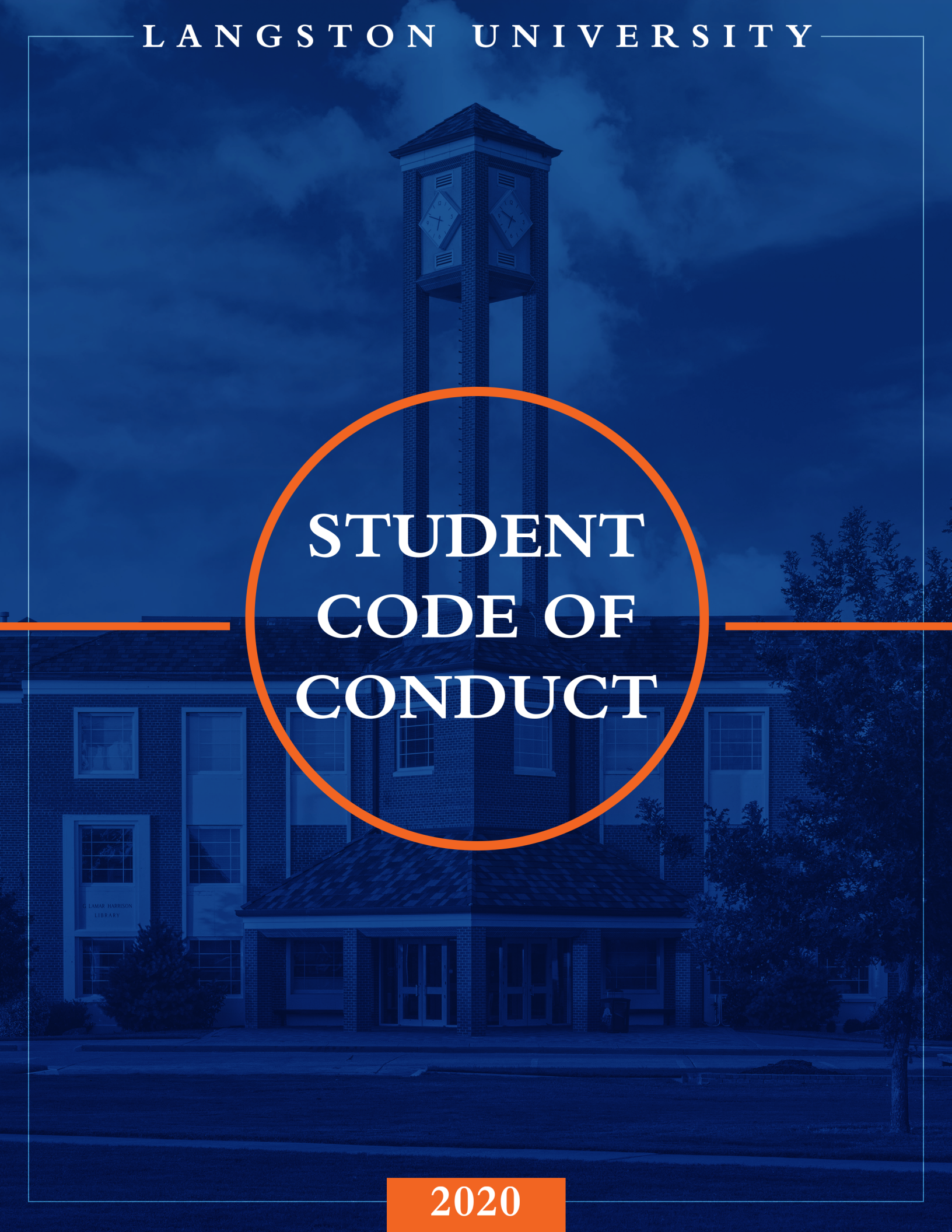


LANGSTON UNIVERSITY



STUDENT  
CODE OF  
CONDUCT

2020

Langston University  
Student Code of Conduct  
Effective 2018

Community Standards

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Langston University is committed to creating and maintaining a productive living and learning community that fosters the intellectual, personal, cultural and ethical development of its students. Self-discipline and valuing the rights of others are essential to the educational process and to good citizenship. Attending Langston University is a privilege and students are expected to meet or exceed the University's standards of conduct both on and off campus.

## Community Standards

Langston University students aspire to follow and promote:

**Integrity:** Langston University students are expected to exemplify honesty, honor, and respect for the truth in all of their actions.

**Community:** Langston University students build and enhance their community.

**Social Justice:** Langston University students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others.

**Respect:** Langston University students must show positive regard for each other and for the community.

**Responsibility:** Langston University students are expected to accept responsibility for their learning, personal behavior and future success, and students should appropriately challenge others to do the same. Students should use judgment, be trustworthy, and take personal responsibility for their actions.

