

Sample of Title IX Documents

Provided by Oklahoma State College, Student Conduct

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Sexual Violence Support Checklist

This list of information and supportive measures should be reviewed with a victim and alleged student and then signed at the end of the intake appointment.

Sexual Violence Supportive Measures Checklist

Name: _____

ID #: _____

Information Provided	Yes, I received this information	No, I did not receive this information
Received Sexual Violence Resource Booklet.		
Received information about SSC Victim Advocate (if applicable).		
Received resources for counseling services.		
Received information on medical/health services.		
Encouraged to report concern to the police and received information on where to report (if applicable).		
Received information about protective orders.		
Received information on Title IX process.		
Received information on Student Conduct process, how to file a complaint, and investigation and hearing processes.		

Supportive Measures	I am interested in this accommodation.	I am NOT interested in this accommodation at this time.	I am undecided if I would like this accommodation at this time.
No Contact Order put in place			
Change living arrangements			
Change work schedule			
Change academic schedule or other academic arrangements			
Escort arrangements			
Transportation arrangements			
Any other support?			

Initial if you understand the following statements...

- I understand I should contact the Office of Student Affairs if I change my mind regarding supportive measures.
- I understand that if I need any future supportive measures which are necessary for me to continue my education I should contact the Title IX Coordinator at 405-383-9541.

Student Signature

Date

Staff Signature

Date

Summary of Resources

More information online at http://www.sscok.edu/ComSafety.html			
Victim Advocates	M-F 8am-5pm: 405-564-2129	24-hour help line: 405-624-3020	http://1is2many.okstate.edu/advocate
Victim Advocates serve as a confidential service option. Victim Advocates can confidentially provide you with information about on and off campus resources available. They can also talk with you about all of your options such as reporting to the police or Student Conduct Education and Administration.			
Student Counseling Center	320 Student Union	405-744-5472	https://ucs.okstate.edu/
The SSC Student Counseling Center offers five sessions of confidential personal counseling free to all students. In addition, there is a professional counselor on call 24-hours per day. This counselor can be reached by calling the counseling center during normal business hours or by calling the SSC Police (405-744-6523) after hours, on weekends, and on holidays.			
Wings of Hope	3800 N. Washington	405-624-3020	https://wingsofhopeok.com/
Wings of Hope, the Stillwater Domestic Violence Center, is a community resource that offers assistance to victims. Wings of Hope can assist in filing protective orders, offers advocacy services, has a sexual assault response team, and offers individual and group counseling.			
Sexual Assault Nurse Exam (SANE)	http://www.stillwater-medical.org/page/main/services/emergency/sane		
If you experienced a sexual assault, the Stillwater Medical Center ER provides care for any physical injuries that may have occurred. Treatment can be provided for sexually transmitted diseases and infections and to prevent pregnancy, if desired. These services are free of charge. A Sexual Assault Nurse Examination can be performed up to 5 days after the assault.			
Supportive Measures	328 Student Union	405-382-9541	https://1is2many.okstate.edu/safetymeasures
Students are able to gain supportive measures from the College. Supportive measures include but are not limited to the following:			
<ul style="list-style-type: none"> • A "No Contact Order" between participants, which prohibits any contact for a specific period of time • Changing living arrangements • Adjusting on-campus work schedules • Providing academic support services • Changing your academic schedule • Arranging escort or transportation arrangements • Other measures which are necessary to promote safety 			
Reporting to Police	SSCPD: 405-382-9500 Walkingstick building	Seminole PD: 405-382-3434 900 N Harvey	
SSC encourages you to report this situation to the police. If this situation happened on campus, it can be reported to the SSC Police. If this situation happened in Seminole, it can be reported to the Seminole Police Department. If it happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred.			
Student Conduct Process	328 Student Union	405-744-5470	http://studentconduct.okstate.edu
Anyone can file complaints against SSC students alleging that a violation of SSC's Student Code of Conduct has occurred through the Student Support and Conduct Office (328 Student Union, 405-744-5470, http://studentconduct.okstate.edu). Violations of SSC's Student Code of Conduct include sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, and more. The Student Code of Conduct provides for sanctions up to and including suspension of students in cases where violations have occurred. To initiate a complaint or if you want more information on this process, please contact Student Support & Conduct as soon as possible. Without a complaint, the College is limited in holding other individuals accountable for their behavior. The College will not tolerate retaliation against a person who, acting in good faith, brings a complaint forward. Retaliation against an individual who has brought a complaint forward, or against an individual who has participated in an investigation, is prohibited.			

Investigation Process Overview Checklist

The following information is covered with the complainant and respondent during their first investigation meeting.

