



Student Code of Conduct

Purpose

SWOSU provides students with a safe learning environment that is conducive to academic success. This Code of Conduct sustains policies and procedures that support student development by outlining expectations of behaviors and practices that are fundamental to student life at SWOSU.

Learning Outcomes

SWOSU code of conduct supports an educational process. The procedures herein were developed under specific learning outcomes. These learning outcomes encourage students to:

1. Evaluate the impact of behaviors upon oneself, others, and the community.
2. Better understand the conduct process and its purpose.
3. Apply what was learned from the conduct process to future decisions to increase positive outcomes.
4. Repair any harm done to others.

Non-Discrimination and Harassment Statement

SWOSU's policy is in compliance with federal regulations. SWOSU does not discriminate against any individual on the basis of race, color, creed, religion, alienage or national origin, citizenship status, age, sex, gender identity, disability, sexual orientation, genetic information, marital status, veteran status, or any other characteristic protected by applicable federal, state, or local law in any of its policies, practices, or procedures. This policy includes, but is not limited to, admissions, employment, financial services, residential life, educational programs, and other activities the university operates. SWOSU demonstrates a zero-tolerance environment related to any kind of discrimination or harassment.

Retaliation Policy

SWOSU prohibits retaliation against anyone who has submitted a complaint for discrimination, harassment, or sexual misconduct under this policy or local, state, or federal laws. SWOSU also prohibits retaliation against someone participating in an investigation or assisting another to submit a complaint of discrimination or harassment.

Any concerns should be immediately reported using the forms provided on the Dean of Students website or by directly contacting the Dean of Students.

Title IX & Sexual Misconduct

Title IX of the Educational Amendments of 1972 prohibits discrimination based on sex in any educational institution that receives federal funding. Southwestern Oklahoma State University does not tolerate sex discrimination of any kind including sexual misconduct; sexual harassment; relationship/sexual violence and stalking. These incidents may interfere with or limit an individual's ability to benefit from or participate in the College's educational programs or activities.

For more information about Title IX, go to: <https://bulldog.swosu.edu/student-services/dean-students/title-ix.php>

SWOSU does not discriminate against any student on the basis of pregnancy or related conditions. Absences due to medical conditions relating to pregnancy will be excused for as long as deemed medically necessary by a student's doctor and students will be given the opportunity to make up missed work. Students needing accommodation can seek assistance from the Dean of Students office in Stafford 214 or by calling 580-774-3767.

If it is determined that the incident is not within the scope of Title IX, the alleged misconduct shall be referred to the appropriate conduct process.

Marijuana Prohibited

In June 2018, State Question 788 was approved by the voters of Oklahoma and became law. The state question legalized medical marijuana in the state. Despite the passage of this initiative, it is important to know that the use, possession, sale or distribution of marijuana (including medical marijuana and products containing marijuana) on any SWOSU owned/controlled property or event is illegal and against SWOSU conduct guidelines. Additionally, students are prohibited from attending class or work impaired or under the influence of a prohibited substance. Violations of these laws and policies may result in disciplinary action.

Even though medical marijuana is now legal under Oklahoma law, it remains illegal under federal law and the policies of SWOSU's governing board – Regional University System of Oklahoma (RUSO). As a recipient of federal funding, SWOSU must abide by the Controlled Substances Act, the Drug Free Schools and Communities Act, and the Drug Free Workplace Act. Any deviation from these federal statutes and rules will place SWOSU's federal funding, including student financial aid, in jeopardy.

Jurisdiction

To best serve the SWOSU community and ensure the safety and development of all students, the university may enforce its conduct standards in all actions defined as misconduct under the

Definitions section in the Student Code of Conduct whether the misconduct occurred on or off campus property.

Standard of Proof

A Preponderance of the Evidence standard shall be used for conduct investigations when determining if a party is responsible for misconduct. Preponderance of the Evidence is defined as whether the evidence shows that it is more likely than not that misconduct occurred.

Definitions

The following definitions are to be applied under the student Code of Conduct:

1. **Complainant:** The Complainant refers to the individual claiming to have been the victim of misconduct.
2. **Conduct Officer:** an individual designated by the university to investigate instances of conduct violations.
3. **Respondent:** The Respondent refers to the individual accused of violating the Student Code of Conduct.
4. **Sanction:** refers to a purposefully educational consequence following a misconduct investigation. Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.
5. **Student:** The term “student” includes all persons enrolled at the university, both full-time and part-time, pursuing undergraduate, graduate or professional studies. Persons who are not officially enrolled for a particular term but who have a relationship with the university are considered “students.” This definition includes but is not limited to new, continuing, and returning enrolled persons, anyone participating in university sponsored programs and activities for students, persons who enroll for courses from time to time, and participants in third party programs. Failure to observe the following regulations will subject the student to disciplinary action.

