email, US Postal Service, or campus mail will not constitute an acceptable reason for non-receipt of the original decision.

In cases whereby newly acquired or discovered documentation, sufficient enough to alter the original decision is submitted as an appeal request beyond the expired appeal deadline (up to 12 months after the original decision is rendered), the matter may be reviewed by the Dean of Students for consideration of re-opening the case. If the newly acquired or discovered documentation was not accessible during the original appeal deadline, then the Dean of Students may conduct an initial review of the newly submitted appeal form and remand the case to the original hearing body for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s). If the newly acquired or discovered documentation is not sufficient enough to alter the original decision, the appeal request may be denied.

Appeal requests that DO NOT involve suspension, expulsion, temporary suspension, rescission of credits, or degree revocation are

heard by the hearing body designated by the Vice President for Student Development. Appeal requests that DO involve suspension, temporary suspension, expulsion, degree revocation, or rescission of credit are heard by the Student Conduct Committee.

#### 1. Appeals Process

A decision reached or sanction imposed by a hearing body may be appealed by the respondent(s) or complainants to the Office of Student Development. To initiate an appeal, a current student must make the written request by completing and submitting the Student Conduct Appeal Form. Appeal Forms can be acquired from the Office of Student Development, Administration Building, Room 103 (580) 559-5208 or the Office of Student Development website at <https://www.ecok.edu/student-development/student-development-home/resources>. All appeals must be initiated by the requesting current student, completed, signed, dated, and submitted to the Office of Student Development within twenty-four (48) hours or two (2) University business days after the disciplinary decision has been rendered and received. Failure to check or claim notice of the disciplinary decision by email, US Postal Service, or campus mail will not constitute an acceptable reason for non-receipt of the original decision.

The Office of Student Development will inform the opposing party of the appeal request filed (e.g., if the respondent appeals, the appeal will be shared with the complainant, who may also wish to file a response). After receiving the appeal request, the hearing body/hearing officer will initiate a preliminary review of the appeal request to determine if the appeal request has met the deadline requirement and the aforementioned grounds for appeals. Then, the hearing body/hearing officer shall draft a response memorandum, which shall be shared with the complainant(s), respondent(s), or president of a respondent organization, and the Dean of Students. The original finding and sanction will stand if the appeal has not met the deadline requirement and/or does not meet one (1) or more of the aforementioned grounds for appeal. If the appeal has met the deadline requirement and the grounds for appeal, then the appeal request is further reviewed by the hearing body/hearing officer. The party requesting appeal must demonstrate error in their selected grounds for appeal, as the original findings and sanctions will be presumed to have been decided reasonably and appropriately.

#### 2. Appeals Heard by the Student Conduct Committee

The Student Conduct Committee consists of faculty and student members who review appeal requests that involve cases resulting in suspension, expulsion, degree revocation or rescission of credit.

The Dean of Students will inform the opposing party of the appeal request filed (e.g., if the respondent appeals, the appeal will be shared with the complainant, who may also wish to file a response). After receiving the appeal request, the Chair of the Student Conduct Committee will initiate an initial review of the appeal request to determine if the appeal request has met the deadline requirement and the aforementioned grounds for appeal. Then, the Chair of the Student Conduct Committee shall draft a response memorandum, which shall be shared with the complaint(s), respondent(s), or president of a respondent organization, and the Dean of Students. The original finding and sanction will stand if the appeal has not met the deadline requirement or does not meet one (1) or more of the aforementioned grounds for appeal. If the appeal has met the deadline requirement and the grounds for appeal, then the appeal request will be further reviewed by the Student Conduct Committee Conduct through a formal appeal hearing. At the appeal hearing, the party requesting the appeal must demonstrate error in their selected grounds for appeal, as the original findings and sanctions will be presumed to have been decided reasonably and appropriately.

Appeal Hearings before the Student Conduct Committee will be conducted in the same manner as formal hearings (See Section III.N.). Generally, the Dean of Students or his/her designee shall serve as the University's representative in appeals before the Student Conduct Committee.

**S. Outcome of an Appeal Hearing**

The outcome of a student conduct appeal will result in one (1) of three (3) outcomes:

1. That the original hearing body's determination is affirmed;
2. That the original hearing body's determination be modified; or,
3. That the original hearing body's determination be reversed.

The outcome shall be final. In general, appeals should be reviewed within fifteen (15) University business days of the submitted written request.

**T. Expulsion Hearings before the Student Conduct Committee**

The findings of fact and conclusions of law of the Student Conduct Committee shall be based exclusively on the information received from the preceding investigation and on matters officially noticed in the initial Student Conduct Hearing unless otherwise agreed upon by the parties on the record.

1. The University may admit and give consideration to information which possesses probative value commonly accepted by reasonably prudent individuals in the conduct of their affairs. The University shall give effect to the rules of privilege recognized by law in respect to: self-incrimination; confidential communications between husband and wife during the subsistence of the marriage relation; communication between attorney and client, made in that relation; confessions made to a clergyman or priest in his or her professional capacity in the course of discipline enjoined by the church to which he or she belongs; communications made by a patient to a licensed practitioner of one (1) of the healing arts with reference to any physical or supposed physical disease or of knowledge gained by such practitioner through a physical examination of a patient made in a professional capacity; and records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States, are made confidential and privileged. No greater exclusionary effect shall be given any rule or privilege than that which would be obtained in an action in court. The University may exclude incompetent, irrelevant immaterial and unduly repetitious information. Any portion of relevant information may be received in written form as long as the information does not substantially prejudice the interest of the parties or the timeliness of a hearing.
2. Documentary information may be received in the form of copies or excerpts if originals are not readily available. Upon request, parties shall be given the opportunity to compare the copy with the original.
3. A party may conduct cross-examinations, through the facilitation of the committee chair.
4. Notice may be taken of judicially recognized facts. In addition, notice may be taken of generally recognized technical or scientific facts within the University's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material to be presented, including any staff memoranda or data, and they shall be given an opportunity to contest the material presented. The University's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the information.

**U. Expulsion Hearing: Final Orders—Notification of Hearing Outcome**

1. A final University order adverse to an accused party shall:
  - a. Be in writing; and,
  - b. Include findings of fact and conclusions of law of the Student Conduct Committee, separately stated Findings of fact, if set forth in statutory language, shall be accompanied

by a concise and explicit statement of the underlying facts supporting the findings. In accordance with University rules, if a party submitted proposed finding of fact, the final University order shall include a ruling upon each proposed finding

Parties shall be notified either personally or by certified mail, return receipt requested, of any final University order. Upon request, a copy of the order shall be delivered or mailed forthwith to each party and to his or her attorney of record.

**V. Administrative Appeals of Hearing Body Final Order**

Any order of a hearing body/hearing officer shall be final, unless, within one (1) University Day after the disciplinary decision has been rendered and received, the student lodges a written appeal with the Vice President for Student Development. Appeals with the Vice President for Student Development shall relate to procedural matters only. Procedural Appeals must be addressed to the Vice President of Student Development and delivered or mailed to the Office of Student Development, Administration, Administration Building, Room 103, (580) 559-2208.

**W. Administrative Appeals of a Student Conduct Committee Final Order**

Any order of the Student Conduct Committee affirming suspension, expulsion, degree revocation or rescission of credit of a student shall be final, unless, within one (1) University day after the disciplinary decision has been rendered and received, the student lodges a written appeal with the President of the University. Appeals with the President shall relate to procedural matters only. Procedural appeals must be addressed to the President of the University. Written appeals to the President should be submitted through the Dean of Students.

**IV. ACADEMIC POLICIES, RIGHTS, AND RESPONSIBILITIES**

**General Statement**

Students are responsible for reviewing the information contained in the official University catalog. The catalog contains regulations governing academic programs, course requirements, campus life, and other important information. The University catalog may be acquired via the University website at <https://www.ecok.edu/administration/academic-affairs-programs/admissions-records/ecu-catalog>.

**A. Academic Integrity Statement**

Academic integrity is founded upon and encompasses the following five values: honesty, trust, fairness, respect, and responsibility (Oklahoma State Regents for Higher Education, 2003). Integrity in academic work is essential to the success of the university community. Deceit and misrepresentations are incompatible with the fundamental activity of East Central University and shall not be tolerated. Failure to comply with and uphold the standards of integrity will constitute academic misconduct and may result in severe penalties, as listed below. Each student is individually responsible for knowing and upholding academic integrity by scrupulously avoiding any conduct that would lead to violation of the Policy on Academic Integrity.