Date: _____
 Student: _____
 Investigator: _____

Topics to Cover	Initials
At any time the complainant or respondent can inquire where the College stands in their process.	
The investigation will be conducted by a trained investigator.	
Review investigation process flow chart.	
There are times that meetings cannot occur in person and are done via phone or via video conference.	
The investigation process can take various amounts of time.	
An advisor can be present during any part of the investigation process. Do you want an advisor present?	
Information about policy and procedures regarding the Student Conduct process are provided online and in the Student Code of Conduct.	
You will be notified of the hearing date and time at least ten days in advance.	
Student Conduct Committee Hearing: Consists of a faculty, staff, and student member of the Student Conduct Committee who will hear both sides and make a decision on whether it is more likely than not that a violation of the Student Code of Conduct occurred. The committee members are unbiased and vetted to have no conflict of interests with the complainant or respondent.	
An outcome from Student Conduct Committee Hearings can result in sanctions up to suspension or expulsion from the College.	
Provide a Student Code of Conduct book.	
Ask the student if they have any questions.	

Investigation Process Flowchart

INVESTIGATION PROCESS

TIMELINE	EXPLANATION
COMPLAINT RECEIVED	Title IX investigator will review a complaint to determine if the actions reported could violate College and/or Title IX policy and regulations. Information about the process and supportive measures are sent to the complainant and respondent.
SEPARATE INVESTIGATION MEETINGS WITH: 1. COMPLAINANT 2. RESPONDENT 3. WITNESSES	During the first investigation meeting Title IX investigator will: <ul style="list-style-type: none"> _ Review the investigation process _ Answer any questions you have _ Ask you to share their perspective on the situation _ Elicit any documentary information and names of relevant witnesses
COLLECTION OF DOCUMENTARY INFORMATION	It is valuable to meet with people who were around during the time of the situation to hear their perspectives. Witnesses must be relevant to the situation, they cannot be character witnesses. Examples of documentary information are screenshots, text messages, emails, or any official documents such as police reports or SANE exams.
FOLLOW UP INVESTIGATION MEETINGS	Title IX investigator will meet separately with the complainant and respondent for a second meeting. This follow up meeting allows for us to go through any gray areas in the information we have gathered. This assist in have an accurate investigation report.
INVESTIGATION REPORT DRAFT	An investigation report and collected documentary information is compiled. This document contains the perspectives of the complainant, respondent, witnesses, and any relevant documentary information.
FEEDBACK ON INVESTIGATION REPORT DRAFT 10 days to review	The complainant and respondent are provided 10 days to review and provide feedback. You can provide any additional information or context you feel is missing from the report. A meeting could be held to discuss the feedback. You can submit a written response.
REVIEW OF ANY WRITTEN RESPONSE	The investigator will review feedback and any written response and determine if more investigation is needed. If more investigation meetings are held then the process starts back at "Separate Investigation Meetings."
HEARING PANEL IDENTIFIED	A Hearing Panel is identified, consisting of one to three staff members. This panel is trained to be un-biased, to determine the facts of the situation, and to ultimately decide on the outcome.
HEARING NOTICE 15 days before the hearing	15 days before the hearing, hearing notices will be sent to the complainant and respondent with the date, time, and location of the hearing. A date and time is selected based on student's academic schedules. This notice will provide a refresher on the outline of the hearing and what you should be prepared to share.
ESTABLISH AN ADVISOR OF CHOICE 12 days before the hearing	The complainant and respondent must notify Title IX investigator with names of advisors and witnesses that will be attending the hearing. A form will need to be submitted 12 days before the hearing. If you do not have an advisor, our office will provide you with an advisor for the hearing.

<p>HEARING FILE 10 days before the hearing</p>	<p>Hearing File is distributed to the complainant, respondent, and their advisors 10 business days before the hearing. The hearing file includes the investigation report including documentary information, the outline of the hearing, the people that will be present for the hearing, and any additional supporting documents.</p>
<p>STUDENT CONDUCT COMMITTEE HEARING</p>	<p>The hearing is held as schedule. See more information about the hearing process online at https://studentconduct.okstate.edu/. In the hearing you will be given a chance to share your perspective and ask and answer questions of the other party through your advisor.</p>
<p>OUTCOME LETTER 2 days after the hearing</p>	<p>Outcome Letter is sent within 2 days of the hearing. The outcome letter will outline if there is a finding of a violation of the Student Code of Conduct and if so any applicable sanctions that were assigned.</p>
<p>APPEAL 7 days after the hearing</p>	<p>Both the complainant and respondent are able to appeal the decision within 7 days of the hearing. The grounds for appeal are</p> <ul style="list-style-type: none"> • Hearing procedures were not followed • New information has been discovered • The sanction(s) assigned are not appropriate • The investigators or hearing panel had a conflict of interest and were biased

Complaint Received and Investigation Notice - Respondent

This letter is sent to the respondent. It summarizes the complaint received and explains the investigation process.

<<BASIC_SALUTATION>>:

I have received a complaint from <<COMPLAINANT>> that alleged you <<BEHAVIOR>> them on <<INCIDENT_DATE>>, at <<INCIDENT_LOCATION>>. Specifically, the policies alleged violated include:

INSERT POLICY DEFINITIONS

No disciplinary charges have been filed at this time, and other policies may pertain once the investigation is completed.

