



**Board of Trustees of the University of Oregon  
Academic and Student Affairs Committee Meeting  
June 3, 2015**

**12:30 pm – Public Meeting – Ford Alumni Center, Giustina Ballroom**

Convene

- Call to order
- Roll call
- Introductory comments and agenda review

1. Approval of March and May 2015 ASAC minutes (Action)
2. Public comment
3. 2015 student statistics (Roger Thompson, Vice President for Enrollment Management)
4. Proposed amendments to the Student Conduct Code (Robin Holmes, Vice President for Student Life) (Actions)
5. Update on and discussion of UO's Portland presence and initiatives (Frances Bronet, Acting Provost)
6. Update on and discussion of UO's Clusters of Excellence initiative (Scott Coltrane, Interim President)
7. Program approvals (Frances Bronet, Acting Provost)
  - 7.1 Historic Preservation (location change)
  - 7.2 Prevention Science (new programs)

Adjourn



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## Agenda Item #1

### Approval of March and May 2015 Meeting Minutes

*Draft minutes for March and May 2015 were emailed to the Academic and Student Affairs Committee on May 22, 2015.*



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## Agenda Item #2

### Public Comment

*There are no materials for this section.*



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### Agenda Item #3

#### 2015 Student Statistics

*There are no materials for this section*



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## Agenda Item #4

Student Conduct Code: Proposed Amendments



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## Agenda Item #4

Student Conduct Code: Proposed Amendments

**Introduction**

Since the Joint Academic and Student Affairs Committee and Finance and Facilities Committee Meeting on May 8<sup>th</sup>, staff in the Division of Student Life has conferred with representatives of the Faculty Senate, ASUO leadership and Office of the General Counsel before finalizing its recommendations for changes to the Student Conduct Code.

**Proposed Changes****Making Temporary Changes Permanent**

The following policy changes were enacted as temporary changes to the Student Conduct Code by the Board of Trustees on September 11, 2014 through two separate motions. They will be proposed as permanent changes.

**1. Change in adjudication model (all Administrative Conferences)**

The most significant of the temporary changes enacted in September was the move to have all cases resolved by “Administrative Conferences”. In the past, the accused student was able to choose between either an Administrative Conference or a Hearing Panel, heard by the University Hearings Board (in most cases.)

This change was made largely to provide equity to both complainants and respondents when choosing a method of resolution. This change also assured that students would never be a part of an adjudication process for sexual misconduct allegations.

As a result of this change, the University Hearings board was eliminated, and all references to it have been removed from the code.

**2. Change in deadlines for student response to allegations**

Another temporary change approved in September changed the number of days students have to respond to allegations in all cases. Prior to the change, students had 14 days to respond (with an exemption for all school calendar breaks). As a result, the University was unable to move forward in some serious cases (Title IX, etc.) for several months due to the summer break.

The change required students to respond, by contacting the Office of Student Conduct and Community Standards, within seven days of receiving a Notice of Allegation in all cases.

### **3. Change in appeals process for sexual misconduct cases**

A third temporary change enacted in September changed the method of appeal for cases involving Sexual Misconduct from the University Appeals Board to having appeals heard exclusively by the Vice President for Student Life.

This change assured that students (who are members of the University Appeals Board) are never involved in deciding sexual misconduct cases.

### **4. Change in authority over changes to the Student Conduct Code**

Aligned the Conduct Code with state law and university policy, clarifying that the Board of Trustees has exclusive authority over changes to the Student Conduct Code. Previously, changes to the code were approved by both the Student Conduct Committee and the UO Senate, and then authorized by the President.

### **Motions passed by the University Senate (Fall 2014)**

During the fall 2014 term, the University Senate passed nine motions (proposed by Law Professors John Bonine and Caroline Forell) to amend sections of the Student Conduct Code, all focused on sexual misconduct. Those proposed changes are reflected in the draft code, and with some slight modifications, are recommended by the Office of Student Conduct and Community Standards.

1. Additions of the word “explicit” ahead of the word consent on three occasions within the definition of “Sexual Misconduct”. This makes it consistent with other references in the code.  
(See Comment SW50 for more details)
2. A clarification that a “single episode of behavior” that meets certain standards within the definition of sexual misconduct can be sufficient for a finding of sexual misconduct.  
(See Comment SW11 for more details)
3. A change in the “Jurisdiction” section of the code that allows for a transcript hold in the case where a student has been accused of sexual misconduct to prevent the student from transferring to another institution prior the case being decided. The Senate also proposed adding reference to “sexual misconduct” for emphasis in two other places in the Jurisdiction section. (See Note 1 below for more details.)
4. A change in the definition of sexual misconduct in the section that defines violations of the student conduct code. The goal of this change is to take away barriers to bringing forward allegations of sexual misconduct. (See Comments SW48 and SW49 for more details)



5. A clarification of guidelines for sanctions in sexual misconduct cases. It clarifies that an “educational activity will not normally be used alone” in sexual assault cases. (See Comment SW57 for more details)
6. Significant changes in the “Student Rights” section of the code that ensure that complainant (in all cases) receives the same procedural rights as the accused. This change promotes equity in the process in sexual misconduct cases. (See Comment SW62 for more details)
7. Two changes in the “conduct procedures” section of the code. The first sets faster timelines for the Office of Student Conduct and Community Standards to send a formal notice of allegation in all cases (From 6 months to 60 days, with an extension procedure built in.) (See Comment SW74 for more details)

This section also clarifies that a complaint can be filed against a “non-enrolled” student as defined in the student conduct code. (See Comment SW72 for more details)

8. A change in the “Alternative Dispute Resolution” section of the code that clarifies that mediation will never be used as a part of a sexual misconduct resolution process. (See Comment SW106 for more details)
9. (A) This change clarifies that the complainant is entitled to an equal right as the accused to have an advisor in sexual misconduct cases. (See Comment SW75 for more details)
9. (B) The Senate passed a change that “entitles” a complainant to be represented by a legal advisor at the University’s expense, if the accused retains a legal advisor. (See Note 2 below for more details.)

**Notes on Senate passed changes above that are recommended to be modified:**

1. Transcript Holds (item 3): The Senate recommended that authority be given to allow the University to place a hold on an accused student’s transcript if the accused student withdraws from the University before the student conduct proceedings are completed. This recommendation has now been included in the Emergency Action section.
2. Equity between complainants & respondents (item 9B): The Senate recommended that a complainant be provided a legal advisor at the University’s expense if the respondent has a legal advisor, regardless of whether the respondent’s legal advisor is provided without cost by the University, and regardless of whether the complainant is a student. This recommendation has now been included, with slight modification, to read as follows: “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.”

In addition, the language of the Emergency Action section was modified to reflect current practices and ensure on-going equity between complainants & the accused in those proceedings as well.

**Additional New Substantive Recommended Changes:**

In addition to the above items, the final proposed version of the Student Conduct Code includes two changes that seek to make the written policy consistent with current practices, to ensure compliance with the Violence Against Women Act (VAWA), and to be responsive to guidance from the Office for Civil Rights (“OCR”), including the April 2011 and April 2015 “Dear Colleague” letters.

1. Time Lines: VAWA regulations require that timelines be designated in all applicable disciplinary policies relied on by the University to respond to complaints alleging dating violence, domestic violence, sexual assault, and stalking. Accordingly, language was added, noting that “Administrative conferences regarding Sexual Misconduct will generally be complete within 60 calendar days of the receipt of the complaint; however, the 60 day period may be extended for good cause.” (SW88)
2. Effective date: Language was added to ensure procedural revisions to the Student Conduct Code will apply consistently to all pending Student Conduct cases filed on or after September 11, 2014, to ensure that this revised code applies in all cases currently being processed, and applies since the Board adopted the temporary changes we have been operating under. (rjr-1)

**Other items:**

Some typographical and syntax errors were corrected.



Outreach Efforts with Students, Faculty and Staff:

1. During Fall 2014 Term, The Office of Student Conduct and Community Standards held three forums and invited students, faculty and staff to attend. We advertised it in the Daily Emerald and to the ASUO and Faculty Colleagues. Only one person showed up.
2. During Winter 2015, the Director of Student Conduct and Community Standards Sandy Weintraub spoke at ASUO Senate inviting student participation for feedback on the student conduct code changes. He volunteered to come present and discuss if invited by any member of ASUO. He never received feedback.
3. In March 2015, Director of Student Conduct and Community Standards was asked by Vice President Robin Holmes to reach out to ASUO Executive Staff to schedule a meeting about the conduct code. He did meet with ASUO Internal Vice President Tran Dinh. At that meeting, he provided detailed copies of the code changes and requested feedback. He never heard back.
4. Throughout the past year, Sandy Weintraub has worked with the UO Senate to pass several proposed changes proposed by Law Professors John Bonine and Caroline Forell. Student members of the Senate did participate in the discussion, however, they gave no specific feedback about the September 2014 Board Actions. Additionally, Interim President Scott Coltrane has addressed this issue with the UO Senate during several visits to meetings of that body throughout the year.
5. Sandy Weintraub met with incoming ASUO President Helena Schlegel to discuss the code changes. At that meeting, he stressed that he wanted to ensure that the discussion continues, and that even changes that are considered “permanent” can be modified through a collaborative process led by the Student Conduct Committee.
6. Since the Joint Academic and Student Affairs Committee and Finance and Facilities Committee Meeting on May 8<sup>th</sup>, Sandy Weintraub met with Faculty Senate President Rob Kyr, Professor John Bonine, incoming ASUO President Helena Schlegel and other representatives of the Senate to discuss final recommendations. He also conferred with General Counsel’s office on a number of occasions. An additional meeting with student leaders is scheduled for the week prior to the June Board meeting.

**Academic and Student Affairs Committee  
Board of Trustees of the University of Oregon**

**Resolution: Adoption of Proposed Changes to Student Conduct Code (I)**

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, in September 2014, several temporary changes were enacted at the recommendation of the Division of Student Life to ensure compliance while allowing a consultative process on campus prior to making such changes permanent;

Whereas, the Division of Student Life now recommends that existing temporary changes to the Code be made permanent 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);

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 Board's Policy on Committees authorizes the Academic and Student Affairs Committee to refer matters to the full Board of Trustees as a seconded motion;

NOW, THEREFORE, the Academic and Student Affairs Committee of the Board of Trustees of the University of Oregon hereby refers the proposed changes to the Student Conduct Code, attached hereto in Exhibit A, to the Board of Trustees as a seconded motion, recommending adoption as permanent changes.

*--Vote recorded on following page--*

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Trustee	Yes	No
Chapa, Rudy		
Coltrane, Scott		
Curry, Ann		
Ford, Allyn		
Schlegel, Helena		
Wilcox, Mary - Chair		
Willcox, Kurt		

Dated: \_\_\_\_\_ of \_\_\_\_\_, 2015.

Initials: \_\_\_\_\_

**EXHIBIT A:**

**Proposed Permanent Changes to the Student Conduct Code  
(previously adopted as temporary)**

## 571-021-0105 Definitions

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

For purposes of the Student Conduct Code, OAR571-021-0100 et seq.:

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(34) "University Appeals Board" means the person or persons authorized by this Code pursuant to OAR571-021-0165 to consider an appeal ~~from the outcome of an administrative conference from a determination by Community Standards Hearings Panel that a student has violated the Student Code.~~

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## 571-021-0110 Delegations and Authority

**Pursuant to ORS 352.010, the faculty is responsible for student discipline. The faculty of the University delegates authority for administering this Code and the Student Conduct Program as provided below:**

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

(a) The Director of Student Conduct and Community Standards and the Community Standards Committee may authorize a Community Standards Administrator to serve simultaneously as a Community Standards Administrator ~~and as a member of the Community Standards Hearing Board~~. The Director may authorize the same Community Standards Administrator to impose sanctions in all cases.

(b) Consistent with OAR571-021-0205(1)(d), the Vice President for Student ~~Affairs~~ Life or designee may serve ad hoc in place of the Director of Student Conduct and Community Standards.