**B. Definition of Academic Misconduct**

In its broadest sense, academic misconduct involves any action on the part of the student that violates academic integrity. These actions include, but are not limited to:

**Cheating:** Cheating is the use of unauthorized materials, information, or study aids in academic exercises, experiments and examinations. Cheating includes but is not limited to:

- copying the answers of another student on any examination or assignment
- using a textbook, notes or other aids during an examination without the permission of the professor
- tampering with experimental data to obtain >desired= results
- obtaining copies of examinations by any unauthorized means

- receiving or giving unauthorized help on assignments or examinations
- accessing computer systems or computer files without authorization
- stealing a problem solution from a professor or another student
- presenting product of a collaborative effort as one's individual work unless explicitly approved by an instructor. (Note: professors shall grade course group assignments according to criteria outlined in the syllabus)

**Plagiarism:** Plagiarism is presenting the words, visual images or ideas of another as one's own. Except for what is called "common knowledge", any information taken from another source must be documented in the student's work. When a student interprets another's ideas, credit must be given by an in-text reference. When a student uses an exact copy of another's work, it must be delineated by use of quotations marks or indentation and referenced with the source. Plagiarism includes but is not limited to:

- copying and/or presenting words, images or thoughts of others as one's own work
- representing any information down-loaded from the Internet as one's own.
- copying content in work without providing appropriate quotation marks or documentation
- copying words with minor changes even if the source is given
- expressing another's ideas as one's own
- reusing papers or presentations from a file of any previously written papers
- submitting the same paper or substantial portions of a paper for multiple courses without the permission of the primary professor
- submitting assignments that were completed by another person
- allowing another student to submit one's work as their own

**Misrepresentation or Falsification:** Misrepresentation and falsification are forms of academic dishonesty based on written or spoken lies committed either by a positive action or omission. Misrepresentation and falsification includes, but is not limited to:

- changing records, logs or other documentation leading to an inaccurate evaluation of the assignment or student performance
- providing false information or omitting pertinent information on applications, records or other documents
- tampering with or destroying the work of others
- creating results for experiments not done ("dry" labbing)

### C. Academic Integrity Conduct Procedures

Any faculty, staff member, or other student, may identify and report a violation of the Policy on Academic Integrity. The student and the faculty member must meet to confirm or disallow the reported violation. If the violation is verified, the exact disciplinary procedure and grade penalty is left to the discretion of the professor as outlined in the course syllabus. Possible actions that may be taken individually or in combination include but are not limited to the following:

- scheduling a conference between the student and professor
- reporting the incident to the department chair and/or school dean
- requiring that the assignment be re-done
- reducing the grade for the assignment in question
- reducing the grade for the course in which the violation occurred
- receiving a failing grade for the course
- forced withdrawal from the course or major
- expulsion from the University

- reporting the violation to the Student Conduct Committee
- reporting the violation to the office of the Vice President for Academic Affairs
- a record of the violation(s) may be maintained in the office of the Vice President for Academic Affairs for a period not to exceed five years from the time of the incident.

### D. Administrative Appeals for Academic Integrity Violations

Students may appeal faculty actions in accord with the procedure defined for grade appeals. The appeal should be presented to the Department Chair and, if unsatisfactorily resolved, then to the School Dean. Administrative action beyond that level, if any, may be appealed to the Provost/ Vice President for Academic Affairs or designee. The decision of the Provost/Vice President for Academic Affairs may be reviewed by the President, upon request of the student. The President's decision shall be final.

## V. STUDENT ORGANIZATION EXPECTATIONS AND RESPONSIBILITIES

East Central University recognizes the fact that every individual is unique and may excel in a wide range of areas. Therefore, ECU strives to provide an environment in which students, staff and faculty create activities and organizations in an effort to enhance co-curricular life. These activities and organizations provide students with the opportunity to develop leadership skills, build relationships and take an active role in the formation of campus plans and policies. A listing of active student organizations and activities at East Central University can be obtained at the Office of Campus Involvement, University Center, Room 200, (580) 559-5207 or online at <http://www.ecok.edu>.

### A. Responsibilities of Active Student Organizations

1. In order to obtain and maintain active organizational status, the following steps must occur:
  - a. Register your student organization with the Office of Campus Involvement with names of at least six members (inclusive of the officers).
  - b. Submit a dated constitution and/or bylaws.
  - c. An full time faculty or staff member willing to serve as an advisor.
  - d. Renew your student organization every year between April 1st and the first Friday in August.
2. All Greek social organizations must be an active and recognized member of the appropriate ECU-recognized Greek governing body, and abide by the rules and regulations of the appropriate ECU-recognized Greek governing body. The ECU Office of Campus Involvement is responsible for identifying the appropriate governing body. Greek social organizations that are not active and/or are not recognized members of their governing council may have their University recognition revoked.
3. The organization and organizational officers are responsible for upholding the rules and regulations of East Central University. This responsibility cannot be delegated to advisors, campus police, and/or others and applies to activities on and off East Central University campus. Violations will be reviewed by the University and may result in, but not limited to, denial of facility usage, revoking of recognized organizational status, individual and/or group discipline.
4. The Office of Housing, Residence Life & Dining Services must give prior approval to any organized student activity that is to take place in the residence halls.
5. Auxiliary organizations (i.e. Little Sister or Little Brother groups) will not be recognized and/or permitted on the campus of East Central University.
6. Organizational rules and constitutions do not supersede the policies and procedures of East Central University.
7. Any organization's rules, regulations, laws or procedures remain revocable.
8. The Director of Student Organizations & Greek Life will resolve conflicts concerning interpretation of individual constitutions.

9. All contracts paid University funds must be routed through the proper channels. Contracts that do not follow procedure will not be upheld by the University

#### **B. Student Organization Facility Utilization Policies**

1. Active Student Organizations may reserve campus facilities for use during organization activities. To reserve facilities, an organization must contact the ECU Facilities Coordinator to avoid scheduling conflicts. Events outside of a building must also be scheduled by contacting the appropriate party.

All Greek Life organization events being held outside a campus facility must be approved by the Director of Student Organizations & Greek Life. Greek social organizations recognized by the Office of Campus Involvement and their respected governing council must schedule outside campus facility events with the Office of Campus Involvement. Forms for Greek social organizations are available in the Office of Campus Involvement, University Center, Room 200.

Instructions for reserving and canceling campus facilities may be acquired in the Office of Campus Involvement, University Center, Room 200, (580) 559-5207 or online at <https://www.ecok.edu/student-development/campus-involvement/getinvolved>.

2. Active student organizations may post and distribute signs, handbills, flyers and displays in designated University locations. Please refer to the Public Posting Guidelines on the Office of Campus Involvement website for information on how to have signs approved, where to chalk, etc.
3. Active student organizations may request funding from the ECU Student Senate. Details on how to obtain funding can be found on the Student Senate website at <https://www.ecok.edu/administration/student-development/campus-involvement/student-government-association/student-senate>.
4. Active student organizations that acquire funds other than those from the Student Senate are required to maintain those funds in a cash account with ECU Controller's office. Details on the operation of student organization cash accounts can be found in Section V.G.1.
5. Student organizations may find information regarding policies and procedures on the Office of Campus Involvement website at <https://www.ecok.edu/student-development/campus-involvement/getinvolved>.
6. In addition to the privileges of active student organizations, the Office of Campus Involvement will provide the following to active Greek social organizations:
  - a. inclusion in the Greek Life brochure
  - b. promotion through mailings, website, newspaper advertisements, etc.
  - c. a grade report each semester to chapter presidents
  - d. new member educational programming
  - e. facilitating roundtable discussions with chapter presidents and advisors
  - f. advising Greek governing councils
  - g. administrative and financial support of recruitment efforts
  - h. opportunity to participate in membership recruitment events (Rush, Recruitment, Greek Discovery Day, etc.).

#### **C. Membership in Active Student Organizations**

1. All student organization members must be enrolled at ECU and must not be on academic probation with the University. Student Organizations that have constitutionally established city-wide, state-wide, or multiple university charters and have registered in such manner with the Office of Campus Involvement shall be deemed acceptable under this policy.
2. To serve as an officer of a recognized student organization, a student must be currently enrolled at ECU, have a cumulative GPA of 2.5 and maintain a 2.5 each semester of participation. Students falling below the minimum GPA requirements for any given semester may not serve

as an officer during the following semester (fall and spring, not summer) until GPA requirements are met.

