

## Board of Trustees of the University of Oregon

### Resolution: Adoption of Proposed Changes to Student Conduct Code (II)

Whereas, UO Policy 571-021-0100 stipulates that the primary mission of the Student Conduct Code is to set forth the community standards and procedures necessary to maintain and protect an environment conducive to learning;

Whereas, UO Policy 571-021-0100(2) notes that a corollary mission of the Student Conduct Code is to teach students to live and act responsibly in a community setting, with respect for the rights of other students and members of that community...and to encourage the development of good decision-making and personal integrity;

Whereas, to be effective, the Student Conduct Code must be updated and kept current, and must be in line with state law, federal law and best practices;

Whereas, certain portions of the UO's Student Conduct Code require such updates to reflect best practices and ensure compliance with federal guidance concerning timelines and procedural fairness, as well as updates to reflect current state law;

Whereas, the Division of Student Life recommends permanent changes be made to the Code to ensure compliance with state and federal laws, to reflect best practices in the effort to prevent sexual assault, and to update the Code with respect to current governance, practices and naming conventions (see Exhibit A attached hereto for a red-lined version of proposed changes and Exhibit B for a clean version of proposed change with comments);

Whereas, the Policy on the Retention and Delegation of Authority stipulates that the Board has retained authority to approve any and all changes regarding student conduct policies;

Whereas, ORS 352.029 provides that the Board manages the affairs of the university by exercising and carrying out all of the powers, rights and duties that are expressly conferred upon the board by law, or that are implied by law or are incident to such powers, rights and duties; and

Whereas, the Academic and Student Affairs Committee has referred this matter to the full Board of Trustees as a seconded motion, recommending passage;

NOW, THEREFORE, the Board of Trustees of the University of Oregon hereby adopts the proposed changes to the Student Conduct Code, attached hereto in Exhibit A as permanent changes.

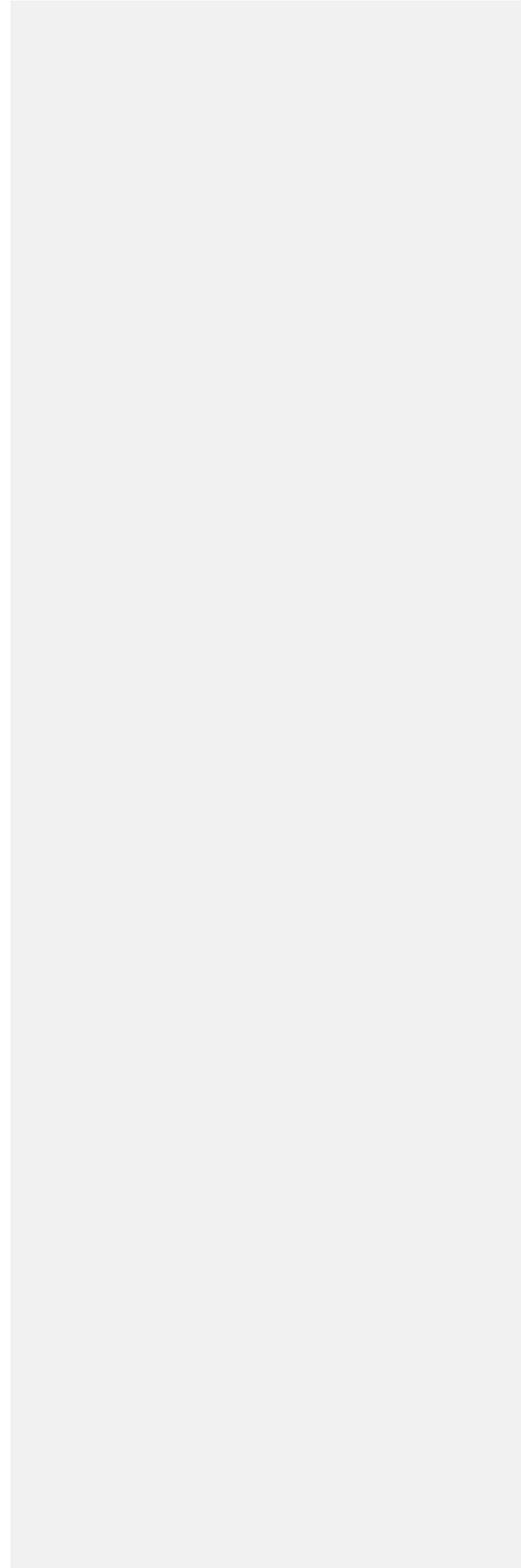
*--Vote recorded on following page--*

Trustee	Yes	No
Ballmer	X	
Bragdon	X	
Chapa	X	
Colas	X	
Curry	NP	NP
Ford	X	
Gary	X	
Gonyea	X	
Kari	X	
Lillis	X	
Ralph	X	
Schlegel		X
Wilcox	X	
Willcox		X

Dated: 4 of June, 2015.

Initials: 

**EXHIBIT A: Red-lined proposed new changes**



# STUDENT CONDUCT CODE (Draft 5/24/2015)

All revisions to Student Conduct Code procedures, including but not limited to jurisdictional revisions, shall apply retroactively to pending Student Conduct complaints, filed on or after September 11, 2014

**Commented [rjr1]:** Added upon advice of General Counsel to ensure that this revised code applies in all cases currently being processed that were filed after the Board of Trustees made temporary changes on September 11, 2014.

## ~~571-021-0100~~ Section 1: Student Conduct Policies

**Commented [rjr2]:** All references to Oregon Revised Statutes are removed and a new numbering system has been adopted.

**Commented [SW3]:** Added to be consistent with practice

### I. Mission

1. The primary mission of the Student Conduct Code is to set forth the community standards and procedures necessary to maintain and protect an environment conducive to learning and in keeping with the educational objectives of the University of Oregon. Founded upon the principle of freedom of thought and expression, an environment conducive to learning is one that preserves the freedom to learn -- where academic standards are strictly upheld and where the rights, safety, dignity and worth of every individual are respected.
2. Learning is a process defined by the exchange of ideas and the advancement of knowledge. As such, learning entails a community of scholars united by their participation in, and commitment to, intellectual exchange. The University is, first and foremost such a community. Learning also involves reflecting on decisions and improving decision-making in the future. By establishing the standards of this community, the Student Conduct Code serves not just as a disciplinary system, but also as a part of the educational system. Hence, a corollary mission of the Student Conduct Code is to teach students to live and act responsibly in a community setting, with respect for the rights of other students and members of that community, and for the property, common resources, code of conduct, and laws associated with that community, and to encourage the development of good decision-making and personal integrity.
3. Students are simultaneously members of the University community and the broader community (e.g. city, state, nation, and world). The Student Conduct Code, and the processes of its administration and enforcement, is directed specifically toward maintaining the standards of the University community. Within its jurisdiction the University may impose disciplinary sanctions against students or student organizations when their conduct materially interferes with the educational objectives of the University or university community member.

## 571-021-0105

### II. Definitions

[This section of the code outlines the definitions of words commonly used in the code.]

Commented [SW4]: Extraneous language

For purposes of the Student Conduct Code, ~~571-021-0100 et seq.:~~

(1) “Academic Misconduct” means the violation of university policies involving academic integrity. Examples include, but are not limited to:

(a) Intentional tampering with grades, resubmitting assignments for more than one class without the permission of the professor; and

(b) Intentionally taking part in obtaining or distributing any part of a test that has not been administered;

(c) Cheating, as defined ~~in 571-021-0105(3);~~ [in this code](#)

(d) Plagiarism, as defined ~~in 571-021-0105(26);~~ [in this code](#)

(e) Knowingly furnishing false information to a University Official; and

(f) Fabrication, as defined ~~in 571-021-0105(14);~~ [in this code](#)

(2) “Accused Student” means any student accused of violating the Student Conduct Code.

(3) “Cheating” means any act of deception by which a student misrepresents or misleadingly demonstrates that ~~he or she~~ [the student](#) has mastered information on an academic exercise ~~that he or she~~ [that](#) the [student](#) has not mastered. Examples include but are not limited to:

Commented [SW5]: Removes gendered pronouns

Commented [SW6]: Removes gendered pronouns

(a) Giving or receiving unauthorized help in an academic exercise;

(b) Use of sources or resources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;

(c) Acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff; and

(d) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

(4) “Community Standards Administrator” means the University official, as designated on a case-by-case basis by the Director of Student Conduct and Community Standards, authorized to impose sanctions upon any student found to have violated the Student Conduct Code.

(5) “Community Standards ~~or~~ [Student Conduct](#) Committee” means the Committee established pursuant to ~~571-021-0110~~ [this Code](#), comprised of persons appointed by the President with the responsibility for formulating, approving or recommending changes related to the Student Conduct Program.