This specific incident does not align within the parameters of a Title IX violation as outlined POLICY NUMBER and will be dismissed due to << INSERT REASON HERE (JURISDICTION, STATUS, ETC) >>.

INSERT INFORMATION ON DISMISSAL APPEAL

However, the allegations still fall under College policy outlined in the Student Code of Conduct/Employee Handbook/College Policy. The College will still investigate and address this complaint. This complaint is currently being investigated by my office and I am the investigator assigned to investigate this complaint. In order to discuss your involvement, you need to schedule an individual meeting with me. To schedule this meeting, please call my office at (405) 744-5470. You are requested to schedule this appointment before <<CALC_THREE_BUSINESS_DAYS>>. Failure to set up a meeting will result in an enrollment hold being placed on your student account. OR You are scheduled to attend an investigation meeting with me on <<CUSTOM_1>> in 328 Student Union.

Information about Investigation Process

The investigation process consists of talking with the complainant, yourself, and any relevant witnesses and review any documentary information relevant to the matter. At the end of the investigation, I will compile a report which you will be provided to review and have ten days to provide feedback. A final investigation report is made available for the hearing process. During the investigation and hearing process, the respondent is assumed to be not responsible until a final outcome is determined. At any point, you may contact me to inquire about the progress of the investigation. Information about the conduct process is listed in the Student Code of Conduct found online at <http://studentconduct.okstate.edu/code>. You are allowed to bring one advisor to the meeting. The role of the advisor is that of a person of support for you.

At the meeting, I will explain how the College investigation and conduct processes work, and you will be given an opportunity to present information and ask questions. All information communicated at the meeting will be included in the investigation report. No disciplinary charges have been filed against you at this point, and our meeting is not a conduct hearing. Disciplinary charges are defined at the conclusion of an investigation process.

If you have a disability and need special accommodations of any nature whatsoever for the meeting, please contact me two business days prior to the meeting so that arrangements can be made with Student Accessibility Services to provide the accommodations.

Please note,as stated in the Student Code of Conduct and in the Board of Regents policy, any form of retaliation will not be tolerated against any person who, acting in good faith, brings a complaint forward. Retaliation against an individual who has brought a complaint forward or against an individual who has participated in an investigation is prohibited and would be in violation of College policy.

The College expects that all information presented will be truthful and accurate. Be advised that if false information is willfully provided, a student will be in violation of Section 2 (21) of the Code of Conduct and may be subject to disciplinary action.

All participants in this process have access to supportive measures. Please review these options at <https://1is2many.okstate.edu/safetymeasures.html> and let me know if we can assist in any of these supportive measures. If you have any questions regarding this matter, please do not hesitate to contact me at 405-744-5470.

Sincerely,

Investigation Report

Investigation Report

Submitted by:

Hearing Date:

I. INTRODUCTION OF REPORT

This report outlines the investigation conducted by XXXX, Coordinator of Student Conduct Education and Administration.

Student Conduct Education and Administration received a formal complaint on XXXX from XXXX, alleging that XXXX, (XXXXsummary violationXXXX). Upon receiving the complaint, XXXX initiated a non-biased investigation of all potential forms and acts of gender discrimination. The following report outlines her/his investigative process and findings.

For the purpose of the Student Conduct Education and Administration hearing process, this report will serve as an item of documentary information for the Student Conduct Committee Hearing Panel to determine whether it is more likely than not that there has been a violation of College policy. The complaint filed and information shared by XXXX alleges that XXXX violated the College's policy on sexual harassment and sexual misconduct.

II. ROLE OF INVESTIGATOR

The role of the Investigator is to serve as a non-biased party while conducting a thorough investigation of all allegations and potential forms and acts of gender discrimination. This report is a compilation of facts, not a verbatim report, and is not appealable or rebuttable. Additionally, the investigator does not serve as a decision maker, nor has a role in the deliberation process.

III. INVOLVED PARTIES

The Complainant:

The Respondent:

Witnesses:

The following are the witnesses that the investigator met with as well as a brief description of their relation to this case.

A. **Witness 1:**

B. **Witness 2:**

IV. INCIDENT SPECIFICS

Date of Incident:

Date Reported/Date Complaint Filed:

Location of Incident:

Background Information:

V. REPORTED INFORMATION

The following information collected through the investigation process. The facts are organized based on the case timeline and by topic.

VI. APPLICATION OF COLLEGE POLICY

This section of the report is for the purpose of the Student Conduct Education and Administration Hearing process. XXXX alleges that XXXX violated the following provisions in the Student Code of Conduct:

POLICY VIOLATIONS

In order to determine that XXXXX violated College policy as outlined in the Student Code of Conduct, the standard of proof required is a preponderance of the evidence, i.e., the evidence demonstrates that it is more likely than not that the policy was violated.

VII. INFORMATION ON INTERACTIONS

This section is an element of the report to provide additional context to the interviews for the Hearing Panel.