#### **D. Establishing a New Student Organization**

If a student wishes to participate in a student organization whose purpose is not currently addressed by any existing student organization, that student may form a new student organization and apply for recognition by registering with the Office of Campus Involvement. In order to start a new student organization, a group must have six students in the membership (inclusive of officers, a faculty/staff advisor and a constitution, and establish a financial account with the ECU Controller's office. The Director of Student Organizations & Greek Life will let you know when you are approved.

#### **E. Inactive Status**

1. Any student organization that fails to complete the materials necessary to maintain active status will be deemed inactive.
2. Inactive student organizations may remain active status by completing the renewal steps:
  - a. Updating their profile with the Office of Campus Involvement including updated officer names and a dated Constitution.
  - b. Providing representation to fifty percent (50%) of all regularly scheduled President's Club meetings.
3. A student organization that has remained on the "Inactive Student Organizations" list for two (2) consecutive years will have its official recognition revoked.
4. All Greek social organizations must be active and recognized members of the appropriate ECU-recognized Greek governing body and abide by the rules and regulations of the appropriate ECU-recognized Greek governing body. The ECU Office of Campus Involvement is responsible for identifying the appropriate governing body. Greek social organizations that are not active and/or are not recognized members of their governing council may have their University recognition revoked.

#### **F. Disciplinary Suspension**

1. The Vice President for Student Development or his or her designee may place a student organization on disciplinary suspension. A student organization placed on disciplinary suspension loses all privileges reserved for active student organizations.
2. Student organizations placed on disciplinary suspension may re-gain active status in the following way:
  - a. Meet all the requirements set forth by the Vice President for Student Development or his or her designee. Greek organizations must also meet the requirements set forth by the appropriate governing body.
  - b. Discuss the objectives and goals of the organization with the Director of Student Organizations & Greek Life.
  - c. Review the former constitution. Revise, update or approve the constitution and submit it to the Office of Campus Involvement.
  - d. Complete an advisor agreement listing at least one (1) full-time faculty or staff member. Additional advisors may be added from on and off-campus.
  - e. When all the required information has been received and approved, the Vice President for Student Development will forward a letter of official University recognition to the officers and advisors of the organization.
3. Student organizations that have been placed on disciplinary suspension by the Vice President for Student Development or his or her designee may reserve campus facilities for informational meetings only during the last semester of their suspension. The Vice President for Student Development or his/her designee must approve the scheduling of rooms for, and publicizing of, informational meetings by inactive student organizations. Student organizations placed under disciplinary suspension are limited to one (1) on-campus informational meeting per semester. An informational meeting is defined as a gathering where the purpose of the organization is the only topic of discussion. No memberships or bid cards may be completed at these meetings. All

informational meetings held by Greek organizations must abide by the rules set forth by the appropriate governing body.

#### G. Student Organization Financial Accounts

East Central University requires that all student organization funds be deposited in the ECU Bursar's Office, unless permission has been granted by the Vice President for Student Development for the use of an alternate plan. Social Greek letter organizations are exempt from this policy.

1. Funds generated will be deposited in the ECU Bursar's Office. These funds will be credited to the student organization's cash account, to be used only by the organization depositing the funds. Student Organizations may find information regarding policies and procedures related to purchasing, payment services, and travel forms on the ECU Purchasing website at <https://www.ecok.edu/administration/administration-and-finance/purchasing> or in the Administration Building, Room 164, (580) 559-5246. The original request form will be submitted to ECU Purchasing for processing. The faculty sponsor of the organization must sign each request. To obtain a list of sponsors with cash account signature authority, please contact the Controller, Administration Building, Room 107, (580) 559-3515.
2. Any funds left by inactive student organizations can only be expended by approval of the Vice President for Student Development. Funds left by groups on disciplinary suspension can only be expended by approval of the Vice President for Student Development.
3. Obligations of debts shall not be left unpaid at the end of the academic year by any organization. If, through error in bookkeeping or otherwise, such obligations should be left, the same shall be paid by the succeeding organization before any further expenditure of funds shall be made during the following year. When unusual circumstances exist and there are unpaid obligations, the Vice President for Student Development may approve payment where adequate monies are available in the account of the organization.

#### H. Fundraising Guidelines

The following are the guidelines for student organization fund-raisers:

1. An organization wishing to hold a fund-raiser should review the fundraising guidelines at <https://www.ecok.edu/student-development/campus-involvement/getinvolved>.

#### I. Initiation of New Members

1. Initiations for social organizations shall be held regularly. All initiations for Greek social organizations must be on the social calendar due to the Office of Campus Involvement by September 1 of the new academic year. The time and place of initiations must be scheduled. Special initiations may be held with the consent of the Director of Student Organizations & Greek Life. Plans for initiations must be approved by the Director of Student Organizations & Greek Life.
2. An advisor of an organization must be present throughout the entire initiation ceremony conducted by the fraternity or sorority. He or she must approve both the quarters in which the initiation is to be conducted and the method of conducting it. He or she shall be responsible for ensuring that no student being initiated is subjected to treatment which is undignified, physically hazardous, or in violation with the ECU Student Code of Conduct or State and Federal Laws. Initiations shall be conducted in such a manner as to not interfere in any way with class work or the academic mission of East Central University.
3. All persons desiring to join a Greek organization must attend the Greek 101 workshop prior to the initiation of new members.
4. Each organization that seeks to recruit and initiate new members into their organization must submit a copy of their national organization's most current hazing policy to the Office of Campus Involvement by September 1st of each academic year.

The Office of Campus Involvement is located in the University Center, Room 200, (580) 559-5207.

#### J. Oklahoma Law against Hazing

1. No student organization or any person associated with any organization sanctioned or authorized by the governing board of any public or private school or institution of higher education in this state shall engage or participate in hazing.
2. Any hazing activity described in Section V.J.6. upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by a public or private school or by any institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a forced activity, even if the student willingly participates in such activity.
3. A copy of the policy or the rules and regulations of the public or private school or institution of higher education which prohibits hazing shall be given to each student enrolled in the school or institution and shall be deemed to be part of the bylaws of all organizations operating at the public school or the institution of higher education.
4. Any organization sanctioned or authorized by the governing board of a public or private school or of an institution of higher education in this state which violates Section V.J.1., upon conviction, shall be guilty of a misdemeanor, and may be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) and the forfeiture for a period of not less than one (1) year all of the rights and privileges of being an organization organized or operating at the public or private school or at the institution of higher education.
5. Any individual convicted of violating the provisions of Section V.J.1. shall be guilty of a misdemeanor, and may be punishable by imprisonment not to exceed ninety (90) days in the county jail, by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), and/or by both such imprisonment and fine.
6. For purposes of this section:
  - a. "Hazing" means an activity which recklessly or intentionally endangers the following:
    1. mental health;
    2. physical health; or,
    3. safetyof an individual for the purpose of initiation, or admission into, or affiliation with, any organization operating subject to the sanction of the public or private school or of any institution of higher education in the State of Oklahoma.
  - b. "Endanger the mental health" shall include but not be limited to any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.
  - c. "Endanger the physical health" shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage or intoxicating liquor as defined in Section 506 of Title 37 of the Oklahoma Statutes, non-intoxicating beverage as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual.
  - d. "Endanger the safety" shall include, but not be limited to freedom from the occurrence or risk of injury, danger, or loss of property, finances, or basic rights which could adversely affect the living conditions of the individual.
  - e. Other activities and situations that may constitute hazing include, but are not limited to the following (coerced or forced): subjection to poor living and/or sleeping conditions, subjection to reside or sleep outside of normal residence, actions of personal servitude towards another person, line-ups, any special pre- or post-initiation activities that do not contribute to the positive



development of the new members, and intentional interference of academic pursuits.

#### K. Reporting Hazing Activity

The entire University community shares the challenge and responsibility of reporting hazing activity. Indeed, hazing may occur in academic, Greek, student athletic, band, military, cultural, and/or other interest organizations. Apathy and/or consent in the presence of hazing are not neutral acts; they shall be considered violations of this policy. If you are aware of or have reluctantly participated in any form of hazing, then please contact one (1) of the following offices to report the matter(s):

1. Office of Campus Involvement, University Center, Room 200, (580) 559-5207
2. Dean of Students, Administration Building, Room 103, (580) 559-5208, or
3. ECU Police Department, Chickasaw Business & Conference Center, (580) 559-5555.