Commented [SW7]: In line with current name of the committee

(6) “Complainant” means any person who submits a complaint alleging that a student violated the Student Conduct Code. The Complainant need not be a person who was the target or victim of the alleged violation.

(7) “Contacting” has its common meaning. It includes, but is not limited to, communicating with or remaining in the physical presence of the other person.

(8) “Contact of a Sexual Nature” for purposes of Sexual Misconduct in the Student Conduct Code means ~~the touching of the genitalia, anus, buttocks or breasts of a person or causing such person to touch the genitalia, anus, buttocks or breasts of another.~~

(9) “Contempt” means disregard of, or disobedience to, the rules or orders of any ~~tribunal~~ [process](#) under this Code or an interruption of its proceedings by disorderly behavior or insolent

Commented [SW8]: The Student Conduct Process is based on an educational and developmental model for an administrative process, rather than an adversarial model based on the criminal process. This language was changed to make the code language more consistent with our practice.

language in a way or place that disturbs the proceedings or ignores the authority of the tribunal.  
(10) “Director of Student Conduct and Community Standards” is the person designated by the University Senate, Board of Trustees and University President or designee to be responsible for the administration of the Student Code.

(11) “Drug” means a controlled substance or its immediate precursor classified in Schedules I through V under the federal Controlled Substances Act, 21 U.S.C.811 to 812 or as defined in ORS475.005 or modified in ORS475.035.

(12) “Explicit Consent” for purposes of Sexual Misconduct in the Student Conduct Code means voluntary, non-coerced and clear communication indicating a willingness to engage in a particular act. “Explicit consent” includes an affirmative verbal response or voluntary acts unmistakable in their meaning.

(13) “Fabrication” means the intentional use of information that the author has invented when ~~he or she~~ the student states or implies otherwise, or the falsification of research or other findings with the intent to deceive.

Commented [SW9]: Removed gendered pronouns

(14) “Faculty Member” means a person hired by the University to conduct classroom, research or teaching activities or who is otherwise considered by the University to be a member of its faculty, including officers of instruction, officers of research and officers of administration.

(15) “Gambling” means an activity in which a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. “Gambling” does not include those activities expressly excluded by ORS167.117.

(16) “Harassment” means

(a) Intentionally subjecting a person to offensive physical contact;  
(b) Unreasonable insults, gestures, or abusive words, in the immediate presence, and directed to, another person that may reasonably cause emotional distress or provoke a violent response (including but not limited to electronic mail, conventional mail, social media and telephone) except to the extent such insults, gestures or abusive words are protected expression; or

Commented [SW10]: Added to reflect the modern types of harassment/behavior seen by SCCS

(c) Other types of prohibited discrimination, discriminatory harassment, and sexual harassment as defined by law.

(17) “Hazing” means any initiation rites, on or off campus, involving any intentional action or situation that a reasonable person would foresee as causing mental or physical discomfort, embarrassment, or ridicule. Individual acceptance of or acquiescence to any activity that occurs during an initiation rite does not affect a determination of whether the activity constitutes hazing. Activities and situations that may occur as part of hazing include, but are not limited to:

- (a) Sleep deprivation or causing excessive fatigue;
- (b) Physical or psychological shock;
- (c) Public stunts or jokes;
- (d) Compelled ingestion of any substance;
- (e) Degrading or humiliating games or activities;
- (f) Activities that have an adverse effect on academic progress;
- (g) Forced servitude;
- (h) Activities which are not consistent with the parent organization's rules and regulations; or
- (i) Other activities which violate Federal, State, or local laws.

(18) “Institution” means the University of Oregon and all of its undergraduate, graduate and

professional schools, divisions, activities and programs and may be used interchangeably with "University."

(19) "May" is used in the permissive sense.

(20) "Mental Disorder" for purposes of Sexual Misconduct in the Student Conduct Code means that a person suffers from a mental disease or disorder that renders that person incapable of appraising the nature of the conduct of another person.

(21) "Mental Incapacitation" for purposes of Sexual Misconduct in the Student Conduct Code means that a person is rendered incapable of appraising or controlling one's own conduct at the time of the alleged offense because of the influence of a controlled or intoxicating substance or because of any act committed upon the person without consent.

(22) "Member of the University Community" includes any person who is a student, faculty member, University official or any person employed by the University.

(23) "Penetration" for purposes of Sexual Misconduct in the Student Conduct Code means any degree of insertion, however slight, of the penis or any object into the vagina or anus, or the penis into the mouth.

(24) "Physical Helplessness" for purposes of Sexual Misconduct in the Student Conduct Code means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to engage in an act.

(25) "Plagiarism" means using the ideas or writings of another as one's own. It includes, but is not limited to:

(a) The use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement; and

(b) The unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(26) "Policy" means the written regulations of the University. Examples of where written policies may be found include, but are not limited to:

(a) The Student Conduct Code;

(b) Residence Life Contract;

(c) Information posted by the University on its web pages;

(d) Computer Acceptable Use Policy;

(e) Living Group Alcohol policy;

(f) Greek Social Policy;

(g) Graduate/Undergraduate Catalog;

(h) Student Handbook; and

(i) University and Oregon University System Oregon Administrative Rules.

(27) "President" means the University President.

(28) "Shall" and "will" are used in the imperative sense.

(29) "Sexual Misconduct" means:

(a) Unwanted Penetration is Penetration of another person, or causing the Penetration of another person, when one:

(A) Does not first obtain Explicit Consent from that person; or

(B) Knows or should have known the person was incapable of explicit consent by reason of Mental Disorder, Mental Incapacitation, or Physical Helplessness.

(b) Nonconsensual personal contact occurs when a student subjects another person to contact of a sexual nature when a reasonable person would know that such contact would cause

emotional distress:

(A) Without having first obtained Explicit Consent; or

(B) When he or she knows or should have known the person was incapable of explicit consent by reason of Mental Disorder, Mental Incapacitation, or Physical Helplessness.

(c) Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that interferes with work or academic performance because it has created an intimidating, hostile, or degrading environment and would have such an effect on a reasonable person of the alleged complainant's status when the conduct is unwelcome and sufficiently severe or pervasive that it deprives that person of benefits of the University's educational environment.

(d) A single episode of behavior that meets (a), (b), or (c) can be sufficient for a finding of sexual misconduct

(30) "Student" means any person who has student status pursuant to ~~571-021-0115~~ [Section IV \(Jurisdiction\) of this code](#).

(31) "Student Organization" means any group of University of Oregon students meeting criteria for group recognition established by the University.

(32) "University" means the University of Oregon and all of its undergraduate, graduate and professional schools, divisions, activities and programs and may be used interchangeably with "institution."

(33) "University Appeals Board" means the person or persons authorized by this Code ~~pursuant to 571-021-0165~~ to consider an appeal from the outcome of an administrative hearing. [conference](#)

(34) "University Official" means a person having assigned University responsibilities who is performing their University assignment.

(35) "University Premises" includes all land, buildings or grounds owned, leased, operated, controlled or supervised by the University including adjacent sidewalks and streets.

(36) "University Sponsored Activity" means any activity, including activities sponsored or organized by recognized student organizations, on or off University premises that is directly initiated or supervised by the University.

(37) "Unwanted Contact" means repeated or persistent contact or attempts to contact another person when the contacting person knows or should know that the contact is unwanted by the other person; and

(a) The contact would cause a reasonable person fear of physical harm; or

(b) The contacting person knows or should know that the contact substantially impairs the other person's ability to perform the activities of daily life.

## **571-021-0110**

### **III. Delegations and Authority**

**The Board of Trustees of the University of Oregon delegates authority for administering this Code and the Student Conduct program as provided below:**

**Commented [SW11]:** Additional language proposed and passed by UO Senate. The Division of Student Life agrees with this change because it is crucial that the code makes it clear that a single incident of sexual misconduct is enough to be found responsible for an allegation.

**Commented [SW12]:** Changed to make consistent with our process. All cases are heard by an administrative conference rather than a hearing

(1) The Director of Student Conduct and Community Standards shall develop policies for the administration of the student conduct system and procedural that are consistent with provisions of the Student Conduct Code.

(a.) Consistent with ~~571-021-0205(1)(d)~~, this code the Vice President for Student Life's or designee may serve ad hoc in place of the Director of Student Conduct and Community Standards.

(2) ~~The Community Standards~~ **The Student Conduct Committee** shall be responsible for recommending to the Board of Trustees of the University of Oregon policy or administrative changes in any aspect of the Student Conduct Program.