(2) The Community Standards Committee shall be responsible for ~~formulating or approving, prior to implementation, regulations and enforcement procedures pertaining to student conduct matters at the University of Oregon, and~~ recommending to the faculty Board of Trustees of the University of Oregon policy or administrative changes in any aspect of the Student Conduct Program.

(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.

(3) Sub-delegation of Authority to Minor Tribunals and hearing officers.

(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. 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.

(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;
  - (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 Committee prior to implementation.
- (d) The authority granted to minor tribunals 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.

### **571-021-0125 Violations of Community Standards by Student Organizations**

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(3) If, in the judgment of the Vice President of Student [AffairsLife](#), 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.

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### **571-021-0130 Sanctions**

**The University utilizes an educational sanctioning model; hearing officers ~~or panels~~ 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 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 are deemed the most severe and may result, upon the first violation, in a negative notation being placed on a transcript, suspension, or expulsion.**

#### **(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 [AffairsLife](#).

(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 ~~or panel~~. After the expiration of the period of time, if any, set by the hearing officer ~~or panel~~, 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 [AffairsLife](#).

(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.

(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 an ASUO-recognized group requires approval by the Vice President of Student [AffairsLife](#).

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

(3) Failure to complete a sanction will be handled pursuant to OAR571-021-0240(3).

## **571-021-0140 Student Rights**

**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.**

- (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 ~~request that~~ appear before the Director of Community Standards ~~resolve the case~~ in an administrative disciplinary conference, as outlined at 571-021-205 ~~or to request a panel hearing~~.
  - (c) To be allowed reasonable time to prepare for the ~~hearing or~~ 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 ~~call and confront~~ identify relevant witnesses;
  - (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 ~~or serving as a hearings board member or hearing officer~~ 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.
  - (i) To have an adviser of their choice present at the ~~hearing~~ conference provided that advisor's schedule does not unreasonably delay the ~~hearing~~ conference. The ~~hearings panel~~ Director shall determine what constitutes an "unreasonable" delay.

#### **571-021-0150 Administration of the Conduct System**

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

- (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 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 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 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 ~~University Senate and adoption as an Oregon Administrative Rule~~, 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. ~~faculty except that the sections on delegation to minor tribunals may also be amended by the Community Standards Committee. Amendments to this Code are effective when adopted as Oregon Administrative Rules.~~

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

~~—(d) This Code is adopted as Oregon Administrative Rules. The provisions contained in these rules take precedence over any other versions of the Student Conduct Code regardless of where promulgated.~~

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

~~(1) University Hearings Board Membership. The University Hearings Board (Hearings Board) shall consist of eighteen members, all of whom—~~

~~must be appointed by the University President. The Hearings Board shall consist of:~~

~~—(a) Ten registered students at the University of Oregon that have been recommended to the President by the ASUO. Each student member is appointed for a one-year term and may be reappointed for additional terms;—~~

~~—(b) Four University officers of instruction, all of whom the Committee on Committees of the University Senate shall recommend to the President. Two officers of instruction will serve a one-year term, and the other two will serve a two-year term; and~~

~~—(c) Four University officers of administration all of whom the Committee on Committees of the University Senate shall recommend to the President. Two officers of administration will serve a one-year term, and the other two will serve a two-year term.~~

~~(2) Recruitment and selection of student nominees.~~

~~—(a) The Office of Student Conduct and Community Standards and Office of Student Advocacy will take responsibility during spring term for the recruitment and receipt of applications for new student members to the Hearings Board. The Office of Student Conduct and Community Standards and Office of Student Advocacy will ensure that the nominated students are representative of the diversity of the University of Oregon. Particular efforts will be made to recruit law students.~~

~~—(b) A review committee consisting of one member of the Office of Student Conduct and Community Standards, one member of the Office of Student Advocacy, one student from the Residence Hall Association, and two members of the ASUO, one of which will be the University Affairs Director, will review the applications for the Hearings Board. The review committee will make every attempt to ensure that the nominated students are representative of the diversity of the applicant pool.~~

~~—(c) Preference will be given to up to 5 recommended students wishing to return to the Hearings Board for reappointment.~~

~~—(d) Names of nominated students will be forwarded to ASUO for formal nomination to the University President pursuant to (1)(a).~~

~~—(e) New student members of the Hearings Board, once appointed by the President, will be trained by the Office of Student Conduct and Community Standards and the Office of Student Advocacy before the end of the academic year in which they are appointed.~~

~~—(f) New student members shall be ready and available to assume responsibilities for the Hearings Panel at the beginning of the next academic year after they are appointed.~~

~~(3) Student Conduct Hearings Panel (Hearings Panel). Student Conduct Code panel hearings, pursuant to OAR571-021-0205, are heard by a panel on which officers of instruction, officers of administration and students are represented, drawn from members of the Hearings Board. A Hearings Panel cannot proceed with fewer than four members present.~~

~~—(a) A party may challenge a Hearings Panel member or the chair on the ground of personal bias. Any member who is incapable of rendering a fair and objective decision based solely upon the facts, information and arguments presented during the hearing with no influence based on the member's familiarity with people, facts or the situation arising from outside the hearing is disqualified from hearing the case.~~

~~—(b) If a Hearings Panel member is disqualified, the chair of the Hearings Panel will determine whether to fill the position by appointment of another member of the Board or to proceed with fewer members so long as the Hearings Panel consists of no fewer than four qualified members.~~

## 571-021-0165 University Appeals Board

**[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 OAR571-021-0250, the Appeals Board shall be responsible for reviewing substantive or procedural appeals from the decisions of all ~~Hearings Panel~~ administrative conferences in cases except those involving ~~S~~sexual ~~m~~Misconduct which shall be appealed directly to the Vice President for Student Life or 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 tem 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.

## 571-021-0200 Conduct Procedures

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

(1) Complaint. Any Member of the University Community may file a complaint against a Student 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 OAR571-021-0115. 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 to send written notice to the accused Student of the complaint.

(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. Such notice shall inform the student of:

- (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 a hearing by a Hearings Panel~~ or before the Appeals Board, or the Vice President of Student Life, 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.

(d) The requirement to respond within 147 calendar days, ~~excluding breaks between terms or when the student is not registered,~~ to arrange a meeting with the hearing officer. The hearing officer will proceed as provided in (3)(b) if the Student does not arrange to meet or fails to meet with the hearing officer as arranged.

(3) Response.

~~(a) After proper service of written notice as provided in (2), the Student may arrange to meet with the Director for the purpose of selecting an option for the disposition of the case, either through conference with the Director or staff or through hearing by a Hearings Panel pursuant to OAR571-021-0210.~~

~~(b) If after receiving notice, pursuant to this rule, the Student does not arrange to meet with the Director to select an option for disposition of the case within 147 days, excluding breaks between quarters or when the student is not registered, or if the Student arranges to meet with the Director to select an option to dispose of the case but does not attend such a meeting, the Director of Student Conduct and Community Standards may take any of the actions specified in OAR571-021-0205 or OAR571-021-0210 for disposition of the case without consultation with or agreement by the Student.~~

~~(c) Immediate Referral to Hearings Panel. If the Director of Student Conduct and Community Standards finds that under the circumstances of the case, an immediate referral to a Hearings Panel would be in the best interest of the University or the best interest of the Student, the Director of Student Conduct and Community Standards may make such referral before service of notice upon the student. In such case, the letter sent to the student shall notify the student of the referral to the Hearings Panel and contain the information required in (2)(c).~~

~~(4) Conference and Hearing Board Referrals~~

~~(a) The Director of Student Conduct and Community Standards or a designee will conduct a preliminary review to determine whether the alleged misconduct might result in negative notation on transcript, expulsion or suspension from the University. Students not subject to suspension, expulsion or negative notation will be entitled to an administrative disciplinary conference with the Director of Student Conduct and Community Standards pursuant to OAR571-021-0205 or a hearing with a Hearings Panel pursuant to OAR571-021-0210. Students who are subject to suspension, expulsion or negative notation will be entitled to a hearing before a Hearings Panel pursuant to OAR571-021-0210.~~

~~(b) Students referred for a hearing by the Director of Student Conduct and Community Standards may elect to have their cases resolved in accordance with OAR571-021-0210. Such an election must be in writing, affirming that the Student has had an opportunity to consult with an adviser of their choosing, is aware a hearing is being waived and that the full range of sanctions may be imposed, including negative notation on transcript, suspension or expulsion or from the University.~~

(5) 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 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 at 571-021-0200(2)(c), present during any interviews with the Director of Student Conduct and Community Standards, or designee, and any other disciplinary proceeding.



~~(21)~~ Students accused of violations ~~that may result in penalties less severe than suspension, expulsion or negative notation may choose 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 disciplinary 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 be accompanied and assisted by an adviser~~

~~(d)~~ 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 Affairs-Life or his or her designee.

~~(23)~~ 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.

~~(34)~~ 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.

#### **OAR571-021-0210**

#### **University Hearings Panel Hearings**

~~If a matter cannot be resolved by an administrative conference, if selected or required pursuant to OAR571-021-0200, resolution will be sought through a hearing before a Hearings Panel. As with all other aspects of the Student Conduct Code, the hearing is primarily for educational purposes. The hearing is an information gathering process not a criminal proceeding, trial, or litigation.~~

~~(1) All complaints shall be presented to the Accused Student in written form. Because the University community values prompt disposition of student conduct matters, a time shall be set for a hearing not~~

less than twenty nor more than thirty calendar days after the Student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Director of Student Conduct and Community Standards or the Hearings Panel.

(2) The Hearings Panel will select a chair from among the returning members of the hearings board. The chair shall preside at the hearing. The chair may participate in Hearings Panel deliberations and discussions but shall not vote.

(3) The University community values personal responsibility and accountability as an important part of its core educational process. In accord with this value, in a hearing the Accused Student and any Complainant are responsible for responding to inquiries from the Hearings Panel. However, an Accused Student and a Complainant, if any, may each be assisted by one advisor as identified in OAR571-021-0200. The following rules and standards pertain to any such advisor:

—(a) The advisor may, but need not, be an attorney;

—(b) A Student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor;

—(c) A Student planning to invite an advisor to a hearing must inform both the Director of Student Conduct and Community Standards and the Hearings Panel of this intention at least seven calendar days prior to the hearing. If a matter includes both an Accused Student and a Complainant, the Director shall promptly notify the other Student of the first Student's intent to invite an advisor. The other Student shall be afforded an equal right to invite an advisor even if doing so results in the Director and the Hearings Panel receiving less than seven days prior notice.

—(d) Advice provided by an advisor may include advising the student how to answer any question posed by the Hearings Panel;

—(e) In order to preserve the educational tone of the hearing and to avoid an adversarial environment, advisors are generally not permitted to speak or participate directly in any hearing, except in one or more of the following specific ways:

——(A) An advisor may provide a written opening summary or statement.

——(B) An advisor may provide an oral closing summary or statement.

——(C) An advisor may be allotted a limited time period to ask one or more questions of the Student the advisor is advising and to allow the Student to respond. Questions asked by an advisor are in addition to questions asked by the Hearings Panel.

——(D) An advisor may submit to the Hearings Panel in writing any suggested questions for the Hearings Panel to ask of any other participant who is giving information at the hearing.

——(E) The Hearings Panel may permit advisors to question a person providing information at the hearing, if both Complainant and Accused Student independently so request at the beginning of the hearing.

—(f) The Hearings Panel will automatically add the name of any person filling the advisor function at a hearing to a list of Hearings Panel Advisors who may be available for other students who wish to consult with an advisor.

—(g) An advisor should act in accordance with the standards and values of the University community. If an advisor's conduct in a hearing is judged to merit disqualification, the Hearings Panel has the authority to remove a person's name from the Hearings Panel Advisors list and to disqualify that person from serving as an advisor in future hearings.