## I. Introduction

### A. Purpose

The Student Code of Conduct outlines Langston University policies and procedures that all students are expected to adhere to during their time at Langston University. The primary focus of the conduct process is on educational and corrective outcomes; however, sanctions such as suspension or expulsion from the University may be necessary to uphold community standards and to protect the campus community. The most current version of the Student Code of Conduct is available at [<http://www.langston.edu/student-life/student-affairs/dean-students>]. For questions regarding the Code of Student Conduct, contact the Division of Student Affairs at 405-466-3444.

1. **Compliance:** Attendance at Langston University is optional, voluntary, and a privilege. When students enroll at Langston University, they voluntarily accept obligations of performance and behavior consistent with Langston University's lawful mission, processes and functions. In general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.

Students are expected to comply with all Langston University policies and contracts. Failure to do so may result in students being required to participate in the conduct action process. Conduct action may also be taken for any violation of local ordinances, state or federal law, on or off campus which adversely affects the Langston University community or the pursuit of the

University's lawful educational mission, process or function. The University will take necessary and appropriate action to protect the safety and well-being of the campus community. In addition, if a student has been found to have broken state or federal law, the University reserves the right to notify the appropriate authority.

Students will have due process and ability to appeal as prescribed in this document and other relevant Langston University policies, rules or regulations. Students may be subject to civil and criminal penalties in addition to campus sanctions. Campus resolution may proceed before, during or after civil or criminal actions are concluded and is not subject to challenge based on the action or inaction of civil authorities.

## **B. Interpretation**

Any question of interpretation regarding the Student Code of Conduct will be determined at the sole discretion of the Dean of Students or her/his designee.

## **C. Definitions**

**Advisor:** A person who has agreed to assist a complainant or respondent during the Langston University conduct process. The advisor may be a person of the student's choosing, including a Langston University faculty or staff member, a Langston University student, a parent, a friend, or an attorney.

**Complainant:** An individual who files a disciplinary complaint; the University may also serve as a complainant.

**Day:** Langston University working day, not including Saturday, Sunday, or Langston University holidays. Time deadlines may be extended during breaks and Langston University holidays.

**Honesty Statement:** The University expects that all information presented will be truthful and accurate. If false information is willfully provided, a student will be in violation of Section II (21) of the Student Code of Conduct and may be held accountable through the student conduct process.

**Incapacitation:** Temporarily incapable of appraising or controlling his/her conduct due to the influence of drugs or alcohol, unconsciousness, being asleep or for any other reason that makes the individual physically unable to communicate willingness to act.

**Parental Notification:** FERPA permits educational institutions to notify parents of students under the age of 21 when a student has been found responsible for an alcohol or drug related violation. Students are generally notified when parents or guardians will be contacted and are given the opportunity to contact the parents first.

**Respondent:** Any student that is alleged to have violated the Student Code of Conduct.

**Sanction:** A disciplinary correction or penalization which is imposed on students who are found responsible for violating the Student Code of Conduct. Sanctions are designed to include educational measures that hold students accountable for their behavior, providing the opportunity for behavior change in an individual/s. Sanctions can range from a verbal warning to suspension or expulsion.

**Student:** Any person who has been admitted and/or enrolled for the current term or a future term at Langston University, including correspondence study, online courses, study abroad and auditing courses. Students are subject to conduct action for misconduct that occurs during any period of enrollment. Students who leave the University before a conduct complaint is resolved may be prohibited from future enrollment until the matter is resolved.

**The Family Educational Rights and Privacy Act (FERPA):** A federal law originally passed in 1974 that defines student educational records and regulates who may access those records and under what circumstances. The purpose of FERPA is to protect the privacy of student education records.

**The University:** Langston University

**Title IX:** A clause in the 1972 Federal Education Act that states that no one shall be denied the benefits of any educational program or activity because of sex. Title IX is not just about sports. It also prohibits sexual harassment, gender-based discrimination, and sexual violence.

**University premises:** Any buildings or grounds owned, leased, operated, controlled or supervised by Langston University. Students should be advised that this includes properties that are not a part of the Langston campus. Examples of these areas include, but are not limited to, Langston University-Oklahoma City, Langston University-Tulsa, and Langston Lake.

**University-sponsored activity:** Any activity on University premises or at an off-campus location that is directly initiated or supervised by the University or a Langston University recognized group or organization. This includes fraternity and sorority organizations, study abroad programs, and sporting events. In addition, University-operated or leased transit is included in this activity even if the behavior occurs off of Langston University premises.

#### **D. Applicability of the Code of Conduct**

As previously stated, the Langston University Student Code of Conduct applies to conduct which occurs on Langston University premises, at University-sponsored events both on and off campus, and to off-campus conduct that adversely affects the Langston University community or the pursuit of its objectives.

Each student is responsible for all of his/her actions from the time of application for admission through the actual awarding of the degree. Inappropriate conduct that occurs before classes begin or after classes end, as well as during the academic year and periods between terms of actual enrollment (even if the conduct is not discovered until after a degree is awarded) is covered by the Student Code of Conduct. The Student Code of Conduct will apply even if the student withdraws from the University while a conduct matter is pending.