**Commented [SW13]:** Changed to reflect the current name of the committee

(a) The Committee shall be appointed by the President and shall consist of four faculty members to be recommended by the Committee on Committees and four student members to be recommended by the ASUO. Faculty and student members shall serve staggered, two-year terms and may be reappointed, up to three consecutive terms, or a maximum of six consecutive years. The President may appoint temporary members to assure full Committee membership during summer session or at such other times as are necessary.

(b) The Director of Residence Life or designee, the Director of Student Conduct and Community Standards and the Director of the Office of Student Advocacy shall be non-voting, ex-officio members of the ~~Community Standards Committee~~ **Student Conduct Committee**.

**Commented [SW14]:** Changed to reflect the current name of the committee

(3) Sub-delegation of Authority to ~~Minor Tribunals~~ **alternative processes** and hearing officers.

**Commented [SW15]:** The Student Conduct Process is based on an educational and developmental model for an administrative process, rather than an adversarial model based on the criminal process. Each instance of this language was changed to make the code language more consistent with our practice and to reflect the educational philosophy of the Office of Student Conduct and Community Standards, removing "judicial" terminology

(a) With the consent of the President of the University, the Community Standards Committee may sub-delegate jurisdiction to handle violations of the Student Conduct Code to University officials, committees or ~~minor tribunals~~ **alternative processes**. In all instances such sub-delegation shall be defined by the Committee in terms of specific jurisdiction, enforceable regulations, and maximum disciplinary sanctions that may be imposed.

**Commented [SW16]:** See note [SW15] above.

(b) Subject to approval by the President, the Community Standards Committee sub-delegates to the Interfraternity Council, Panhellenic Council, Club Sports Executive Committee, and Residence Hall Association the authority to formulate:

(A) Regulations governing the conduct of their respective organization members;

(B) Hearing procedures and administrative practices to be followed by their respective ~~tribunals~~ **process**;

**Commented [SW17]:** See note [SW15] above.

(C) Disciplinary sanctions exclusive of expulsion, suspension, eviction or negative notation on transcript appropriate to the enforcement of their respective regulations; and

(D) Procedures for publication and notification to affected students of such regulations, hearing procedures and disciplinary sanctions.

(c) All such regulations, hearing procedures, and disciplinary sanctions shall be reduced to writing and approved by the ~~Community Standards~~ **Student Conduct** Committee prior to implementation.

**Commented [SW18]:** Changed to reflect the current name of the committee

(d) The authority granted to ~~minor tribunals~~ **alternative processes** and their respective governing bodies is conditional and may be withdrawn at any time by the Community Standards Committee when a ~~minor tribunal~~ is either unable or unwilling to assume its responsibilities as part of the University's Student Conduct Program.

**Commented [SW19]:** See note [SW15] above.

## IV. Jurisdiction

**{Jurisdiction describes where and when the Student Conduct Code applies.}**

(1) Jurisdiction over types of actions and events. The Student Conduct Code applies to actions by Students that materially interfere with:

- (a) An educational opportunity of a University community member;
- (b) The health and safety of any person;
- (c) The maintenance or protection of University property or personal property located on campus;
- (d) University record keeping;
- (e) University living accommodations and other services; or
- (f) University sponsorship or supervision of non-classroom activities such as lectures, concerts, athletic events and social functions.

(2) Jurisdictional boundaries.

(a) On-Campus. The Student Conduct Code routinely applies to actions which occur on University Premises or at a University Sponsored Activity.

(b) Off-Campus. The University extends jurisdiction without exception to off-campus sexual misconduct that consists of unwanted penetration or non-consensual personal contact as defined in ~~571-021-0105(3)~~-Section 1, II (29) of this code. The University shall have discretion to extend jurisdiction over conduct that occurs other than on University Premises or at a University Sponsored Activity. In determining whether or not to extend jurisdiction, the University will consider its ability to gather information, including testimony of witnesses. The University may extend jurisdiction if the alleged conduct would have violated the Student Code of Conduct if the conduct had occurred on campus; and:

- (A) Adversely and significantly affects the learning or living environment; or
- (B) Involved violence or produced a reasonable fear of physical harm; or
- (C) Involved academic work or any records, documents, or identifications of the University.

(3) Student Status. An individual's status as a "student" is established by:

- (a) An application for admission, housing, financial aid, or any other service provided by the University which requires student status;
- (b) Registration for one or more credit hours; or
- (c) Enrollment in a special non-credit program approved by the University.

(4) Jurisdiction over non-enrolled students. Jurisdiction is maintained between periods of enrollment unless the accused individual's official record in the Office of the Registrar shows a complete withdrawal prior to the expiration of the published deadline for registration for the succeeding period of enrollment. For students enrolled in the spring term, jurisdiction is maintained until the expiration on the published deadline for registration for the succeeding fall term.

(a) If a student withdraws from the University after a Student Conduct complaint has been initiated, the University will maintain jurisdiction over the conduct matter until it is fully processed.

**Commented [SW20]:** Proposed change, passed by the UO Senate, modified to ensure that the University has sufficient jurisdiction to complete all cases.

(b) Allegations of sexual misconduct, academic dishonesty or fraudulently obtaining a degree may be filed at any time, whether or not the student is currently enrolled or registered.

(5) ~~In all cases except academic dishonesty or fraudulently obtaining a degree, the University must file disciplinary complaints under the Student Conduct Code within six months of:~~

— (a) ~~The University's discovery of the student's or student organization's involvement in the alleged violation; and no later than~~ The University has jurisdiction to address all conduct that would have violated the terms of the Student Conduct Code while the student was enrolled, if the conduct occurred from the date the Student is admitted to the University until the Student graduates or otherwise completely withdraws from the University, as described above, even if the conduct is not discovered until after the student completely withdraws or graduates

**Commented [SW21]:** Proposed change to clarify and strengthen language that ensures that the University has jurisdiction to move forward and resolve all cases that occurred when a student was an enrolled student.

— (b) ~~The student's last date of enrollment or registration, or an organization's recognition.~~

(6) Allegations of sexual misconduct, academic dishonesty or fraudulently obtaining a degree may be considered at any time regardless when the alleged misconduct occurred.

**Commented [SW22]:** Proposed changed, passed by the UO Senate. This change is necessary and supported by the Division of Student Life because of the unique and tangible impact that sexual misconduct can have on a student's ability to be able to fully participate in the University experience.

(7) Students may be accountable both to civil and criminal authorities and to the University for behavior that constitute violations of the law and the Student Conduct Code. Since the action of civil and criminal authorities is independent from University action, the University may decide whether to initiate or consider an alleged violation of the Student Conduct Code while criminal charges are pending or before they are filed or after they are resolved.

## 571-021-0120

### V. Violations of Community Standards by Individual Students Student Conduct Code Violations

**Commented [SW23]:** Changed to clarify language, and make the code easier to understand for students.

The following conduct violates the community standards that are essential to the core educational mission of the University of Oregon and subjects a Student or Student Organization to sanctions under the Student Conduct Code: (see Section 1, I for definitions)

**Commented [SW24]:** Changing to be consistent with new code numbering system

(1) Standards Relative to Academic and Personal Integrity. Integrity is a bedrock value of the University community and includes respect for open and honest intellectual exchange as well as respect for University records and for the Student Conduct Code itself. The following conduct violates standards of academic integrity:

(a) Cheating ~~as defined in 571-021-0105(3);~~

(b) Fabrication ~~as defined in 571-021-0105(14);~~

(c) Plagiarism ~~as defined in 571-021-0105(26);~~

(d) Academic misconduct ~~as defined in 571-021-0105(1);~~

(e) Intentionally furnishing false information to a University Official;

(f) Forgery, alteration or unauthorized use of University documents, records, keys student

**Commented [SW25]:** References to individual definitions removed, replaced with the general statement (see Section 1, II for definitions)

identification, keycards or services;

(g) Creation or distribution of false identification;

(h) Failure to comply with the terms of any sanction imposed in accordance with the Student Conduct Code; or

(i) Contempt of adjudicative proceedings including impairing or interrupting the due course of proceedings in the presence of any ~~tribunal~~ process created under this Code. Adjudication of contempt and imposition of sanctions may be imposed summarily consistent with ~~571-021-0240 procedures outlined in this code~~.

Commented [SW26]: See note [SW15] above.

