

This is an interim policy that may be revoked or rescinded and is subject to Board of Regents' approval.

THE UNIVERSITY OF OKLAHOMA
Interim Student Rights and Responsibilities Code
2020-2021

The purpose of the Student Rights and Responsibilities Code (referred to as the “Code” or “this Code”) is to establish specific student rights and responsibilities while maintaining an environment conducive to the University’s educational mission.

I. Student Rights

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

1. To pursue an education as long as the University’s applicable academic standards, policies, regulations and applicable laws are followed;
2. To certain procedural due process, including notice and an opportunity to be heard;
3. To a prompt, fair, and impartial process during University investigations and proceedings, from an initial investigation to the final result;
4. In cases involving sexual misconduct, the complainant/reporting party and the respondent have the right to have the investigation and proceedings conducted by officials with annual training on issues related to dating violence, domestic violence, sexual violence, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
5. To request appropriate action from the administration for any violation of a right guaranteed by this Code;
6. To establish or disseminate publications free from any censorship or other official action controlling editorial policy or content, in accordance with applicable regulations and University policy;
7. To invite and hear any speaker of choice on any subject, in accordance with applicable regulations and University policy;
8. To use campus facilities, in accordance with applicable regulations and University policy;
http://www.ou.edu/content/studentaffairs/services/policies_and_forms.Html
<http://www.ouhsc.edu/policy/>
9. To peaceably assemble, to demonstrate, inform, or protest, in accordance with applicable regulations and University policy;

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10. To be secure in his/her possessions, against invasion of privacy, and unreasonable search and seizure;
11. To form, join and participate in any student organization or group without regard to race, color, national origin, sex, sexual orientation, gender identity, gender expression, genetic information, age (40 or older), religion, disability, political beliefs or status as a veteran. [<http://www.ou.edu/home/eoo.html>] and [<http://www.ou.edu/home/misc.html>] Provided, in accordance with Oklahoma state law, a religious student association may choose to limit its membership or leadership based on the sincerely held religious beliefs, observances, or practices of the group; and
12. Not to be charged more than once for one incident by the Office of Student Conduct.

II. Student Responsibilities

Students of the University of Oklahoma are responsible for complying with all local, state, and federal laws. As members of the University community, students are also responsible for familiarizing themselves with University policies and regulations when applicable.

In addition, students involved in disciplinary proceedings initiated under this Code, whether as parties, witnesses, or panelists, have a duty to cooperate and discuss the incident with appropriate University officials, adhere to stated deadlines, attend scheduled meetings, provide documentation as requested and participate in all University proceedings. Failure to fulfill these responsibilities may result in a decision being made without the benefit of the student's participation, or may result in a student being charged with failing to comply with the direction of a University official.

Students are responsible for meeting the University's minimal standards of appropriate conduct and may be disciplined for engaging in the following types of prohibited conduct:

1. Abusive conduct: Unwelcome conduct that is sufficiently severe and pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, harassing, or humiliating. The frequency of the conduct, its severity, and whether it is threatening or humiliating are factors that will be considered in determining whether conduct is abusive. Abusive conduct includes verbal abuse, physical abuse, or holding a person against his or her will. Simple teasing, offhanded comments and isolated incidents (unless extremely serious) will not amount to abusive conduct.
2. Alcohol violations: Possessing, using, providing, manufacturing, distributing, or selling alcoholic beverages on or off campus in violation of law or University policies.
3. Arson: The willful setting fire to or burning of a structure or its contents or the property of another.
4. Dishonesty: Manufacturing, possessing, providing, making, or using false information or omitting relevant information to University officials or on University applications, forging, altering or misusing a University record or document, initiating a false report, and knowingly