#### L. Advisor Responsibilities

The responsibilities of student organization advisors are:

1. To serve as a resource person and to offer guidance, assistance, advice, and encouragement to the organization.
2. To help the organization:
  - a. Determine the goals and objectives for the year
  - b. Develop a plan to achieve the goals and objectives
  - c. Develop adequate funds to finance proposed programs
  - d. Know and understand established University policies and procedures
  - e. Keep adequate organization records for present and future use
  - f. Interpret and help students follow defined University policies for organizations
  - g. Supervise the finances of the organization
  - h. Attend all meetings and social activities of the group, or ensure that other qualified individuals are present
  - i. Become familiar with the constitution and bylaws of the organization and to encourage the officers to review and update the information periodically
  - j. Encourage all members to participate and fulfill their obligations
  - k. Assist officers in evaluating their meetings and programs during the year
  - l. Aid in the facilitation of risk management training and observance during organizational operations and activities
  - m. Attend advisor training once every three years

#### M. Social Functions

1. All students and faculty members of East Central University are invited to attend any all-school functions. Closed functions may be limited.
2. All organized social functions sponsored by student organizations must be chaperoned by a registered University faculty or staff sponsor. The members of the various organizations have the responsibility of obtaining chaperones for their activities. Chaperones should arrive before the activities begin and remain until all participants depart. During the time they are present, the staff/faculty sponsor/chaperone are the representatives of the University and assist students with compliance of University policies and the rules and regulations of the facility in which the activity is located. The Director of Student Organizations & Greek Life reserves the right to require additional chaperones for any activity.
3. Each group will be held responsible for any property damage and for the conduct of individuals (members or guests) attending its social functions. In keeping with University policy, the use or possession of drinks that have alcoholic content is not permitted at any University on-campus function. All student organizations that wish to hold an off-campus event where alcohol will be served must send a representative

to an alcohol management training session each academic year. (Please refer to Section V.N. for more information.)

4. Any group sponsoring an activity on campus is responsible for removing all decorations and returning all properties immediately after the function. The use of hay, flammable materials, and/or glitter is not permitted in campus facilities without prior approval.
5. All student organization meetings and activities, which are held on-campus in the evening on Sunday through Thursday, must conclude no later than fifteen (15) minutes prior to the posted closing hours of the building in which the meeting or activity is being held or by 12:00 a.m. (midnight), unless proper prior written authorization is acquired by the ECU Facilities Coordinator, the Director of Student Organizations & Greek Life, or Vice President for Student Development. All events held on the weekend must conclude by a reasonable hour. The Office of Campus Involvement should be consulted regarding dates and activities previously scheduled to avoid conflict with other school programs. The Event Request Form is available in the Office of Campus Involvement, University Center, Room 200, (580) 559-5207.

#### N. ECU Off-Campus Alcohol Event Registration Guidelines

1. All Greek social organizations recognized by the Office of Campus Involvement must comply with the Off-Campus Alcohol Event Registration Guidelines. These guidelines may be different than those outlined below; therefore all registration for Greek social organization events will be approved by the Office of Campus Involvement.
2. All student organizations that wish to hold an off-campus event where alcohol will be served must read the guidelines for hosting an event on the Office of Campus Involvement website.
3. Student organizations are not permitted to have alcohol on campus.

#### O. Scheduling of Speakers and Facility Utilization

It is the practice of East Central University to encourage student organizations to invite guest speakers to campus for the purpose of imparting discourse to the student body. The organization and its advisor will take responsibility for the planning, conduct, and reception of the program, the visiting speaker, and the audience. Scheduling within five (5) days in advance of the event is required to prompt better attendance, proper reception of the speakers, prevention of scheduling conflicts, traffic (pedestrian or vehicular) hindrances, or disturbance of other University activities. It is recommended that in order to prevent misunderstanding, premature announcement, and confusion, a tentative date and place be explored prior to initial contact, and then scheduling be completed, prior to final commitment.

East Central University, its facilities and students, are subject to the laws of the State of Oklahoma. Therefore, the facilities shall at no time be used by any person who in the language of Senate Bill 729: "by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety, or expediency, or doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, of the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution."

#### VI. OTHER UNIVERSITY POLICIES

##### A. Family Educational Rights and Privacy Act (FERPA) of 1974

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. East Central University complies with the guidelines of the Family Educational Rights and Privacy Act of 1959.

##### 1. Directory Information and Withholding Procedures

Public Directory Information and student access to official educational records at East Central University designates the following student information as public or directory information:

- Student's name, local and permanent address, telephone listing, e-mail address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, the most recent previous educational

agency or institution attended by the student, and degrees and awards received by a student.

This information may be disclosed by the University for any purpose, at its discretion.

Students may withhold disclosure of directory information and other personally identifiable information disclosures under the Family Educational Rights and Privacy Act of 1974. Forms requesting the withholding of Directory Information are available in the Records Office, Admissions Office, Room 111.

East Central University assumes approval for disclosure of Directory Information unless a student specifically requests the withholding of such information. In accordance with the Family Educational Rights and Privacy Act of 1974, the University reserves the right to release personally identifiable information from the educational records of a student, without written consent, to University officials (faculty, staff, and agents of the University having responsibility for working with that student in admissions, registration, advisement, housing, counseling, student discipline, teaching, financial aid, payment of fees, or any other activity directly related to the student's academic program, or pursuant to law or governmental regulation, including, but not limited to, contractors, consultants, volunteers, and other outside parties to whom the University has outsourced services or functions it would otherwise use employees to perform) with a legitimate educational interest.

A University official has a legitimate educational interest if the official needs to review the contents of an educational record in order to fulfill his or her professional responsibilities. The University reserves the right to disclose educational records, including, but not limited to, disciplinary records, to another institution at which the student seeks or intends to enroll, without the consent of the student. In addition to the aforementioned rationale, the University may elect to disclose educational records of a student, without the consent of the student, to the following parties or under the following conditions:

- A. Parent(s) of a student, who has been involved in an emergency health or safety incident;
- B. Parent(s) of a student, who has been found responsible for violating any local, state, or federal law and/or alcohol or controlled substance policies if the student is under 21 years of age;
- C. Parent(s) of a student, who has official verification that the student has been claimed as a dependent on the most recent income tax return forms;
- D. Alleged victims of a crime of violence or non-forcible sex offense, once a final decision has been made regarding the allegation of violence;
- E. Specified University officials for purposes of audit or evaluation;
- F. Appropriate parties in connection with financial aid to a student;
- G. Organizations conducting certain studies for, or on behalf of, the University;
- H. Accrediting organizations;
- I. Appropriate court officials, in order to comply with a judicial order or lawfully issued subpoena;
- J. Appropriate University Officials in cases of health and safety emergencies; and,
- K. State and local authorities, within a juvenile system, pursuant to specific state laws.

## 2. Notice and Access Rights

In accordance with the Family Educational Rights and Privacy Act of 1974, as amended, eligible students are entitled to access and review official educational records directly related to the student,

including the right of inspection and review within forty-five (45) days of the date that the University receives a request for access from an eligible student. Requests for academic records are directed to the appropriate academic department or the Records Office, Administration Building, Room 111, (580) 332-8000. Student Conduct records may be requested by contacting the Dean of Students, Administration Building, Room 103, (580) 559-2208.

The right of access shall include:

- A. The right to a list of the types of educational records maintained by the institution and directly related to students;
- B. The right to inspect and review the content of those records which may be at the expense of the eligible student or parent;
- C. Parents of a dependent student, as defined in 26USC§152 of the Internal Revenue Code of 1986, are entitled to access to official educational records of that student;
- D. The right to a response from the institution to reasonable requests for explanations and interpretations of those records;
- E. The right to inspect and review or to be informed of specific information about themselves which is contained in any material or document; and,
- F. The right to an opportunity for a hearing to challenge the content of those records. (See Section VI.A.4.)

## 3. Records Access Procedures

Prior to acquiring access to their records, students must provide the department which maintains the desired educational record(s) with documentation to verify the identity of the requesting and eligible student. In addition, the department may require that requesting and eligible students submit a signed and dated written request or a completed Personal Record Access Request form prior to receiving access to the educational record. The Personal Record Access Request form may be acquired from the Dean of Students, Administration Building, Room 103, (580) 559-5208. These aforementioned procedures shall serve as a safeguard to protect the privacy of student educational records.