**(2) Standards Relative to Respect for Property and for Shared University Resources. The following conduct violates standards of respect for property and shared University resources:**

(a) Engaging in behavior that could reasonably be foreseen to cause disruption of, obstruction of, or interference with the process of instruction, research, administration, student discipline, or any other service or activity provided or sponsored by the University;

(b) Damage, destruction, theft, or unauthorized use of property located on the University campus or property owned or controlled by the University;

(c) Unauthorized entry into or use of University property or University-recognized living units, facilities, residence halls, equipment, or resources;

(d) Disorderly conduct (including that resulting from the use of alcohol), unreasonable noise, or conduct that results in unreasonable annoyance;

(e) Failure to comply with the reasonable directions of public officials acting in performance of their duties on University Premises or at a University Sponsored Activity when such conduct poses a danger to personal safety or property or obstructs or impairs educational or other Institutional activities;

(f) Violation of University Policy on the acceptable use of computing and network resources. Unacceptable uses of computing resources include, but are not limited to:

(A) Use of electronic forums to violate other sections of the Student Conduct Code;

(B) Sharing of accounts or computer lab passes;

(C) Violation of electronic privacy;

(D) Interference with computer use or operations;

(E) Commercial or illegal use of electronic or computer resources;

(F) Violation of copyright law; or

(G) Threats, abuse or Harassment, as defined in ~~571-021-0105()~~, in this code made or transmitted via electronic forums, social media platforms or electronic mail.

Commented [SW27]: Changed to reflect modern realities of student use of University computing resources

Commented [SW28]: Changed to reflect modern realities of student use of University computing resources

**(3) Standards Relative to the Rights of Individuals and to the Welfare of the University Community. An environment conducive to learning is one where the rights, safety, dignity and worth of every individual are respected. The following conduct endangers such an environment, and threatens the welfare of the University community as a whole:**

(a) Physical contact that endangers, threatens, or harms the health or safety of any person or behavior that causes a reasonable person to fear such contact;

(b) Hazing, as defined in [OAR 571-021-0105\(18\)](#); [this code](#)

(c) Possession, use, or threatened use of a weapon, ammunition, or any object or substance used as a weapon on University Premises or at a University Sponsored Activity unless expressly authorized by law or University Policy. A concealed weapons permit does not constitute authorization;

(d) Unauthorized possession, use, or threatened use of dangerous chemical or biological substances or explosives;

(e) Tampering with fire-fighting equipment, turning in a false alarm, or engaging in conduct that constitutes a significant fire hazard;

(f) Harassment, as defined in [571-021-0105\(17\)](#); [this code](#) because of another person's race, ethnicity, color, gender, gender identification, national origin, age, religion, marital status, disability, veteran status, sexual orientation, or for other reasons, including but not limited to harassment prohibited by University Policy.

(g) Unwanted Contact, as defined in [571-021-0105\(38\)](#); [in this code](#)

(h) Sexual Misconduct. ~~A mission of the Student Conduct Code is to encourage good decision making, personal integrity, and interpersonal behavior that is cooperative rather than coercive and that respects the rights of others. Sexual misconduct violates these values, and is committed when a student engages in sexual behavior described in 571-021-0105(30). As defined in this code~~

~~(A) A complaint alleging Sexual Misconduct may be filed whenever Sexual Misconduct:~~

~~(i) Materially interferes with another person's academic performance or participation in a University Sponsored Activity, or performance of University employment;~~

~~(ii) Is committed on University Premises or at a University Sponsored Activity; or~~

~~(iii) Demonstrates reasonable threat to the health or safety of a Member of the University Community or the alleged student survivor.~~

~~(B) (A)~~ Sexual gratification or pleasure of any party involved is not relevant to a determination of whether Sexual Misconduct occurred.

~~(C) (B)~~ A violation of provisions of the alcohol or drug policy in the Student Conduct Code does not affect a person's ability to file a complaint regarding another person's Sexual Misconduct on the same occasion.

~~(D) (C)~~ Consent to one form of sexual activity does not automatically operate as explicit consent to any other form sexual activity. A "no" always means that explicit consent is not present, whereas a "yes" to one act at one time does not mean "yes" to other acts or to the same act at other times. Voluntarily making oneself incapacitated does not mean one is giving explicit consent to any form of sexual activity.

(j) Prohibited alcohol use, which includes:

(A) Possession or consumption of alcohol by those under 21 years of age on University Premises or at a University Sponsored Activity;

(B) Furnishing of alcohol to a person under 21 years of age; or

(C) Consumption of an alcoholic beverage by a person at least 21 years of age or furnishing of an alcoholic beverage by or to a person at least 21 years of age, except in such areas and at such times as the University authorizes.

(k) Prohibited drug use, which includes:

**Commented [SW29]:** Proposed change, passed by the UO Senate. This change is supported by the Division of Student life because it allows the Office of Student Conduct and Community Standards to be able to be more responsive to allegations so sexual misconduct. This is also consistent with the guidance from the Office of Civil Rights in their 2011 Dear Colleague Letter.

**Commented [SW30]:** This section would be removed by a proposed change, passed by the UO Senate. The goal of the Senate was to remove hurdles required to file a formal complaint alleging sexual misconduct. This change also reflects the extended jurisdiction of the student conduct code.

(A) Manufacture, processing, distribution, or cultivation of a Drug, including but not limited to marijuana or narcotics, on University Premises or at a University Sponsored Activity, except as expressly permitted by both State and Federal law;

(B) Sale of a Drug, including but not limited to marijuana or narcotics, on University Premises or at a University Sponsored Activity; or

(C) Possession of a Drug, including but not limited to marijuana or narcotics, on University Premises or at a University Sponsored Activity except as expressly permitted by law.

(l) Lewd or indecent conduct on University Premises or at a University Sponsored Activity. Lewd or indecent conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record that would be an invasion of privacy pursuant to ORS163.700. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

(m) Gambling, as defined and prohibited in ORS167.108 to 167.164 except as authorized by ORS464.270 to 464.530.

**Commented [SW31]:** Added to acknowledge the differences between State and Federal law regarding Marijuana.

## 571-021-0130

### VI. Sanctions

**The University utilizes an educational sanctioning model; hearing officers administrators will make every attempt to provide an educational sanction that will help a student to make better choices in the future. The educational sanction applied will become progressively more demanding if the student repeats violations, demonstrating that learning has not taken place. An accumulation of a variety of violations including sexual assault may result in severe sanctions such as suspension, expulsion or negative notation on a transcript. Academic dishonesty and violations affecting the health, safety and well being of the community ~~anyone~~ are deemed the most severe and may result, upon the first violation, in a negative notation being placed on a transcript, suspension, or expulsion.**

**Commented [SW32]:** Changed to reflect the titles SCCS uses in practice

**Commented [SW33]:** Change Passed by UO Senate to address the serious nature of allegations of sexual assault.

**Commented [SW34]:** Change Passed by the UO Senate. This change is supported by the Division of Student Life because severe conduct (such as sexual assault) that is committed by a UO student can and should affect a student's ability to be a part of the UO Community. This should not be contingent upon whether the victim of that offense is a member of the UO community.

#### (1) Forms of Sanctions

(a) Expulsion. Student status is severed permanently. A Student who has been expelled from the University shall not be permitted to participate in any University Sponsored Activity or allowed to reside on University Premises.

#### (b) Suspension.

(A) Individual Suspension. Student status is severed for a specified period. A student who has been suspended from the University shall not be permitted to participate in any University Sponsored Activity or allowed to reside on University Premises during the period the student is suspended.

(B) Group Suspension. A Student Organization loses University recognition and all privileges associated with such recognition for a specified period. Imposition of this sanction against the ASUO or a recognized Student Organization requires approval by the Vice President for Student Life's designee.

(c) Negative Notation on Transcript. Entry of the fact of violation on the Student's permanent academic record as the sole or an additional sanction may be imposed at the discretion of the hearing officer administrator. After the expiration of the period of time, if any, set by the hearing

**Commented [rjr35]:** Added to all instances in the Code to ensure compliance with OCR and VAWA and to ensure that cases can move forward at all times.

**Commented [SW36]:** Changed to reflect the titles SCCS uses in practice

officer, the notation shall be removed upon the request of the Student or former Student.

(d) Revocation of Degree. An academic degree previously awarded by the University may be revoked if it was obtained by fraud or a significant part of the work submitted in fulfillment of, and indispensable to, the requirements for such degree constitutes Plagiarism. The Academic Requirements Committee may, upon appeal of a University graduate subjected to degree revocation, stipulate the requirements for obtaining a degree.

(e) Grade Penalty. A Student admitting Academic Misconduct or found responsible for Academic Misconduct is subject to a grade penalty as determined by the instructor in the course in which the violation occurred.

(f) Disciplinary Probation. In lieu of another sanction, a period of probation may be imposed during which any violations of the Student Conduct Code will result in more serious sanctions than might be otherwise imposed. A Student or Student Organization on probation may or may not lose designated privileges during the period of probation. During the time on probation, a Student or Student Organization may, by demonstrating good conduct, avoid additional sanctions. Imposition of this sanction against the ASUO or an ASUO-recognized group requires approval by the Vice President for Student Life's [designee](#).

