



Student Code of Conduct

2012-2013 Edition

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Student Code of Conduct
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I. INTRODUCTION

- A. This section of the ECU Student Handbook includes important information about official campus rules, regulations, policies and guidelines that impact the academic and personal life of ALL ECU students. This listing may NOT include some regulations or policies that are unique to specific departments, programs, student organizations or student groups. It is the responsibility of ALL students to read and become familiar with the expectations that East Central University has for every student. Failure to abide by these regulations and policies may result in formal disciplinary actions, as outlined in the “Code of Student Conduct.”
- B. 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 age, race, sex, sexual orientation, disability, veterans status or national origin.
 2. Students are entitled to the right of due process as provided and explained by the University's Code of Student 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 representation on University committees.
 8. Students have a right to peaceably assemble in accordance with federal, state, local and East Central University 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 of any racial, sexual or other form of harassment.
 - b. A drug-free University environment.
 - c. Accurate information concerning institutional services, regulations, policies and procedures in published form.
 - d. Information about the various types of financial assistance available.

II. STUDENT CODE OF CONDUCT

- A. East Central University students are citizens of the state, local and national governments or are citizens of other countries, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to the University carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Oklahoma State Regents for Higher Education and the Regional University System of Oklahoma have authorized the President of the University to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- B. As both the responsibility and the authority for discipline at East Central University ultimately rest with the Regional University System of Oklahoma, the President, acting on their behalf, has delegated the authority to administer a fair and just disciplinary program to the Vice President for Student Development Office. Therefore, the Chief Judicial Officer, his/her staff, and certain committees to whom this responsibility has been delegated, have the authority to enforce all regulations approved and stated in University documents or otherwise and to administer disciplinary procedures. This Code is applicable to currently, continuing, and formerly enrolled students as well as individuals seeking admission to the University. Conduct prior to admission to the University that may have an adverse effect on the student/University relationship may be considered by the University. Applicants and formerly enrolled student cases shall be reviewed exclusively by the Chief Judicial Officer without the right to appeal to the Committee on Student Conduct.
- C. Pursuant to this authorization, the University has developed the following regulations (known as the Code of Student Conduct), which are intended to govern student conduct on the East Central University campus. Students retain the responsibilities of citizenship. The University expects that each student will conduct him/herself in a manner compatible with the University's function as an educational institution. Regardless of place of residence, each student must observe all federal, state, and applicable local laws both on

and off campus. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the University may enforce its own regulations regardless of any proceedings instituted by other authorities including expulsion, notwithstanding action taken by civil authorities on account of the violation. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the institution whether or not such conduct is simultaneously a violation of state, local or national laws.

- D. The Code of Student Conduct is not a contract and serves only as guidance for the fulfillment of acceptable and fair procedures. The standard of review in all hearings is by preponderance or greater weight of the credible evidence. The Regional University System of Oklahoma has the authority and may modify or change the Code of Student Conduct at any time. In addition, the procedures contained herein may be modified by the University at any time in order to effectuate justice.

III. DISCIPLINARY OFFENSES

A-1. Generally, through appropriate due process procedures, institutional disciplinary measures will be imposed for conduct which adversely affects the University's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community or which endangers property or persons on University, or University-controlled property. Individual or organizational misconduct which is subject to disciplinary sanction will include but not be limited to the following examples:

A. Conduct dangerous to self or others. Any conduct which constitutes a serious danger to one's self or to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse;

B. Hazing. (According to Title 21, Section 1190 of the Oklahoma Statutes)

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 will engage or participate in hazing.
2. Any hazing activity described in subsection 5. of this section 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 will be presumed to be a forced activity, even if the student willingly participates in such activity.
3. 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 subsection 1. of this section, upon conviction, will 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.

4. Any individual convicted of violating the provisions of subsection A of this section will be guilty of a misdemeanor, and may be punishable by imprisonment for not to exceed ninety (90) days in the county jail, or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.
 5. For the purposes of this section:
 - a. “Hazing” means an activity which recklessly or intentionally endangers the mental health or physical health or safety of a student 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 this state;
 - b. “Endanger the physical health” will 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 as defined in Section 506 of Title 37 of the Oklahoma Statutes, intoxicating beverage as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug controlled dangerous substance, or other forced physical activity which could adversely affect the physical health or safety of the individual; and
 - c. “Endanger the mental health” will include 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 affect the mental health or dignity of the individual.
- C. Harassment.** Any act of harassment by an individual or group against a student, faculty/staff member or another group. Harassment will include, but not be limited to insults, heckling, verbal abuse, threats of physical abuse, unwanted suggestions of a sexual nature, repeated teasing or annoyance to another, repeated unsolicited phone calls made with the intent to harass or other actions considered disturbing to others;
- D. Disorderly conduct.** Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly or which unreasonably disturbs other groups or individuals (this may include inappropriate behavior resulting from the use of or being under the influence of alcoholic beverages or drugs, inappropriate use of electronic devices that violates the privacy of another individual, such as the use of a web camera or other photographic device without the knowledge of the individual being photographed, etc.);

E. Obstruction of or interference with University activities or facilities. Any intentional interference with or obstruction of any University activity, program, event or facility, including the following:

1. Any unauthorized occupancy of University or University-controlled facilities or blockage of access to or from such facilities;
2. Interference with the right of any University member or other authorized person to gain access to any University or University controlled activity, program, event or facility;
3. Any obstruction or delay of a campus security officer, fireman or any University official in the performance of his/her duty;
4. Any form of disruptive behavior in the classroom, during any campus event or activity or at any location on campus;

F. Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage, destruction, defacing, disfiguring or unauthorized use of property belonging to the University including, but not limited to, fire alarms, fire equipment, elevators, telephones, University keys, library materials, computing resources and/or safety devices and any such act against a member of the University community or a guest of the University;