(4) A Student whose ability to present their own information is hindered either by a language barrier, a documented disability or other serious difficulty with public, oral presentation shall have the right to petition the Hearings Panel to permit someone to speak on the Student's behalf at the formal hearing. Such a spokesperson may be a friend or family member, a professionally-trained translator or interpreter or a member of the University community but may not be an attorney or any other professional receiving a fee for representing or advising the student.



(5) The Hearings Panel, in its sole discretion, has responsibility and authority for deciding the length of time a party is allowed for closing statement or for questioning, if any, by advisors and at what point in the hearing these should occur.

(6) The Director of Student Conduct and Community Standards or designee shall give an Accused Student notice of the hearing date and the specific complaints against them at least 14 calendar days in advance of the hearing date. Notice shall be by personal delivery or by certified mail to the last address provided by the Accused Student to the university.

(7) An Accused Student shall be accorded reasonable access to the case file, but shall not have access to material the disclosure of which is prohibited by law. Upon request to the Director of Student Conduct and Community Standards, an Accused Student will be provided copies of the case file, except to the extent prohibited by law. The original case file will be retained in the Office of the Director of Community Standards.

(8) The chair of the Hearings Panel may require attendance of relevant witnesses after consultation with the Director of Student Conduct and Community Standards. Notice of required attendance must be personally delivered or sent by certified mail. University Students and employees are expected to comply with these requests, unless compliance would result in significant and unavoidable personal hardship, or substantial interference with normal University activities, as determined by the chair of the Hearings Panel, in consultation with the Director of Student Conduct and Community Standards. In addition, in any formal hearing, either the University or the Student may request the University General Counsel to issue a subpoena pursuant to ORS 183.445.

(9) The Hearings Panel will consider an Accused Student who fails to appear after proper notice to have pleaded "not responsible" to the complaints pending against them. A hearing may be conducted without the Accused Student present, if necessary.

(10) All hearings conducted under the authority of the Student Conduct Code are to be closed unless a student has waived in a signed, written and dated document any restrictions on disclosure of documents, exhibits, written statements, interview notes, photographs, or other materials in the Student Conduct case file or in other education records which could be offered, admitted, identified, described, referred to, or generated in the course of the hearing.

—(a) A waiver of access to education records shall apply to the entire hearing, unless otherwise agreed to by the University and a student Complainant, if there is one, and the Accused Student.

—(b) The chair of the Hearings Panel shall close the hearing unless a waiver is provided to the Director of Student Conduct and Community Standards prior to the beginning of the hearing. Only participants in the hearing shall be allowed to attend a closed hearing. Participants include but are not limited to, the Hearings Panel, the Director of Student Conduct and Community Standards, the Accused Student and the Accused Student's advisor, interpreter or translator, and appropriate University officials.

—(c) With regards to sexual assault as used in 20 U.S.C. § 1092(f)(8)(B)(iv)(I) (2000), a Complainant and an Accused Student are entitled to the same opportunities to have others present during a campus disciplinary proceeding. A Complainant who alleges sexual assault may have an equivalent number of advisors present during the hearing as the Accused Student. If an Accused Student does not have an advisor, a Complainant alleging sexual assault may still have an advisor present during the hearing. A Complainant who alleges sexual assault also has the right to be present during the portion of hearing when information is being presented.

—(d) Except as otherwise required, the chair of the Hearings Panel may exclude persons from the hearing as necessary to maintain order.

—(e) The Hearings Panel may, on its own initiative, or at the request of a participant, exclude from an otherwise open hearing a prospective witness or witnesses, other than the Complainant and the Accused Student, during the statements of other witnesses.

(11) The chair shall exercise control over the proceedings to avoid needless consumption of time and to achieve completion of the hearing in a timely manner. Any person, including an Accused Student or a

Complainant, who disrupts a hearing may be excluded by the Chair.

~~(12) Procedural questions are subject to final determination by the chair of the Hearings Panel.~~

~~(13) Witnesses.~~

~~—(a) Witnesses shall be required to affirm that their testimony is truthful. Witnesses may be subject to disciplinary sanctions or perjury for knowingly providing a false statement.~~

~~—(b) Questioning witnesses.~~

~~—(A) Accused Students (not their advisors) and Complainants, may ask relevant questions of witnesses.~~

~~—(B) Hearings Panel members may ask questions of the parties and witnesses.~~

~~(14) Information and evidence.~~

~~—(a) The Oregon Evidence Code does not apply except that rules of privilege recognized by Oregon law shall apply.~~

~~—(b) Irrelevant, immaterial or unduly repetitious material shall be excluded. All other information of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.~~

~~—(c) Information may be received in written or oral form.~~

~~—(d) The Hearings Panel may also take judicial notice of matters which would be within the general experience of University students and faculty members.~~

~~—(e) Information in hearing alleging Sexual Misconduct Information about the sexual behavior of a student prior to or subsequent to an alleged~~

~~Sexual Misconduct incident is not admissible in a hearing unless the following conditions apply:~~

~~—(A) A description of the information regarding specific instances of sexual behavior, whether of the Complainant or of the Accused Student, is submitted to the Hearings Panel chair no fewer than seven days prior to the hearing (unless the information is otherwise deemed essential by the Hearings Panel chair)~~

~~—(B) The Student whose sexual behavior is at issue has had an opportunity to provide a written response; and~~

~~—(C) The Hearings Panel chair finds that the probative value of the information outweighs the danger of undue prejudice to the student.~~

~~(15) Hearings shall be tape recorded or transcribed.~~

~~(16) Allegations of violations of the Student Conduct Code must be established by a preponderance of evidence except a student may be expelled only based on clear and convincing evidence.~~

~~—(a) The Director shall be responsible for investigating and presenting the case to the Hearings Panel and ensuring that all relevant information is presented on both sides.~~

~~—(b) For all violations of the Student Conduct Code, it is the complaining party's burden to prove the case by a preponderance of information except as stated above.~~

~~(17) A Complainant, an Accused Student, or a witness may identify concerns about personal safety, well-being or fear of confrontation with another hearing participant to the Director of Student Conduct and Community Standards. The Director will determine what, if any, accommodations are appropriate.~~

~~Examples of accommodations include, but are not limited to, separate facilities, visual screens, telephone or remote video participation or written submissions.~~

~~—(a) If another participant objects to the accommodation, the participant shall submit written objections to the chair of the Hearings Panel. Written objections should include information describing how the accommodations proposed will affect the fairness of the hearing.~~

~~—(b) The Hearings Panel will decide whether to provide the proposed accommodation.~~

~~—(c) The Hearings Panel will not consider a request for accommodation or the granting or denial of an accommodation in concluding if an Accused Student violated the Student Conduct Code.~~

## 571-021-0220 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 expunged.**

(1) Mediation. Mediation is encouraged as an alternative means to resolve allegations of Student Conduct Code violations, where appropriate. 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 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 OAR571-021-0200.

(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 OAR571-021-

0240 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 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.

(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 of the reason for the emergency action;

(b) Give the Student the opportunity to explain why emergency action need not be taken;

(c) Inform the Student that a preliminary hearing will take place according to Paragraph (5) and that the Student will be informed of its time, place, and date; and

(d) Inform the Student of the possible restrictions that may be imposed prior to ~~a panel hearing 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.

(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~~ full hearing regarding the Student's conduct pursuant to OAR571-021-0210 of the Student Conduct Code; or

(C) Sustain or modify the emergency action until such time as ~~a Hearings Panel may hold a hearing regarding the Student's conduct~~ a resolution is reached following an administrative conference.

(6) An emergency action shall be reviewed by Vice President for Student ~~Affairs~~ 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) A Hearings Panel hearing subsequent to an emergency action shall occur no sooner than fourteen days after the emergency action is imposed, and shall be administered pursuant to OAR571-021-0210 of this Code. If the Director for Student Conduct and Community Standards agrees, the Student may waive the fourteen-day notice requirement in order to expedite the hearings process.~~

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

#### **571-021-0240 Imposition of Sanctions, Adjudication of Contempt and Failure to Complete Assigned Sanctions**

**[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, ~~Hearings Panel~~ 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 OAR571-021-0250.

(2) A ~~chair of a Hearings Panel or 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 OAR571-021-0120(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 OAR571-021-0250. 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.

## 571-021-0250 Appeals

**The University Appeals Board (Appeals Board) is the final appeals body within the Student Conduct Program. As set forth in OAR571-021-0165 this Appeals Board shall be responsible for reviewing substantive or procedural appeals from the decisions ~~of a Hearings Panel~~ issued following an administrative conference.**

(1) A decision ~~reached by the Hearings Panel~~ through an administrative conference may be appealed by the Accused Student or Complainant(s) ~~to the Appeals Board~~ 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 or designee; all other appeals will be heard by the Appeals Board.

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

(b) A Complainant(s) who fails to attend any requested meetings with the Director the hearing of the Hearings Panel or fails to present information in a format approved by the Director Hearings Panel 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 determines necessary to explain the basis of new information, an appeal is limited to a review of the verbatim record of the Hearings Panel administrative conference, and supporting documents:

(a) To determine if the Hearings Panel hearing 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 Hearings Panel 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 a Hearings Panel~~ 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 overrules a decision in whole or in part, it may:

(a) Modify the decision or sanction; or

(b) Remand for further proceeding.

~~(4) No appeal shall be allowed unless the party appealing cites specifically to the hearing record and states with specificity the grounds under which the appeal shall be allowed.~~

~~(5) The University Appeals Board decision may be appealed to the extent provided in ORS Chapter 183.~~

**Academic and Student Affairs Committee  
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 Board's Policy on Committees authorizes the Academic and Student Affairs Committee to refer matters to the full Board of Trustees as a seconded motion;

NOW, THEREFORE, the Academic and Student Affairs Committee of the Board of Trustees of the University of Oregon hereby refers the proposed changes to the Student Conduct Code, attached hereto in Exhibit A, to the Board of Trustees as a seconded motion, recommending adoption as permanent changes.

*--Vote recorded on following page--*

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Trustee	Yes	No
Chapa, Rudy		
Coltrane, Scott		
Curry, Ann		
Ford, Allyn		
Schlegel, Helena		
Wilcox, Mary - Chair		
Willcox, Kurt		

Dated: \_\_\_\_\_ of \_\_\_\_\_, 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:

- (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/- [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 [SW5]: Removes gendered pronouns

Commented [SW6]: Removes gendered pronouns

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

**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.

(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

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

(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:

(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.

(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.

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

(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.

(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;

(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.

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

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

**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

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

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

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

**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 change, 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.

**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.

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

**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.

**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. An educational activity will not normally be used alone for cases of unwanted penetration or nonconsensual physical contact; it should only be used in conjunction with more serious sanctions, including reprimands, notations on transcripts, and expulsions.

(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.

**Commented [SW37]:** 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.

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

**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

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

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

preponderance of the information.

(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.

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

**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**

**[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

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

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

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

(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.

**EXHIBIT B:**

**Clean version of new proposed changes with comments**

## 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.

### Section 1: Student Conduct Policies

**Commented [SW2]:** 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.

## II. Definitions

For purposes of the Student Conduct Code:

(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 this code
- (d) Plagiarism, as defined in this code
- (e) Knowingly furnishing false information to a University Official; and
- (f) Fabrication, as defined 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 the student has mastered information on an academic exercise that the student has not mastered. Examples include but are not limited to:

- (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/ Student Conduct Committee” means the Committee established pursuant to this Code, comprised of persons appointed by the President with the responsibility for formulating, approving or recommending changes related to the Student Conduct Program.

(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 process under this Code or an interruption of its proceedings by disorderly behavior or insolent 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

**Commented [SW3]:** Removes gendered pronouns

**Commented [SW4]:** Removes gendered pronouns

**Commented [SW5]:** In line with current name of the committee

**Commented [SW6]:** 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.

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 the student states or implies otherwise, or the falsification of research or other findings with the intent to deceive.

Commented [SW7]: 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 [SW8]: 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 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 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.

**Commented [SW9]:** 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 [SW10]:** Changed to make consistent with our process. All cases are heard by an administrative conference rather than a hearing

### 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:**

(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 this code the Vice President for Student Life's 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.