Attempts by other individuals or organizations to gain access to student records without the express written consent of the student are considered a violation of University policy and federal law. Examples of violations include, but are not limited to:

- A. Illegally accessing information from student or faculty information terminals;
- B. Misrepresentation to obtain another student's transcript, semester grades, or class registration; and,
- C. Using a student's ID number without his or her permission to gain access to any University services.

## 4. Content of Records Hearing

- A. The hearing shall be conducted and decided within a reasonable period of time following the request for the hearing;
- B. The hearing shall be conducted, and the decision rendered by a University official or other party who does not have a direct interest in the outcome of the hearing;
- C. The eligible student shall be afforded a full and fair opportunity to present information relevant to the issues raised under subpart C, Section 99 of the Family Educational Rights and Privacy Act of 1974; and,
- D. The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.

## 5. Compliance Complaints

Eligible students and eligible parents of students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by East Central University to comply with the requirements of the Family Educational Rights and

Privacy Act (FERPA) of 1974. The name and address of the office that administers FERPA of 1974 is:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Ave., SW  
Washington, DC 20202-5901

**B. Affirmative Action Compliance Statement**

East Central University, in compliance with Title VI and Title VII of the Civil Rights Act of 1964 (as amended), Executive Order 11246 (as amended), Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973 (as amended), the Americans With Disabilities Act of 1990, the Civil Rights Act of 1991, and other federal and state laws, does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation or status as a veteran in any of its policies, practices or procedures. This includes, but is not limited to, admissions, employment, financial aid, and education services..

**C. Discrimination and Harassment**

Discrimination or harassment in violation of the Affirmative Action Compliance Statement should be reported to the Affirmative Action Officer in person at 160 Administration, or by phone at (580) 559-3260. For complete policy, please visit <https://www.ecok.edu/sites/default/files/siteContent/administration/administration-finance/employment-services/documents/Affirmative%20Action%20Policy%20amended%2008-13.pdf>.

**D. Students with Disabilities**

The Office of Testing & Accessibility Services provides and coordinates mandated support services, auxiliary aids, and accommodations for students with disabilities, which allow them to gain equal access to an education. The Office of Testing & Accessibility Services also serves as a resource to the University community and promotes awareness so that students with disabilities can participate in all facets of University life (For more information, please visit <https://www.ecok.edu/student-development/student-services/disability-services>.)

East Central University complies with all applicable federal and state laws. Students with disabilities who need special accommodations must make their requests by contacting Testing & Accessibility Services, Administration Building, Room 159, (580) 559-5294. Students are encouraged to notify their instructors of any Office of Testing & Accessibility Services approved accommodation needs by the end of the first week of classes each semester.

To request disability-related accommodations, please contact the Office of Testing & Accessibility Services. Remember, some accommodations require an extensive amount of time to fulfill (i.e. sign language interpreting, Braille, electronic text, and audio textbooks). Early notification is requested in order to ensure equal access to class materials in a timely manner.

Some students may have hidden disabilities and are protected under federal and state laws. These students are expected to meet the same standards of conduct as any student. It is important that an instructor establish standards of conduct for his or her classroom and enforce them for all students. If student's behavior patterns are of concern, but non-threatening, then the instructor is advised to contact the Student Counseling Center at (580) 559-5714 or the Dean of Students at (580) 559-5208.

East Central University, to the extent required by law, is not required to retain or readmit a student with a disability whose behavior poses a direct threat to the safety of others. If you believe that a student is engaging in misconduct or exhibiting behaviors that are disruptive to the classroom, you should immediately contact the Dean of Students at (580) 559-5208 to discuss the situation and determine if a University violation has occurred. In cases of emergency, contact ECU Police Department, (580) 559-5555.

**E. Sexual Harassment**

Students should enjoy a learning environment free of inappropriate harassment, including, but not limited to sexual harassment perpetrated by fellow University students, other University members, or non-affiliated third parties.

Sexual harassment by any member of the University community, including students, faculty and staff, is a violation of both law and University policy, and will not be tolerated. Harassment between University employees, University employees and students, and/or student-on-student harassment is prohibited. These policies can be found on the ECU website at <https://www.ecok.edu/administration/administration-and-finance/employment-services/handbooks-and-policies>.

**1. Definition of Sexual Harassment**

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

- A. When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- B. When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- C. When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

**2. Examples of Prohibited Conduct**

Conduct, whether in person, in writing, by telephone, through social media, by electronic means, or otherwise, which is prohibited by this policy includes, but is not limited to:

- A. Unwelcome sexual flirtation, advances, or propositions for sexual activity;
- B. Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;
- C. Sexually degrading language used to describe an individual;
- D. Remarks of a sexual nature used to describe a person's body or clothing;
- E. Display of sexually demeaning objects and pictures;
- F. Offensive physical contact, such as unwelcome touching, pinching, or brushing the body;
- G. Coerced sexual intercourse;
- H. Sexual assault; or
- I. Actions indicating that benefits will be gained or lost based on response to sexual advances.

**3. Sexual Harassment Complaint Procedures**

Sexual harassment is against the law and requires immediate attention and appropriate disciplinary action which may include a range of actions up to and including the expulsion of the offending party. East Central University's policies offer both an informal mediation procedure and a formal grievance procedure to resolve cases of alleged sexual harassment. A complete copy of the sexual harassment policy is available at <https://www.ecok.edu/administration/administration-and-finance/employment-services/handbooks-and-policies>.

Sexual harassment complaints may be filed by contacting one or more of the following agencies:

- A. Office of Student Development, Administration Building, Room 103, (580) 559-2361.
- B. Human Resources Department, Administration Building, Room 204, (580) 559-3348.
- C. ECU Police Department, CBCC, (580) 559-5555.

ECU students may contact their Resident Advisor, a Residence Hall Director, an appropriate class instructor, their department

chair / school director, their college dean, the Dean of Students, the Title IX Coordinator, and/or the Vice President for Student Development if they feel that they have become a victim of sexual harassment. To file a formal complaint, a written, signed, and dated report must be submitted to the Dean of Students, Administration Building, Room 103, (580) 559-2208.

After receiving the complaint, the Dean of Students or his/her designee shall promptly commence an investigation of the issue, which shall reflect the normal investigation, hearing, and appeal procedures, as stated in Sections III.L.-Q.

If for any reason the student does not believe the Dean of Students can be impartial, the complainant may file the complaint with the following University entities:

- A. ECU Title IX Coordinator, Administration Building, 160, (580) 559-5260 or
- B. ECU Police Department, CBCC, (580) 559-5555.

The Title IX Coordinator is responsible for monitoring and oversight of implementation of Title IX Compliance at the University. This includes coordination of training, education, communications, and administration of gender discrimination grievance procedures for faculty, staff, students and other members of the University community.

At the conclusion of the investigation and hearing of any sexual harassment case, the Dean of Students shall send written notice of the final determination of the hearing body, who hears the case, to each party and the Title IX Coordinator within five (5) University business days following the resolution of the matter.

#### F. Sexual Violence

East Central University will neither tolerate nor condone any form of sexual violence or misconduct, physical, mental, or emotional in nature. Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes, but is not limited to rape, rape by instrumentation, sexual assault, sexual battery, sexual coercion, or other forms of sexual assault. In instances where there is reason to believe that University policy prohibiting sexual misconduct has been violated, the University will pursue disciplinary action. The university may immediately suspend any student reasonably believed to have committed sexual violence against a person in violation of this policy, with notice and hearing to follow promptly. The university has established procedures for timely reporting, investigation, and resolution of sexual violence incidents. Even if the victim chooses not to press criminal charges, he or she has the option of pursuing sanctions through the University system. University sanctions may include warnings, probation, restrictions, suspension or expulsion.

#### G. Domestic and Relationship Violence

The Oklahoma Penal Code, §21-644, defines domestic violence as any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse.

Dating violence occurs between two persons who are dating and who are not yet in a formal relationship. Characteristics of dating violence are physical behavior such as slapping, pulling hair, punching; threats of abuse such as threatening to hit, harm or use a weapon; verbal abuse; emotional abuse; or other form of harassment.