G. Theft, misappropriation or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession, use or sale of institution property or any such act against a member or organization of the institution community or a guest of the institution;

H. Misuse of East Central University documents or identification cards. Any forgery, alteration of or unauthorized use of University documents, forms, records or identification cards, including the giving of any false information or withholding of necessary information in connection with a student's admission, enrollment or status in the University; failure to carry the ECU ID card at all times or to show it upon proper request;

I. Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind on University property. Firearms or dangerous weapons include, but are not limited to: rifles, handguns, BB guns, stun guns, knives, martial arts equipment, paint guns, bows and arrows, etc., or other objects with the potential to cause bodily harm;

J. Explosives, fireworks and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be and used as fireworks;

- K. Alcoholic beverages.** The use and/or possession of alcoholic beverages (including low point beer) and/or public intoxication on University-owned or controlled property, or the violation of any local ordinance or state or federal law concerning alcoholic beverages, on or off campus, or a violation of the terms of the East Central University Drug-Free Policy Statement. In addition, officially registered student organizations that sponsor events off campus, where alcoholic beverages are present and available for consumption, must adhere to all local, state and national laws concerning alcoholic beverages;
- L. Drugs.** The unlawful possession or use of any drug, controlled substance or drug paraphernalia (including any stimulant, depressant, narcotic or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance, or a violation of any terms of the East Central University Drug-Free Policy Statement;
- M. Gambling.** Participation in any gambling-related activities on campus or on University controlled property that have not been approved and/or administered in accordance with the laws and regulations of the State of Oklahoma;
- N. Financial irresponsibility.** Failure to promptly meet financial responsibilities to the University including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institutional community acting in an official capacity;
- O. Unacceptable conduct in hearings.** Any conduct at a University hearing involving contemptuous, disorderly behavior, or the giving of false testimony or other evidence at any hearing;
- P. Failure to cooperate with University officials.** Failure to comply with directions of University officials acting in the performance of their duties;
- Q. Violation of general rules and regulations.** Any violation of the general rules and regulations of the University as published in an official University publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- R. Attempts and aiding and abetting the commission of offenses.** Any attempt to commit any of the offenses listed in this document, or the aiding and abetting of the commission of any of the offenses (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
- S. Violations of state or federal laws.** Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- T. Violation of imposed disciplinary sanctions.** Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body including, but not limited to, sanctions contained herein;

U. Violations of University Residence Hall or Apartment policies or regulations. The violation of any policies or regulations which appear in printed materials distributed to resident students (i.e., housing license agreements, handbooks for resident students, etc.);

V. Sexual Misconduct. Sexual misconduct of any kind and by any student will not be tolerated. This conduct threatens or endangers the health or safety of a person, persons, and/or the overall campus community and its occurrence will not be tolerated. The University will enforce policies and procedures through the judicial system and may adjudicate such cases through the Committee on Student Conduct. This judicial board is trained to adjudicate sexual misconduct cases. The University has set up policies and procedures to respond to incidents of sexual misconduct internally, however, it is important to note that sexual misconduct also can result in criminal charges. For the purposes of the University's judicial function, sexual misconduct is broken down into these violations and defined as follows:

1. **Sexual Assault or Battery** - the intentional touching, mauling or feeling of the body or private parts of any person in a lewd and lascivious manner and without the consent of that person. This can be through clothing. Also, within the legal category of sexual assault:
 - a. **Rape** - defined as all acts of sexual intercourse involving oral, vaginal, or anal penetration accomplished without consent, and;
 - b. **Rape by Instrumentation** - defined as an act in which any inanimate object or part of the human body, not amounting to sexual intercourse, is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person.
2. **Relationship Violence** is the overall term used for violence that occurs within the bounds of a formal or informal relationship between two people.
3. **Domestic Violence** occurs within the relationship of two persons who are married, formerly married, or cohabitating.
4. **Dating Violence** occurs between two persons who are dating and not yet in a formal relationship. Characteristics of Relationship 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.
5. **Stalking** is the willful, malicious, and repeated following or harassment of another person in a manner that: 1) would cause a reasonable person or a 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. Such behavior includes, but is not limited to: following/appearing within the sight of the individual; approaching/confronting that individual in a public place/on private property; appearing at the workplace, classroom, or residence of an individual; threatening or obscene gestures; repeated/continued non-consensual communication, including personal contact, telephone calls, voice messages, electronic mail, written correspondence, unwanted gifts, etc.; nonconsensual touching; trespassing; vandalism; surveillance or other types of observation.

W. Tobacco. 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.

1. **Tobacco Products.** 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 cloves, bidis, and kreteks.
2. **Tobacco Use.** The term “Tobacco Use” includes smoking, chewing, dipping or any other consumption or use of tobacco products.

X. Pets. With the exception of "service animals" and the exception of animals used for academic research purposes, animals are prohibited on campus. The term "service animal" is defined as any animal individually trained to do work or perform tasks for the benefit of a person with a disability (e.g., a guide dog, signal dog, etc.). “Service animals” perform some of the functions and tasks that the individual with a disability cannot perform for him/herself. The University reserves the right to require reasonable documentation that the animal is certified as a “service animal” by a recognized training program. Students using service animals must be registered with the Office of Disability Services;

Y. Filing a false complaint or statement. Any behavior whereby a student knowingly submits a false complaint or statement alleging a violation of these regulations by a student or organization.

A-2. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur on University owned, leased or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with, or obstructs any University activity or the missions, processes and functions of the University. In addition, disciplinary action may be taken on the basis of any conduct, on or off campus which violates local, state or federal laws, which violate University policies for student organizations, or which poses a substantial threat to persons or property within the University community.

A-3. For the purpose of these regulations, a “student” will mean any person who is registered for study at East Central University for any academic period. A person will be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period and during any period while the student is under suspension from the University.