Signature of Investigator

Date

Printed Name of Investigator

Investigation Report Distribution Letter

Basic Salutation:

Thank you for your participation in the investigation process. At this time, I have concluding my meetings with all parties and relevant witnesses and have reviewed all of the documentary information collected. Attached you will find the investigation report. The investigation report is a compilation of facts that were gathered through the investigation process.

To ensure I have accurately summarized your information and documentary information and to identify if there is further investigation needed, I am asking for your review. Feedback should include any adjustments to the information you shared and additional relevant context. You are able to see the information shared by the other participant and witnesses (if applicable). It can be frustrating to see how they have described the incident. You are able to respond to their perspective by providing comments to add context, but are not able to change any of the details that they have provided.

To easily provide feedback, please edit the document in Microsoft Word through utilization of “Track Changes.” To turn on “Track Changes” go to “Review” tab. This is also the tab that allow you to add a “New Comment.”

Additionally, you are able to provide a written reponse to the investigation report. After receipt of the written response I will evaluate if I need to interview any participant again or if there are new witnesses that were not previously disclosed.

You are provided 10 day to review. Email your review and any written response to me at EMAIL by DATE at TIME.

Please call (405)744-5470 or email (EMAIL) with any questions.

Sincerely,

Hearing Prep Checklist

Filled out by Investigator

Respondent:	
Respondent Advisor:	
Respondent Witnesses:	
Complainant:	
Complainant Advisor:	
Complainant Witnesses:	
Panel Advisor:	
College Investigator:	
SCEA Representative:	
Estimated length needed for hearing & deliberation:	
Specifics to consider when scheduling a location (number of rooms)	

Scheduling the Hearing

Find times that work for both students. Narrow down the time based on the calendars of the Panel Advisor, Investigator, and SCEA Representative. Make sure to add to calendars.	
Panel arrival time	
Complainant/respondent arrival time_____	
Room reservation time (30 minutes before complainant/respondent arrival time)_____	
Find a panel that works with the above time using the SCC scheduler. Panel should be meeting 15-30 minutes before the scheduled hearing time.	
Faculty Member (Chair)	
Staff Member	
Student Member	
Panel Advisor	
Add scheduler spreadsheet for hearing to Maxient file.	
Find a room that can be used for the hearing unless otherwise noted above.	
Options: Suite 1600, Sequoyah Room, 302 Student Union, ITLE (143, 104), etc. The room needs to be set up in conference room style. Add location to calendars. Location:	
Email location and time to the hearing panel, advisor(s), investigator, and student conduct representative to confirm hearing.	

Hearing Notice

- Prep Student Conduct Committee Hearing Notice. Save for SCEA Rep to send.

Prep and Send Hearing File

- Prep Hearing File. To include:
 - People Present
 - Hearing Outline
 - Binder Index Page
 - Investigation report
 - Additional investigation documentation
 - Hearing notices
 - Suspension Precedence
- Email Hearing File to complainant and respondent.
- Prep Additional Panel Information
 - Hearing Script
 - Finding, Rationale, Sanction Sheet
- Upload Hearing File and Additional Panel Information to SharePoint
- Email the 3 panel members and advisor the SharePoint link (needs to be at least 72 hours before hearing)

Prep Hearing Binders

You will make a total of eight packets for the binders.

1. Faculty
2. Staff
3. Student
4. Panel Advisor
5. Respondent
6. Complainant
7. Investigator
8. SCEA representative

Prep Conduct History/Academics (Magic Envelope)

- Print Hearing Panel Chair Envelope and complete the prior history form. If there is history, make three copies for the panel members. If no history, one copy is sufficient.
- Print student's transcript from Self-Service Banner. One copy is sufficient.

Laptop Prep

- Save Finding, Rationale, and Sanctions sheet to desktop.

Hearing Materials

- Eight hearing binders/packets
- Four training manual binders
- Audio recorder
- Extra batteries
- Pens
- Eight Codes of Conduct
- Four notepads
- Box of Kleenex (Preferably an opened box, as it often gets left)
- Laptop in bag (post-it with SCEA log in information)
- Two Bags (one bag to bring some items back and another bag for panel advisor to use)

Guide for Advisors in the Student Conduct Process

THIS HAS NOT BEEN UPDATED POST MAY 2020 TITLE IX REGULATIONS

The Oklahoma State College Student Code of Conduct stipulates that a student may select an advisor to advise him/her during student conduct proceedings. The following information is intended to inform advisors of their role in SSC's student conduct process.

What is an advisor?

An advisor is any person who has been selected by and agreed to assist a complaining or responding student during the College conduct process.

Who can serve as an advisor?

An advisor may be an SSC faculty or staff member, another SSC student, a friend, a parent, an attorney, or any other person of the student's choosing. The student must notify Student Conduct Education and Administration two College working days in advance of the hearing if he/she will be accompanied by an advisor who is an attorney. Please be aware that when the College has its attorney in attendance during a panel hearing, he or she will advise the hearing panel and will not participate in the presentation of evidence.

What is the role of an advisor during a Student Conduct Meeting?