(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 ~~Student Conduct Committee~~.

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

(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 ~~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.

(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;

(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 ~~Student Conduct Committee~~ prior to implementation.

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

**Commented [SW11]:** Changed to reflect the current name of the committee

**Commented [SW12]:** Changed to reflect the current name of the committee

**Commented [SW13]:** 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

**Commented [SW14]:** See note [SW15] above.

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

**Commented [SW16]:** Changed to reflect the current name of the committee

**Commented [SW17]:** 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 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.

(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) 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

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

(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.

**Commented [SW18]:** 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.

**Commented [SW19]:** 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.

## V. Student Conduct Code Violations

**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 [SW20]:** Changed to clarify language, and make the code easier to understand for students.

(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
- (b) Fabrication
- (c) Plagiarism;
- (d) Academic misconduct
- (e) Intentionally furnishing false information to a University Official;
- (f) Forgery, alteration or unauthorized use of University documents, records, keys student 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 process created under this Code. Adjudication of contempt and imposition of sanctions may be imposed summarily consistent with procedures outlined in this code

**Commented [SW21]:** Changing to be consistent with new code numbering system

**Commented [SW22]:** 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 this code made or transmitted via electronic forums, social media platforms or electronic mail.

**Commented [SW23]:** Changed to reflect modern realities of student use of University computing resources

**Commented [SW24]:** 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 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:

(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 [SW25]:** 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 [SW26]:** 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.

**Commented [SW27]:** Added to acknowledge the differences between State and Federal law regarding Marijuana.

## VI. Sanctions

The University utilizes an educational sanctioning model; 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 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.

### (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 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

**Commented [SW28]:** Changed to reflect the titles SCCS uses in practice

**Commented [SW29]:** Change Passed by UO Senate to address the serious nature of allegations of sexual assault.

**Commented [SW30]:** 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.

**Commented [rjr31]:** 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 [SW32]:** Changed to reflect the titles SCCS uses in practice



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. **An educational activity will not normally be used alone for cases of unwanted penetration or nonconsensual physical contact; it should only be used in conjunction with more serious sanctions, including reprimands, notations on transcripts, and expulsions.**

**Commented [SW33]:** 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.

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

(3) Failure to complete a sanction will be handled pursuant to Processes found in this code.

## Section 2: Student Rights

**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 conference, as outlined at 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 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.
  - (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;

**Commented [SW34]:** Changed to adhere with current student conduct practice

(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 [SW35]:** 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.

## Section 3: Administration of the Student Conduct Process

### I. Administrative Policies

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

**Commented [SW36]:** 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 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 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 [SW37]:** Change reflects the current name of the committee

## 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 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 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 [SW38]:** Change reflects expansion of off-campus jurisdiction

**Commented [SW39]:** 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 [SW40]:** Changing to be consistent with new code numbering system

**Commented [SW41]:** 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.

(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:

- (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) 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 below if the Student does not arrange to meet or fails to meet with the hearing officer as arranged.

~~(e) 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.~~

(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.

(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.

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.

**Commented [SW42]:** 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.

**Commented [SW43]:** Change reflects that Bar Membership is not relevant in our process

**Commented [SW44]:** Edited to provide equity in representation, but allow the University to develop a mechanism to permanently put it in place

**Commented [rjr45]:** See Comment [SW50] above

### 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 this code, present during any interviews with the Director of Student Conduct and Community Standards, or designee, and any other disciplinary conduct proceeding.

(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 ~~their~~ designee.

(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

**Commented [SW46]:** 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.

**Commented [SW47]:** Removed gendered pronouns

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 [SW48]:** Added to be in compliance with the amendments to the Violence Against Women Act.

## IV. Appeals

**Commented [SW49]:** 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. 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 [SW50]:** 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.

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

**Commented [SW51]:** 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-

(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 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.. 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.

## 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 referred to the office of Student Conduct and Community Standards

Commented [SW52]: Changed for clarity.

(1) Notice. Upon the discovery of suspected Academic Misconduct, as defined 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 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.

## 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.**

(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 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.

(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

**Commented [SW53]:** Changed to use language consistent with this code.

**Commented [SW54]:** 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.

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 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.

## 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 [SW55]:** 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 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

(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.

(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 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**

**Commented [SW56]:** Added to ensure that the Complainant is able to participate in an equitable manner in an Emergency Action process

**Commented [rjr57]:** See Comment [SW 62] above.

**Commented [SW58]:** Moved to a more logical section of the code

**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;

(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.

# **STUDENT CONDUCT CODE (Draft 5/20/2015)**

*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*

## **Section 1: Student Conduct Policies**

### **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.

### **II. Definitions**

For purposes of the Student Conduct Code

(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 this code
  - (d) Plagiarism, as defined in this code
  - (e) Knowingly furnishing false information to a University Official; and
  - (f) Fabrication, as defined 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 the student has mastered information on an academic exercise which the student has not mastered. Examples include but are not limited to:
- (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 Student Conduct Committee” means the Committee established pursuant to this code, comprised of persons appointed by the President with the responsibility for formulating, approving or recommending changes related to the Student Conduct Program.
- (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 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 the student states or implies otherwise, or the falsification of research or other findings with the intent to deceive.

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
- (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.

(1) (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 to consider an appeal from the outcome of an administrative 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.

### **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:**

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

a. Consistent with this code the Vice President for Student Life's designee may serve ad hoc in place of the Director of Student Conduct and Community Standards.

(2) 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.

(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 Student Conduct Committee.

(3) Sub-delegation of Authority to alternative processes and hearing officers.

(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 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.

(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;

(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 Student Conduct Committee prior to implementation.

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

## 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 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.

(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) 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

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

(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.

## V. Student Conduct Code Violations

**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)**

**(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
- (b) Fabrication
- (c) Plagiarism
- (d) Academic misconduct
- (e) Intentionally furnishing false information to a University Official;
- (f) Forgery, alteration or unauthorized use of University documents, records, keys student 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 procedures outlined in this code

**(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 this code made or transmitted via electronic forums, social media platforms or electronic mail.

**(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 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 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 in this code
- (h) Sexual Misconduct
  - (A) Sexual gratification or pleasure of any party involved is not relevant to a determination of whether Sexual Misconduct occurred.
  - (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.
  - (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:

(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.

## VI. Sanctions

**The University utilizes an educational sanctioning model; 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 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.**

### (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 administrator. After the expiration of the period of time, if any, set by the hearing 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. An educational activity will not normally be used alone for cases of unwanted penetration or nonconsensual physical contact; it should only be used in conjunction with more serious sanctions, including reprimands, notations on transcripts, and expulsions.

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

(3) Failure to complete a sanction will be handled pursuant to Processes found in this code.

## Section 2: Student Rights

**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 conference, as outlined at 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 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.

(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.

## **Section 3: Administration of the Student Conduct Process**

### **I. Administrative Policies**

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

(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 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 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.

## II. Student Conduct Procedures

**This section of the code describes the process that the Student Conduct office adheres to following an alleged violation of 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 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 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

(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:

(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) 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

(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

(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 ~~571-021-0205~~ or ~~571-021-0210~~ this code for disposition of the case without consultation with or agreement by the Student .

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.

### 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 this code, present during any interviews with the Director of Student Conduct and Community Standards, or designee, and any other conduct proceeding.

(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 designee.

(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.

## IV. Appeals

**The University Appeals Board (Appeals Board) is the final appeals body within the Student Conduct Program. 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**

**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.

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

**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 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. 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.

## **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 referred to the office of Student Conduct and Community Standards**

(1) Notice. Upon the discovery of suspected Academic Misconduct, as defined 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 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.

## 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.**

(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 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.

(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 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.

## 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 and prevent the student from obtaining an official copy of the student's transcript.

(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 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
- (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.

(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 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**

**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;

(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.



UNIVERSITY OF OREGON

## Agenda Item #5

UO's Portland Presence & Initiatives

*There are no materials for this section.*



UNIVERSITY OF OREGON

## Agenda Item #6

### Clusters of Excellence Update

Dear Colleagues,

As we begin the final weeks of the academic year, I have exciting news to announce about our plans to attract outstanding faculty from across the country to the UO. We are moving forward with funding for two of the proposals identified last year in the Clusters of Excellence hiring program. These two clusters will add up to six new faculty researchers to our already stellar team in the coming months. The two clusters are:

*The Faculty Cluster in Chemistry and Physics to Amplify Excellence in Energy and Sustainable Materials*, coordinated by Professor Jim Hutchison, and

*The Center for Genome Function*, coordinated by Professor Eric Selker.

These Clusters of Excellence will be funded through a combination of sources, including recurring funds from licensing revenues and recurring funds identified by the Budget Advisory Group in this year's strategic investment process. We will continue to look for philanthropic and other external funds to enhance these clusters.

Hiring is also underway for a third Cluster of Excellence in Health Promotion & Obesity Prevention, coordinated by Professor Elizabeth Stormshak. This endeavor was made possible by a generous gift of \$20 million.

Incoming President Michael Schill has expressed strong support for our efforts to advance our research and creative capacity and expand our outstanding research faculty ranks. He and I, together with the other members of the leadership team, know these foundational hires are paramount to our success. We are committed to competing for top researchers from around the globe. We continue to actively seek resources to fund the other seven selected clusters and will begin planning for future rounds of additional cluster proposals in the future.

This is a time of new beginnings for the University of Oregon, and the Clusters of Excellence Faculty Hiring Initiative is a key component of our next chapter. I will keep you apprised of our hiring efforts and will continue to work to expand our engagement in cutting edge research and creative endeavors.

Thank you for all you do to advance research excellence at the University of Oregon.

Sincerely,

Scott Coltrane  
Interim President



## Clusters hiring launches with focus on basic and applied sciences

*National leading researchers are being recruited to help boost the UO's leadership in areas seen as critical to emerging scientific challenges.*

It's full throttle ahead for three Clusters of Excellence initiatives with recruitment underway for nearly a dozen top-flight researchers to join the University of Oregon.

With \$1.7 million in initial funding, the UO is recruiting up to six leading scientists to help pursue alternative approaches to meet tomorrow's needs in energy and sustainable materials and to expand genomics research. In addition, the fully funded obesity prevention cluster program is actively courting a handful of top researchers.

Hiring for the Faculty Cluster in Chemistry and Physics to Amplify Excellence in Energy and Sustainable Materials, led by Jim Hutchison, and the Center for Genome Function, directed by Eric Selker, is moving forward with recurring funds from licensing revenues and the UO's strategic investment process, said interim President Scott Coltrane.

Both clusters are among 10 initiatives identified in 2014 as priorities for faculty expansion.

"We will continue to look for philanthropic and other external funds to enhance these clusters," Coltrane said. "This is a time of new beginnings for the University of Oregon, and the Clusters of Excellence Faculty Hiring Initiative is a key component of our next chapter."

The energy and sustainable materials cluster will build on the UO's existing strengths in green chemistry, materials science and sustainable materials by promoting an applied science emphasis, says Hutchison, the UO's Lokey-Harrington Chair in the Department of Chemistry.

"The cluster's research will address key societal needs for alternative energy sources and for materials and technologies that help society meet its needs without depleting our natural resources," he said. With about one-third of periodic table elements now in critical supply, he added, the cluster will provide "preventative medicine needed for the planet."

The cluster is an initiative of the Materials Science Institute and the Departments of Chemistry and Physics. Faculty hiring, Hutchison says, will strengthen the vision established by UO leadership 20 years ago to become a leader in sustainable materials.

The UO, he noted, is part of the National Science Foundation-funded Center for Sustainable Materials Chemistry, is home to the Center for Advanced Materials Characterization in Oregon and has a graduate internship program that provides a foundation for industry-academic collaborations.

"These cluster hires will bridge existing strengths to design new materials through the power of computation and big data, discover new methods to produce high-performance materials that are also sustainable and integrate these new materials in devices such as those that can produce electricity and fuels using the sun's energy," he said. "This investment will provide a foundation for interdisciplinary, applied science efforts at the UO."