IV. DISCIPLINARY SANCTIONS

A.1. Upon a determination that a student or student organization has violated any of the rules, regulations, or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University officials. (Note: Final results of disciplinary proceedings for violations that include violent acts or non-forcible sex offenses, as defined by Oklahoma law, may be released without permission of the student perpetrator.)

A.2. Definition of Sanctions:

- A. Restitution.** A student or student organization having committed an offense against property may be required to reimburse the University or other owner for damage to or misappropriation of such property. Any such payment in restitution will be limited to actual cost of repair or replacement.
- B. Reprimand.** A written reprimand or censure may be given any student or student organization whose conduct violates any part of these regulations. Such a reprimand does not restrict the student or student organization in any way but does have important consequences. It signifies to the student or student organization that each is being given another chance and that each is expected to conduct themselves as a proper member of the University community, but that any further violation may result in more serious penalties.
- C. Restriction.** A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but is not limited to, the following: denial of the right to represent the institution in any way, denial of the use of University facilities and/or parking privileges, restriction of participation in co-curricular and extracurricular activities, restriction of organizational privileges including registration, and restriction of the transfer of academic credit from another institution.
- D. University Probation.** Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and also will be notified of the terms and length of probation. Probation may include restrictions upon the co-curricular and extracurricular activities of a student. Parents may be notified. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction(s).

- E. Temporary Suspension.** A student may be temporarily suspended without a hearing from the University when there is an immediate and present danger of damage to life and property or disruption of University life. Such an administrative decision will be effective immediately. A final determination of the charges against any student temporarily suspended will be made through appropriate hearing procedures within 10 university business days of such suspension during which time the accused will forfeit all rights and privileges as a student of the University. Parents may be notified.
- F. Suspension.** If a student is suspended, he/she is separated from the University or from a class for a stated period of time, not less than the remainder of the current semester in which he or she is enrolled, with conditions for readmission stated in the notice of suspension. A suspension hold will be placed on the transcript during the period of suspension. Parents may be notified.
- G. Expulsion.** Expulsion entails a permanent separation from the University. When a student is expelled, a record of this action will be made a part of the student's permanent record in the Office of the Registrar. The imposition of this sanction is a permanent bar to the student's readmission to the University. Parents may be notified.
- H. Degree revocation or rescission of credit.** Any student charged with an offense for which he or she could be temporarily suspended, suspended, or expelled or for which his or her degree could be revoked, will be entitled to a hearing as provided for in Section VII of the Code of Student Conduct.
- I. Housing Probation.** A resident placed on housing probation is deemed not to be in good standing with the housing community, and his/her continued residence is conditioned upon adherence to these Regulations and the Housing Contract. Any resident placed on probation will be notified in writing of the terms and length of the probation. Any conduct of a similar or more serious nature in violation of the probation will result in suspension from housing. Parents may be notified.
- J. Temporary Suspension from Campus Housing.** A student may be temporarily suspended from campus housing without a hearing from the University when there is an immediate and present danger of damage to life and property or disruption of University life. Such an administrative decision will be effective immediately. A final determination of the charges against any student temporarily suspended from campus housing will be made through appropriate hearing procedures within 10 university business days of such housing suspension during which time the accused will forfeit the right to reside in or visit campus housing facilities. The accused will be permitted to attend classes during this interim period. Parents may be notified.
- K. Housing Suspension and Forfeiture/Expulsion.** A resident suspended from housing may not reside in, visit or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident will be required to forfeit housing fees (including any unused portion thereof and the Housing deposit). A suspended resident must vacate the housing unit within 48 hours.

Housing suspension will remain a part of the student's disciplinary record. Parents may be notified.

- L. Service to the University.** A student or student organization may be required to donate a specified number of service hours to the University, by way of performing reasonable tasks for the appropriate University office or official. This service will be commensurate to the offense the student is guilty of violating (i.e., service to maintenance staff for defacing University property).
- M. Special Educational Program.** A student or student organization may be required to participate in any special educational programs relevant to the offense, to attend special seminars or educational programs or to prepare a project or report concerning a relevant topic.
- N. Referral for Intervention, Assessment and/or Counseling.** The student is mandated to visit the appropriate University official for an initial intervention and assessment which may be followed by required participation and a prescribed plan of action or treatment plan. Parents may be notified.
- O. Fines.** Penalties in the form of fines may be enforced against a student or a student organization whenever the appropriate hearing officer(s) or hearing body deems necessary. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines to the Business Office within two weeks of the decision will result in further disciplinary action. The President of the University is authorized, in his/her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

V. DISCIPLINARY PROCEDURES

A-1. Jurisdiction of Cases to be heard by Student Development Administrators:

- A.** All FORMAL cases involving incidents which occur in University residence halls and/or apartments and which involve on-campus residents will be heard by the housing/residence life staff, or designee, or the Honor Court.
- B.** All other FORMAL cases will be heard by the chief judicial officer, or designee, or Honor Court EXCEPT in cases where such staff member is NOT available or has a bias toward either party in the pending case. In such cases the vice president for student development, or designee, will assign one or more student development administrators to hear the case.
- C.** The decision of the Director of Housing/Residence Life, or designee, or Student Honor Court, will be final and not appealable except in cases of temporary suspension, suspension, or expulsion from university housing which may be appealed to the Vice President of Student Development in accordance with the Oklahoma Administrative Procedures Act as described in section V. (F).

- D.** The decision of the Chief Judicial Officer, or designee, or Student Honor Court, will be final and not appealable except in cases of temporary suspension, suspension, expulsion or degree revocation which may be appealed to the Committee on Student Conduct in accordance with the Oklahoma Administrative Procedures Act as described in section V.(F).

A-2. Commencement of Disciplinary Proceedings.