The role of an advisor in a Student Conduct Meeting is to:

- Support the student.
- Consult with the student during the meeting.
- Suggest questions for the student to ask.
- Assist the student in clarifying his/her response to questions.

The role of an advisor is not to act as a participant in the hearing which comports with due process requirements. Students are allowed to have one advisor present with them during their meeting. Advisors are limited to advising the student and may not present information, ask questions, or make statements during the meeting. An advisor may not speak for or on behalf of a student. During a meeting, an advisor may quietly converse with or write notes to a student. It is asked that the advisor be mindful that communication with the student does not disrupt the meeting.

What is the role of an advisor during a Hearing?

A hearing differs from a Conduct Meeting as the respondent is facing possible suspension or expulsion from the College.

The role of an advisor in a hearing is to:

- Support the student.
- Consult with their student during the hearing.
- Suggest questions for the student to ask.
- Assist the student in clarifying his/her response to questions.

In a hearing, advisors may:

- Participate only to the extent and in the same manner as afforded to the student they are advising.

Advisors may not:

- Delay, disrupt, or interfere with the proceedings.
- Present information not relevant to the issues being discussed at the Hearing.
- Disrespect others in the hearing by badgering or harassing the other student(s) involved including, but not limited to, making victim blaming statements.

Advisors are expected to:

- Act in a professional and courteous manner.
- Be mindful that the Student Conduct process is educational in nature, not penal.

What happens if an advisor does not act within the limitations outlined for him/her?

In Student Conduct Meetings, if an advisor does not act in accordance with the limitations set forth then a Conduct Officer will warn him/her that if noncompliance persists, the advisor will be required to leave the hearing. If the advisor continues to act outside the limitations set forth, the advisor may be required to leave the meeting.

In hearings, participation is a privilege which, if abused, may be withdrawn by the Hearing Officer or Hearing Panel Chair. If the privilege is withdrawn, the advisor may continue to advise the student, but may not participate directly in the hearing. If the advisor fails to act in accordance with hearing procedure and with the standards set forth herein, the Hearing Officer or Hearing may require the advisor to leave the hearing.

What is the difference between the College student conduct process and the legal system?

The College’s philosophy on student discipline is educational in nature. Student Conduct Education and Administration strives to help students learn from their choices in addition to holding them accountable for their behavior. The standards set forth by the College in the Student Code of Conduct are considered much higher than the obligations imposed by civil and criminal law for all citizens. The following chart depicts the main differences between the legal system and the College student conduct process.

Legal System	College Student Conduct Process
Prosecutes criminals who violate the law	Disciplines students who violate institutional rules
Higher standard of proof – “beyond a reasonable doubt”	Lower standard of proof – “more likely than not”; also referred to as the preponderance of the evidence
“Rules of Evidence” often applied in state and federal courts	“Rules of Evidence” do not apply to Student Conduct hearings. ¹ The hearing officer or panel will weigh all evidence including issues of credibility and relevance when making a determination
More severe punishment	Educational and corrective accountability
Can imprison people	Maximum consequence is expulsion
State and federal laws set minimum standards for the safe and orderly operation of society	Set standards requiring ethical and moral behavior of students to create and maintain a productive College living and learning community
Legal system may choose not to prosecute a certain action or behavior	Campus resolution may proceed before, during, or after civil or criminal actions are concluded. Civil and criminal processes do not affect the Student Conduct process.
Punishment	Sanctions
Guilty or not guilty	Responsible or not responsible
Plaintiff vs. Defendant	Complainant and Respondent

When will I have the opportunity to depose witnesses?

There are no depositions in a Student Conduct process. Neither the complainant nor respondent should approach the other party’s witnesses prior to the hearing. All questions for either party or their witnesses take place during the hearing proceeding.

When will I receive discovery?

There is no formal discovery in the Student Conduct process. Both the complainant and respondent may review the hearing file in Student Conduct Education and Administration office

¹ See Nash v. Auburn Univ., 812 F.2d 665 (11th Cir. 1987) (holding that “student disciplinary hearings follow flexible rules and need not conform to formal rules of evidence”); Boykins v. Fairchild Bd. of Educ., 492 F.2d 697, 701 (5th Cir. 1974); Wasson v. Trowbridge, 382 F.2d 807, 812 (2d Cir. 1967).

three days prior to the hearing. If the advisor would like to review the file they will need to either be accompanied by the student or have a signed record release from the student on file with Student Conduct Education and Administration

Both the complainant and respondent have the opportunity to submit information and a witness list for the hearing file. This information must be submitted at least three College working days prior to the hearing to be included in the hearing file and addressed in the hearing.

Can I request that the hearing be postponed?

The student may request a postponement, but pending criminal proceedings will not serve as a basis for postponing a student's hearing. The student should make the request at least three days prior to the hearing and will generally only be granted in cases of serious illness, family emergency, or for academic reasons. The College schedules hearings around the involved students' academic schedules. Advisors will not be consulted regarding scheduling hearings. An advisor's unavailability for the hearing will not serve as a basis for postponement.