(g) Restitution. The Student or Student Organization is required to replace or restore damaged, stolen, or misappropriated property.

(h) Educational Activity. The Student or Student Organization is required to complete a project or activity designed to help the Student or Student Organization understand why the behavior was inappropriate and encourage future compliance with the Student Conduct Code. The educational activity is designed to correspond to the severity and nature of the violation and to clarify the impact of that behavior on Members of the University Community. Educational activities may include, but are not limited to, assessments of substance abuse and other behaviors, community service, workshops, papers and similar assignments. [Community service, papers, and similar assignments will not be used for cases of unwanted penetration or nonconsensual physical contact.](#)

(i) Loss of Privileges. The Student or Student Organization is denied specified privileges normally associated with Student Status or recognized Student Organization status, such as participation in or sponsorship of University activities, use of University facilities or services, or living in University-owned or supervised housing. Imposition of this sanction against the ASUO or an ASUO-recognized group requires approval by the Vice President of Student Life's [designee](#).

(j) Conduct Reprimand. The Student or Student Organization is given written notice that the conduct engaged in is inconsistent with University standards and expectations and informed that future violations of the Student Conduct Code may result in the imposition of more serious sanctions.

(k) Suspended Sanction. The execution of any sanction authorized under the Student Conduct Code may be suspended. When suspending a sanction, a time limit for the suspension period shall be designated, and subsequent violations of the Student Conduct Code that will terminate the suspension and result in the imposition of the original sanction shall be specified. In the absence of any such violation, the original sanction shall be deemed completed at the end of the suspension period.

(2) Medical Leave. Actions taken pursuant to University policies on medical leave shall not be

**Commented [SW37]:** [AIW COMMENT June 3, 2015]: After original language was proposed (SW comment below), additional guidance was consulted and a change was made to language proposed at the ASAC on June 3. Original language was proposed as a change passed by UO Senate and supported by the Division of Student Life because this language make it exceptionally clear that sexual assault will not be tolerated on the UO campus, and that the most significant sanctions that the University has available will always be considered in these cases.

deemed disciplinary sanctions within the meaning of the Student Conduct Code.

(3) Failure to complete a sanction will be handled pursuant to ~~571-021-0240(3)~~ [Processes found in this code.](#)

**571-021-0140**

## **Section 2: Student Rights**

Commented [SW38]: Changing to be consistent with new code numbering system

**Procedural fairness is basic to the proper enforcement of all University regulations. Accordingly, no disciplinary action shall be initiated or sanction imposed against a Student or Student Organization until they have been notified in writing of the complaints against them and their rights under this Code, and given the opportunity to be heard. Complainants shall also be accorded certain accommodations, as provided below.**

(1) Regulations and disciplinary sanctions affecting the conduct of all Students shall be based on general principles of equal treatment.

(2) The Director of Student Conduct and Community Standards shall insure that the best interests of Students and Student Organizations are served, regardless of whether disciplinary action is taken, by making full use of appropriate medical, counseling and other professional services at the University, or if necessary by making referrals to community resources. For purposes of this Division, the Director may authorize another staff member to carry out any of the Director's responsibilities unless expressly prohibited from doing so.

(3) Students shall have an opportunity to participate in the formulation of all regulations and policies pertaining to the Student Conduct Code at the University of Oregon.

(4) All University regulations and policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to Students or Student Organizations.

(5) Students accused of violations of the Student Conduct Code can expect the following procedural protections:

(a) To be informed of the complaint and alleged misconduct upon which the complaint is based;

(b) To appear before the Director of Community Standards [or their designee in an administrative ~~disciplinary~~ conference](#), as outlined at ~~571-021-205~~ [in this code.](#)

(c) To be allowed reasonable time to prepare for the conference.

(d) To be informed of the information upon which a complaint is based and accorded an opportunity to offer a relevant response;

(e) To ~~identify relevant witnesses;~~ [propose relevant witnesses and submit suggested questions to the Director](#)

(f) To be assured of confidentiality, in accordance with the terms of the federal Family Educational Rights and Privacy Act and Oregon law.

(g) To request that any person conducting a disciplinary conference be disqualified on the ground of personal bias.

(h) To be considered not responsible for the alleged conduct until proven responsible by a preponderance of the information.

Commented [SW39]: Changed to adhere with current student conduct practice

(i) To have an adviser of their choice present at the conference provided that the advisor's schedule does not unreasonably delay the conference. The director shall determine what constitutes an "unreasonable" delay.

(6) A student accusing another student of a violation of the Student Conduct Code can expect the following procedural accommodations:

(a) To be allowed reasonable time to prepare for any participation in the conference;

(b) To be accorded the opportunity to offer a relevant response to any assertions made;

(c) To propose relevant witnesses and submit suggested questions to the Director;

(d) To be assured of confidentiality, in accordance with the terms of the federal Family Educational Rights and Privacy Act and Oregon law;

(e) To request that any person conducting a disciplinary conference be disqualified on the ground of personal bias;

(f) To be protected against retaliation for filing a complaint;

(g) To have an advisor of their choice present at the conference provided that the advisor's schedule does not unreasonably delay the proceeding. The Director shall determine what constitutes an "unreasonable" delay;

(h) Upon request in the case of sexual misconduct, to be present in a separate room instead of the same room as the accused student.

**Commented [SW40]:** Change passed by the UO Senate. Changes in this section are supported by the Division of Student life because they ensure that both complainants and respondents have equal procedural rights in the student conduct process. These changes are also crucial for the code to be compliant with guidance from the Federal Government, both in the updates to the Violence Against Women act, and in response to guidance from the Office of Civil Rights regarding enforcement of Title IX.

## **571-021-0150-Section 3: Administration of the Student Conduct Process**

### **I. Administrative Policies Administration of the Conduct System**

**[This section of the code designates who is in control of the Conduct ~~System~~ Process, and how the code and cases are administered.]**

**Commented [SW41]:** Changes to reflect that Student Conduct is referred to as a process rather than a system

(1) Disciplinary Records and Files. Case referrals will result in the development of a disciplinary file in the name of the accused student. If the Student is found not responsible for the complaints, the disciplinary file will become void.

(a) Voided files will be so marked and shall not result in a disciplinary record. Voided files will normally be destroyed after one year. Where a Student files a conduct complaint against another Student, a file shall be created for both Students.

(b) Disciplinary records may be voided by the Director of Conduct and Community Standards for good cause, upon written petition from the student. Factors to be considered in review of such petitions shall include:

(A) The conduct of the Student subsequent to the violation; and

(B) The nature of the violation and the severity of any damage, injury, or harm resulting

from it.

(2) Student Conduct Reports.

(a) The Community Standards Committee shall require from University officials, hearings boards, referees, committees and tribunals periodic written reports of the disposition of all student conduct cases dealt with under their jurisdiction. The Committee shall examine such reports for consistency with existing policies and, when necessary, review the reports with the appropriate officials or tribunals.

(b) At the end of each academic year, the Committee shall submit to the Board of Trustees President, University Senate, Deans, Department Heads, the ASUO President, and the Office of Student Advocacy, a written report covering the entire Student Conduct Program, including an evaluation of the existing rules, policies, and enforcement procedures. This report shall also detail all Code revisions approved during the previous year and shall be available to any person upon request.

(3) Director of Student Conduct and Community Standards.

(a) The President of the University shall designate a Director of Student Conduct and Community Standards who shall have primary responsibility for administering the Student Conduct Program and coordinating the activities of all University officials, hearing officers, referees, committees, or tribunals that are concerned with the Community Standards Program.

(b) The Director shall be responsible to the ~~Community Standards~~ Student Conduct Committee for maintaining complete records pertaining to the activities of the Community Standards Program. Those records shall include a summary of the business of the Community Standards Committee and a report of the disposition of each disciplinary case handled by any person or group authorized to impose disciplinary sanctions in the name of the University. For record keeping purposes, the Director may prescribe reporting procedures to be followed, in addition to those in paragraph (2) above by those authorized to impose disciplinary sanctions.

(c) The Director shall serve as non-voting Secretary of the Community Standards Committee and as advisor to all individuals and groups authorized to impose disciplinary sanctions. The Director shall serve as a non-voting, ex-officio member of the Residence Hall Governance Committee and of the residence hall Peer Judicial Board.

(d) The Director shall be responsible for gathering and presenting to the ~~Community Standards~~ Student Conduct Committee the reports required by this code.

(4) Student Conduct Code Adoption, Amendment and Revision.