The University will take necessary and appropriate action to protect the safety and well-being of the campus community. Off-campus behavior that allegedly violates ordinances, local, state or federal law adversely affects the University community and the pursuit of the Langston University's lawful educational mission, and will be subject to Langston University conduct action. The Dean of Students will decide whether off-campus inappropriate conduct is subject to Langston University conduct action. Examples of off-campus behavior that may be subject to University conduct action include, but are not limited to: selling or otherwise providing alcohol to underage students, selling or distributing illicit drugs, sexual harassment, sexual violence, actions that result in the serious injury or death of another person(s), alcohol or drug offenses,

or any alleged violation that jeopardizes an individual's or community's educational opportunities.

### **E. Good Samaritan**

The University may offer amnesty for minor conduct violations to (1) a student who may have committed a minor violation at the time of a more serious incident or (2) a student who offers help to those who need medical assistance. If amnesty is offered, educational options may be explored, but no conduct actions or record will result.

## **II. Prohibited Conduct**

The following list describes actions that detract from the effectiveness of the University community and for which students may be subject to corrective action. All violations below may be addressed by the University when the behavior potentially jeopardizes the individual's or community's safety or educational opportunities. Prohibited conduct includes, but is not limited to:

### **Integrity**

1. **Academic Misconduct:** Cheating, plagiarism, unauthorized collaboration, alteration of academic materials or other academic misbehavior. For more information, visit [<http://www.langston.edu/faculty-staff/faculty-and-staff-resources>].
2. **Attempts and Complicity:** Attempting to or encouraging others to commit acts prohibited by this code. Apathy or acquiescence in the presence of prohibited conduct may constitute a violation of this policy.
3. **False Reporting:** Knowingly making a false report of a bomb, fire or other emergency.
4. **False Representation(s):** Knowingly making false representation(s) to the University in any form, written or verbal. Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, Langston University.
5. **Forgery or Unauthorized Use:** Forging or using without authorization Langston University documents or records, financial aid documents, computers, electronic mail, telephones, identification or Langston University property.
6. **Theft:** Engaging in theft, attempted theft or unauthorized possession of property belonging to the University other individuals or recognized groups on Langston University property or facilities on or near campus.

### **Community**

7. **Animals:** Failing to properly leash and control and properly dispose of their organic waste.
8. **Classroom Disruption:** Engaging in behavior that a reasonable person would view as substantial or repeated interference with the instructor's ability to teach the class or the ability of other students to benefit from the instruction.

9. **Disorderly Conduct:** Behaving in a disorderly, lewd, indecent manner or breaching the peace on Langston University property or at Langston University-sponsored activities. Examples include any nonconsensual photography, video or audio recording of another person on University premises when such recording causes or is likely to cause injury or distress. This conduct is a violation off-campus if it interferes with an individual's educational opportunities.

10. **Disruption or Obstruction:** Disrupting or obstructing normal University or Langston University-sponsored or Langston University-hosted activities, including, but not limited to: studying, teaching, research, Langston University administration or fire, police or emergency services on Langston University premises or at University-sponsored activities off campus.

11. **Fire Safety:** Engaging in misuse or unauthorized use of firefighting, fire sprinkling systems, smoke detectors and other safety equipment or warning devices, and failure to evacuate when a fire alarm is activated.

12. **Housing & Residential Life Policies:** Failing to comply with on-campus University housing policies. Policies are available in the Policies & Procedures for Residential Life and Housing Services at [<http://www.langston.edu/future-students/first-steps/housing-residential-life>]

13. **Information Technology Policies:** Failing to comply with Langston University Information Technology policies. Policies are available online at [<http://www.langston.edu/policies-and-procedures>]

14. **Parties and Gatherings:** Participating in parties or gatherings that disturb the peace of campus residences or off-campus neighborhoods.

15. **Property Damage:** Defacing, damaging or destroying property belonging to the University or other individuals or recognized groups on Langston University property or facilities on or near campus.

16. **Unauthorized Entry:** Entering into or using without proper authorization, any Langston University building, facility, vehicle, equipment room, area or Langston University-approved housing. This includes unauthorized possession or use of Langston University keys, computers, lock combinations or other special access codes or passwords.

17. **Use of Tobacco:** Using tobacco in any form or using electronic cigarettes (vaping) on University property, as prohibited by Oklahoma State Law.

18. **Weapons:** Possessing, using, or storing firearms, explosives (including firecrackers), weapons or dangerous chemicals on University property or in the course of any Langston University activity, except as specifically authorized under applicable state law. This includes, but is not limited to BB guns, paintball guns, knives, swords, handguns, shotguns and rifles. See Board of Regents Policy 30: 10-01-14 [[regents.okstate.edu/node/148](http://regents.okstate.edu/node/148)] for more information.

## **Social Justice**

19. **Harassment, Threats, and Bullying:** Engaging in subjectively and objectively offensive verbal abuse, threats, intimidation, harassment, coercion, bullying or other conduct that threatens or endangers the mental or physical health/safety of any person or causes reasonable apprehension of such harm that is persistent, severe, or pervasive.