- A.** A student accused of violating University disciplinary rules will be called before the appropriate student development administrator for a preliminary conference at which the student will be orally advised of the following:
 - 1. The charges against him/her;
 - 2. The rights afforded to him/her by the hearing procedures which are available;
 - 3. The hearing procedure options available; and
 - 4. The responsibilities of the accused student in the disciplinary procedures.
- B.** A student may WAIVE the right to a preliminary conference and an oral explanation of the items listed in I.A. above.
- C.** Once advised of the hearing options, the accused student must select an option within three (3) class days of receipt of notice of pending charges against him/her. The student elects the procedure to be followed by completing and signing an Election of Procedure form and/or waiver form. Once the election is made, the decision is final and may not be changed during the course of the hearing.
- D.** In cases of alleged sexual assault regardless of the procedure elected both the accuser and accused will be informed of the following:
 - 1. Both the accuser and the accused are entitled to the same opportunity to have others present during disciplinary proceedings, and
 - 2. Both the accuser and the accused will be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.
 - 3. Institutional Hearing Rights. These rights will be afforded the accused student in all Institutional Hearings before the appropriate judicial officer or the Student Conduct Committee.
- E.** The accused student has the right to:

1. Choose the appropriate hearing option. (This right must be exercised within 24 hours of the presentation of charges. NOTE: This option will be available until the final 10 university business days of each semester, or the final five (5) university business days of the summer term, during which time all discipline hearings will be conducted by appropriate student development administrators, except those subject to Oklahoma Administrative Procedures Act procedures as selected by the accused student.)
 2. Written notice of the time and place of the hearing at least three (3) days in advance. A justified delay may be granted. (This right may be waived in writing by the accused student.)
 3. Written statement of the charges in detail sufficient to enable the student to prepare a defense.
 4. Be accompanied by an adviser of the student's choice, but such participation will be limited to advising the student.
 5. Statement of the possible sanctions that may be imposed as a result of a finding of a violation of the Code.
 6. Present witnesses in the student's behalf and to question any witnesses presented against the student. The student is responsible for the attendance of any witnesses to be present in the student's behalf.
 7. Informed in writing of:
 - a. The final administrative decision in the case.
 - b. The proper procedure for appeal if appealable.
 8. Provided copies, upon request and in accordance with University Policy, of all complaints, reports, witness statements and other written materials used in determining the charges
- F.** The University member (student, faculty or staff) who authors “complaints” or “statements” as a victim in the alleged violation will have the following rights:
1. To be notified of his/her rights prior to making a statement.
 2. To be informed that any written statement made or signed will be shared with the accused student and that the accused student may request a copy of the statement.
 3. To attend the hearing.
 4. To have an adviser present during the hearing.

5. To be given the opportunity to question all witnesses and the accused during the hearing.
6. To be provided a copy of any statement he/she has written or dictated to others.
7. To be able to submit a list of witnesses to be called to the hearing.
8. To be permitted to drop the charges only up to the date of the hearing.
9. To be notified of the outcome of the hearing, including the finding concerning responsibility and any sanctions taken.

B-1. Institutional Hearing Procedures.

- A. Cases which are not subject to the contested case procedures under the Oklahoma Administrative Procedures Act and which involve very minor first offenses by students may be discussed informally with students and student organizations. In such cases, no formal record will be maintained in the judicial records of the University. The University official responsible for conducting this Informal Disciplinary Discussion will note the name of the student or student organization involved and infraction(s) in his/her personal records. The purpose of this notation is only to determine a student's or student organization's prior involvement in a minor offense. If the student or student organization is subsequently involved in another violation of regulations, this INFORMAL Record will become a part of the student's or student organization's FORMAL Disciplinary Records and may be considered in determining actions to be taken in the hearing process.
- B. The decision of the Chief Judicial Officer, or designee, will be final and not appealable except in cases of temporary suspension, suspension, expulsion or degree revocation or rescission of credit which may be appealed to the Committee on Student Conduct.
 1. A committee consisting of administrators, staff, faculty and students will be created to consider the appeal of cases resulting in temporary suspension, suspension, expulsion, degree revocation or rescission of credit of students. The committee will be designated as the "Committee on Student Conduct."
 2. The committee will be appointed by the President of the University and will include faculty members whose primary duties are not concerned with the administration of student conduct and affairs and will include administrative employees whose primary duties are not concerned with the administration of student conduct and affairs. The President will receive nominations for committee memberships from the Faculty Senate, provided that Faculty Senate nominations must be submitted within thirty (30) university business days from time of notification that a vacancy(s) exists. Provided further, that if nominations are not made within thirty (30) university business days, the President will fill the vacancy(s) from the faculty. The student members of the committee will be

nominated by the Student Senate provided that said nominations must be submitted in the same manner as those for the Faculty Senate.

3. A student instituting an appeal to the Committee on Student Conduct will have the right to exclude the student members of the committee upon proper request. One or more students may be included in the membership of the committee, such number to be determined by the President of the University.
 4. Any act by a properly constituted committee, at which a quorum of the committee is present, will be binding.
- C.** To initiate an appeal, a student must make the request. The request and reason for appeal should be made in writing, by hard copy, signed, and dated, to the Chief Judicial Officer within twenty- four (24) hours (not including state holidays or weekends) after the disciplinary decision is rendered.
1. If the student appeals a decision of suspension, expulsion, degree revocation, or rescission of credit, the decision will not become effective until after a hearing before the Committee on Student Conduct.
 2. A decision to temporarily suspend becomes effective immediately, but may be overturned after a hearing before the Committee on Student Conduct. Hearings will be held as soon as practical after the request is made by the student.

D. Hearings Before a Student Development Administrator.

The appropriate student development administrator will act as hearing officer in the hearing and will determine whether or not the student or student organization is found responsible or not responsible and will apply sanctions as appropriate.