(a) Code establishment. Upon approval by the Board of Trustees of the University of Oregon, this Student Conduct Code becomes effective and supersedes all previous regulations and policies pertaining to student discipline at the University of Oregon.

(b) Code Amendment. This Code may be amended by the Board of Trustees of the University of Oregon, consistent with the Policy on Retention and Delegation of Authority upon consultation with the president, faculty, and students.

(c) Code Revision. This Code shall be continuously reviewed in its entirety to make sure it is consistent with best practices.

Commented [SW42]: Change reflects the current name of the committee

~~571-021-0165~~

University Appeals Board ~~571-021-0200~~

**Commented [SW43]:** MOVED to Section 3, IV . A more logical place in the code.

## II. Student Conduct Procedures

[This section of the code describes the process that the Student Conduct office adheres to following an alleged violation of ~~in~~ the code.]

(1) Complaint. Any Member of the University Community or the public may file a complaint against a Student or non-enrolled student as defined in this code for a violation of the Student Conduct Code. A complaint shall be prepared in writing and directed to the Director of Student Conduct and Community Standards. Any complaint should be submitted as soon as possible after the alleged violation takes place, preferably within one year. Jurisdiction is determined pursuant to ~~571-021-0115~~ Section 1 of this code. The longer one waits to file a complaint the less information is likely to be available for the hearing, therefore it is important to file a complaint as soon as possible. Once the Office of Community Standards receives a complaint, the Office has ~~six months~~ 60 days to send written notice to the accused Student of the complaint. unless for good cause an extension of six months is provided in writing by the Vice President for Student Life's designee.

**Commented [SW44]:** Change reflects expansion of off-campus jurisdiction

**Commented [SW45]:** Changed passed by UO Senate. This change is supported by the Division of Student Life because it provides clarity to students that a complete withdrawal does not necessarily mean that the Office of Student Conduct and Community Standards retain jurisdiction in a case.

**Commented [SW46]:** Changing to be consistent with new code numbering system

(2) Notice. Upon receiving a complaint or notice that a Student may have violated the Student Conduct Code, the Director of Student Conduct and Community Standards shall serve a written notice upon the Student, either by electronic mail or by mailing to the latest address of the Student on file at the Office of the Registrar of the University, or, if necessary, by registered or certified mail or by personal service. A status update on the case shall be sent to the member of the university community who filed the complaint. Such notice shall inform the student of:

**Commented [SW47]:** Change Passed by UO Senate. This change is supported by the Division of Student Life because it helps clarify that it is the Office of Student Conduct and Community Standards' responsibility to act expediently to resolve complaints referred to the Office.

**Commented [SW48]:** Change Passed by UO Senate. This change is supported by the Division of Student Life because it helps to ensure that complainants are allowed an equitable opportunity to participate in the process.

- (a) The alleged Code violation;
- (b) The opportunity for the student to meet with the Director for purposes of discussing the options for disposition of the case;
- (c) The Student's right to assistance. At an administrative conference with the Director or their designee or before the Appeals Board, of the Vice President for Student Life's designee, if applicable, a Student may, but need not represent his or her own interests, or be assisted by someone including but not limited to one of the following representatives:
  - (A) The Office of Student Advocacy;
  - (B) Another Student;
  - (C) A member of the faculty or administration;
  - (D) ~~A member of the Oregon Bar.~~ An attorney
- (d) The requirement to respond within 7 calendar days to arrange a meeting with the hearing officer. The hearing officer will proceed as provided ~~in (3)(b)~~ below if the Student does not arrange to meet or fails to meet with the hearing officer as arranged.

**Commented [SW49]:** Change reflects that Bar Membership is not relevant in our process

(c) Where sexual misconduct is alleged, the complainant is entitled to the same opportunity as the accused student to have an advisor. If either student retains a legal

advisor, the other student is entitled to one funded by the University at no cost to the student, if he or she the student so chooses. The University will provide this assistance through reasonable reimbursement, through a contract with an organization, or through other arrangement.

**Commented [SW50]:** Edited to provide equity in representation, but allow the University to develop a mechanism to permanently put it in place

(e) To the extent the University provides free legal representation to students who are party to student conduct proceedings, it will ensure that free legal representation is equally available to student respondents and student complainants.

**Commented [rjr51]:** See Comment [SW50] above

(3) Response: If after receiving notice, pursuant to this rule, the Student does not arrange to meet with the Director within 7 days or if the Student arranges to meet with the Director but does not attend such a meeting, the Director of Student Conduct and Community Standards may take any of the actions specified in [this code](#) for disposition of the case without consultation with or agreement by the Student.

~~(5)~~ 4. With the consent of an Accused Student, the Director of Student Conduct and Community Standards may defer proceedings for alleged minor violations of this Code for a period not to exceed ninety days. Pending complaints may be withdrawn thereafter at the discretion of the Director of Student Conduct and Community Standards or designee.

## 571-021-0205

### III. Administrative Conferences

**[This section of the code outlines the rights that an accused student holds during the Conduct procedures, including rights relating to the student's mental capacity and any mental disorder the from which the student may suffer.]**

(1) Complainants, witnesses, and accused students may have an advisor, as defined ~~in 571-021-0200(2)(e), this code~~, present during any interviews with the Director of Student Conduct and Community Standards, or designee, and any other ~~disciplinary~~ conduct proceeding.

**Commented [SW52]:** The Student Conduct Process is based on an educational and developmental model for an administrative process, rather than an adversarial model based on the criminal process. This language was changed to make the code language more consistent with our practice.

(2) Students accused of violations will have an administrative conference with the Director of Student Conduct and Community Standards, or designee. The following procedural protections are provided to accused students in administrative conferences:

(a) Reasonable access to the case file prior to and during the conference, except to the extent access to such material is prohibited by law. The case file may contain materials that are considered "education records" pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended and personal notes of University staff members and complainants. Access to these materials may be prohibited by law. Otherwise, to the extent allowed by law, copies of the case file will be provided upon request.

(b) An opportunity to respond to all information provided and to ask the Director or designee hearing the case to contact relevant and necessary witnesses.

(c) The right to have the case referred outside the Office of Community Standards if the Student can articulate a reasonable basis from which to conclude that the Office of Community Standards is biased for some reason that would prevent the student from receiving a fair hearing by the office. Such cases are referred to the Vice President for Student Life's ~~or his or her~~ their designee.

Commented [SW53]: Removed gendered pronouns

(3) In cases where the Director of Student Conduct and Community Standards concludes that a Student accused of any offense under the Student Conduct Code lacks the mental capacity to respond to the complaint, the Director shall stay the proceeding until such time that the Director concludes that the Student may adequately respond. A stay granted pursuant to this section shall not in any manner preclude a proceeding for medical leave under OAR Chapter 571, Division 23. If the student has been accused of Academic Misconduct, no academic sanction may be imposed during a stay granted pursuant to this section, but the faculty member for the coursework out of which the complaint of Academic Misconduct arose shall request the Registrar to assign a grade of "I" until the disciplinary proceeding has been completed.

(4) No sanctions shall be imposed against a Student who acknowledges engaging in the specific conduct alleged and who submits a written statement from a Student Health Center psychiatrist or a Counseling Center psychologist stating that, as a result of mental disorder at the time of the offense, the Student did not appreciate the wrongfulness of the conduct or could not conform his or her behavior to the requirements of the Code. The Student may submit any other supplemental information pertinent to his or her mental condition to the Director of Student Conduct and Community Standards. If, based upon all information received, the Director decides that the conduct of the Student resulted from mental disorder, the Director shall seek professional assistance and advice, and, if appropriate and legally authorized, consult with the Student's parent or guardian or take other measures to assure a fair disposition of the case. If the Student has been accused of Academic Misconduct, the faculty member for the coursework in which the Academic Misconduct took place shall assign an appropriate grade.

(5) Administrative conferences regarding Sexual Misconduct will generally be complete within 60 days of the receipt of the complaint; however, the 60 day period may be extended for good cause including but not limited to situations where the complexity of the investigation, the number of witnesses identified, or the volume of information which needs to be gathered and reviewed necessitates more time.

Commented [SW54]: Added to be in compliance with the amendments to the Violence Against Women Act.

## IV. Appeals

Commented [SW55]: This section moved for a logical placement in the code

**The University Appeals Board (Appeals Board) is the final appeals body within the Student Conduct Program. ~~As set forth in OAR 571-021-0165 this~~ The Appeals Board shall be responsible for reviewing substantive or procedural appeals from the decisions issued following an administrative conference.**

(1) A decision reached through an administrative conference may be appealed by the Accused Student or Complainant(s) within fourteen calendar days of the decision. Such appeals shall be in writing, state the basis for the appeal and be delivered to the Office of Student Conduct and Community Standards. All appeals of cases involving sexual misconduct will be heard directly and exclusively by the Vice President for Student Life's designee; all other appeals will be heard

by the Appeals Board.