The Center for Genome Function, an initiative of the UO's Department of Biology and Institute of Molecular Biology, will focus on integrated genetic and epigenetic studies.

"Interest in this research area has never been higher," said Selker, who in 2012 was elected into the National Academy of Sciences. "The field has exploded because of important discoveries and major advances that have created exciting new areas of research such as RNA biology, chromatin structure and function, and epigenetics."

Epigenetics refers to heritable chemical modifications to gene expression that are not attributable to alterations in the sequence of DNA. Among other things, researchers in the Center for Genome Function will study how parts of genomes are appropriately turned on and off.

"Understanding epigenetic changes will greatly advance our knowledge of how abnormalities in genome function lead to human diseases — including cancer, neurodegenerative diseases, mental disabilities, birth defects and infertility," said Diana Libuda, an assistant professor of biology who opened a DNA-research lab in the Institute of Molecular Biology in January.

New faculty in the cluster will allow the UO to build on the reputation and strengths of the Institute of Molecular Biology, which was founded in 1959, and will increase collaboration of geneticists, biochemists and cell biologists.

Coltrane also announced that recruiting is continuing for the Cluster of Excellence in Health Promotion and Obesity Prevention, which received \$20 million <http://around.uoregon.edu/content/uo-announces-50-million-gift-fundraising-campaign> last November in philanthropic support.

The College of Education, which is primary home to the cluster, has posted a job announcement and invited several researchers to visit campus, said Beth Stormshak, associate vice president for research and director of the UO's Prevention Science Institute.

"We are actively recruiting and hope to fill four of five positions by fall 2016," she said.

Recruiting efforts for the clusters, Coltrane said, has the full support of incoming President Michael Schill.

"There is no more important priority for the University of Oregon than building the school's academic and research strengths," Schill said. "The hiring efforts of the three clusters announced today will substantially add to our scientific research portfolio."

Efforts will continue to seek resources to fund the other seven selected clusters and Coltrane will lead planning for future calls for additional cluster proposals upon return to the provost position.

-- By Jim Barlow, Public Affairs Communication



## I. Title: **A Faculty Cluster in Chemistry and Physics to Amplify Excellence in Energy and Sustainable Materials**

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### II. Abstract:

The Center for Sustainable Materials Chemistry (CSMC) is a nationally demonstrated area of excellence housed at the UO. The Center is currently a \$20M project and is slated for Phase III renewal by the National Science Foundation in 2015. The proposed cluster hires will cement the UO as a top---five program in sustainable and energy materials and provide essential institutional match for the renewal proposal. Further, societal needs in energy and sustainability will drive research and funding trends over the foreseeable future. Addressing challenges in these important, high---impact areas requires collaboration between basic and applied scientists spanning disciplines, and strong connections to industry. We propose hiring three faculty members targeted to fill critical capability gaps and thus catalyze significant and sustained research growth. The UO will further establish itself as an international leader in energy and sustainable materials, enabling high---impact research and education that will transform society globally and invigorate regional economic development through CSMC's use---inspired research and student---centered innovation program.

### III. Proposing Faculty

**Name:**

S. Boettcher, DW Johnson, DC Johnson,  
J. Hutchison, R. Taylor, M. Deutsch

**Departments:** Physics and Chemistry & Biochemistry

**Cluster Coordinator:** Jim Hutchison

**Department:** Chemistry & Biochemistry

### IV. College/Units Involved

**Dean(s):**

Dana Johnston (CAS Associate Dean for Natural Science) Andrew Marcus (CAS Dean, Lead)

**Department(s):**

Chemistry & Biochemistry (Lead) Physics  
Materials Science Institute

### V. Number and Level of each New Position Proposed:

We propose **three** new positions for the cluster, one at *up to* the full professor level, one *at up to* the associate level, and one at the assistant level. Two of the three positions will be joint---appointed between chemistry and physics. We also propose that all positions have a partial appointment (10---40%) in "Interdisciplinary Applied Science" to seed a major effort in applied science. The areas are defined as: (1) thin film devices, (2) computational materials, and (3) inorganic Materials synthesis.

Working with Cluster of Excellence proposers and participating deans, central administration will refine specific hiring plans based on available facilities, funding and institutional support structures.



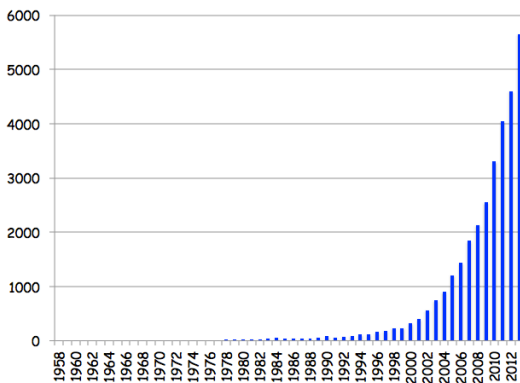
## I. Title: Center for Genome Function

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### II. Abstract:

We propose a "cluster hire" to reestablish Oregon's preeminence in cutting-edge research on fundamental genetic mechanisms. Biological fields once driven primarily by individual investigators have matured to the point that they require interactive groups of experts to solve today's outstanding scientific problems in their more advanced states. We will build on our strengths and reputation to create a world-class center for integrated genetic and epigenetic studies, called the Center for Genome Function, focused on understanding processes that control the *function* of our genetic material (the "genome"). This area is currently of broad interest to scientists, journals, funding agencies and the general public. Moreover, it is widely regarded as both inherently exciting and important for applied sciences and human health (medicine, biotechnology, etc.). Genetic/genome research has benefited from astonishing technical advances, such as the development of "massively parallel DNA sequencing".

Researchers can now cheaply and easily determine the chemical basis of inheritance in any person or other living thing. Another reason the field has exploded is because of important discoveries and advances in understanding that created exciting new areas of research such as RNA biology, chromatin structure/function and "epigenetics",



which refers to semi-heritable processes controlling the function and fate of our genomes. The graph at left illustrates the explosive growth in annual publications in epigenetics. To gain a critical mass in the important and exciting area of genome function, we plan to hire three new faculty members in this area, including one carefully selected senior principal investigator who is already internationally recognized. To complement our current expertise, we will search for scientists with demonstrated abilities to solve cutting-edge problems pertaining to chromosome and nuclear architecture, function and dynamics. Those hired will span the narrowing divides between the disciplines of Genetics, Biochemistry, Cell Biology, and Physics. To

facilitate the research objectives of the Center and to build upon existing resources at Oregon, we suggest that the initiative should also include funding for parts of two supporting (non-tenure track) positions to establish Bioinformatics and Advanced Microscopy services, which will ultimately be largely self-supporting. Overall, we expect that our initiative will invigorate the Institute of Molecular Biology, affiliated Institutes and Departments, the University and the broader community.

### III. Proposing Faculty

Prof. Eric Selker, Biology (coordinator); Assoc. Prof. Eric Johnson (Biology); Asst. Prof. Kryn Stankunas (Biology); Prospective Asst. Prof. Diana Libuda (Biology)

**IV. College/Units Involved:** College of Arts and Sciences/Institute of Molecular Biology (IMB)/Lead Department: Biology; Other Departments involved: Chemistry and Biochemistry; Physics.  
Associate Dean of Natural Sciences, Dana Johnston; Dean W. Andrew Marcus.

### V. Number and Level of Each New Position Proposed:

Three faculty positions (1-2 Associate or Full Professor; 1-2 Assistant Professor) and two half-time Research Associates to serve Bioinformatics and Microscopy Centers.

Working with Cluster of Excellence proposers and participating deans, central administration will refine specific hiring plans based on available facilities, funding and institutional support structures.



## Agenda Item #7

- 7.1 Historic Preservation
- 7.2 Prevention Sciences

**Authority**

Before the Board are four program approvals for consideration. Board approval is necessary before these items move forward to the Higher Education Coordinating Commission (HECC) for approval under that body's statutory authority. As a reminder, the HECC has authority to for ultimate approval of significant changes to academic programs, which it has defined – through rulemaking – as a new degree offering, or a location change for an existing degree offering. Pursuant to the Policy on the Retention and Delegation of Authority, the Academic and Student Affairs Committee (ASAC) has authority to approve new programs and program location changes on behalf of the full Board.

**Programs**

The four program approvals before you are divided into two sections of this agenda.

Section 7.1 deals with an existing program – the Master of Science in Historic Preservation. This program seeks a location change from its current location of Eugene to the AAA operations in Portland.

Section 7.2 deals with three proposed graduate degrees within the College of Education. Those degrees are a Master of Education in Prevention Science and Health Promotion, a Master of Science in Prevention Science and Health Promotion, and a Doctor of Philosophy (Ph.D.) in Prevention Science and Health Promotion. All three are related to the cluster of excellence in “health promotion, obesity prevention and human development.” All three will be located in Eugene.

**Related Materials**

Enclosed for each degree are:

- Summary document
- Checklist of considerations
- Resolution (PSHP degrees consolidated into one resolution)

**Academic and Student Affairs Committee  
Board of Trustees of the University of Oregon**

**Resolution: Program Location Change Approval for  
Master of Science in Historic Preservation**

Whereas, the University of Oregon benefits from a cross-section of high quality, well-designed academic degree programs;

Whereas, the School of Architecture and Allied Arts (AAA) currently offers a Master of Science in Historic Preservation on the University of Oregon campus in Eugene;

Whereas, students completing graduate coursework for the Historic Preservation program would benefit from a Portland-based course of study and all of the richness that urban setting and context provides and the expertise of architecture faculty located in that city;

Whereas, AAA has proposed such a location change be in effect by the fall 2016 term and this proposed location change has received thoughtful and deliberate evaluation to ensure that it is well-vetted and that the program and the students within it will benefit from the change;

Whereas, there are no other historic preservation programs in Oregon, and the closest comparable graduate degrees are located at the University of Colorado-Denver and the University of Southern California; and

Whereas, the section 4.3 of the Policy on Retention and Delegation of Authority authorizes the Academic and Student Affairs Committee to approve a program location change on behalf of the Board of Trustees;

Now, therefore, the Academic and Student Affairs Committee of the Board of Trustees of the University of Oregon hereby approves moving the location of the Master of Science in Historic Preservation from the main campus in Eugene to the UO's Portland location.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

Trustee	Yes	No
Chapa		
Coltrane		
Curry		
Ford		
Schlegel		
Wilcox		
Willcox		

Dated: \_\_\_\_\_ of \_\_\_\_\_, 2015.

Initials: \_\_\_\_\_





**School of Architecture and Allied Arts (AAA)  
Historic Preservation Masters of Science Program**  
**Program location change from Eugene to Portland**

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**Effective Date of Program Move:** Fall 2016

**Program Description**

The Masters of Science in Historic Preservation, in its 33<sup>rd</sup> year within the School of Architecture and Allied Arts, prepares students to engage in sustainable stewardship of built resources. In doing this, the program emphasizes 1) experiential learning – the hands-on experience of doing preservation in the field, and 2) research in the field of preservation theory and practice, concentrating on the cultural, historical, technological and environmental factors that shape the world. Courses are augmented by fieldwork in the urban, suburban, and rural areas of the region, with frequent involvement with the area's professionals, officials, and agencies concerned with historic resources.

In addition to providing hands-on training in what might be considered mainstream preservation activities, the program emphasizes the importance of cultural conservation including issues of diversity, identity, and community development. This includes a concern not only for how various ethnic groups shaped buildings and landscapes in the distant past, but how similar settings are reproduced by cultural groups in the present.

The Historic Preservation graduate program will continue to balance hands-on and professionally oriented activities within the conceptual framework relevant to emerging preservation issues at the regional, national, and international levels. However, Historic Preservation's core curriculum will be reshaped to focus on sustainable urbanism and transportation, adaptive reuse, land use ethics, community development, and preservation economics, all reinforced by a solid grounding in preservation theory.