E. Hearings Before Committee on Student Conduct.

1. The Chief Judicial Officer, or designee, will notify the accused student in writing of the date, time, and place of the hearing, the reason for the hearing, and the procedures and possible outcomes.
2. All hearings are closed and information presented in them and all supporting documents are confidential.
3. During the hearing, the accused student may be accompanied by an advisor of the student's choice so long as the availability of the advisor does not hamper the timeliness of the hearing. The student may choose to have an attorney serve as advisor; however, the advisor does not represent the student in a student conduct hearing and the student will be expected to speak for him or herself at all times.

4. During the hearing, the student has the opportunity to offer information on his or her own behalf and to review all information, statements, or evidence presented.
5. The chair of the Committee on Student Conduct will decide any questions or objections to hearing procedures that are raised during the hearing.
6. Members of the Committee may ask questions of any person present during the hearing and the chair will invite questions and comments from the accused student if present. Since decisions are based only on the preponderance of evidence introduced at the hearing, the chair may reconvene the hearing if the Committee decides that essential information has not been presented. The hearing will be reconvened at the earliest practical time that the necessary information will be available.
7. After the chair has determined that all necessary information has been presented and questions answered, the Committee will go into closed session and all other persons will be excused. The Committee will determine whether or not it believes the accused student is responsible for a violation of the regulations and, if so, whether the penalties determined by the Chief Judicial Officer are reasonable. The Committee hearing will result in one of two outcomes:
 - a. that the Chief Judicial Officer, or designee, determination is affirmed; or
 - b. that the Chief Judicial Officer, or designee, determination is modified or reversed.
8. The Committee's decision will be final unless within three (3) days following the entry thereof, the student lodges a written appeal with the president of the University. Appeals with the president will relate to procedural matters only.

F. Hearings Before the Student Honor Court.

1. Procedures for the Court include the following:
 - a. The Student Honor Court will be composed of five (5) student justices recommended by the chief judicial officer to the Student Senate. Justices will be nominated by the Student Senate President and ratified by a two-thirds (2/3) majority of the Student Senate. The Student Honor Court will elect a chief justice and a recording secretary from its membership.
 - b. The Student Honor Court will be the judicial body of the Student Association and will have the power to:
 - i. Hear traffic violation appeals

- ii. Other violations of the Code of Student Conduct that will not result in temporary suspension, suspension, expulsion, or degree revocation
- iii. Violations of Campus Organizations
- c. A minimum of three (3) members of the Court are required to hear a disciplinary case.
- d. The Chief Judicial Officer will train all Court members and advise this Court in appropriate disciplinary procedures.

G. Expulsion Hearing Before Committee on Student Conduct. When expulsion is a possible sanction due to the seriousness of the offense, the Oklahoma Administrative Procedures Act relating to disciplinary expulsions will apply. The following pertinent sections of the Act are included in this section for ease of reference. (75 O.S. 309 et. seq. as amended).

H. Individual Proceedings-Notice-Hearing:

1. In an individual proceeding, all parties will be afforded an opportunity for hearing after reasonable notice.
2. The notice will include:
 - a. a statement of the time, place, and nature of the hearing;
 - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. a reference to the particular sections of the statutes and rules involved; and
 - d. a short and plain 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. Thereafter, upon application, a more definite and detailed statement will be furnished.
3. Opportunity will be afforded all parties to respond and present evidence and argument on all issues involved.
4. Deliberations by administrative heads, hearing examiners, and other persons authorized by law may be held in executive session pursuant to paragraph 8 of section 307 of Title 25 of the Oklahoma Statutes.

5. Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.
6. The record in an individual proceeding will include:
 - a. all pleadings, motions and intermediate rulings;
 - b. evidence received or considered at the individual proceeding;
 - c. a statement of matters officially noticed;
 - d. questions and offers of proof, objections, and rulings thereon;
 - e. proposed findings and exceptions;
 - f. any decision, opinion, or report by the officer presiding at the hearing; and
 - g. all other evidence or data submitted to the hearing examiner or administrative head in connection with their consideration of the case provided all parties have had access to such evidence.
7. Oral proceedings will be electronically recorded. Such recordings will be maintained for such time so as to protect the record through judicial review. Copies of the recordings will be provided by the University at the request of any party to the proceeding. Costs of transcription of the recordings will be borne by the party requesting the transcription. For judicial review, electronic recordings of an individual proceeding, as certified by the University, may be submitted to the reviewing court by the University as part of the record of the proceedings under review without transcription unless otherwise required to be transcribed by the reviewing court. In such case, the expense of transcriptions will be taxed and assessed against the non-prevailing party. Parties to any proceeding may have the proceedings transcribed by a court reporter at their own expense.
8. Findings of fact will be based exclusively on the evidence received and on matters officially noticed in the individual proceeding unless otherwise agreed upon by the parties on the record. (See 75 O.S. 309)
9. Agencies may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. They will 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 of the healing arts with reference to any physical or supposed physical disease or of knowledge gained by a practitioner through a

physical examination of a patient made in a professional capacity; records and files of any official or agency of any state or of the United States which, by any statute of a state or of the United States are made confidential and privileged. No greater exclusionary effect will be given any such rule or privilege than would obtain in an action in court. Universities may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Objections to evidentiary offers may be made and will be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

10. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties will be given an opportunity to compare the copy with the original;
11. A party may conduct cross-examinations required for a full and true disclosure of the facts;
12. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the universities= specialized knowledge. Parties will be notified either before or during the hearing, or by reference party may request the disqualification of a hearing examiner or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue will be determined promptly by the administrative head of the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a hearing examiner, the agency will assign another in his stead or will conduct the hearing itself. Upon disqualification of a member of an agency, the agency will proceed with the proceeding if a quorum remains. If a quorum no longer exists, by virtue of the member=s disqualification, the Governor immediately will appoint a member pro tempore to sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of Section 311 of this title will apply. (See 75 O.S. 316)
13. Any party will at all times have the right to counsel, provided that such counsel must be duly licensed to practice law by the Supreme Court of Oklahoma, and provided further that such counsel will have the right to appear and act for and on behalf of the party he or she represents.
14. A party may request the exclusion of witnesses to the extent and for the purposes stated in Section 2615 of Title 12 of the Oklahoma Statutes. Exclusion of a witness will not be a violation of the Oklahoma Open Meeting Act. (See 75 O.S. 310)