(a) An Accused Student who does not attend the administrative conference may appeal only to show with direct information that the Accused Student did not receive notice of the conference.

(b) A Complainant(s) who fails to attend any requested meetings with the Director or fails to present information in a format approved by the Director may appeal only to show with direct information that the Complainant did not receive notice of the hearing.

(2) Except as the Appeals Board or the Vice President for Student Life's designee determines necessary to explain the basis of new information, an appeal is limited to a review of the verbatim record of the administrative conference and supporting documents:

(a) To determine if the administrative conference was conducted fairly in light of the complaint made and information presented and in conformity with procedures required in this Code, giving the Complainant a reasonable opportunity to present information, and giving the Accused Student reasonable notice and an opportunity to prepare and to respond to the allegations. A deviation from procedures required by this Code will not be a basis for sustaining an appeal unless significant prejudice results;

(b) To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts that, if believed by the Director or designee were sufficient to establish that a violation of the Code occurred;

(c) To determine whether the sanction(s) imposed were commensurate with violation;

(d) To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing only if such information or facts were not known to the person appealing at the time of the hearing.

(3) No decision of may be overruled by the Appeals Board except through an affirmative vote of a majority of the Appeals Board members present. If the Appeals Board or the Vice President for Student Life's designee overrules a decision in whole or in part, it may:

(a) Modify the decision or sanction; or

(b) Remand for further proceeding.

## V. University Appeals Board

Commented [SW56]: Section moved to a more logical placement in the code

**The University Appeals Board is one option that the student has to have their case reviewed. This section of the code outlines how the members of the Appeals Board are chosen.**

(1) The University Appeals Board (Appeals Board) is the final appeals body within the Student Conduct Program. As set forth in this code, the Appeals Board shall be responsible for reviewing substantive or procedural appeals from the decisions of all administrative conferences in cases except those involving sexual misconduct which shall be appealed directly to the Vice President for Student Life's designee.

(2) Membership. The Appeals Board shall consist of three faculty members, recommended by the Committee on Committees of the University Senate, and three student members, recommended by the ASUO. Board members shall be appointed by the President and serve for one-year terms. They may be reappointed, but no member may serve for more than two consecutive terms. Temporary members may be appointed to assure full Appeals Board membership during summer session or at such other times as are necessary. The President shall

designate one of the members as pro tempore chair of the Appeals Board.

(3)The Appeals Board will elect its permanent chair at its first meeting. A quorum shall consist of two students and two faculty members. The Appeals Board shall establish its own rules of procedure.

## **571-021-0240**

### **VI. Imposition of Sanctions, Adjudication of Contempt and Failure to Complete Assigned Sanctions**

Commented [SW57]: Section moved to a more logical placement in the code

**[This section of the code designates who has authority to impose a sanction, and outlines the responsibility of the student regarding the sanctions.]**

(1) A University Official or Student Organization that determines that an Accused Student violated the Student Conduct Code may impose sanctions authorized by this Code unless otherwise expressly limited. Sanctions are subject to appeal pursuant to this code ~~571-021-0250~~.

(2) A University Official responsible for making a determination if a student has violated this Code may declare a Student participant in contempt of adjudicative proceedings pursuant to this code ~~571-021-0120(1)(i)~~ and impose sanctions without complying with the procedures otherwise required in this Code. Adjudication of contempt and sanctions imposed are subject to appeal pursuant to this code. ~~571-021-0250~~. Imposition of sanction and the circumstances that gave rise to it shall be reported to the Director of Conduct and Community Standards.

(3) Failure to complete assigned sanctions. The University will use the procedures established by this section to enforce the timely completion of disciplinary sanctions issued under the Student Conduct Code.

(a) A Student who is found responsible for a Student Conduct Code violation and who receives a sanction will be informed orally by the Office of Student Conduct and Community Standards of the consequences of failing to complete the sanction. The Office of Student Conduct and Community Standards will also inform the student in writing of the consequences of failing to complete the sanction as part of the decision letter sent to the Student.

(b) If a Student fails to complete the disciplinary sanction by the assigned deadline, the Office of Student Conduct and Community Standards will send the Student a letter that states:

(A) The Student has five class days after the assigned deadline to provide verification to the Office of Student Conduct and Community Standards that the assigned sanction has been completed or the Student's record ability to register for classes, drop classes, or change grade options will be placed on hold;

(B) Once the Student's record is on hold, the hold will not be removed until the Office of Student Conduct and Community Standards has received verification that the Student has completed the sanction; and

(C)The Student is responsible for ensuring that the Office of Student Conduct and Community Standards receives verification of completion of the sanction.

(c) When a hold is placed on a Student's record, the Office of Student Conduct and Community Standards will inform the Student in a letter that the hold has been placed, the consequences of the hold, and the actions required to have the hold removed.

(d) The hold will be removed immediately once the Student provides verification of

completion of the sanction.

(e) A Student who is unable to register because the student has not completed a sanction may seek a waiver from the Office of Student Conduct and Community Standards. The Office of Student Conduct and Community Standards will grant a waiver, allowing the student to register, provided the Student agrees the Student's registration may be cancelled immediately and the hold reinstated if the Student has not completed the sanction by a deadline set by the Office of Student Conduct and Community Standards, in its sole discretion.

## 571-021-0215

### Section 4: Academic Misconduct Procedures

[This section of the code describes the process between the student suspected of misconduct and the University Official before the case is ~~taken up by~~ referred to the office of Student Conduct and Community Standards]

Commented [SW58]: Changed for clarity.

(1) Notice. Upon the discovery of suspected Academic Misconduct, as defined ~~in 571-021-0100(+)~~ in this code, the University Official with responsibility for the academic matter or the faculty member in whose course the incident occurred shall promptly notify the Student of the incident. This notice shall include a discussion of the option of having the case referred directly to the Director of Student Conduct and Community Standards.

(2) If a Student admits to Academic Misconduct in a course, the faculty member shall impose an appropriate academic sanction up to and including a grade of "N" or "F" and report the incident to the Office of Student Conduct and Community Standards. Written notice of the sanction or resolution without sanction shall be given the Student. If, in the judgment of the faculty member, further disciplinary action is warranted, the report to the Director of Student Conduct and Community Standards shall so indicate. The Student may appeal the academic sanction to the faculty member's department head and, ultimately, to the dean of the college or school in which the incident originated.

(3) If a Student admits to Academic Misconduct in a situation other than a course, the responsible University Official may determine and implement an appropriate response and report the incident to the Office of Student Conduct and Community Standards. Written notice of the sanction or resolution without sanction shall be given the Student. If, in the judgment of the University Official, further disciplinary action is warranted, the report to the Director of Student Conduct and Community Standards shall so indicate. The Student may appeal the academic sanction to the University Official's department head or director.

(4) If a faculty member or University Official and a Student cannot agree as to whether Academic Misconduct has occurred, the University Official or faculty member will, not later than fourteen calendar days during which the University is in session after the date the faculty member or University Official notifies the Student, make a written referral of the case to the Office of Student Conduct and Community Standards for resolution. The case will then be

conducted in accordance with the procedures established in this Code.

(a) If there is a finding that the Student engaged in Academic Misconduct in a class, in addition to sanctions imposed through the regular student conduct procedures, the faculty member will assign an appropriate grade.

(b) If there is a finding that the Student did not engage in Academic Misconduct, no academic sanction may be imposed.

(5) Reporting Academic Misconduct. Regardless of the method of resolution, University Officials, including faculty members are required to file a written report of any Academic Misconduct with the Director of Student Conduct and Community Standards. These reports shall be treated as confidential and maintained consistent with the Student Records Policy, 571-020-0100 et seq.

(6) Withdrawing from a Course.

(a) If a Student's Academic Misconduct in a course results in an academic sanction, the student will not be permitted to drop or withdraw from the course, or to change the course's grading option, and shall be reinstated in the course in if they have dropped or withdrawn.

(b) If a Student's Academic Misconduct does not result in an academic sanction, the Student may withdraw from the course or change the course's grading option at the later of:

(A) Expiration of the withdrawal deadline for the course;

(B) Expiration of the deadline for changing grade options; or

(C) Five business days after the student receives notification of the decision or termination of Student Conduct Code proceedings without sanction.

(c) In the event the Student is found not responsible for Academic Misconduct and the Student no longer feels comfortable returning to the class, the Office of Student Conduct and Community Standards will assist the student to attempt to remove the "w" from the transcript.