**20. Discrimination:** Discriminating on the basis of sex, race, color, age, status as a veteran, sexual orientation, gender identity, national origin, religion or qualified individual with a disability. See Langston University Faculty Handbook Policy 1.8 and Langston University Staff Handbook Policy 200.0 B for more information.

**21. Interfering with the Conduct Process:** Interfering with conduct procedures or outcomes, including but not limited to: falsification, distortion or misrepresentation of information before the Dean of Students or Hearing Panel; knowingly initiating a complaint without good cause; harassment or intimidation of any member of a Hearing Panel, witness(es), or Langston University personnel before, during or after a proceeding; and failure to comply with the sanction(s) imposed by either the Hearing Panel or Dean of Students.

**22. Retaliation:** Retaliating against a person who, acting in good faith, brings a complaint forward or against an individual who has participated in an investigation or conduct process. For more information, see Board of Regents for the Oklahoma Agricultural and Mechanical Colleges Policy Manual, 3.11 Non-Retaliation.

## Respect

**23. Dating Violence:** Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such relationship shall be determined based on consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

**24. Domestic Violence:** Domestic violence is a crime of violence committed by a:

- a. current or former spouse or intimate partner of the victim;
- b. person with whom the victim shares a child in common;
- c. person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner;
- d. person similarly situated to a spouse of the victim.

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

**25. Hazing:** Engaging in any action or activity that causes or is likely to cause physical or mental discomfort or distress, that may demean, degrade, or disgrace any person, regardless of location, intent or consent of participants, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. State law classifies hazing as a crime, Title 21 Oklahoma Statutes Section 1190.

**26. Physical Violence:** Engaging in physical violence of any nature against any person, on or off campus. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; physically abusing, restraining or transporting someone against his/her will; or acting in a



manner that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.

27. **Sexual Harassment:** Making unwelcomed sexual advances, requests for sexual favors and other verbal or physical contact or communication of a sexual nature when:

- a. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations or other academic opportunities,
- b. Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual, or
- c. Such conduct is sufficiently severe, pervasive, or persistent and both subjectively and objectively offensive that has the effect of creating an intimidating, hostile or offensive environment which negatively affects an individual's academic or employment environment.

Sexual harassment does not include verbal expressions or written materials that are relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the University's educational mission.

For more information, reference [www.langston.edu/title-ix/sexual-harassment-defined](http://www.langston.edu/title-ix/sexual-harassment-defined)

28. **Sexual Misconduct:** Engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior including but not limited to the following examples of prohibited conduct:

- a. **Unwelcome sexual touching:** Touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.
- b. **Exposure:** Engaging in indecent exposure, voyeurism or non-consensual sharing of sexually explicit images.
- c. **Non-consensual sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part.
- d. **Forced sexual assault:** Penetrating any bodily opening of an unwilling or non-consensual person with any object or body part that is committed either by force, threat, intimidation or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to ingestion of drugs or alcohol, age or mental disability) of which the respondent was aware or should have been aware.

29. **Effective consent** is informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability or incapacitation due to ingestion of drugs or alcohol.

For more information, reference [www.langston.edu/title-ix/sexual-consent-what-it-is-and-why-it-matters](http://www.langston.edu/title-ix/sexual-consent-what-it-is-and-why-it-matters)

30. **Stalking:** Willfully, maliciously, and repeatedly following or harassing a person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed or molested and actually causes the person being followed or harassed to feel frightened, intimidated, threatened, harassed or molested. Engaging in a course of conduct composed of a series of two or more separate acts over a period of time, demonstrating a continuity of purpose or unwelcomed contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. This may include repeatedly contacting another person (through any means, such as in person, by phone, electronic means, text messaging, etc.), following another person, or having others contact another person on your behalf.

For more information, reference [www.langston.edu/title-ix/indicators-stalking-behavior](http://www.langston.edu/title-ix/indicators-stalking-behavior)

### Responsibility

31. **Alcohol:** Consuming, possessing, distributing, selling or serving alcoholic beverages on Langston University premises is prohibited (including University housings or at Langston University-sponsored activities) regardless of age. The following are also violations on or off campus:

- a. Public intoxication
- b. Driving under the influence of alcohol
- c. Actual physical control of a vehicle while under the influence of alcohol
- d. Providing alcohol to individuals under 21 years of age
- e. Social Host: Providing a location for any individual under 21 years of age to possess or consume alcohol
- f. Transporting an open container of alcohol
- g. Driving while impaired
- h. Incapacitation due to alcohol
- i. Possession or use of a fake ID
- j. Being underage in possession of alcohol.

Lawful and responsible alcohol consumption is permitted only in designated areas of Langston University campuses, properties and facilities as authorized by the Board of Regents.

32. **Drugs:** Acting or intending to act to illegally use, possess, sell, distribute, cultivate or manufacture any state or federally controlled drug, substance or paraphernalia. Inhaling or ingesting any substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a student's mental state is also prohibited.