How can an advisor obtain information about a case?

In compliance with the Family Educational Rights and Privacy Act (FERPA), Student Conduct Education and Administration cannot release information about a case without written consent from the student. If written consent from the student is provided, Student Conduct Education and Administration can disclose information about the case directly to the advisor as indicated in the release. Record release forms can be completed by the student in Student Conduct Education and Administration office, Student Union 328.

Can the College send communications to the advisor?

At all times, Student Conduct Education and Administration will correspond and communicate directly with the student involved. It is the responsibility of the student to relay all information to their advisor.

How can advisors best prepare for their role in the student conduct process?

Advisors assisting students as they navigate the student conduct process are encouraged to familiarize themselves with the Student Code of Conduct which can be found online at <http://studentconduct.okstate.edu/code>. This document outlines College standards, procedures, prohibited conduct, and possible sanctions. If you have any further questions or concerns about this information or the role of an advisor in the Oklahoma State College student conduct process please contact Student Conduct Education and Administration at (405) 744-5470 or in 328 Student Union.

Hearing Notice- Respondent

{{BASIC_SALUTATION}}:

As you know, I have received information from {{REFERRED_BY}} indicating that on {{INCIDENT_DATE}} you were {{CUSTOM_1}} for {{CUSTOM_2}} at {{INCIDENT_LOCATION}}. This report alleges that you have violated the following {{CUSTOM_9}} of the Student Code of Conduct, which can be found online at <https://studentconduct.okstate.edu/code>:

{{EXPANDED_CHARGES_LIST_INDENT_NUM_BREAK}}

Based on the allegations and alleged provisions of the Student Code of Conduct, this case will be heard by the Student Conduct Committee Hearing. The hearing has been scheduled as follows:

DATE: {{APPT_DATE_WITH_DAY}}

TIME: {{APPT_TIME}}

LOCATION: {{APPT_LOCATION}}

This hearing has been scheduled around your classes. You have a right not to be present at the hearing, but, please note that if you fail to attend the hearing and/or fail to answer the questions asked of you during the hearing, it will proceed in your absence and an outcome will be determined on the information available. You are assumed not responsible until the final outcome.

The hearing is closed to the public. At the hearing, you will be given an opportunity to make statements, provide material witnesses, and offer a description of the sanctions you feel would be appropriate if {{CUSTOM_1}} were to be found responsible. A portion of the hearing will center around you answering and asking relevant questions. Your advisor must be present at the hearing to facilitate asking questions of the other party. At the conclusion of the hearing, the hearing panel will decide whether it is more likely than not that {{CUSTOM_1}} violated the Student Code of Conduct, and, if so, what action is appropriate, based on the information presented. If {{CUSTOM_1}} is found responsible for violating the Code of Conduct at this hearing, educational sanctions may be imposed, ranging from a verbal warning to conduct suspension or expulsion from Oklahoma State College. These are serious allegations for which suspension or expulsion will be a consideration if the respondent is found responsible.

At the hearing you will be afforded all rights extended under the Student Code of Conduct, which is available in print from my office or online at <https://studentconduct.okstate.edu/code>. I encourage you to review the entire Student Code of Conduct prior to the hearing. I also recommend that you review the tips for preparing for this type of hearing online at <https://studentconduct.okstate.edu/studentinfo>. If you have questions or need additional information about the hearing process or your rights, please contact me at (405) 744-5470.

{{CUSTOM_1}} is expected to appear as a respondent. {{CUSTOM_4}} will present the investigation report. {{CUSTOM_5}} {{CUSTOM_6}}.

Documentary Information

Documentary information including the investigation report to be presented at the hearing will be available for review ten business days prior to the hearing. If you plan to bring witnesses to the hearing, please notify me in writing twelve business days in advance of the hearing. Witnesses must be present to answer questions of the panel and the other party. . If you plan to present documentary information during the hearing, copies need to be provided to Student Conduct Education and Administration twelve business days in advance of the hearing so it can be included in the hearing file made available to all hearing participants.

Advisor Information

You are required to bring one advisor to the hearing. If you do not have an advisor, the College will provide you with one. The role of the advisor is that of a person of support for you. Your advisor may

participate to the same extent you are able to participate. During the hearing you will be given the opportunity to ask the other party questions. Your advisor must facilitate asking questions. An advisor's participation is a privilege which, if abused, may be withdrawn. If the privilege is withdrawn, your advisor may continue to advise you. However, if your advisor fails to act in accordance with the hearing procedure, they may be asked to leave the hearing. If an advisor privilege is withdrawn or asked to leave a hearing, the College will provide an advisor. You must notify me twelve days in advance with the name of your advisor, or if you need the College to appoint you one. Additional information on the role of the advisor can be found at <https://studentconduct.okstate.edu/advisors>.

If you have a disability and need special accommodations of any nature whatsoever for the hearing, please contact me two business days prior to the hearing so that arrangements can be made with Student Disability Services to provide the accommodations
{{CUSTOM_8}}

I am available to meet with you to discuss the hearing process or other questions you might have at a pre-scheduled time. You can schedule an appointment by calling my office at (405) 744-5470.