**Justification for Relocation**

Relocating to the center of the Old Town Portland Historic District will provide the opportunity for the program's students and faculty to be actively connected with the work of the city, the public agencies and with non-profit groups focused on restoration. Students and faculty will also be nicely situated amongst numerous professionals in the fields of preservation, architecture, and planning. For instance, the professional architectural community in the Portland metropolitan area has demonstrated a commitment to sustainable urbanism, and the Historic Preservation program will act as a major contributor in aligning these agendas.

In addition, by relocating to Portland the program can strengthen relations with other UO programs, like Architecture, and other Portland area universities and colleges that have complementary programs. These relations can create opportunities for interdisciplinary learning and potential program partnerships.

Finally, in the recent, 2011 External Review of the Historic Preservation Graduate Program, the program received high marks for excellence in faculty and curriculum; the noted deficit was in

facilities. As the program anticipates moving into “prideful spaces” in the Skidmore block, it will be in a building that represents the preservation principles of heritage development, sustainable design, and adaptive use. The building, therefore, will serve as a promotional setting for the program’s expanded curriculum related to its urban locale.

The relocation of the program to Portland provides multiple opportunities to enhance and expand the reach of the program.

### **Other Programs in the State**

There are no other historic preservation programs in Oregon. The closest regional programs are certificate-only programs at the University of Washington, the University of Utah, and the University of New Mexico. The closest master’s programs in the field of Historic Preservation are the recently established Master of Science in Historic Preservation program at the University of Colorado-Denver and the Master of Heritage Conservation program at the University of Southern California. As alluded to in the previous section, there are complementary programs in the Portland area in Architecture and Urban Planning.

### **Resource Requirements**

The current economic support from the AAA Dean’s office will be maintained (see ADDENDUM A), and will be augmented by additional annual donor support (See the Statement of Donor Support, ADDENDUM B, in full proposal, available upon request). No other programs will lose economic support by the move, and the move will in not affect the funding of other institutional programs.

### **Recommendation to the Board of Trustees of the University of Oregon**

The Board of Trustees of the University of Oregon is asked to authorize the University to seek approval from the Oregon Higher Education Coordinating Commission to [relocate the School of Architecture and Allied Arts Historic Preservation Program from Eugene, OR to Portland, OR effective Fall 2016.](#)

# Budget Outline Form: **Addendum A**

## Estimated Costs and Sources of Funds for Proposed Program

Total new resources required to handle the increased workload, if any. If no new resources are required, the budgetary impact should be reported as zero.

Institution: University of Oregon  
 Program: Master of Science in Historic Preservation  
 Academic Year: 2016-2017

Indicate the year:   X   First        Second  
       Third        Fourth

***Prepare one page each of the first four years***

	<b>Column A</b>	<b>Column B</b>	<b>Column C</b>	<b>Column D</b>	<b>Column E</b>	<b>Column F</b>
	From Current Budgetary Unit	Institutional Reallocation from Other Budgetary Unit	From Special State Appropriation Request	From Federal Funds and Other Grants/Donations	From Fees, Sales and Other Income	LINE ITEM TOTAL
<b>Personnel</b>						
Faculty, tenure track & adjunct, 2.0 FTE	143,900	0	0	36,000	24,000	\$203,900
Graduate Assistants, 9 @0.2 FTE	9,864	0	0	0	4,932	\$14,796
Support Staff 1.0 FTE total	16,654	0	0	21,654	0	\$38,308
Fellowships/Scholarships 9 remissions	58,014	0	0	0	0	\$58,014
OPE	76,451	0	0	19,058	24,017	\$119,526
Nonrecurring	0	0	0	0	0	0
<b>Personnel Subtotal</b>	<b>\$304,883</b>	<b>0</b>	<b>0</b>	<b>\$76,712</b>	<b>\$52,949</b>	<b>\$434,544</b>
<b>Other Resources</b>						
Library/Printed	0	0	0	0	0	0
Library/Electronic	0	0	0	0	0	0
Supplies & Services including moving	\$6,300	0	0	15,000	0	21,300
Equipment including furnishings	0	0	0	10,000	0	10,000
Other Expenses	0	0	0	0	0	0
<b>Other Resources Subtotal</b>	<b>\$6,300</b>	<b>0</b>	<b>0</b>	<b>25,000</b>	<b>0</b>	<b>\$31,300</b>
<b>Physical Facilities</b>						
Construction	0	0	0	0	0	0
Major Renovation – buildout expenses	0	0	0	80,000	0	80,000
Other Expenses	0	0	0	0	0	0
<b>Physical Facilities Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$80,000</b>	<b>0</b>	<b>\$80,000</b>
<b>GRAND TOTAL</b>	<b>\$311,183</b>	<b>0</b>	<b>0</b>	<b>\$181,712</b>	<b>\$52,949</b>	<b>\$545,844</b>

# Budget Outline Form

## Estimated Costs and Sources of Funds for Proposed Program

Total new resources required to handle the increased workload, if any. If no new resources are required, the budgetary impact should be reported as zero.

Institution: University of Oregon  
 Program: Master of Science in Historic Preservation  
 Academic Year: 2017-18

Indicate the year:        First   X   Second  
       Third        Fourth

***Prepare one page each of the first four years***

	Column A	Column B	Column C	Column D	Column E	Column F
	From Current Budgetary Unit	Institutional Reallocation from Other Budgetary Unit	From Special State Appropriation Request	From Federal Funds and Other Grants/Donations	From Fees, Sales and Other Income	LINE ITEM TOTAL
<b>Personnel</b>						
Faculty, tenure & adjunct, 2.0 FTE	149,656	0	0	37,040	24,960	211,656
Graduate Assistants 9@ 0.2 FTE	10,259	0	0	0	5,129	15,388
Support Staff 1.0 FTE Total	17,320	0	0	22,320	0	39,640
Fellowships/Scholarships 9 remissions	60,335	0	0	0	0	60,335
OPE	79,509	0	0	19,820	24,978	124,307
Nonrecurring	0	0	0	0	0	0
<b>Personnel Subtotal</b>	<b>\$317,079</b>	<b>0</b>	<b>0</b>	<b>79,180</b>	<b>55,067</b>	<b>\$451,326</b>
<b>Other Resources</b>						
Library/Printed	0	0	0	0	0	0
Library/Electronic	0	0	0	0	0	0
Supplies and Services	6,300	0	0	0	0	6,300
Equipment	0	0	0	0	0	0
Other Expenses	0	0	0	0	0	0
<b>Other Resources Subtotal</b>	<b>6,300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,300</b>
<b>Physical Facilities</b>						
Construction	0	0	0	0	0	0
Major Renovation	0	0	0	0	0	0
Other Expenses	0	0	0	0	0	0
<b>Physical Facilities Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>GRAND TOTAL</b>	<b>\$323,379</b>	<b>0</b>	<b>0</b>	<b>\$79,180</b>	<b>\$55,067</b>	<b>\$457,626</b>

# Budget Outline Form

## Estimated Costs and Sources of Funds for Proposed Program

Total new resources required to handle the increased workload, if any. If no new resources are required, the budgetary impact should be reported as zero.

Institution: University of Oregon  
 Program: Master of Science in Historic Preservation  
 Academic Year: 2018-19

Indicate the year:           First           Second  
                                    X   Third           Fourth

***Prepare one page each of the first four years***

	Column A	Column B	Column C	Column D	Column E	Column F
	From Current Budgetary Unit	Institutional Reallocation from Other Budgetary Unit	From Special State Appropriation Request	From Federal Funds and Other Grants/Donations	From Fees, Sales and Other Income	LINE ITEM TOTAL
<b>Personnel</b>						
Faculty, tenure & adjunct, 2.0 FTE Total	155,642	0	0	38,122	25,958	219,722
Graduate Assistants, 9 @ 0.2 FTE	10,669	0	0	0	5,334	16,003
Support Staff 1.0 FTE Total	18,013	0	0	23,013	0	41,026
Fellowships/Scholarships 9 remissions	62,748	0	0	0	0	62,748
OPE	82,689	0	0	20,613	25,977	129,279
Nonrecurring	0	0	0	0	0	0
<b>Personnel Subtotal</b>	<b>\$329,761</b>	<b>0</b>	<b>0</b>	<b>81,748</b>	<b>57,269</b>	<b>\$468,778</b>
<b>Other Resources</b>						
Library/Printed	0	0	0	0	0	0
Library/Electronic	0	0	0	0	0	0
Supplies and Services	6,300	0	0	0	0	6,300
Equipment	0	0	0	0	0	0
Other Expenses	0	0	0	0	0	0
<b>Other Resources Subtotal</b>	<b>\$6,300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$6,300</b>
<b>Physical Facilities</b>						
Construction	0	0	0	0	0	0
Major Renovation	0	0	0	0	0	0
Other Expenses	0	0	0	0	0	0
<b>Physical Facilities Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>GRAND TOTAL</b>	<b>\$336,061</b>	<b>0</b>	<b>0</b>	<b>\$81,748</b>	<b>\$57,269</b>	<b>\$475,078</b>
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## Budget Outline Form

### Estimated Costs and Sources of Funds for Proposed Program

Total new resources required to handle the increased workload, if any. If no new resources are required, the budgetary impact should be reported as zero.

Institution: University of Oregon

Program: Master of Science in Historic Preservation

Academic Year: 2019-20

Indicate the year:        First        Second  
       Third   X   Fourth

***Prepare one page each of the first four years***

	<b>Column A</b>	<b>Column B</b>	<b>Column C</b>	<b>Column D</b>	<b>Column E</b>	<b>Column F</b>
	From Current Budgetary Unit	Institutional Reallocation from Other Budgetary Unit	From Special State Appropriation Request	From Federal Funds and Other Grants/Donations	From Fees, Sales and Other Income	LINE ITEM TOTAL
<b>Personnel</b>						
Faculty, tenure & adjunct, 2.0 FTE Total	161,868	0	0	39,247	26,996	228,111
Graduate Assistants, 9 @ 0.2 FTE	11,096	0	0	0	5,547	16,643
Support Staff, 1.0 FTE Total	18,733	0	0	23,733	0	42,467
Fellowships/Scholarships 9 remissions	65,258	0	0	0	0	65,258
OPE	85,997	0	0	21,438	27,016	134,450
Nonrecurring	0	0	0	0	0	0
<b>Personnel Subtotal</b>	<b>\$342,952</b>	<b>0</b>	<b>0</b>	<b>84,418</b>	<b>59,559</b>	<b>\$486,929</b>
<b>Other Resources</b>						
Library/Printed	0	0	0	0	0	0
Library/Electronic	0	0	0	0	0	0
Supplies and Services	6,300	0	0	0	0	6,300
Equipment	0	0	0	0	0	0
Other Expenses	0	0	0	0	0	0
<b>Other Resources Subtotal</b>	<b>\$6,300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$6,300</b>
<b>Physical Facilities</b>						
Construction	0	0	0	0	0	0
Major Renovation	0	0	0	0	0	0

Other Expenses	0	0	0	0	0	0
<b>Physical Facilities Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>GRAND TOTAL</b>	<b>\$349,252</b>	<b>0</b>	<b>0</b>	<b>\$84,418</b>	<b>\$59,559</b>	<b>\$493,229</b>



## Change in Program Location: Checklist

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Affected Degree Program: Master of Science Program in Historic Preservation

Expected Implementation Date: Fall 2016

### Rationale for Change

- ☒ Reason for change and relevance for university, school/college, and department missions, goals, and priorities
- ☒ Evidence of need or market demand at new location, including (1) expected student enrollment, (2) characteristics of students to be served, and (3) expected career paths for graduates
- ☒ Relationship to existing curricular offerings at the university
- ☒ Explanation if similar programs are offered at other institutions in the state

### Course of Study

- ☒ Changes in curriculum due to location change and how those changes reflect a coherent curricular design with appropriate breadth, depth, sequencing of courses, and synthesis of learning
- ☒ Curricular changes due to location change are reflective of current standards in the field
- ☒ Curricular changes due to location are consistent with existing UO academic policies and standards
- ☒ New or changed expectations for student learning are identified
- ☒ Explanation of alternative delivery methods/formats as a result of location change

### Support for Students

- ☒ Clearly defined requirements for completion within a suitable time frame
- ☒ Adequate provisions for student advising and mentoring
- ☒ Adequate provisions for assisting students during the transition

### Faculty, Facilities, and Financial Resources

- ☒ Sufficiency of instructional faculty to initiate and sustain the program, including the proportion of tenure-related and non-tenure-related faculty available to teach in new location
- ☒ Adequacy of staffing at new location
- ☒ Arrangements for any special facilities, equipment needs, and/or library resources
- ☒ Sound budget model for implementing and sustaining the program at the new location
- ☒ Commitment of other units to provide faculty or courses on which the program is dependent

### Accreditation

- ☒ Plans and capacity for meeting accreditation standards at new location, if relevant



**Academic and Student Affairs Committee  
Board of Trustees of the University of Oregon**

**Resolution: Program Approval for New Prevention Science Graduate Degrees**

Whereas, the University of Oregon benefits from a cross-section of high quality, well-designed academic degree programs;

Whereas, the University of Oregon has embarked on a faculty hiring initiative focused on “Clusters of Excellence” selected through a competitive process;

Whereas, one such clusters is focused on health promotion, obesity prevention and human development which engages lead faculty from departments such as Counseling Psychology & Human Services, Biology, Human Physiology, School Psychology, and Special Education & Clinical Services;

Whereas, the College of Education has proposed three new graduate degrees for a proposed start in September 2016 that will help advance the University of Oregon’s mission and the efforts within this cluster of excellence (a Master of Education in Prevention Science and Health Promotion, a Master of Science in Prevention Science and Health Promotion, and a Doctor of Philosophy (Ph.D.) in Prevention Science and Health Promotion).