##### 1. Examples of Prohibited Conduct Related to Sexual Assault

Conduct prohibited by this policy includes, but is not limited to:

- A. Unwanted sexual contact with a stranger or a friend, acquaintance, spouse, current dating partner, or former intimate partner

- B. Unwanted sexual contact committed by force, threat, surprise, coercion, intimidation, or through use of mental or physical helplessness
- C. Unwanted physical contact, such as touching, brushing, fondling, and groping the body
- D. Sexual contact assault and/or battery
- E. Sexual contact without consent

##### 2. Examples of Prohibited Conduct Related to Consent

- A. Passive compliance when consent is not actively communicated
- B. Sexual contact with an individual whose ability to consent is compromised due to alcohol and/or drug use
- C. Sexual contact with an individual whose ability to consent is compromised due to mental disorder, developmental disability, intellectual disability, physical disability, age (being under 16), or family relations (incest)
- D. Sexual contact committed by force, threat, surprise, intimidation, or through use of mental or physical helplessness
- E. Actions related to sexual harassment

##### 3. Procedures for Reporting Sexual Assault

In the event of a sexual assault, the victim is encouraged to report the crime to the East Central University Police Department if the crime was committed on-campus or to the appropriate authority if the crime was committed off-campus. If possible, victims should take care to preserve evidence of a sexual assault which is of paramount importance in offering proof of the crime. For example, victims should not bathe or wash clothing. The victim of a sexual assault should seek medical attention. However, a report can be made even if these steps have not been taken.

An ECU Police Officer or designee can transport the victim to an appropriate medical facility to be examined and treated by a physician. After acquiring medical attention, the victim will be interviewed by ECU Police Officers to aid in their investigation and gather information necessary to apprehend the assailant. Prosecution of the assailant is a matter for the victim to consider apart from reporting the crime. The information will be treated with the confidentiality afforded any victim of crime.

The Student Counseling Center (SCC) provides confidential advising to aid victims in reporting sexual assault crimes. The SCC provides information on options available to victims through law enforcement, civil proceedings, and the student conduct process. Additionally, the SCC can assist victims by providing referrals to resources to meet their individual needs. Students may also report the crime to any faculty or staff who shall inform the ECU Police Department and the Office of Student Development.

Victims will be offered resources such as room changes and on-campus housing relocation to help ensure safety. Victims will also be informed of academic support, such as tutoring and emergency absence notifications. Other on-campus resources include the following entities:

- A. ECU Title IX Coordinator, Administration Building, Room 160, (580) 559-5260.
- B. ECU Police Department, CBCC, (580) 559-5555
- C. Office of Student Development, Administration Building, Room 103, (580) 559-5208

##### 4. Prohibition of Retaliation for Reporting

Retaliation against reporters of sexual assault is prohibited by University policy and federal and state laws. Retaliation includes threats, intimidation, and/or reprisals against anyone who reports prohibited sexual behaviors.

## 5. Suggestions for Sexual Assault Victims

If you are the victim of sexual assault, the most important thing is to know that the sexual assault was not your fault. YOU are not guilty.

- A. Do not bathe, change your clothes, douche, or do anything to change your appearance. Some important physical evidence may be gone after forty-eight (48) hours, so it is absolutely imperative to act quickly. However, there is not a statute of limitations on filing complaints with the Dean of Students.
- B. Contact the Student Counseling Office at (580) 559-5714 (if during ECU business hours). A representative may accompany you to ECU Police Department or the hospital, but they recognize that this is your decision. The representative will assist you regardless of your decision about reporting. If you elect to go to the police or the hospital, you are strongly urged not to undergo this ordeal alone.
- C. Call ECU Police Department and report the sexual assault even if you do not want to prosecute. It is important to report sexual assault, so that the crime can be reported for the protection of others.
- D. Go to the nearest hospital emergency room (ER), regardless of whether you have physical injuries resulting from the assault. The ER will provide testing for semen, pregnancy, and sexually transmitted infection (S.T.I) tests in addition, this will help if you choose to pursue criminal charges. Even if you do not want to prosecute now, you may change your mind later.
- E. A follow-up check may be recommended by the health care provider since some S.T.I.'s cannot be detected immediately.

## 6. Anonymous Reporting

An anonymous report is an unofficial means to inform the University administration and/or ECU Police Department that a sexual assault has occurred on-campus, near campus, or against a University member. This method has been developed to encourage student reporting of sexual assaults without the risk of identity exposure and the pressures of filing a report with the Dean of Students and/or filing criminal charges with a local law enforcement agency. The anonymous report will provide valuable information to the University administration and ECU Police Department, which will allow for improved prevention programming and resources in the future for the ECU campus community.

Student victims of sexual assault may file an anonymous report with the Dean of Students, whether or not the victim of a sexual assault decides to file criminal charges against the offender at a later date. The Anonymous Reporting Form can be acquired online at <https://www.ecok.edu/student-development/student-development-home/resources>. To keep information anonymous, do not include names of victims or perpetrators. If names are included, this is no longer considered an anonymous report and an investigation may be conducted by ECU Police Department.

Anonymous reports will remain confidential to the public, but may be shared with ECU Police Department, and the Student Counseling Center for statistical, programmatic, and/or referral purposes.

Since the anonymous reporting method is unofficial, the Dean of Students may not be able to take disciplinary action in response to such a report.

## 7. Disciplinary Options Available for Pursuit by Victims of Assault

Regardless of the location of the assault, several options may be pursued. Victims may choose to pursue one or more of the following options, which include but are not limited to:

- A. Pursuing criminal charges through East Central University Police Department, Ada Police Department, Chickasaw Lighthouse Police Department, or other law enforcement

agency within the vicinity of the incident and/or your residence;

- B. Contacting the Student Counseling Center, Memorial Student Union, Room 137, (580) 559-5714; The SSC will provide a safe place where victims can explore the options available to them through criminal proceedings, civil proceedings and student conduct proceedings. In addition, the SSC assists with referrals for medical care, counseling, housing needs/relocation, and academic concerns.
- C. Obtaining a Victim's Protection Order (VPO) through the office of the Pontotoc County District Attorney, (580) 332-0341. VPOs have nationwide and statewide validity unless otherwise stated.
- D. Pursuing a ECU "No Contact Order" from the Dean of Students, (580) 559-5208;
- E. Pursuing University sanctions through the Dean of Students, Administration Building, Room 103, (580) 559-5208. (See Section III.P. for sanction possibilities.)

The ECU Student Counseling Center, Memorial Student Union, Room 137, (580) 559-5714, will assist you by providing follow-up counseling and other resource. For more information, visit <https://www.ecok.edu/student-development/student-services/counseling>.

## 8. Disciplinary Procedures in Cases of Sexual Misconduct

In addition to addressing sexual assault through the criminal justice system another course of action is available. Cases involving sexual misconduct may be assigned to the Dean of Students. Students found responsible of sexual misconduct may face a number of sanctions, up to and including, expulsion. Further information regarding the disciplinary process may be obtained by contacting the Dean of Students at (580) 559-5208. In addition, copies of the Code of Student Conduct may be obtained at the Office of Student Development, Administration Building, Room 103, (580) 559-5208 and online at: <https://www.ecok.edu/student-development/student-development-home/ecu-student-handbook>.

At the conclusion of the investigation and hearing of any sexual assault case, the Dean of Students shall send written notice of the final determination of the hearing body, who hears the case, to each party and the Title IX Coordinator within five (5) University business days following the resolution of the matter.

## 9. Programs and Services

The goal of East Central University is to establish and maintain a cohesive response system in order to help students receive assistance easily and confidentially when a sexual assault occurs. The Student Counseling Center will not make decisions for students, but will inform them of available resources. After students have determined what the best plan is for their lives, the SCC will aid them until their plan has been completed. For more information on safety educational programs, contact the Student Counseling Center, Memorial Student Union, Room 137, (580) 559-5714 or the ECU Police Department at (580) 559-5555.

## H. Stalking Policy Statement

East Central University prohibits stalking. The stalking policy applies equally to all members of the ECU community; students, faculty, administrators, staff, contract employees, and visitors. Actions resulting in charges of stalking under this policy may also be subject to criminal/civil sanctions independent of actions by the University.