33. **Failure to Comply:** Failing to comply with the lawful directions of any Langston University employee acting within the scope of their official duties or failing to identify oneself to such a person when requested to do so.

34. **Gambling:** Illegal gambling for money or other things of value on campus or at University-sponsored activities.

### III. Student Conduct Process

The responsibility for the campus student conduct system is delegated from the Board of Regents for Langston University to the Dean of Students through the President. The Dean of

Students further delegates authority for student conduct to the Student Conduct Hearing Board, Residential Life and Housing Services and the Assistant Dean of Students. The goal is to resolve cases by the lowest appropriate authority for maximum educational benefit.

## **A. Student Conduct Procedures**

The following information is provided to inform students of the procedures in place at Langston University for resolving alleged violations of Langston University regulations. The procedures are designed to allow for fact-finding and decision-making in the context of the University educational community. The objective is to provide procedures that balance the rights of the individual with the legitimate interests of the University and community.

### **1. Complaints:**

- a. Any member of the Langston University community (faculty, staff or student) or any person who is unaffiliated with the University who has knowledge of an alleged violation of the Student Code of Conduct may file a complaint against a student alleging that a violation of the Student Code of Conduct has occurred. The University may itself initiate a complaint.
- b. Such complaint should be filed with the Division of Student Affairs as soon as possible but within 180 calendar days (not Langston University business days) of the alleged violation. A late complaint may be accepted with the approval of the Dean of Students or their designee.
- c. The complaint must be submitted in writing and signed by the complainant(s), or submitted via approved online form and electronically signed by appropriate technical method, and must include the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient detail to make a determination of whether disciplinary action may be warranted.
- d. Complaints may be initiated for incidents where concurrent criminal charges are pending. The University may adjudicate incidents without regard to either pending civil litigation or criminal prosecution. Langston University conduct proceedings may proceed before, during or after court proceedings.

**2. Interim Suspension:** In cases where student health or safety is reasonably believed to be significantly jeopardized, the Dean of Students, in consultation with the President of Langston University or her/his designee, may suspend a student for the period of time required to allow a thorough investigation and opportunity for hearing. Students who are so suspended are not permitted on any Langston University campus or in University buildings, facilities or activities at any time for any reason during the period of the interim suspension, unless otherwise permitted in writing by the Dean of Students.

If the conduct or behavior of a student residing in University housing is determined by the Director of Residential Life and Housing Services, or the Dean of Students to be a threat to self or others, the ability to live in the University housing may be immediately suspended for a brief period of time pending the outcome of a hearing. During an interim housing suspension, the student is immediately removed from the University housing and is not to re-enter any campus University housing until a hearing is held and a decision regarding the pending complaint has been made.

**3. Evidentiary Standard:** In order for a student to be found responsible, the information must support a determination that it is more likely than not that a violation of the Student Code of Conduct occurred. Hearsay evidence may be considered but will be weighed accordingly.

**4. Disposition of Allegations:** The University conduct process is administered through the Division of Student Affairs. Alleged violations of Langston University regulations are referred to a Hearing Panel.

In instances where a student has been convicted of a felony through the criminal process or the University believes they have enough information that would make it more likely than not a violation of the Student Code of Conduct has occurred the University may file a complaint against the alleged student without the cooperation from the victim.

## **B. Student Rights in Conduct Process**

The University views the conduct process as an educational experience that can promote growth in personal understanding of one's role as a member of an educational community and one's rights, responsibilities and privileges therein.

During a conduct process, both the respondent and the complainant have the rights to:

1. A written notice of the alleged violation(s);
2. An explanation of the student conduct process upon request;
3. Have no violation assumed;
4. A timely hearing;
5. Be accompanied by an advisor during the conduct process. In matters not involving possible suspension or expulsion, the advisor is limited to advising the student and may not present information, question relevant parties or make statements during the proceedings;
6. Have access to the information and documents to be presented at the hearing in advance.
7. Be present during the entire proceeding, except during deliberation;
8. The respondent and complainant can question any party or witness present, either directly or indirectly, at the discretion of Hearing Panel Chair;
9. Present material witnesses (those with firsthand knowledge of the incident). The respondent and complainant are responsible for contacting and arranging for the attendance of their own witnesses in all cases;
10. The respondent will receive a written notification of the outcome of the hearing; the complainant can receive written notification of the outcome of the hearing when permitted by federal law;
11. An avenue for appeal from a hearing.

## **C. Hearing Panel Hearing**

Hearing procedures are provided for allegations against a student where suspension or expulsion from the University are possible, if they are found responsible, and for student discrimination grievances.

The Hearing Panel option may not be available during dead week, final examinations, breaks or other periods. If feasible for the Hearing Panel, a hearing will proceed during these times. Additionally, a Hearing Panel may not be available when the Dean of Students or Assistant Dean of Students determines that appearing before the panel poses a threat to the physical welfare of panel members or witness(es).