Sincerely,

Hearing Outline

- I. Call to Order- Chair
 - A. Identify all parties present
 - B. Preliminary comments
 - C. Honesty Statement
 - D. Hearing Conditions
 - a. Hearing will be audio-recorded.
 - b. All information/statements will be restricted to matters directly relevant to the charges.
 - c. Advisors, if present may participate to the same extent as the student and if questions are asked of the other party it must come from the advisor.
 - d. Any person who is disruptive or fails to abide by the hearing procedures set may be removed.
- II. Opening Statements
 - A. Complainant
 - B. Respondent
- III. Presentation of Information and Witnesses:
 - A. College Investigator
 - a. Presents the investigative report
 - b. All parties may ask related questions.
 - B. Complainant
 - a. Presents information and witnesses
 - b. All parties may ask related questions.
 - C. Respondent
 - a. Presents information and witnesses
 - b. All parties may ask related questions.
- IV. Closing Statements
 - A. Complainant
 - B. Respondent
- V. Panel Deliberation: All parties excused

Hearing Script

I. Call to Order

The hearing begins with all participants in the room, including witnesses, so that the hearing panel chair may make introductions and explain the procedures.

Start audio recorder.

Today is **DATE** and it is [time]. We are in **LOCATION**. The hearing will now begin. Good **afternoon**, my name is **CHAIR**, and I will be serving as the chair of the Student Conduct Committee Hearing. My role is to oversee the Student Conduct Committee Hearing that will be conducted today. Please note that today's hearing is being electronically recorded, so please speak clearly for the recorder. This recording represents the sole official verbatim record of the Student Conduct Committee Hearing and is the property of this institution.

At this time, I will ask the members of the Hearing Panel to introduce themselves.

- Would the Hearing panel members introduce themselves?
- Would the Hearing panel advisor introduce themselves?
- Would the Student Conduct representative please introduce themselves?
- Would the complainant introduce themselves?
- Would the complainant's advisor introduce themselves (if present)?
- Would the respondent introduce themselves?
- Would the respondent's advisor introduce themselves (if present)?
- Would any witnesses introduce themselves (if present)?
- **Would the College Investigator please introduce themselves (if applicable)?**

I will now go over the different roles of individual's present in the hearing:

The Student Conduct representative is present as a non-voting participant. Their role will be to:

- facilitate dialogue between the Hearing Panel and the students involved,
- ensure appropriate participation from participating advisors, and
- answer procedural questions as needed.

A member of Legal Counsel is present to serve as a non-voting advisor to the Hearing Panel.

If an advisor is present read the following statement.

The role of the student's advisor is to advise and support the student. Advisors may participate to the same extent as the student. Such participation is a privilege and if abused can be withdrawn. 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 advisor will be required to leave the hearing. Advisor participation will be monitored by the Student Conduct representative.

This is a College disciplinary hearing, not a court of law. Formal rules of evidence are not applicable to any part of this hearing. It is expected that everyone will conduct themselves with civility and that any information presented will be relevant to the issues to be resolved at this hearing. The submission of any information which is not relevant to the issues to be resolved today is not permitted. Deviation from the prescribed procedures will not invalidate a decision or hearing unless significant prejudice to the complainant or the respondent may result.

Honesty Statement

The College expects that all information presented will be truthful and accurate. Be advised that if false information is willfully provided, a student will be in violation of Section 2 (21) of the Code of Conduct and may be subject to disciplinary action.

Complainant (**Name**): Do you understand the honesty statement?

Respondent (**Name**): Do you understand the honesty statement?

Dismissal of Witnesses

Witnesses, other than the respondent and the complainant, are present in the hearing only while offering their information. You will be asked to reenter to offer your testimony. Please do not discuss the case with each other while waiting. **Would all witnesses, other than the respondent and the complainant, please leave the room and wait in [location]?**

Note regarding witnesses: If a witness is not present for the honesty statement when it is first read, the honesty statement will need to be read again during the time in which the witness presents their information. If a witness is on the phone their CWID will need to be confirmed for identity purposes.

Announcement of Allegations

The hearing panel is meeting today to consider an allegation that the respondent, violated the Code of Conduct. This allegation was made by the complainant. The objective of this hearing is to review the facts of this case as outlined in the investigation report and as presented by the parties here today, to determine whether or not the respondent violated the Code of Conduct as alleged, and if so, to determine what sanction is appropriate. The hearing panel will consider all information included in the investigation report and any information presented during the hearing today. The standard of proof used in this hearing is that of a preponderance of the evidence; that is, the hearing panel will decide whether it is more likely than not that a violation of the Code of Conduct did occur.