Non-Academic Misconduct

Any student who has committed any of the following misconduct is subject to disciplinary sanctions outlined within the Disciplinary Sanctions section of the Student Code of Conduct:

1. **Unsafe Conduct:** Any action which endangers or threatens the safety of oneself or another person.
2. **Harassment:** Engaging in two or more acts that targets another individual with or without the intention of causing serious distress.
3. **Threat or Physical Assault:** any action used to intimidate another and cause reasonable fear, or any action which would cause physical harm to another person.
4. **Illegal use or possession of alcohol or a controlled substance:** any use, possession, or distribution of alcohol or controlled substance except as permitted by law.

5. **Use, possession, or distribution of marijuana:** any use, possession, or distribution of marijuana is prohibited.
6. **Unauthorized use of property:** using university property or equipment without prior approval by an official campus representative
7. **Theft:** taking the possession of another person's property without consent with the intention of depriving them of their property.
8. **Vandalism or Destruction of Property:** defacing or damaging any property within the boundaries of university-owned property or that belonging to another student
9. **Disturbing the Peace:** No student or group of students shall disturb the peace, injure any person, (including hazing), damage or remove university property, or disrupt the functions of the university including its teaching, research, administration, or disciplinary proceedings, public-service functions or other authorized university activity, or interfere with its faculty or staff in the performance of their duties. No student shall encourage or in any way participate in the formation or prolonging of such a gathering.
10. **Hazing:** an activity which recklessly or intentionally endangers the mental health or physical safety of a student for the purpose of initiation or admission into or affiliation with any organization
11. **Weapons:** The possession or firing of firearms, fireworks, explosives, or weapons including but not limited to bows, knives, or guns by students is prohibited on campus, in any student residence, sorority, fraternity, approved private housing or university operated facility, except as they are used in officially approved university programs.
12. **Violation of criminal law:** any violation of municipal, state, or federal law; Students are required to notify the Dean of Students in writing of any criminal felony charges within five (5) days of conviction
13. **Technology Theft and/or Abuse:** Technology theft or other abuse of computer resources and facilities, including but not limited to the following is not permitted:
 - a. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - b. Attempts to circumvent established security procedures or to obtain access privileges to which the user is not entitled.
 - c. Unauthorized transfer of a file.
 - d. Use of another's identification and password.
 - e. Use of computing facilities to interfere with the work of another student, faculty member, or university official.
 - f. Use of computing facilities to send obscene or abusive messages.
 - g. Use of computing facilities to willfully publish, distribute, or exhibit any obscene expression.
 - h. Use of computing facilities to interfere with normal operation of the university computing system.
 - i. Use of computing facilities and resources in violation of copyright laws.
14. **Disruption of university activities:** actions which impede or disrupt a university authorized activity or conduct which would impede a student's access or participation in a university authorized activity.

15. **Violation of university rules:** any action which would cause a violation of any published university rules, regulations, or policies.
16. **Noncompliance with sanctions:** conduct which would violate any sanction or requirement imposed by a previous SWOSU disciplinary procedure.
17. **Refusal to comply:** a refusal to comply with law enforcement or university official in performance of his or her duties.
18. **Acts of Dishonesty:** No student shall commit acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty.
 - b. Furnishing false information to any university official, faculty member, or office.
 - c. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
 - d. Falsifying or participating in the falsification of any university record.
 - e. Assuming the identity of another.
 - f. Any other act of dishonesty which adversely affects the university or the pursuit of its objectives.
19. **Hostile Environment:** Sufficiently serious conduct that denies or limits someone's ability to participate or benefit from programs and activities. A hostile environment may be created by a single or isolated incident, if sufficiently severe, or by persistent or pervasive conduct.
20. **Disorderly Conduct:** any behavior that either does or has the potential to disturb the peace, disturb or infringe the rights of other people, damage property, or result in harm to another member of the university community. Disorderly conduct may include, but is not limited to, disruptive, lewd, dangerous, or unruly behavior, and may involve rude or abusive language expressed verbally or in writing.