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- using or possessing forged, altered or false documents or records.
5. Disruption or obstruction of a University activity: Interference with, obstruction or disruption of University activities such as teaching, research, recreation, meetings, public events and disciplinary proceedings.
 6. Drug violations: Possessing, using, providing, manufacturing, distributing, or selling drugs or drug paraphernalia in violation of law or University policies. This includes the use or possession of prescription drugs other than by the person prescribed or for a purpose other than what was prescribed.
 7. Ethical or professional code violations, violation of licensure board rules and regulations, state and federal laws, and/or other applicable regulatory or privileges issues: as defined by the student's College or professional association or licensure board, as may be applicable to the student(s), or applicable laws or regulations.
 8. Failing to abide by or complete a University sanction in a satisfactory manner: Failure to adhere to sanctions or engaging in other prohibited conduct while on disciplinary probation or suspension.
 9. Failure to comply with the direction of a University official who is performing his or her duties. This responsibility includes complying with faculty/staff requirements and directions of study abroad programs, including off-limits designations and other restrictions or instructions.
 10. Failure to keep records up to date: Failing to keep Admissions and Records notified of current school and/or permanent directory information, including email information.
 11. Hazing: Any action or situation that recklessly or intentionally endangers the mental or physical health, safety, or welfare of an individual for the purpose of initiation, participation, admission into or affiliation with any organization at the University, as defined by Oklahoma or federal law.
 12. Interfering with, obstructing or disrupting police or fire responses: Tampering with, impairing, disabling, or misusing fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or alarms; failing to evacuate during a fire alarm; resisting arrest; failing to abide by the directions of police or fire personnel.
 13. Mental harassment: Intentional conduct that is so extreme and outrageous that a reasonable person would not tolerate it.
 14. Misuse of computing facilities: Misusing computer labs and equipment as well as technology resources including the Internet, University networks, computer software, data files belonging to others, email addresses and accounts belonging to others, University databases and violating University Information Technology computing policies.
 15. Misuse or defacement of University property: Damage to or misuse of equipment, property, furniture, facilities and buildings belonging to the University.
 16. Misuse or defacement of property belonging to another.
 17. Retaliation: Taking any adverse action against a person because of, or in retaliation for, the

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person's reporting of a crime or violation of University policy, or in assisting in such a claim.

18. Sexual Misconduct: Refer to Section III Prohibited Sexual Misconduct
19. Stalking (not gender based): Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.
20. Theft: Possessing property that is known or should have been known to be stolen, taking property without the consent of the owner, even with intent to return the property, or obtaining property by false pretenses.
21. Unauthorized entry or exit or attempted entry or exit: Entering or exiting or attempting to do the same without authority or consent with respect to University facilities, property belonging to another, and fraternity and sorority houses.
22. Violation of local, state, federal law or University regulation or policy.
23. Violating of the Sexual Misconduct, Discrimination, and Harassment Policy. Engaging in Title IX Sexual Harassment or other Prohibited Conduct as defined in the Sexual Misconduct, Discrimination, or Harassment Policy.
24. Weapons violations, possession of weapons, firearms, explosives, fireworks, ammunition or incendiary devices on campus: Actual or constructive possession or control of any weapon, including but not limited to air pistols, air rifles, lock blades, fixed blades, knives with a blade longer than four inches, blackjacks, metal knuckles, chemical substances, bombs, or any other device found to be a violation of this Code by Student Conduct. Instruments designed to look like any of the above are included in this prohibition.

III. Prohibited Sexual Misconduct

18. Sexual Misconduct. The following conduct, or attempted conduct, is prohibited, and constitutes "Prohibited Conduct" for purposes of this Policy:
 - 18.1 Hostile Environment Harassment, which is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
 - 18.2 Quid Pro Quo Sexual Harassment, where an employee of the University is conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or
 - 18.3 Sexual Assault, which includes:
 - 18.3.1 Rape - penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;
 - 18.3.2 Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim;