I. Proposed Orders.

1. If the administrative head of an agency has not heard the case or read the record of individual proceeding, a final agency order adverse to a party will not be made until a proposed order is served upon the party, and an opportunity is afforded to the party to file exceptions and present briefs and oral argument to the administrative head who is to render the final agency order. The proposed order will be accompanied by a statement of the reasons therefore and of each issue of fact or law necessary to the proposed order, prepared by the hearing examiner or by one who has read the record.
2. Such proposed order will be served upon the parties at least fifteen (15) days prior to a hearing or meeting at which the administrative head is to consider or render a decision on the proposed order. At such hearing or meeting, the parties will be afforded an opportunity to present briefs and oral arguments concerning the proposed order.
3. The parties by written stipulation may waive compliance with this section. (See 75 O.S. 311)

J. Final Orders - Contents Notification.

1. A final University order adverse to a party will:
 - a. be in writing; and
 - b. include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, will be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with University rules, a party submitted proposed findings of fact, the final University order will include a ruling upon each proposed finding.
2. Parties will be notified either personally or by certified mail, return receipt requested, of any final University order. Upon request, a copy of the order will be delivered or mailed forthwith to each party and to his or her attorney of record. (See 75 O.S. 312)

K. Agency Members Not To Communicate. Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or make findings of fact and conclusions of law in an individual proceeding will not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. An agency member may:

1. may communicate with other members of the agency, and;
2. may have the aid and advice of one or more personal assistants. (See 75 O.S. 313)

L. Implementation or Emergency Action Pending Outcome of Proceedings. As authorized by or pursuant to law, if an agency finds that the public health, safety, or welfare imperatively requires emergency action, has promulgated administrative rules which provide for such action and incorporates a finding regarding the emergency in its order, emergency actions may be ordered pending the final outcome of proceedings instituted pursuant to this article. (See 75 O.S. 314.1)

M. Furnishing of Information:

1. **Attending of Witnesses and Production of Books, Records, etc. - Subpoenas**
 - a. the agency conducting any individual proceeding will have power to require the furnishing of such information, the attendance of such witnesses, and the production of such books, records, papers or other objects as may be necessary and proper for the purposes of the proceeding.
 - b. the agency, or any party to a proceeding before it, may take the depositions of witnesses, within or without the state, in the same manner as is provided by law for the taking of depositions in civil actions in courts of record. Depositions so taken will be admissible in any proceeding affected by this act. Provided, however, all or any part of the deposition may be objected to at time of hearing, and may be received in evidence or excluded from the evidence by the agency or individual conducting the hearing in accordance with the law with reference to evidence in this act or with reference to evidence in courts of record under the law of the State of Oklahoma.
2. In furtherance of the powers granted by subsection 1. of this section, any agency, administrative head, hearing examiner or any other duly authorized member or employee thereof, upon its own motion may, and upon the request of any party appearing in an individual proceeding will:
 - a. issue subpoenas for witnesses;
 - b. issue subpoenas duces tecum to compel the production of books, record, papers or other objects, which may be served by the marshal of the agency or by any person in any manner prescribed for the service of a subpoena in a civil action; or
 - c. quash a subpoena or subpoena duces tecum so issued; provided, prior to quashing a subpoena or subpoenas duces tecum the agency will give notice to all parties. A subpoena or subpoenas duces tecum may not be quashed if any party objects.

3. Disobedience of Court Orders

- a. in case of disobedience to any subpoena issued and served under this section or to any lawful agency requirement for information, or the refusal of any person to testify to any matter regarding which he may be interrogated lawfully in a proceeding before an agency, the agency may apply to the district or superior court of the county of such person's residence or to any judge thereof for an order to compel compliance with the subpoena or the furnishing of information or the giving of testimony. Forthwith the court or the judge will cite the respondent to appear and will hear the matter as expeditiously as possible.
- b. If the disobedience or refusal is found to be unlawful, the court, or the judge, will enter an order requiring compliance. Disobedience of such an order will be punished as contempt of court in the same manner and by the same procedure as is provided for like conduct committed in the course of judicial proceedings. (See 75 O.S. 315)

N. Disqualification of Hearing Examiner or Agency Member.

1. A hearing examiner or agency member will withdraw from any individual proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a hearing examiner or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue will be determined promptly by the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a hearing examiner, the agency will assign another in his stead or will conduct the hearing itself.
2. Upon the disqualification of a member of an agency, the Governor immediately will appoint a member pro tem to sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of Section 11 of this act will apply. (See 75 O.S. 316)

O. Rehearing, Reopening or Reconsideration of Agency Decision.

1. A final agency order issued by an administrative head of an agency will be subject to rehearing, reopening or reconsideration by such administrative head. Any application or request for such rehearing, reopening or reconsideration will be made by any party aggrieved by the final agency order within ten (10) days from the date of the entry of such final agency order. The grounds for such action will be either:

- a. newly discovered or newly available evidence, relevant to the issues;
 - b. need for additional evidence adequately to develop the facts essential to proper decision;
 - c. probable error committed by the agency in the proceeding or in its decision such as would be ground for reversal on judicial review of the final agency order;
 - d. need for further consideration of the issues and the evidence in the public interest; or
 - e. a showing that issues not previously considered ought to be examined in order properly to dispose of the matter.
2. The order of the agency granting rehearing, reconsideration or review, or the petition of a party therefore, will set forth the grounds which justify such action.
 3. Nothing in this section will prevent rehearing, reopening or reconsideration of a matter by any agency in accordance with other statutory provisions applicable to such agency, or, at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence.
 4. On reconsideration, reopening, or rehearing, the matter may be heard by the agency, or it may be referred to a hearing examiner. The hearing will be confined to those grounds upon which the reconsideration, reopening or rehearing was ordered.
 5. If an application for rehearing will be timely filed, the period within which judicial review, under the applicable statute, must be sought, will run from the final disposition of such application. (See 75 O.S. 317)

P. Appeals Process

Any order of the Committee on Student Conduct affirming the expulsion of a student will be final, unless, within three (3) days following the entry thereof, a student lodges a written appeal with the President of the University. Appeals to the president will relate to procedural matters only.