"Stalking" is defined as any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that 1) would cause a reasonable person or member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; and 2) actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested. These behaviors could result in criminal charges. Such behavior includes, but is not limited to, the following:

- following or appearing within the sight of that individual
- approaching or confronting that individual in a public place or on private property
- appearing at the workplace or residence of that individual
- threatening or obscene gestures
- repeated or continuing non-consensual communication, including personal contact, telephone calls, voice messages, electronic mail, written correspondence, unwanted gifts, etc.
- non-consensual touching
- trespassing
- vandalism
- surveillance or other types of observation

### 1. Prohibition of Retaliation for Reporting

Retaliation against reporters of stalking is prohibited by University policy and state and federal laws. Retaliation may include, but is not limited to, threats, intimidation, harassment, physical abuse, damage to personal property, and/or reprisals against anyone who reports prohibited stalking behaviors.

### 2. Procedures for Cases of Stalking

Stalking behavior will not be tolerated at East Central University.

Incidents of stalking which were committed on- or off-campus may be addressed by the University discipline system. Stalking is a crime under Oklahoma State Law (Title 21, Section 1173) and could result in criminal charges.

Regardless of whether the stalking behavior was committed on- or off-campus, several options may be pursued. Victims may choose to pursue one (1) or more of the following options, which include, but are not limited to, the following:

- Pursuing criminal charges through ECU Police Department, Ada Police Department, Chickasaw Lighthorse Police Department, or other law enforcement agency within the vicinity of the incident and/or your residence;
- Contacting the Student Counseling Center, Memorial Student Union, Room 137, (580) 559-5714;
- Obtaining a Victim's Protection Order (VPO) through the office of the Pontotoc County District Attorney, (580) 332-0341;
- Pursuing University sanctions through the Dean of Students, Administration Building, Room 103, (580) 559-5208. (See Section III.Q. for sanction possibilities.)

### 3. Tips for Responding to Stalking Behaviors

Stalking is an unpredictable and dangerous behavior. Yet, you can increase your safety by considering and implementing some or all the following tips:

- Trust your instincts. Do not downplay the danger. If you feel unsafe, you may be unsafe;
- Contact ECU Police Department or other local law enforcement agency for assistance;
- Consult with the Student Counseling Center for assistance in determining the steps that you may desire to take, helping you to plan for your safety, and assisting you with obtaining resources on and/or off-campus;
- Seek support by notifying your Resident Assistant, family member(s), roommates, co-workers, staff members, faculty members, and/or friends about your concerns;
- Change your email address, screen names, and telephone numbers. Furthermore, be selective about to whom these are given. Change passwords and clear your computer of spyware;
- Utilize privacy/security settings on your online social networking pages;
- Use an unlisted telephone number;
- Decide in advance what steps you will take if the stalker appears at your home, work, or class;

- Do not communicate with the stalker or respond to attempts to contact you;
- Change your locks, install deadbolts and/or a security system and ensure that your windows and doors have working locks;
- Consider obtaining a court order that requires the stalker to cease from contacting you and to keep a certain distance away from you;
- Document and/or save contacts, telephone calls, letters, emails, and preserve evidence of harassment; and,
- If you have any reason to believe that you may be in physical danger, call ECU Police Department at (580) 559-5555 or local police immediately. You may also call the Office of Student Development at (580) 559-5208 to reach the Dean of Students.

### I. Drug Free Schools Policy Statement

East Central University recognizes its responsibility as an educational and public service institution to promote a productive and healthy environment. This responsibility demands implementation of programs and services which facilitate that effort. For complete policy visit <https://www.ecok.edu/student-development/student-development-home/resources>.

### J. Possession, Display, or Use of Weapons, Firearms, Etc. Prohibited.

Except as provided by policy, other University policies, or by state or federal law, no person may possess, display, or use weapons, rearms, ammunition, reworks, electronic control devices (Taser device or stun gun), or explosives and dangerous chemicals, while on University property or participating in any University sanctioned activity. Other objects which are legal to possess may not be used in a manner that would reasonably be expected to threaten, harm, incapacitate, or cause fear to others, except for legally justifiable purposes of self-defense or defense of others. The President may make exceptions when appropriate to further the University's mission.

#### 1. Exceptions to General Prohibition

Nothing contained in this policy shall be deemed to prohibit the use of dangerous chemicals in the normal conduct of classes or labs, in Physical Plant functions, in the operation or maintenance of equipment or motor vehicles, or in University functions where the use has been approved. Nothing contained in this policy shall be deemed to prohibit the use of weapons such as archery equipment or martial arts devices, in the normal conduct of classes, labs, in sanctioned student organization functions or in University functions where the use has been approved. Nothing contained in this policy shall be deemed to prohibit the possession or use of rearms or other weapons by the ECU Guard Officer Leadership Development (GOLD) Program.

#### 2. Oklahoma Self-Defense Act

No person in possession of any concealed handgun pursuant to the Oklahoma Self-Defense Act is authorized to carry the handgun into or upon University property. Under 21 O.S. §1277, the following property shall not be construed as prohibited for persons having a valid concealed handgun license:

- Any property set aside for the use of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the University president while the vehicle is on University property;
- Any property authorized for possession or use of handguns by University policy; and
- Any property authorized by the written consent of the University president, provided the written consent is carried with the handgun and the valid concealed handgun license while on University property.

### K. Technology and Network Usage Policy

Technology services at East Central University are provided to promote and support education, research, and administrative services for

students, faculty, and staff. All persons utilizing these services are responsible for ensuring that technology services are used in an ethical and lawful manner.

The University assigns all students, faculty, and staff an official University email account. Students, faculty, and staff are required to read email from this account on a regular basis, as email messages are considered official communications and may be time-sensitive.

The University is not responsible for and does not support personal devices which connect to or which download information from university systems or personnel.

Use of any technology, including the network, provided by East Central University constitutes agreement to abide by the University's policies. Policy violations by faculty, students, or staff may result in the revocation of computer and network privileges. In addition, such actions may result in disciplinary review, sanctions, dismissal from the University, and legal action. Violations may also constitute a criminal offense, punishable by local, state or federal law or University policy. Please see the full ECU Technology and Network Usage Policy and additional policies on the ECU website at <https://www.ecok.edu/administration/academic-affairs/academic-affairs-programs/information-technology/it-policies-and-procedures>.

#### **1. Using ECU Technology in Housing and Dining**

Students may not open, alter, misuse, tamper with, modify, connect to, disconnect, or remove technology, including but not limited to connecting hubs, or wireless hubs; nor remove labels, markings, or identity numbers on technology provided in residence halls. The replacement cost of missing or damaged equipment or wiring, including but not limited to, outlet boxes, and jacks, will be charged to residents of the room.

University policy prohibits unauthorized equipment and services on the University network. Should you have a need for additional By signing the ECU Housing and Dining Contract, a ECU residence hall student authorizes ECU Department of Information Technology, under the supervision of an employee from ECU Housing and Dining, to access residents' rooms for repair of services when residents are not present. Residence Hall students are reminded that access to and use of technology on the ECU campus is a privilege. Accessing the campus network indicates an agreement to abide by laws, policies, rules, and regulations of East Central University, the Regional University System of Oklahoma, the Oklahoma State Regents for Higher Education, the State of Oklahoma, and the United States of America. Please see full technology policies at <https://www.ecok.edu/administration/academic-affairs/academic-affairs-programs/information-technology>.

#### **2. Privacy and Security.**

The university uses best practices to secure its data, but does not guarantee privacy. ECU will never sell directory information; however, directory information is subject to open records requests and could result in e-mail addresses being made available. Students may opt out by making directory information private. Private directory information negates the University's ability to provide information about you being a student for some purposes; for example, verifying student status when applying for home loan. Students who wish to make their directory information private should contact the enrollment office.

#### **L. Weather Closing Protocol**

For information regarding potential late start or cancellation of classes and other activities on-campus, all ECU students, faculty, staff and other University personnel are encouraged to monitor Oklahoma City and "Texhoma" area television stations and the University's web site. Students may check the ECU Home Page at <http://www.ecok.edu>.

#### **M. Emergency Notification Protocol**

All students, faculty and staff are encouraged to sign up for emergency notifications via standard text messaging. This allows ECU to send Short Message Service (SMS) text message (a cost may be applied by

individual cell telephone providers) and/or e-mails informing the community of vital information. To receive weather-related or emergency related updates from ECU, you are encouraged to "opt-in" You are strongly encouraged to enter your cell telephone number when registering in the system as SMS text messages are given a priority for delivery. For more information please follow the instructions which can be found within myECU at <https://myecu.ecok.edu/ics>.