The Hearing Panel shall be selected from the Student Conduct Committee which is comprised of a minimum of 5 faculty nominated by the Faculty Senate, 5 staff nominated by the Departmental Chairs, and 5 students appointed by the president of the Student Government Association.

A Hearing Panel shall consist of five disinterested members — two faculty members, two students and one staff member selected by the Division of Student Affairs. In instances where two students are not available the hearing will proceed with one student representative and a second staff representative. A faculty member will serve as chairperson. A list of panel members will be available three days in advance of the hearing. Prior to the hearing, alternate Hearing Panel members may be seated to be available in case of conflicts.

If an attorney accompanies the respondent or the complainant at the hearing, the University will have an attorney present. The University's attorney will serve as a non-voting advisor to the Hearing Panel. The advisor may participate directly to the same extent as the student could. Such direct participation is a privilege which, if abused, may be withdrawn by the Chair of the Hearing Panel. If the privilege is withdrawn, the advisor may continue to advise the student. However, if the advisor fails to act in accordance with hearing procedure, the Chair of the hearing panel may bar the advisor from the hearing. The student must notify the Division of Student Affairs at least two University working days in advance of the hearing if accompanied by an attorney. In such cases, the University may have an attorney in attendance.

In cases of sexual harassment, sexual misconduct, discrimination, and/or when the University conducts an investigation, the Langston University Title IX investigator(s) will present an investigation report as part of the hearing proceedings. The investigator will present the report and answer questions. The role of the investigator is to serve as an unbiased party conducting a thorough investigation of all allegations of sexual harassment or sexual misconduct. The investigation report is a compilation of facts, not a verbatim report, and is not appealable or rebuttable.

### **1. Pre-Hearing Procedures**

Hearing panel members will be selected by the Division of Student Affairs based on their availability.

The Division of Student Affairs will prepare and send a written notice to the respondent and the complainant at least three days before the hearing. The notice will be delivered in person, sent electronically to the Langston University email address, or sent via certified mail to the student's last known address of record as filed with the Registrar's Office and will include:

- a. The date, time, place and nature of the hearing;
- b. Reference to the section(s) of the Student Code of Conduct involved;
- c. A brief explanation of the alleged violation(s) including the approximate date, time and place where the alleged violation(s) occurred;
- d. Names of witnesses, if known;
- e. The right to be accompanied by an advisor during the conduct process. In matters not involving possible suspension or expulsion, the advisor is limited to advising the student and may not present information, question relevant parties, or make statements during the proceedings. Additional information regarding the role of advisors in the conduct process may be found at [*INSERT HYPERLINK*].

A staff member from the Division of Student Affairs will be available to meet with the complainant and the respondent, separately, to discuss and explain the hearing procedure and answer questions.

### **2. 24 Hours in Advance of the Hearing**

- a. The respondent and the complainant will provide to the Division of Student Affairs copies of documents to be presented at the hearing and the names of witnesses who will be called.
- b. It is the responsibility of each student to notify witnesses of the date, time and location of the hearing.
- c. The respondent and the complainant have the right to have access to documents to be presented at the hearing, by prior appointment.

### **3. Hearing Procedures**

The hearing provides a forum where all the information and documents can be presented, where questions can be asked of all parties, and where the Hearing Panel can deliberate and decide to the standard of "more likely than not" that a violation of the Student Code of Conduct, did or did not, occur. Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the student or the University may result.

If the Hearing Panel concludes that a violation did occur, the Hearing Panel decides what conduct action is appropriate.

To protect the privacy of all parties and in accordance with FERPA (Family Educational Rights and Privacy Act), hearings will be closed.

The respondent and complainant can present witnesses, who may be questioned by the Hearing Panel. Questioning by the complainant or the respondent is permitted so long as it is not threatening or harassing.

In the case of sexual harassment and sexual misconduct, the Hearing Panel may, in its discretion, exclude evidence of the complainant's sexual history with respondent from discussion during the hearing. The past sexual history of the complainant with persons other than the respondent is irrelevant.

The hearing (excluding the deliberations) will be audio recorded. The recordings are the property of Langston University. Others will not be allowed to make a recording of any type. The University is not responsible for equipment malfunctions. Requests to review audio recordings may be made to the Division of Student Affairs.

If the respondent or complainant elects not to appear for the hearing, the hearing will be held in his/her absence. Failure to appear will be noted without prejudice. Findings will be based on information presented at the hearing.

Material witnesses will be present during the introductory comments of the hearing, including the honesty statement, at which point they will be excused until time to give their testimony. Witnesses will be excused upon completion of testimony and questioning, but they may be asked to remain available for recall. The complainant and respondent remain throughout the hearing.

At the conclusion of the hearing, all parties will be dismissed except for the Hearing Panel so they may deliberate and reach a decision.

Conduct history is not relevant in determining responsibility but can be used as information in determining an appropriate sanction. A student's conduct history will be available to the Hearing Panel if the respondent is found responsible.