Disciplinary Sanctions

Sanctions following a violation of the code of conduct may include, but is not limited to, one or more of the following:

1. **Warning:** A verbal and/or written notice to the student that they are violating or has violated university regulations.
2. **Specified Restrictions and/or Requirements:** The imposing of specified restrictions, including but not limited to: letter of apology, program participation, presentation of a workshop, preparation of a research paper project, social probation, community service, assessment or evaluation, counseling sessions, restitution for damages, punitive fines, residence hall transfer, eviction from residence halls, loss of privileges (i.e., visiting privileges in housing or denial of access to computer services), or any combination of the above, and any other appropriate educational expectation.
3. **Conduct Probation:** Conduct probation is a formal probation. A second violation means that disciplinary action will be based on both charges. The record of conduct probation is kept in the student's disciplinary file and the disciplinary hold on his or her record is removed at the discretion of the DOS.

4. **Temporary Suspension:**

- a. To ensure the safety and well-being of members of the university community or preservation of university property;
 - b. To ensure the student's own physical or emotional safety and well-being; and/or
 - c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.
 - i. The Conduct Officer may impose a university or university housing temporary suspension prior to meeting with the student regarding their conduct.
 - ii. During the temporary suspension, a student may be denied access to university housing and/or to the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible, as the Conduct Officer may determine to be appropriate.
 - iii. The student shall be notified in writing of this action and the reasons for the temporary suspension. The notice shall include the time, date, and place of a subsequent show cause meeting at which the student may show cause why his or her continued presence on the campus or in university housing does not constitute a threat.
5. **Suspension:** A student may be suspended for reasons of conduct for a defined period of time not less than the remainder of the current semester in which he or she is enrolled. A student on suspension is not permitted to be on campus property while suspended unless attending an event which is open to the public. The student who has been suspended may apply for readmission at the close of the period for which he or she was suspended. A Dean's Hold will be placed on the transcript during the period of the suspension.
6. **Indefinite Suspension:** A student may be indefinitely suspended from the University, which includes a denial of admission or re-admission for an indefinite period of time. Readmission may be granted only under exceptional circumstances. A suspension hold will be placed on the transcript.
7. **Expulsion:** 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 Academic Records. A student who is expelled will not be allowed to re-enter the university.
8. **Rescission of Credit or Degree Revocation:** For those students found to have violated University policy, the University may elect to rescind credit for a specific course or program. Likewise, for those students who are found in violation of University policy and who have already graduated, the University may elect to revoke the degree(s) of a given student. When a degree is revoked or credit rescinded, a record of this action will be made a part of the official record of the student or graduate in the Office of the Academic Records.
9. **Disciplinary Hold:** A disciplinary hold may be placed on records of students who have been placed on suspension or expulsion. A disciplinary hold may also be utilized to ensure compliance with other sanctions or requests to appear.

Non-Academic Misconduct Appeals

The decision of the conduct officer in Non-Academic Misconduct investigations shall be final and not appealable except in cases of suspension, expulsion, or degree revocation which may be appealed to a committee on student conduct.

Appeals will be granted only under the following circumstances:

- A procedural or substantive error occurred in either the investigative or adjudicatory process that significantly impacted the outcome (e.g. substantial bias, material deviation from established procedures, the findings and decision are contrary to the great weight of the evidence, etc.); or
- The sanctions imposed are substantially disproportionate to the severity of the violation found.

Appeal Process

To initiate an appeal, a student must make the request to the Vice President for Student Services in writing or via email. The appeal must include the reason for the appeal and be submitted within twenty-four (24) hours (not including state holidays or weekends) after the disciplinary decision is rendered.

An appellate committee shall convene within fourteen (14) calendar days of a request, unless an extension is deemed necessary by the Vice President for Student Services.

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 unless a temporary suspension remains in place in accordance with the policies herein.

Non-Academic Misconduct Hearing Appeals Committee

The Appeals Committee will have no less than three members. The committee will include the Vice President for Student Services as the committee chair. Two other members may include any number of other administrators, faculty, and staff, and may include no more than one student. The chair of the committee will present the investigation report to other committee members. 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 Conduct Officer are reasonable. The committee hearing will result in one of two outcomes:

- The Conduct Officer's determination is affirmed; or
- The Conduct Officer's determination is modified or reversed.

The committee's decision shall be final.