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- 18.3.3 Incest - Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and
- 18.3.4 Statutory Rape - sexual intercourse with a person who is under the statutory age of consent.
- 18.4 Dating Violence, which is violence between individuals in the following circumstances:
 - 18.4.1 The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - 18.4.2 The existence of such a relationship shall be determined based on a consideration of the following factors: (i) length of the relationship; (ii) type of relationship; (iii) frequency of interaction between the persons involved in the relationship.
- 18.5 Domestic Violence, which is an 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 Respondent is or was in a dating relationship; an individual with whom the Respondent has had a child; a person who formerly lived in the same household as the Respondent; or a person living in the same household.
- 18.6 Stalking, which is a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others, or (b) Suffer substantial emotional distress

Special Procedures for Prohibited Sexual Misconduct:

Under the authority of the Office of Institutional Equity and the Division of Student Affairs, Complaints alleging Prohibited Sexual Misconduct must be directed to the Title IX Coordinator. The Sexual Misconduct, Discrimination, and Harassment Policy and Grievance Procedures for Sexual Misconduct and Harassment set forth the process for investigation, adjudication, sanctioning, and appeals for all Prohibited Sexual Misconduct.

IV. Disciplinary Sanctions

Students of the University of Oklahoma who engage in prohibited conduct are subject to the following disciplinary sanctions:

1. Verbal Warning: A verbal notice that the behavior was inappropriate.*
2. Written Warning: A written statement that the behavior was inappropriate, which will remain on the student's University disciplinary record for a specified period of time or until the student meets certain conditions.*
3. Disciplinary Probation: A written statement that the behavior was inappropriate and should subsequent violations occur, the University will take more serious conduct action up to and including suspension or expulsion. This can include exclusion from University affiliated entities,

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including student organization activities, for a period of time or until the student meets certain conditions. Disciplinary probation will remain on the student's disciplinary record for a specified period of time or until the student meets specified conditions.*

4. Educational Sanctions: A specific number of hours of community service, completion of a reflection or research paper, attending a class, program or lecture, attending counseling, or other actions.*
5. Restitution: Repayment for damages or misappropriation of property. This may include monetary compensation or other related service(s), such as cleaning or restoration.*
6. Administrative Fee: Administrative fees for educational programs and presentations as well as policy related administrative costs, which are assessed directly to the student's Bursar account. A financial stop may be placed on the student's record if the student fails to pay the administrative fee by the due date. This stop may prevent the student from registering for future terms or adding or dropping courses.*
7. University-Owned Housing Reassignment or Termination: Reassignment to another University-owned housing unit, exclusion from certain University-owned properties or termination of the student's housing agreement.
8. Administrative Trespass: Denial of access to all or a portion of campus, except for limited periods and specific activities with the permission of the appropriate University official, as designated by the University Vice President for Student Affairs or other appropriate administrative official vested with such authority. Should the student enter campus without written permission, the appropriate University official or the campus police may take action.
9. Suspension: Exclusion from the University and all campuses governed by the Board of Regents of the University of Oklahoma for a specific period of time or until the student meets certain conditions, following which the student may be permitted to re-enroll or apply for readmission to the University, as applicable.
10. Expulsion: Exclusion from the University and all campuses governed by the Board of Regents of the University of Oklahoma for an indefinite period of time, a record of which remains on file permanently.
11. Restriction or Denial of University Services: Restricted from use or denial of specified University services, including participation in University activities.
12. Delayed Conferral of Degree: Delay of issuance of a student's diploma for a specified period of time or until the student meets certain conditions.
13. Strike: The University's official recognition of a student's or organization's violation of the University of Oklahoma's Norman Campus Alcohol Policy.*

* Except in conjunction with other disciplinary measures, these sanctions are not appropriate if a student is found responsible for the following violations of the Sexual Misconduct, Discrimination, and Harassment Policy: Sexual Violence, Dating Violence, and Domestic Violence.

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V. Student Conduct Proceedings

Student Conduct Proceedings are the University's means of affording procedural due process to students who may be sanctioned for engaging in prohibited conduct. The Student Rights and Responsibilities Code Procedures, attached hereto as Appendix A, provide a step-by-step explanation of those proceedings.