The order of presentation at the hearing will be as follows:

- a. Opening statement provided by the Hearing Panel Chair.
- b. The complainant may present an opening statement.
- c. The respondent may present an opening statement.
- d. If relevant, the Title IX investigator(s) will present the investigation report and answer related questions in cases of sexual harassment, sexual misconduct, discrimination, or when the University has conducted an investigation.
- e. The complainant will present information and call witnesses.
- f. The respondent will present information and call witnesses.
- g. At the conclusion of each witness(s) statement, the witness may be questioned by the Hearing Panel, the respondent and the complainant either directly or indirectly.
- h. The complainant may make a closing statement.
- i. The respondent may make a closing statement.
- j. All parties are dismissed for Hearing Panel deliberation.

The Hearing Panel may accommodate concerns for the personal safety, well-being or fears of confronting the complainant, respondent, or other witnesses. Procedures or the hearing environment may be modified as determined by the Dean of Students.

#### **4. Hearing Panel Deliberations and Decision**

The Hearing Panel will deliberate and, by majority vote determine whether it is more likely than not that a violation(s) of the Student Code of Conduct did or did not occur as alleged.

- a. The panel may find that the information presented was not sufficient to establish a finding of responsibility for a violation(s) of the Student Code of Conduct and dismiss the case.
- b. The panel may find that the information presented was sufficient to affirm the allegations and impose a sanction appropriate with the violation(s).

The Hearing Panel decision will be communicated in writing to the Division of Student Affairs, which will notify the respondent, and if appropriate, the complainant in writing within two days.

The notification letter will include findings of fact, sanction(s) imposed (if any) and the rationale for the decision. The notification letter will be delivered in person, sent electronically to the student's Langston University email address and/or sent by certified mail to the student's last known address of record as filed with the Registrar's Office. The notification letter will also be available for pick up in the Division of Student Affairs, Student Success Center Suite 210, within three days of the hearing.

In compliance with Department of Education requirements in cases of sexual violence, sexual harassment or physical violence, the complainant will be notified of the outcome at the same time as the respondent. In other violations, the complainant will not be notified of the outcome.

#### **D. Complainant Notification**

Complainants are entitled to know about the results of proceedings involving alleged crimes of violence or non-forcible sex offenses, as defined by FERPA. Both the respondent and complainant will be notified in writing of the results of any hearing involving alleged crimes of violence or non-forcible sex offenses.

Complainants who have alleged a sexual assault, dating violence, domestic violence, or stalking will be provided with notification in writing of the final outcome of the conduct hearing against the alleged perpetrator, as required by the Campus Security Act.

#### IV. Sanctions

Although not intended to be inclusive, the following are possible sanctions that may be imposed, either singularly or in combination for a student if a violation of the Student Code is found. During a Student Conduct Meeting the student and the conduct officer will work together to develop an Action Plan to aid the student in their ethical, personal and intellectual development.

1. **Written warning** is an official written notice that the student has violated Langston University policies and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
2. **Restriction** is a limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent the University, or denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within housing or fraternities/sororities or other organizations). Students must apply to reinstate the privilege by submitting documentation to the Division of Student Affairs demonstrating their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
3. **Educational and Behavioral Change Requirements** are assigned as an opportunity for personal development and can include, but is not limited to, attending alcohol education, a reflection essay, community service, seeking academic counseling, decision making class, and other relevant educational opportunities.
4. **Class Removal** occurs when a student is dropped from a class or moved to another section of a class. Faculty members, in consultation with the Dean of Students, reserve the right to interim suspend a student from class pending a hearing for alleged violations of the Student Code of Conduct occurring in the classroom that substantially interfere with teaching or other students' ability to learn.
5. **No Contact Order** is an absolute prohibition from contact with specified person or persons in any form whatsoever, including but not limited to contact in person, by phone, electronically, or through another person. A No Contact Order may be implemented as an interim measure for issues regarding sexual violence or other Title IX issues. Violating a No Contact Order may result in suspension from the University.
6. **Restitution** is compensation for the damage caused to the University or any person's property on campus. This is not a fine but rather a repayment for labor costs and/or value of property destroyed, damaged, consumed, or stolen.
7. **University housing Status Change:** The following sanctions may include:
  - a. **Restrictions** on visitation to specified buildings or all University housing.
  - b. **Reassignment** to another University housing facility as determined by Residential Life & Housing Services staff.



- c. **Suspension** from a University housing facility for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- d. **Removal** from living in or visiting any Langston University housing facility.

8. **Conduct Probation** is a specified period of time during which the student is placed on formal notice that he/she is not in good standing with the University and that further violations of Langston University regulations will subject him/her to suspension or expulsion from the University.

9. **Conduct Suspension** is the exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from Langston University are not permitted on any campus or in University buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise permitted by the Division of Student Affairs. Notation on the transcript is not made; however, a record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested during the period of suspension, a letter will be sent with the transcript to the requesting party/ Langston University stating the student is under suspension for conduct reasons. Only unofficial transcripts will be released to the student directly. Any refund of tuition or fees will be subject to the University's normal withdrawal policy.