Whereas, these proposed graduate degrees have received thoughtful and deliberate evaluation to ensure that they are well-vetted and in alignment with the University’s goals and priorities and have been approved by all necessary and appropriate committees;

Whereas, the section 4.3 of the Policy on Retention and Delegation of Authority authorizes the Academic and Student Affairs Committee to approve a program location change on behalf of the Board of Trustees;

Now, therefore, the Academic and Student Affairs Committee of the Board of Trustees of the University of Oregon hereby approves the new Master of Education in Prevention Science and Health Promotion, Master of Science in Prevention Science and Health Promotion, and Doctor of Philosophy in Prevention Science and Health Promotion graduate degrees.

*--vote recorded on following page--*

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Trustee	Yes	No
Chapa		
Coltrane		
Curry		
Ford		
Schlegel		
Wilcox		
Willcox		

Dated: \_\_\_\_\_ of \_\_\_\_\_, 2015.

Initials: \_\_\_\_\_

# **Master of Education in Prevention Science and Health Promotion (PSHP) Summary<sup>1</sup> May 20, 2015**

**Month and Year:** Program Proposed Start Date: September 2016

## **Program Description and Justification**

1. Identify the institution, degree and title of the program.

University of Oregon. Master of Education in Prevention Science and Health Promotion (PSHP), Department of Counseling Psychology and Human Services, College of Education.

2. Describe the purpose and relationship of the proposed program to the institution's mission and strategic plan.

The 1-year degree program is highly consistent with the UO's mission to be a "comprehensive public research university committed to exceptional teaching, discovery, and service" through our focus on generating research in the area of prevention science, which has the goal of promoting well-being and preventing behavioral health problems in underserved populations. We are a research-intensive program, as evidenced by the capstone research requirement for students in the proposed program and the grant and publication records of the program faculty (core program faculty collectively average approximately 20-30 publications/year, and approximately \$5 million in external grant funding/year). Central to the proposed program is a commitment to engaging with and focusing on improving outcomes for high-risk and underserved populations and communities in the applied, community-embedded, and translational research of participating faculty and students. Consistent with the existing graduate degree programs in our department, and with UO priorities, we plan to recruit a highly diverse student population with respect to ethnicity, race, first-generation college status, age, gender, and sexual orientation.

Further, we will contribute to the "generation, dissemination, preservation, and application of knowledge" by training cohorts of scholars in the best evidence-based practices for promoting health and well-being, and giving them the skills to work with community partners to implement programs and practices in community settings, world-wide. Our proposed program is also consistent with the UO's Cluster Hire in Health Promotion and Obesity Prevention, and will provide an academic home for College of Education faculty hired as part of the Cluster Hire.

3. What evidence of need does the institution have for the program?

We are currently operating a highly successful 1-year specialization in prevention science as part of our M.Ed. in Counseling, Family, and Human Services degree, with cohorts of 10-14 students/year. We will convert that specialization into the proposed M.Ed. degree, upon approval of this program (and terminate the specialization). A national survey conducted by the Society for Prevention

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<sup>1</sup> Format and content consistent with HECC docket submission. Please also see our related program summaries for M.S. and Ph.D. degrees in PSHP.

Research (Eddy, Smith, Brown, & Reid, 2005) indicated a high need for graduate level training in prevention science. However, to date only four other universities in the country offer master's level training in Prevention Science: Two institutions offer master's degrees (i.e., University of Oklahoma: 1-year online; Harvard University: 1-year in residence); Colorado State University offers a specialization in prevention science that is pending approval as of this writing; and Emory University offers a prevention science track in their masters in public health. We surveyed the existing master's level programs and determined that there was a high demand for such programs. For example, The University of Oklahoma typically receives 70-80 applications and accepts 50-60 applicants, and Harvard admits 30-50 students per year. We anticipate a similar level of interest in our program.

In addition, the establishment of the Prevention Science Institute at the University of Oregon together with affiliated faculty who are among the leaders in the field of Prevention Science, and the forthcoming cluster hires in Health Promotion and Obesity Prevention, make the UO an ideal home for graduate programs in PSHP with ability to attract many prospective graduate students.

4. Are there similar programs in the state? If so, how does the proposed program supplement, complement, or collaborate with those programs?

There are no other Prevention Science graduate degree programs in the State of Oregon. The closest companion programs are OSU's Master's degree in Public Health and PSU's set of Master's degrees in their College of Urban and Public Affairs, in the School of Community Health: Master of Public Health (M.P.H.) degree with a concentration in Health Promotion; a Master of Arts (M.A.) in Health Sciences; and a Master of Science (M.S.) degree in Health Studies. However, these programs are grounded in disciplinary foundations that are quite distinct from Prevention Science—and instead emanate from a public health focus that is health-focused and population-based (rather than family-, school-, or individual-focused). In addition, both the OSU and PSU programs have a field placement (internship requirement) and are guided by different membership societies with distinct journal and conference outlets. In comparison, the proposed PSHP degree is intimately intertwined with our mission as a College of Education to make educational and social systems work for all (<https://education.uoregon.edu/dean-office/about-college>), thus fulfilling a different niche than the mission of Public Health and Community Health programs. We believe that the three programs will operate synergistically to help fulfill the vast need for additional workforce in Oregon and nationwide in the larger field of health and health promotion that each program differentially emphasizes. Further, our M.Ed. degree program will provide students with relevant training to be successful applicants into OSU's Ph.D. in Public Health (which requires a master's degree for admission), should students decide that a public health route in the direction they wish to pursue.

5. What new resources will be needed initially and on a recurring basis to implement the program? How will the institution provide these resources? What efficiencies or revenue enhancements are achieved with this program, including consolidation or elimination of programs over time, if any?

The proposed program is highly cost-effective because it builds largely upon existing coursework in our prevention science M.Ed. specialization. Further, we will utilize new faculty in the Cluster Hires in Health Promotion and Obesity Prevention. Only 2 new courses are

proposed that do not already exist in our department. The new cluster hire faculty will be able to fill the additional teaching load.

All appropriate University committees have positively reviewed the proposed program.

**Recommendation to the Board of Trustees of the University of Oregon**

The Board of Trustees of the University of Oregon is asked to authorize the University to seek approval from the Oregon Higher Education Coordinating Commission for the establishment of an instructional program leading to a [Master of Education in Prevention Science and Health Promotion](#), effective [Fall 2016](#).



## Review and Approval of New Programs: Checklist

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### Proposed New Degree Program: Masters of Education in Prevention Science and Health Promotion

Expected Implementation Date: Fall 2016

#### Program Rationale

- ☒ Evidence of need or market demand, including (1) expected student enrollment, (2) characteristics of students to be served, and (3) expected career paths for graduates
- ☒ Relationship to existing curricular offerings at the university
- ☒ Relevance for university, school/college, and department missions, goals, and priorities
- ☒ Explanation if similar programs are offered at other institutions in the state

#### Course of Study

- ☒ Coherent curricular design with appropriate breadth, depth, sequencing of courses, and synthesis of learning
- ☒ Appropriate content and rigor for degree level and type
- ☒ Curriculum reflective of current standards in the field
- ☒ Program requirements consistent with existing UO academic policies and standards
- ☒ Identified expectations for student learning

#### Support for Students

- ☒ Clearly defined requirements for completion within a suitable time frame
- ☒ Adequate provision for student advising and mentoring

#### Faculty, Facilities, and Financial Resources

- ☒ Sufficiency of instructional faculty to initiate and sustain the program, including the proportion of tenure-related and non-tenure-related faculty
- ☒ Adequacy of staffing
- ☒ Arrangements for any special facilities, equipment needs, and/or library resources
- ☒ Sound budget model for implementing and sustaining the program
- ☒ Commitment of other units to provide faculty or courses on which the program is dependent

#### Accreditation

- ☒ Plans and capacity for meeting accreditation standards, if relevant

# Master of Science in Prevention Science and Health Promotion (PSHP)

## Summary<sup>1</sup>

May 20, 2015

**Month and Year:** Program Proposed Start Date: September 2016

### Program Description and Justification

1. Identify the institution, degree and title of the program.

University of Oregon. Master of Science in Prevention Science and Health Promotion (PSHP), Department of Counseling Psychology and Human Services, College of Education.

2. Describe the purpose and relationship of the proposed program to the institution's mission and strategic plan.

This 2-year program is highly consistent with the UO's mission to be a "comprehensive public research university committed to exceptional teaching, discovery, and service" through our focus on generating research in the area of prevention science, which has the goal of promoting well-being and preventing behavioral health problems in underserved populations. We are a research-intensive program, as evidenced by the research requirements for students in the proposed program and the grant and publication records of the program faculty (core program faculty collectively average approximately 20-30 publications/year, and approximately \$5 million in external grant funding/year). Central to the proposed program is a commitment to engaging with and focusing on improving outcomes for high-risk and underserved populations and communities in the applied, community-embedded, and translational research of participating faculty and students. Consistent with the existing graduate degree programs in our department, and with UO priorities, we plan to recruit a highly diverse student population with respect to ethnicity, race, first-generation college status, age, gender, and sexual orientation.

Further, we will contribute to the "generation, dissemination, preservation, and application of knowledge" by training cohorts of scholars in the best evidence-based practices for promoting health and well-being, and giving them the skills to work with community partners to implement programs and practices in community settings, world-wide. Our proposed program is also consistent with the UO's Cluster Hire in Health Promotion and Obesity Prevention, and will provide an academic home for College of Education faculty hired as part of the Cluster Hire.

3. What evidence of need does the institution have for the program?

A national survey conducted by the Society for Prevention Research (Eddy, Smith, Brown, & Reid, 2005) indicated a high need for graduate level training in prevention science. However, to date only four other universities in the country offer master's level training in Prevention Science: Two institutions offer masters degrees (i.e., University of Oklahoma: 1-year online; Harvard University: 1-year in residence); Colorado State University offers a specialization in prevention science that is pending approval as of this writing; and Emory University offers a prevention science track in their

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<sup>1</sup> Format and content consistent with HECC docket submission. Please also see our related program summaries for Ph.D. and M.Ed. degrees in PSHP.