VI. STUDENT ORGANIZATION DISCIPLINARY PROCEDURES

A. Types of Student Organizations. Student organizations may be either organizations sponsored by the University, such as student government associations, associated student body organizations and professional and honor societies; or organizations registered by the University. Organizations which may be registered to operate on campus include the following:

1. Honors and leadership organizations and recognition societies;
2. Departmental organizations and professional fraternities and sororities;
3. Social fraternities and sororities; and
4. Special interest groups (for example political, religion, or athletic).

Registration of a student organization by the University will neither constitute nor be construed as approval or endorsement by the University of the purposes or objectives of the organization.

B. General Policies on Student Organizations

1. No student organization may carry on any activity on the campus unless the organization has been registered by the University.
2. The University will not be responsible for injuries or damages to persons or property resulting from the activities of student organizations or for any debts or liabilities by such organizations.
3. No student organization will deny membership to any person on the basis of age, race, sex, religion, handicap, veteran status or national origin, provided that social fraternities and sororities may have sex-restricted membership.
4. No student organization or individual will engage in or condone any form of hazing. (See statement on hazing in section on Disciplinary Offenses.)
5. Student organizations will be vicariously responsible and liable for the conduct and actions of each member of the organization AND FOR THEIR GUESTS while acting in the capacity of a member or while attending or participating in any activity of the organization. Such actions must NOT be in violation of the Code of Student Conduct.
6. No person, group, or organization may use the name of the University in any manner, provided that registered student organizations may use the name of the University following the name of the organization. No person, group, or organization may use the seal or any symbol of the University without the prior, written approval of the President or his/her designee.

C. Sanctions Against Student Organizations. Any registered student organization may be given a reprimand, placed on probation, suspension, and/or restriction or may have its registration withdrawn by the Chief Judicial Officer, or by another Student Development Administrator appointed by the Chief Student Development Officer, or designee. Such actions may be taken after having a hearing conducted in accordance with the procedures outlined in this document for disciplinary procedures. In the case of Withdrawal of

Registration or Expulsion of an organization, the procedures to be used will be listed under VI. D. unless those procedures have been waived in writing by an authorized representative of the student organization. Such action may be taken for any one of the following reasons:

1. The organization fails to maintain compliance with the initial requirements for registration.
2. The organization ceases to operate as an active organization.
3. The organization requests withdrawal.
4. The organization operated or engaged in any activity in violation of the rules and regulations of the University, of any governing body of federal or state laws.

D. Student Organizations Subject to Withdrawal of Registration/Expulsion. Student Organizations may appeal a withdrawal of Registration/Expulsion as follows:

1. Any sanction imposed as the result of a hearing conducted under the Code shall be effective immediately upon notification of the student organization unless the hearing authority deems a stay of such sanction desirable pending appeal.
2. In any case where the decision results in separation from the University, the decision shall be reviewed by the Chief Student Development Officer, or designee, prior to the decision becoming final.
3. Consideration of the appeal shall be limited to the record of the previous hearing on the following issues:
 - a. Were the procedures of the Code properly followed in the hearing?
 - b. Was the evidence presented at the hearing “substantial?”
 - c. Was the sanction imposed in keeping with the gravity of the violation?
4. An appeal in writing setting forth grounds for the appeal and addressed to the appropriate appellate authority (as outlined in the next section) must be received in the Office of the Chief Student Development Officer, or designee, within three class days after the student organization is notified of the sanction imposed at any hearing or appellate level.

E. Route of Appeals. A decision by any judicial official or body may be appealed to the Chief Student Development Officer, or designee.

F. Appellate Authority.

1. The Chief Student Development Officer, or designee, shall have the authority to do any of the following upon review of an appeal:
 - a. Sustain the previous decision including the penalty imposed, or
 - b. Sustain the previous decision but impose a greater or lesser penalty, or
 - c. Remand the case for further consideration, or
 - d. Reverse the previous decision.
2. The decision of the Chief Student Development Officer, or designee is final. In addition, student organizations may ask for an administrative review after one year from the date their sanction becomes final. The student organization will submit a written request to the Chief Judicial Officer with documentation supporting such request. The Chief Judicial Officer may grant, deny or modify the request. Student organizations may not appeal the decision of the Chief Judicial Officer, but may submit subsequent requests for review at annual intervals.

VII. Academic Misconduct. 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 will 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. 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:

A. 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:

1. copying the answers of another student on any examination or assignment;
2. using a textbook, notes or other aids during an examination without the permission of the professor;
3. tampering with experimental data to obtain “desired” results;

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

B. 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 quotation marks or indentation and referenced with the source. Plagiarism includes, but is not limited to:

1. Copying and/or presenting words, images or thoughts of others as one's own work;
2. Representing any information down-loaded from the Internet as one's own;
3. Copying content in work without providing appropriate quotation marks or documentation;
4. Copying words with minor changes even if the source is given;
5. Expressing another's ideas as one's own;
6. Reusing papers or presentations from a file or any previously written papers;
7. Submitting the same paper or substantial portions of a paper for multiple courses without the permission of the primary professor;
8. Submitting assignments that were completed by another person;
9. Allowing another student to submit one's work as their own.