10. **Deferred Suspension** is suspension involving alcohol or drug offenses that may be deferred pending acceptance into a substance abuse counseling program. Students who are accepted into the program must successfully complete the program to remain in school. Failure to complete the program will result in suspension from the University. Notation on the transcript is not made; however, a record of the action is maintained in the student's record in the Registrar's Office for the duration of the deferment. If a transcript is requested during the period of deferment, a letter will be sent with the transcript to the requesting party/ Langston University stating the student is under deferred suspension for conduct reasons. Only unofficial transcripts will be released to the student directly.

11. **Conduct Expulsion** is termination of student status for an indefinite period. The conditions of readmission, if any, shall be stated in the hearing outcome letter. Students who are expelled from Langston University are not permitted on campus or in University buildings, facilities or activities at any time for any reason, unless otherwise permitted by the Dean of Students. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested during the period of expulsion, a letter will be sent with the transcript to the requesting party/ Langston University stating the student has been expelled for conduct reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student's conduct record. Any refund of tuition or fees will be subject to the University's normal withdrawal policy.

#### **A. Parental Notification**

Langston University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

#### **B. Failure to Complete Conduct Sanctions or Comply with Conduct Office Requests**

All students, as members of the Langston University community, are expected to comply with conduct sanctions within the timeframe specified by the Division of Student Affairs. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and an enrollment hold, which is a “hold” on enrollment privileges. This hold can prevent the adding or dropping of classes or enrollment for subsequent terms. Cancellation of enrollment occurs when a previous enrollment hold has been cleared with the condition that the enrollment will be cancelled for failure to meet the conditions of the clearance. If cancelled, the refund of tuition or fees will be subject to the University’s normal withdrawal policy. A graduation hold is a hold on a student’s participation in graduation exercises and diploma for failure to respond to a request to meet with the Dean of Students or his/her designee, or for noncompliance with conduct sanctions. The Dean of Students may recommend a graduation hold.

### **C. Implementation of Sanctions**

Conduct actions or grievance decisions shall not be implemented until the time for appeal has expired, until the entire appeal process is completed, or if the individual voluntarily waives the right to appeal in writing. The exceptions to delaying sanctions until the process is complete include: 1) when interim suspension has been invoked by the Dean of Students or his/her designee. 2) to protect the health or safety of students on the campus.

## **V. Appeal Procedure**

### **APPEAL TO DEAN OF STUDENTS:**

An appeal is a review of the record of the original hearing, not a new hearing. It is the responsibility of the person who initiated the appeal to show that one or more of the listed grounds for appeal has merit. A student will not appear before the Dean of Students unless specifically requested to do so.

Any outcome decided in a hearing may be appealed to the Dean of Students by the respondent or the complainant.

The Dean of Students will review the record of the prior hearing(s), related documents and evidence. The Dean of Students will render a decision based upon the criteria cited as the reason for the appeal.

Appeals must be submitted in writing to Student Conduct by 5 p.m. within seven days (one calendar week) of the original hearing. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

The appeal must cite at least one of the following appeals criteria as the reason for appeal and provide supporting argument(s) as to why an appeal should be granted on these grounds.

Appeals criteria include the following:

1. The sanctions and/or conditions of sanctions are extraordinarily disproportionate to the violation(s);
2. A procedural defect occurred that significantly impacted that outcome of the hearing;
3. Discovery of new and significant information that could have affected the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the hearing.

The Dean of Students will review the record of the original hearing, including documents, and issue a finding as to the merits of the criteria cited as the reason for appeal. The Dean of Students may:

1. Find there is no merit to any of the grounds cited in the appeal and issue a finding as such.
2. Find the previous hearing was not conducted as prescribed and had substantial prejudice and remand the matter to a new hearing.
3. Refer the case back to the Nonacademic Discipline Panel to review new information.
4. If the sanction is determined to be inappropriate for the violation, the sanction will be modified with the reasons for the amended sanction stated.
5. Find there is no merit to any of the submitted grounds for appeal and that decision will be final.

The final decision will be communicated in writing by the Dean of Students to the complainant and the respondent. The decision will normally be communicated within 10 days of receiving the written appeal. The decision of the Dean of Students will be final.

## **VI. Reviewing Authority**

Reviewing authority is retained by the Dean of Students, at his/her discretion, to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to a Hearing Panel for review or reconsideration.

## **VII. Conduct Files and Records**

Case referrals will result in the development of a conduct file in the name of the respondent. If the student is found not responsible for the allegations, the file will be marked no action, no record and will not constitute a conduct record. Student Conduct records with sanctions less than suspension or expulsion, will be maintained in the Division of Student Affairs for seven years following the calendar year of record, and then destroyed. Records of cases in which suspension from the University occurred are kept for at least 10 years.

All conduct records are private and may not be disclosed in whole or in part except as provided by law, by the written authorization of the student, under legal compulsion or where the safety of other persons may be involved. Conduct records are maintained separate from the student's academic record but are part of the student's educational record.