## Review and Approval of New Programs: Checklist

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### Proposed New Degree Program: Masters of Science in Prevention Science and Health Promotion

Expected Implementation Date: Fall 2016

#### Program Rationale

- ☒ Evidence of need or market demand, including (1) expected student enrollment, (2) characteristics of students to be served, and (3) expected career paths for graduates
- ☒ Relationship to existing curricular offerings at the university
- ☒ Relevance for university, school/college, and department missions, goals, and priorities
- ☒ Explanation if similar programs are offered at other institutions in the state

#### Course of Study

- ☒ Coherent curricular design with appropriate breadth, depth, sequencing of courses, and synthesis of learning
- ☒ Appropriate content and rigor for degree level and type
- ☒ Curriculum reflective of current standards in the field
- ☒ Program requirements consistent with existing UO academic policies and standards
- ☒ Identified expectations for student learning

#### Support for Students

- ☒ Clearly defined requirements for completion within a suitable time frame
- ☒ Adequate provision for student advising and mentoring

#### Faculty, Facilities, and Financial Resources

- ☒ Sufficiency of instructional faculty to initiate and sustain the program, including the proportion of tenure-related and non-tenure-related faculty
- ☒ Adequacy of staffing
- ☒ Arrangements for any special facilities, equipment needs, and/or library resources
- ☒ Sound budget model for implementing and sustaining the program
- ☒ Commitment of other units to provide faculty or courses on which the program is dependent

#### Accreditation

- ☒ Plans and capacity for meeting accreditation standards, if relevant



masters in public health. We surveyed the existing master's level programs and determined that there was a high demand for such programs. For example, The University of Oklahoma typically receives 70-80 applications and accepts 50-60 applicants, and Harvard admits 30-50 students per year. We anticipate a similar level of interest in our program.

Further, we have seen the need locally within our own Counseling Psychology doctoral application pool. In our annual pool of over 200 applicants to the Counseling Psychology Ph.D. program at UO, we have over 100 applicants *each year* who do not have a Master's degree when they apply to the Ph.D. program. These students are less competitive for admission into the Counseling Psychology Ph.D. program because they do not have sufficient clinical experiences. Over half of the Bachelor's-level applicants who are not admitted into Counseling Psychology due to relative weaknesses in their applied clinical experience would be strong candidates for the M.S. program in PSHP, due to their prevention-focused research experiences and interests. The PSHP master's program does not involve any clinical training.

Finally, the establishment of the Prevention Science Institute at the University of Oregon together with affiliated faculty who are among the leaders in the field of Prevention Science, and the forthcoming cluster hires in Health Promotion and Obesity Prevention, make the UO an ideal home for graduate programs in PSHP with ability to attract many prospective graduate students.

4. Are there similar programs in the state? If so, how does the proposed program supplement, complement, or collaborate with those programs?

There are no other Prevention Science graduate degree programs in the State of Oregon. The closest companion programs are OSU's Master's degree in Public Health and PSU's set of Master's degrees in their College of Urban and Public Affairs, in the School of Community Health: Master of Public Health (M.P.H.) degree with a concentration in Health Promotion; a Master of Arts (M.A.) in Health Sciences; and a Master of Science (M.S.) degree in Health Studies. However, these programs are grounded in disciplinary foundations that are quite distinct from Prevention Science—and instead emanate from a public health focus that is health-focused and population-based (rather than family-, school-, or individual-focused). In addition, both the OSU and PSU programs have a field placement (internship requirement) and are guided by different membership societies with distinct journal and conference outlets. In comparison, the proposed PSHP degree is intimately intertwined with our mission as a College of Education to make educational and social systems work for all (<https://education.uoregon.edu/dean-office/about-college>), thus fulfilling a different niche than the mission of Public Health and Community Health programs. We believe that the three programs will operate synergistically to help fulfill the vast need for additional workforce in Oregon and nationwide in the larger field of health and health promotion that each program differentially emphasizes. Further, our M.S. degree program will provide students with relevant training to be successful applicants into OSU's Ph.D. in Public Health (which requires a master's degree for admission), should students decide that a public health route in the direction they wish to pursue.

5. What new resources will be needed initially and on a recurring basis to implement the program? How will the institution provide these resources? What efficiencies or revenue

enhancements are achieved with this program, including consolidation or elimination of programs over time, if any?

The proposed program is highly cost-effective because it builds largely upon existing coursework in our Counseling Psychology Ph.D. program and our one-year coursework in the prevention science M.Ed. specialization. Further, we will utilize new faculty in the Cluster Hires in Health Promotion and Obesity Prevention. Only 4 new courses are proposed that do not already exist in our department. The new cluster hire faculty will be able to fill the additional teaching load.

All appropriate University committees have positively reviewed the proposed program.

### **Recommendation to the Board of Trustees of the University of Oregon**

The Board of Trustees of the University of Oregon is asked to authorize the University to seek approval from the Oregon Higher Education Coordinating Commission for the establishment of an instructional program leading to a [Master of Science in Prevention Science and Health Promotion](#), effective [Fall 2016](#).

# **Doctor of Philosophy in Prevention Science and Health Promotion (PSHP) Summary<sup>1</sup> May 20, 2015**

**Month and Year:** Program Proposed Start Date: September 2016

## **Program Description and Justification**

1. Identify the institution, degree and title of the program.

University of Oregon. Doctor of Philosophy (Ph.D.) in Prevention Science and Health Promotion (PSHP), Department of Counseling Psychology and Human Services, College of Education.

2. Describe the purpose and relationship of the proposed program to the institution's mission and strategic plan.

The program is highly consistent with the UO's mission to be a "comprehensive public research university committed to exceptional teaching, discovery, and service" through our focus on generating research in the area of prevention science, which has the goal of promoting well-being and preventing behavioral health problems in underserved populations. We are a research-intensive program, as evidenced by the research requirements for students in the proposed program and the grant and publication records of the program faculty (core program faculty collectively average approximately 20-30 publications/year, and approximately \$5 million in external grant funding/year). Central to the proposed program is a commitment to engaging with and focusing on improving outcomes for high-risk and underserved populations and communities in the applied, community-embedded, and translational research of participating faculty and students. Consistent with the existing graduate degree programs in our department, and with UO priorities, we plan to recruit a highly diverse student population with respect to ethnicity, race, first-generation college status, age, gender, and sexual orientation.

Further, we will contribute to the "generation, dissemination, preservation, and application of knowledge" by training cohorts of scholars in the best evidence-based practices for promoting health and well-being, and giving them the skills to work with community partners to implement programs and practices in community settings, world-wide. Our proposed program is also consistent with the UO's Cluster Hire in Health Promotion and Obesity Prevention, and will provide an academic home for College of Education faculty hired as part of the Cluster Hire.

3. What evidence of need does the institution have for the program?

A national survey conducted by the Society for Prevention Research (Eddy, Smith, Brown, & Reid, 2005) indicated a high need for graduate level training in prevention science. However, to date only two other universities in the country offer a Ph.D. degree in Prevention Science: Washington State University (WSU) began enrolling their first cohort of Ph.D. students in Fall 2012, and the University

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<sup>1</sup> Format and content consistent with HECC docket submission. Please also see our related program summaries for M.S. and M.Ed. degrees in PSHP.

of Miami will enroll its first cohort in Fall 2015. The WSU prevention science program director reports current enrollment of 26 Ph.D. students, with applicant pools ranging from 22-28 each year, over the first four years (2012-2015), and cohort sizes ranging from 6-13 students each year. The University of Miami's application deadline for their first cohort was February 2015, and they received 59 applications. We anticipate a similar level of interest in the proposed Ph.D. program. Our external site visitors were extremely positive about the need to launch this program, and as noted in their site review, recommended that we increase the projected number of students we admit, given the high demand.

Further, we have seen the need locally within our own Counseling Psychology doctoral application pool. In our annual pool of over 200 applicants to the Counseling Psychology Ph.D. program at UO, we have over 100 applicants *each year* who do not have a Master's degree when they apply to the Ph.D. program. These students are less competitive for admission into the Counseling Psychology Ph.D. program because they do not have sufficient clinical experiences. Over half of the Bachelor's-level applicants who are not admitted into Counseling Psychology due to relative weaknesses in their applied clinical experience would be strong candidates for the Ph.D. program in PSHP, due to their prevention-focused research experiences and interests. The PSHP Ph.D. does not involve any clinical training.

Finally, the establishment of the Prevention Science Institute at the University of Oregon together with affiliated faculty who are among the leaders in the field of Prevention Science, and the forthcoming cluster hires in Health Promotion and Obesity Prevention, make the UO an ideal home for graduate programs in PSHP with ability to attract many prospective graduate students.

4. Are there similar programs in the state? If so, how does the proposed program supplement, complement, or collaborate with those programs?

There are no other Prevention Science graduate degree programs in the State of Oregon. The closest companion programs are OSU's Ph.D. degree in Public Health and PSU's Ph.D. degree in Community Health. However, these programs are grounded in disciplinary foundations that are distinct from Prevention Science—and instead emanate from a public health focus that is health-focused and population-based (rather than family-, school-, or individual-focused). In addition, the OSU program requires a Master's degree for admission, both the OSU and PSU programs have a field placement (internship requirement), and they are guided by different membership societies with distinct journal and conference outlets. In comparison, the proposed PSHP degree is intimately intertwined with our mission as a College of Education to make educational and social systems work for all (<https://education.uoregon.edu/dean-office/about-college>), thus fulfilling a different niche than the mission of Public Health and Community Health programs. We believe that the three programs will operate synergistically to help fulfill the vast need for additional workforce in Oregon and nationwide in the larger field of health and health promotion that each program differentially emphasizes.

5. What new resources will be needed initially and on a recurring basis to implement the program? How will the institution provide these resources? What efficiencies or revenue enhancements are achieved with this program, including consolidation or elimination of programs over time, if any?

The proposed program is highly cost-effective because it builds largely upon existing coursework in our Counseling Psychology Ph.D. program and our one-year coursework in the prevention science M.Ed. specialization. Further, we will utilize new faculty in the Cluster Hires in Health Promotion and Obesity Prevention. Only 4 new courses are proposed that do not already exist in our department. The new cluster hire faculty will be able to fill the additional teaching load.

All appropriate University committees have positively reviewed the proposed program.

### **Recommendation to the Board of Trustees of the University of Oregon**

The Board of Trustees of the University of Oregon is asked to authorize the University to seek approval from the Oregon Higher Education Coordinating Commission for the establishment of an instructional program leading to a [Doctor of Philosophy in Prevention Science and Health Promotion](#), effective [Fall 2016](#).



## Review and Approval of New Programs: Checklist

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**Proposed New Degree Program: Doctor of Philosophy in Prevention Science and Health Promotion**

Expected Implementation Date: Fall 2016

### Program Rationale

- ☒ Evidence of need or market demand, including (1) expected student enrollment, (2) characteristics of students to be served, and (3) expected career paths for graduates
- ☒ Relationship to existing curricular offerings at the university
- ☒ Relevance for university, school/college, and department missions, goals, and priorities
- ☒ Explanation if similar programs are offered at other institutions in the state

### Course of Study

- ☒ Coherent curricular design with appropriate breadth, depth, sequencing of courses, and synthesis of learning
- ☒ Appropriate content and rigor for degree level and type
- ☒ Curriculum reflective of current standards in the field
- ☒ Program requirements consistent with existing UO academic policies and standards
- ☒ Identified expectations for student learning

### Support for Students

- ☒ Clearly defined requirements for completion within a suitable time frame
- ☒ Adequate provision for student advising and mentoring

### Faculty, Facilities, and Financial Resources

- ☒ Sufficiency of instructional faculty to initiate and sustain the program, including the proportion of tenure-related and non-tenure-related faculty
- ☒ Adequacy of staffing
- ☒ Arrangements for any special facilities, equipment needs, and/or library resources
- ☒ Sound budget model for implementing and sustaining the program
- ☒ Commitment of other units to provide faculty or courses on which the program is dependent

### Accreditation

- ☒ Plans and capacity for meeting accreditation standards, if relevant