V. Direct Administrative Action

A Direct Administrative Action (DAA) is an action that places immediate restrictions upon a student's rights within the University community, up to and including a removal from the University community. A DAA is not a final disciplinary sanction; it is a temporary measure that may be undertaken during the pendency of appropriate due process. A DAA may be imposed only by the UVPSA or other appropriate official vested with such authority when necessary for the welfare or safety of the University community; to maintain order on the campus and preserve the orderly functioning of the University; to stop or prevent interference with the public or private rights of others on University premises; to stop or prevent actions that threaten the health or safety of any person; or to stop or prevent actions that destroy or damage property of the University, its students, faculty, staff, or guests.

When a DAA is imposed, the Office of Student Conduct shall review the facts and circumstances to determine whether Student Conduct Proceedings should be initiated, whether to recommend to the UVPSA or designee that the DAA should be lifted, or whether some other University action is appropriate.

VI. Disciplinary Holds: Student Records, Student Transcripts, and Student Registration

The University may place a disciplinary hold on a student's records during the pendency of Student Conduct Proceedings. A disciplinary hold prohibits a student from registering for classes until the Student Conduct Proceedings, including any review procedure, are complete. Upon conclusion of Student Conduct Proceedings, the University may continue a disciplinary hold on a student's records until the student satisfactorily completes all sanctions.

The University may place a disciplinary hold on a student's record if a student is suspended as part of the sanctions, prohibiting a student from being admitted to or registering for classes at any campus governed by the Board of Regents of the University of Oklahoma. A disciplinary hold shall remain in effect until the suspension period is over, the student has complied with all conditions and/or sanctions, and has reapplied and been readmitted.

Records relating to non-academic student conduct matters are a part of the student's overall education record; however, disciplinary charges and sanctions are not noted on official student transcripts, except where academics are incidentally affected (i.e., the transcript for a student suspended during a semester after the add/drop deadline will reflect withdrawal from any courses in which the student is enrolled).

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VII. Authority and Jurisdiction

The Board of Regents of the University of Oklahoma is charged in the Constitution of the State of Oklahoma with governing the University, and nothing in this Code prevents the Board of Regents from establishing or amending rules or procedures in order to fulfill its responsibility. The UVPSA shall be vested with the authority to establish and operate a Student Conduct Office. The UVPSA or designee has day-to-day responsibility for disciplinary matters and maintenance of records of all actions taken.

The University will initiate Student Conduct Proceedings under this Code within one year from the date that the conduct becomes known to the Student Conduct Office. Provided, however, Student Conduct Proceedings shall be initiated immediately upon receipt of findings from the Office of Institutional Equity. Student Conduct Proceedings may be carried out prior to, simultaneously with, or following civil, criminal or licensure proceedings, at the discretion of the University.

This Code applies to the on-campus conduct of all students and registered student organizations, including conduct using university computing or network resources. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with: academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad, or student teaching; any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment; any activity sponsored, conducted, or authorized by the university or by registered student organizations; any activity that causes substantial destruction of property belonging to the university or members of the university community, or causes or threatens serious harm to the safety or security of members of the university community; or any activity which could constitute a criminal offense as defined by local, state or federal law, regardless of the existence or outcome of any criminal proceeding.

This Code may be applied to behavior conducted online, via e-mail, text, or other electronic medium.

VIII. Review of the Student Conduct Code

The UVPSA, in collaboration with each campus Provost, will appoint at least five (5) persons, including campus Student Conduct representatives and presidents of each campus student government association to review and make recommendations for the revision of this Code every three (3) years, or sooner, if needed. The Committee will solicit input from representatives of the legislative bodies of each campus, and campus student associations as needed. The Committee shall share this input, together with any other observations or findings of the Committee, with the UVPSA. The UVPSA shall consider all input and recommend changes, if any, to the Board of Regents.

The UVPSA, in consultation with the Office of Legal Counsel, is authorized to amend this Code as may be required for compliance with applicable federal, state, local law, applicable regulations, or University policy.

This Code and the Procedures shall be effective beginning August 14, 2020.