RESPONDENT NAME, the respondent, has been alleged to have violated the following provision/s of the Student Code of Conduct:

Section 2, number 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:

- a. **Unwelcome sexual touching**
- b. **ExpSSCre**
- c. **Non-consensual sexual assault**
- d. **Forced sexual assault**

Would the respondent please respond to the **charge/s** which I have just read indicating whether you accept responsibility for violating **this/these provision/s** of the Student Code?

If the respondent does not accept responsibility for violating each of the provisions of the Student Code listed above, then the hearing shall proceed. If the respondent does accept responsibility for violating each of the provisions of the Code, then the hearing shall proceed with the presentation of information limited to that which should be considered in the imposition of sanctions.

Chair Asks Complainant (Name)

1. Are you aware of the charges at issue today and do you understand them? *If the complainant says "no," clarify what they do not understand.*
2. Did you receive a copy of the Student Code of Conduct or information about where to access it online?

Chair Asks Respondent (Name)

1. Are you aware of the charges at issue today and do you understand them? *If the respondent says "no," clarify what they do not understand.*
2. Did you receive a copy of the Student Code of Conduct or information about where to access it online?

Preliminary Matters

I would like to call attention to the hearing outline, which outlines the structure to be followed in today's hearing. Please make note of the conditions listed at the top.

Are there any preliminary matters that need to be addressed before we begin?

II. Opening Statements

At this time, we will begin the portion of the hearing during which information is presented for consideration in determining if the respondent has or has not violated the Student Code.

The complainant and the respondent will be provided the opportunity to share introductory remarks, known as an opening statement. You are not required to do so.

Would the complainant like to make an opening statement? If so, please proceed.

Complainant makes opening statement.

Would the respondent like to make an opening statement? If so, please proceed.

Respondent makes opening statement.

III. Presentation of Information and Witnesses

First, before the two parties present their information, we will have the College investigator present their investigative report. Know that this report is a compilation of facts, not a verbatim report, and is not appealable or rebuttable. The hearing panel will consider all information included in this investigation report and any information presented during the hearing today.

College Investigator presents their report

- Do the panel members have any questions for the College Investigator?
- Does the Complainant have any questions for the College Investigator?
- Does the Respondent have any questions for the College Investigator?

At this time, the Board will hear from the complainant and their witnesses (if applicable). Is there anything you would like to share with the panel?

- Do the panel members have any questions?
- Does the Respondent have any questions?

To read after each witness is done: Thank you very much for taking the time to participate in the hearing today. Your participation is appreciated. Please do not discuss with other potential witnesses the information you have shared with us today.

At this time, the Board will hear from the respondent and their witnesses (if applicable). Is there anything you would like to share with the panel?

- Do the panel members have any questions?
- Does the Complaint have any questions?

To read after each witness is done: Thank you very much for taking the time to participate in the hearing today. Your participation is appreciated. Please do not discuss with other potential witnesses the information you have shared with us today.

Allow one last opportunity for each party to ask questions of the other. It is acceptable to allow each party to ask one or two questions they may have thought of during the course of the hearing. The idea is to be fair and to provide the opportunity for all possible information to be presented to the hearing panel.

Notes to Chair during questioning

- *Check on the timing of the incident, relevant chronology.*
- *Establish the student's perspective of what occurred.*
- *Establish the facts of the incident.*
- *Identify sources of the problem. For example, had the student(s) been drinking; how is the student doing academically; what is the student's attitude, etc.*

The panel would like to ask a couple of final questions before we move into closing statements.

To Complainant (Name):

- a. How has this situation affected you?
- b. If found responsible, what do you believe to be an appropriate outcome and consequence for these allegations?

To Respondent (Name):

- a. How has this situation affected you?
- b. If found responsible, what do you believe to be an appropriate outcome and consequence for these allegations?

IV. Closing Statements

At this time, the complainant and the respondent will be provided the opportunity to make concluding remarks, known as closing statements. You are not required to do so.

Are there any questions before we proceed?

Would the complainant in this case like to make a closing statement? If so, please proceed.

Would the respondent in this case like to make a closing statement? If so, please proceed.

Before we close, can the College Investigator please tell the panel if there is information that was presented here today that doesn't align with your previous investigation or other points you feel we need to know.

Closing

Thank you for attending today's proceeding.

A decision letter will be sent to you via certified U.S. mail to your local address and by email to your OKSTATE email address within two working days. You may also pick up a copy of the decision letter in 328 Student Union during the same time. Both parties are permitted to file an appeal within seven business days. More information about the appeal process is in section 5 of the Student Code of Conduct.

Thank you again. At this time, all parties are excused so that the panel can deliberate.

Turn audio recorder off.

V. Deliberation and sanctioning

- 1. Facilitate a determination of the facts and a decision of the student's responsibility.*
- 2. Keep the discussion going and take care that one person does not dominate the time.*
- 3. Referring back to the charge letter, list what facts support or do not support the complaint.*
- 4. Return the Findings, Rationale, and Sanctioning Forms to 328 Student Union so that the College Presenter may formulate an outcome letter using your decision.*

At the end of deliberations, gather each panel member's file and turn them and the audio recording into Student Conduct, 328 Student Union