#### **N. Campus Grounds and Access to Buildings**

Campus designs and improvements will provide access between buildings with particular consideration for people with special needs. The international symbol for people with disabilities has been placed at exterior doors of buildings to indicate which doors are accessible. The same symbol has been placed on restroom entry doors to indicate that facilities meet the standards for persons with disabilities.

#### **O. Guidelines on Infectious Disease for East Central University**

##### **1. General Philosophy**

Education and communication form the basis of any institution's best approach to dealing with the complex and interrelated issues raised by an infectious disease. Thus, East Central University has adopted the following information for students and employees.

East Central University recognizes the need to analyze individual circumstances and respond to each person's infectious condition on a case-by-case basis. Responding to each case individually is called for in the interest of flexibility, sensitivity, simplicity, and the balancing of legitimate interests.

##### **2. Guidelines and Services**

Students with diagnosed infectious diseases, who do not pose a health risk to other students and employees in an academic setting, will be provided normal access to the University.

Persons diagnosed with an infectious disease should have the same rights as any other person, free of discrimination on the basis of their infection. These students should be afforded normal classroom attendance, working conditions, and participation in co-curricular activities in an unrestricted manner as long as they are physically and psychologically able to do so. Residence halls should be made available to persons diagnosed with an infectious disease under the same conditions as applicable to any individual, provided they are certified "not contagious" by qualified medical staff. Requests for unique accommodations, however, should be given every reasonable consideration to meet the special needs for housing those with symptoms of an infectious disease. Private rooms may not be needed on microbiological grounds, but should be considered for psychological reasons.

There is no medical justification for restricting the access of non-contagious students.

#### **P. Medical Liability and Responsibility Notice**

Whether enrolled in an on-campus class or in a University-sponsored internship, practicum, course, or activity involving domestic or foreign travel, the student is responsible for his or her own medical treatment and is liable for his or her actions. In the event of injury or illness while participating in a University-sponsored activity, the University cannot approve a claim for treatment or reimbursement. Each student is strongly encouraged to invest in the appropriate coverage of insurance.

### **VII. UNIVERSITY RESOURCES AND SERVICES**

#### **A. Services of the Student Counseling Center**

The Student Counseling Center is a place where students can learn to deal with personal concerns and/or situations. For more information, please call or visit the Student Counseling Center, Memorial Student Union, Room 137, (580) 559-5714. You can also visit the Student Counseling Center website at <https://www.ecok.edu/student-development/student-services/counseling>.

#### **B. Services of Student Health Services**

Any student who is enrolled in the current semester is eligible for full services at Student Health Services. Patients are accepted between 8:00am-4:30pm Monday-Thursday and 8:00am-3:30pm Friday. Monday

through Friday (8:00 a.m. - 5:00 p.m.) and follows the University calendar. For more information about Student Health Services, please visit the Memorial Student Union, (580) 559-5713 or visit <https://www.ecok.edu/student-development/student-services/health-services>.

### **C. Services of the Brandon Whitten Institute for Addiction & Recovery**

The Brandon Whitten Institute (BWI) for Addiction & Recovery provides confidential services such as alcohol and drug assessments and treatment planning to the University community. More details about the various programs and services can be found on the BWI website: <https://www.ecok.edu/administration/centers-and-programs/brandon-whitten-institute>.

For more information, please call (580) 559-5922, send an email to [bwlinstitute@ecok.edu](mailto:bwlinstitute@ecok.edu), or visit the Brandon Whitten Institute for Addiction & Recovery in the Horace Mann building, Room 109.

### **D. Admissions, Enrollment, Withdrawals, Refunds, and Degree Information**

For detailed information regarding procedures and deadlines for Enrollment, Enrollment Refunds, Withdrawals, Administrative Withdrawals, Emergency Withdrawals, Remedial Courses, Degree Audits, Academic Suspensions, and other related information, please contact Admissions & Records Office, Administration Building, Room 111, (580) 332-8000.

### **E. Transportation and Parking**

All students/faculty/staff are required to follow University transportation and parking regulations as condition of admittance and continued attendance according to University policies. It is the responsibility of any vehicle operator to request information needed from the ECU Police Department to correct any special circumstances regarding their individual needs in a prompt manner and before a citation is issued. Every vehicle parked on ECU property must display a current parking decal for the parking space utilized. Parking Decals may be obtained at the University Center Service Counter located in the lobby of the University Center, (580) 559-5741. For more helpful information regarding the parking regulations, parking decals, violation fees, appeals, and maps, please visit the ECU Police Department website at <https://www.ecok.edu/student-development/university-police>.

### **F. University Police Department**

The East Central University Police Department (ECUPD) is a unit of the Office of Student Development. ECUPD assists University community members and visitors by providing a number of programs including and motorist assistance and also distributes information through a number of mechanisms including the Annual Security report. More information can be accessed at <https://www.ecok.edu/student-development/university-police>.

#### **1. What To Do if You Are A Victim of Crime**

If you become a victim of a crime, the following information may be of assistance in recovering your property or solving the case:

- A. A criminal incident reported to ECU Police Department will be reviewed, and will be investigated by an officer if it is determined that follow-up is possible. Normally, for such an investigation to be fruitful, the investigating agency needs one or more of the following pieces of information: physical evidence, witness(es), suspect(s), serial numbers or other unique identifying markings and a description of the property taken, or other information useful for developing leads.
- B. Serial numbers or unique identifying markings are essential for recovery of property. Stolen items with such identification can often be recovered through pawn shops, law enforcement arrests, or by inquiry through the National Crime Information Center computers operated by the FBI. Serial or model numbers can frequently be developed from original packing containers, sales receipts, warranty documents,

through the manufacturer or seller, maintenance agreements or receipts, or from household records completed prior to the theft.

- C. Often, the victim of a crime may obtain or encounter information which might be helpful to an investigation after the initial crime report has been given to the police. Such information may include new witnesses, suspects or victims, value of property taken, and identifying data on the property. If you do develop any additional information, please call or contact ECU Police Department.
- D. East Central University does not carry insurance for the theft of personal property. If personal property has been stolen from you, we suggest you contact your insurance agent for possible coverage under your homeowner's, automobile, or renter's insurance.
- E. The ECU Police Department unit provides a copy of the incident report to your insurance company at their request. Residents of ECU Housing facilities that do not have insurance coverage through a parent/guardian homeowner's policy are encouraged to seek Renter's insurance which is reasonably priced by most insurance companies doing business in Oklahoma.
- F. ECU Police Department coordinates their criminal investigations with and/or furnishes information to other law enforcement agencies.
- G. If the offense took place on-campus, it is generally not necessary for you to also report it to another law enforcement agency. If in doubt, however, ask the investigating officer. If the investigation is successful and an offender is identified and/or property recovered, ECUPD will need your continued cooperation. You will be required to make positive identification of the property. It may be necessary to hold the item(s) in police custody until the investigation or criminal prosecution is completed.
- H. ECU Police Department will assist you through each step of the process.
- I. If you are the victim or witness to a crime, ECUPD will do everything possible to solve the crime and apprehend the offender. If you would like additional crime prevention material or assistance, please call ECU Police Department at (580) 559-5555.

### **G. Behavioral Intervention Team (BIT)**

The purpose of East Central University's Behavioral Intervention Team (BIT) is to provide the campus community with the necessary information to refer students in psychological distress, or who are experiencing personal crises, to the appropriate resources on-campus. The BIT is a proactive approach to coordinate and plan responses to identify, assess, manage, reduce and educate the campus community as to the risk of individual harm or interpersonal violence. For more information on Threat Response Protocol, appropriate hotlines to utilize during concerning or threatening situations, visit the BIT website at <https://www.ecok.edu/student-development/student-development-home/beta-team>.

If a student is about to harm himself/herself (suicide attempt) or others, and the situation occurs after 5:00 p.m. on holiday or weekend, please call the ECU Police Department at (580) 559-5555 for on-campus emergencies, or 911 for off-campus emergencies.

### **H. Housing and Dining Services**

For detailed information about on-campus living options, meal plan options, and the policies that govern on-campus resident behaviors, visit the Office of Housing, Residence Life, and Dining Services website at <https://www.ecok.edu/administration/student-development/housing-residence-life-dining-services> or call (580) 559-5602 between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.