## 571-021-0220

### Section 5: Alternative Dispute Resolution

**Consistent with the primary mission of the Code to establish community standards and procedures that promote an environment conducive to learning by upholding academic standards and by respecting community members, alternative dispute resolution provides an opportunity for individuals affected by violations or alleged violations of this Code to resolve disciplinary matters among themselves, with or without findings of responsibility. Students who participate in a method of alternative dispute resolution and successfully fulfill their obligations may, upon completion of their obligations, have their student conduct record regarding the matter ~~voided.~~ ~~expunged.~~**

(1) Mediation. Mediation is encouraged as an alternative means to resolve allegations of Student Conduct Code violations, where appropriate, ~~except for sexual misconduct involving unwanted penetration or nonconsensual personal contact as set out in this code which shall not be subject to mediation.~~ The Director of Student Conduct and Community Standards will inform Complainants and Accused Students about the availability of mediation resources. The Director, in the exercise of the Director's sole discretion, may, except in cases of alleged Academic and Sexual Misconduct, decline to process a complaint until the parties make a reasonable attempt to

**Commented [SW59]:** Changed to use language consistent with this code.

**Commented [SW60]:** Change passed by the UO Senate. This change is supported by the Division of Student Life because it provides clarity that sexual assault cases will not be resolved through mediation. Rather, they will be resolved and adjudicated through the Student Conduct Process.

achieve a mediated resolution.

(a) To be binding under this Code, any mediated resolution must be approved by the Director of Student Conduct and Community Standards. Any agreement will be enforced by the Office of Student Conduct and Community Standards.

(b) Procedures for Alternative Dispute Resolution. Students wishing to pursue mediation shall notify the Director of Student Conduct and Community Standards within fourteen calendar days of receiving written notice of the violation pursuant to [this code-571-021-0200](#).

(c) The Director of Student Conduct and Community Standards may determine if an Accused Student must acknowledge responsibility as a condition of the Director's approval of a mediation option. If the Director requires an Accused Student to acknowledge responsibility as a condition to approving the mediation, the Director will not proceed until the Accused Student has provided the Director with that acknowledgement.

(d) The Director of Student Conduct will determine whether others affected by the alleged violation are willing to participate in mediation. Parties agreeing to mediation must sign a waiver allowing the Director to receive information from the mediator regarding the progress of the mediation.

(e) Once the necessary parties agree, the Director of Student Conduct and Community Standards will approve a mediator and set a date for a report from the mediator regarding progress. If the Director, in the Director's sole discretion, determines that mediation is unlikely to be successful, the Director may inform the necessary parties and initiate other procedures.

(2) Restorative Justice. Restorative Justice serves primarily as a diversion program for Accused Students who have acknowledged responsibility for a Code violation and who wish to remedy the effects of the violation.

(a) The Director of Student Conduct and Community Standards will consider approving Restorative Justice in the following circumstances:

(A) The Accused Student acknowledges responsibility for a the Code violation;

(B) There are clearly identifiable negative impacts on either individuals or the community resulting from the violation; and

(C) The Accused Student and those impacted by the incident agree to participate in Restorative Justice.

(b) A Restorative Justice outcome shall not be binding unless approved by the Director of Student Conduct and Community Standards. An agreement reached through Restorative Justice will be enforced by the Office of Student Conduct and Community Standards.

(3) The Director of Student Conduct and Community Standards may initiate procedures to make a determination of responsibility or, in the Director's discretion, to proceed pursuant to ~~571-021-0240~~ [this code](#), if an Accused Student who participates in alternative dispute resolution fails to fulfill an obligation or otherwise fails to comply with the approved resolution.

(4) Upon timely completion of a student's obligation arising from alternative dispute resolution, a student may provide to the Director of Student Conduct and Community Standards documentation of completion. If the Director of Student Conduct and Community Standards concludes the student fulfilled the student's obligation in a timely fashion, Director of Student Conduct and Community Standards will remove information regarding the violation from the student's record.

**571-021-0230**

## **Section 6: Emergency Action**

[This section of the code describes the rights of the Director of Student Conduct and Community Standards to take Emergency action regarding the accused student when it is necessary to secure the health or safety of any persons.]

(1) The Director of Student Conduct and Community Standards or his or her designee may take emergency action regarding a Student when immediately necessary to secure the health or safety of any persons and there is an alleged violation of the Student Conduct Code.

(2) Emergency Action includes, but is not limited to:

- (a) Immediate withdrawal of the Student from the University;
- (b) Restrictions on the Student's presence on University Premises or at University Sponsored Activities.

(c) Placing a hold on a student's record that will prevent registration would prevent the student from obtaining an official copy of the student's transcript.

**Commented [SW61]:** Added the ability to place holds as a part of an emergency action.

(3) The Director of Student Conduct and Community Standards may request that the Student secure a medical and psychological evaluation through the Student Health Center or at another facility at the Student's own expense. The evaluation may be used to determine the appropriateness of withdrawing the emergency action.

(4) When the emergency action takes place, the Director of Student Conduct and Community Standards or designee will:

- (a) Inform the Student and Complainant, if applicable, of the reason for the emergency action;
- (b) Give the Student and Complainant, if applicable, the opportunity to explain why emergency action ~~need~~ should or should not be taken;
- (c) Inform the Student and Complainant, if applicable, that a preliminary hearing will take place according to ~~Paragraph (5)~~ the procedures in this section and that the Student will be informed of its time, place, and date; and

**Commented [SW62]:** Added to ensure that the Complainant is able to participate in an equitable manner in an Emergency Action process

(d) Inform the Student and Complainant, if applicable, of the possible restrictions that may be imposed prior to an administrative conference.

(5) The preliminary hearing shall take place within two business days of the emergency action.

At this hearing the Student shall have a full opportunity to demonstrate to the Director of Conduct and Community Standards that emergency action is not necessary pursuant to Paragraph

(1). The Student may be represented by a student advocate or other counsel. The Director will also consult with the Complainant, if applicable, who may also be represented by a student advocate or other counsel, during any consultation.

**Commented [rjr63]:** See Comment [SW 62] above.

(a) Based on the reasonable evaluation of the information presented at the preliminary hearing, the Director of Student Conduct and Community Standards shall notify the Student within 24 hours of the decision to:

- (A) Dissolve the emergency action and take no further action;
- (B) Dissolve the emergency action but proceed to an administrative conference; or

(C) Sustain or modify the emergency action until such time as a resolution is researched following an administrative conference.

(6) An emergency action shall be reviewed by Vice President for [Student Life's Designee](#) ~~Life or his or her designee~~ at the request of the Student no sooner than the next working day after the preliminary hearing. The review shall provide an opportunity for the Student to explain why an emergency action need no longer be imposed. Subsequent review of the same emergency action may be requested no more frequently than every ten days.

(7) If emergency restrictions on a Student's housing or enrollment are removed, the Student will not be assessed any fees for reinstatement.

## **Section 7: Student Conduct Process for Student Organizations**

### **Violations of Community Standards by Student Organizations Student Conduct Process for Student Organizations**

**When members of a Student Organization act together in a way that violates University Student Conduct Code, the Student Organization is expected to hold its members responsible for those violations.**

(1) When a potential violation of the Student Conduct Code by a Student Organization comes to the University's attention, the Office of Student Conduct and Community Standards may review the incident to determine the appropriate process for resolution. Generally, the University will expect a Student Organization to hold itself accountable for the acts of its members when those acts are related to the Student Organization's activities.

(a) The Student Organization or its governing body will notify the Office of Student Conduct and Community Standards and keep it informed at all stages of the process.

(b) The University, through the Office of Student Conduct and Community Standards, reserves the right to take immediate jurisdiction at its discretion. The student organization or governing body may still hold its members accountable in the situation, but must do so in conjunction with the Office of Student Conduct and Community Standards.

(2) If sufficient action is not taken in a timely manner by the student organization to correct a violation of University standards, individuals may file grievances with the appropriate governing body, or, if none exists, with the Office of Student Conduct and Community Standards.

(3) If, in the judgment of the Vice President of Student Life's designee, sufficient action is not taken in a timely manner by the governing body, the case will be referred to the Office of Student Conduct and Community Standards.

(4) In deciding whether the group is responsible for the violation, the University will consider whether the following factors are present:

(a) The violation arises out of a group-sponsored, organized, financed, or endorsed event;

Commented [SW64]: Moved to a more logical section of the code

- (b) The organization provides the impetus for the violation;
- (c) The violation occurs on the premises owned or operated by the group;
- (d) A group leader has knowledge of the violation being likely to occur before it occurs and fails to take corrective action; or
- (e) A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.