C. 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:

1. Changing records, logs or other documentation leading to an inaccurate evaluation of the assignment or student performance;

2. Providing false information or omitting pertinent information on applications, records or other documents;
3. Tampering with or destroying the work of others;
4. Creating results for experiments not done (“dry labbing”)

VIII. ATHLETICS.

Athletic activities of each University will be governed by Rules and Regulations of the appropriately affiliated associations, National Collegiate Athletics Association (NCAA), National Association of Intercollegiate Athletics (NAIA), and by the respective athletic conference policies and procedures. The Rules, Regulations, Policies and Procedures are addendums of the Board Policy and Procedure Manual. The Presidents, Commissioner, and all other personnel concerned will be held responsible for all reasonable efforts to see that the above are faithfully executed. The Presidents are authorized to direct, manage, and administer the respective athletic conferences through the established organizational structures contained in Policy and Procedures Manuals.

IX. FINANCIAL OBLIGATIONS

Upon failure of the student to meet financial obligations within time limits set by State statutes, the appropriate department administration may recommend the student=s withdrawal from the University. Financial withdrawal is not a disciplinary measure but may require nullification of the institutional/student relationship, in the event of unpaid financial obligations. If the student believes that procedures for violations of financial obligations have been applied prejudicially or in an arbitrary or capricious manner or where penalties are the result of an alleged error on the part of the University, he/she may have the matter reviewed by the appropriate department administration. If the student does not accept the decision of the appropriate department administrator, he/she may appeal to the Vice President of Administration, whose decision is final. Whenever unpaid financial obligations have led to withdrawal and when these obligations have remained unpaid more than five days from the date of withdrawal, students must receive consideration for re-instatement/re-enrollment from the Chief Judicial Officer. If the student does not accept the decision of the Chief Judicial Officer, he/she may then appeal to the Vice President for Student Development, whose decision is final.

X. HEALTH MATTERS

Students, whose physical or mental health problems may affect the health, safety and/or welfare of the University community or who represent a danger to themselves or others, or whose continuing presence disrupts the academic or administrative process, or who fail to follow the directives of the University Health Center/Counseling Center or other medical/psychological authority regarding these problems, may be medically withdrawn from the University. Action may be initiated by the Chief Judicial Officer upon the

recommendation of the school nurse, counselor or other medical/psychological authority if attempts to achieve the student=s cooperation have failed. If the student does not accept the decision of the Chief Judicial Officer, he/she may request a hearing before the Committee on Student Conduct. After the mental or physical problem has been resolved and the directives of the University Health Center/Counseling or other medical/psychological authority have been complied with, the student may apply for readmission to the University.

XI. ADMISSIONS/RE-ENROLLMENT MATTERS

Prospective students and former students seeking admission or whose applications indicate possible ineligibility of the applicant on grounds involving personal conduct or falsification of admissions documents may be referred to the Chief Judicial Officer for disciplinary review. The potential of the applicant to benefit from University attendance, as well as the welfare and safety of the student body and of the University community, will be carefully considered before permission to enroll or re-enroll will be granted. The Chief Judicial Officer may deny admission or re-enrollment, or place the appropriate sanction upon the student which includes, but are not limited to the following:

1. When evidence indicates the applicant has participated in acts disruptive to the normal operation of an educational institution;
2. When it appears that an applicant or a former student has falsified the application or other admissions forms;
3. When the applicant has committed an act which is in violation of one or more of the categories of misconduct stipulated in the Code;
4. When an applicant has been formally charged with the commission of a criminal act; or
5. When an applicant has been convicted of a criminal act and is on the date of application still under any sanctions imposed by the court, including but not limited to imprisonment, parole and/or probation.

XII. ECU STUDENT RIGHTS

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. These include:

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

Students should submit to the registrar, dean, head of the academic department or other appropriate official, a written request that identifies the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the

records are not maintained by the University official to whom the request was submitted, that official will refer the student to the correct official to whom the request should be addressed.

2. **The right to request the amendment of the student's education records that the student deems inaccurate or misleading.**

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of further action that she or he may take.

3. **The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health/counseling staff); a person or company with whom the University has contracted (such as an attorney, auditor or collection agent); a person serving on the Foundation Board; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. **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 FERPA.**

The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, SW, Washington, DC 20202-4605

XIII. DIRECTORY INFORMATION

Directory information concerning students is treated as public information and is released to the public unless otherwise requested by the student. "Directory information" includes the following: the student's name, 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. The University provides each student the opportunity to restrict disclosure of the designated directory information. (The student may request restriction of their designated directory information through the Admissions and Records department) A student's right of access to his or her education records includes the right to inspect and review the content of such and obtain copies thereof at a reasonable cost within 45 days of requesting them. The right of access of a student does not include access to:

1. Financial records of the parents of the student or any information contained therein;
2. Confidential letters and statements or recommendations concerning admission, employment or the receipt of an honor, which were placed in the records prior to January 1, 1975, or concerning which the student has signed a waiver of access;
3. Administrative and educational personnel records ancillary thereto, which are in the sole possession of the maker thereof and which are not accessible to any person except a substitute;
4. Records of law enforcement officials;
5. Records relating exclusively to a person's employment at the institution when the person is not in attendance as a student of the institution and
6. Records maintained by professional or paraprofessional health-related personnel which are made in connection with the provision of treatment of a student and not available to persons other than the health-related personnel. Information concerning educational records which is personally identifiable with a particular student, other than directory information, will not be released to persons, agencies or organizations other than those hereinafter described unless:
 - a. there is written consent from the student specifying the records to be released, the reason for the release and to whom the information is to be released, with a copy to the student, if requested, or
 - b. such information is furnished in compliance with a judicial order or a subpoena, provided that advance notice of the receipt of the order of subpoena will be provided to the student prior to compliance if possible. Personally identifiable education records may be released to other school officials of the institution, including members of the faculty, who have legitimate educational interests.