

Summary of Significant Proposed Changes to the Student Conduct Code

At least ten years ago, the University of Oregon began a process of updating its Student Conduct Code to meet best practices in Student Conduct. Initially, these efforts focused on individual sections of the code, beginning with a revision to the sexual misconduct code. Overall, efforts were made to bring the UO code in line with the Model Code of Student Conduct -- a document written in 1990 by Edward Stoner, former president of the National Association of College and University Attorneys. Due to the structure of the committee and the intense amount of work involved in revising a document as complicated as our Student Conduct Code, this process has taken the better part of ten years. The Student Conduct Committee (SCC) began meeting every other week for an hour and a half looking at best practices nationwide and determining where the UO was different and whether or not we needed to make changes. For the last two years, the SCC has met every week for 3 hours to make these proposals. A significant amount of research was done including looking at other institutions as well as the updated 2005 version of the Model Code of Student Conduct. The Model Code has stood the test of time, has been upheld in numerous court cases across the country, and is widely considered the authority for campuses engaged in drafting, or revising, their code.

This summary characterizes the major proposed changes to the Student Conduct Code and their impact on the existing code. This summary does not offer a complete listing of all proposed changes. Please read the attached draft in its entirety to see those changes. We will also review the major proposed changes in detail during the March Senate meeting, and will provide opportunity for small group discussion of these changes in meetings to be scheduled between March 9 and 17.

We hope that this summary is a useful tool to aid you in understanding the complexities of the Student Conduct Process.

- I. I. **Mission/Philosophy of Code** – This is perhaps the most significant change to the code as it represents the foundation for all the changes that follow. One of the bedrock principals in the Model Code is to remove legal terminology from the code. Student conduct processes are not criminal trials, they are administrative, educational meetings. These meetings should be structured much like any other University meeting. A conduct meeting is intended to gather all relevant information related to an alleged violation of community standards so that the decision maker can make an appropriate, educational intervention.
- II. II. **Language** - Due to this change in philosophy the proposed code includes a change in terminology throughout. Instead of "guilty" and not "guilty", we use "responsible" and "not responsible". We even propose changing the title of the office from "Student Judicial Affairs" to the "Office of Student Conduct and Community Standards" (this latter phrasing has become very common on campuses across the country). We have removed the terms "prosecution" and "defense" and instead use "accused students" and

"complaining party." We have also removed as much legal language as possible from the violations themselves. For example, instead of "rape" and "sexual assault" (terms that have state definitions), we have used "unwanted penetration" and "nonconsensual personal contact."

- III. **III. Role of attorneys** – Consistent with the Model Code and 80% of campuses across the country, we have reduced the role that attorneys play in our process. The University will no longer prosecute accused students. Accused students can be advised by an attorney (and we would encourage students who are also facing additional criminal charges, and a potential criminal trial, to have an attorney present at their conduct proceedings), but we propose a departure from the existing system where an attorney may actively *defend* a student. We have eliminated formal cross examination of witnesses (unless agreed to by both parties) and instead have questions asked through the hearing board. Students, faculty and staff will no longer need an attorney to understand the process and instead can feel comfortable coming before the board to tell their story. This change allows the process to be less adversarial and more educational.
- IV. **IV. Equal treatment of both parties in a case** – A primary tenet of the Model Code of Student Conduct is to treat all parties with equal care, concern, dignity and respect. During a conduct hearing, there are several constituents involved: the accused student, the complaining party and the broader university community. A hearing should have each of these interests as part of the process. Throughout this new code, you will see that efforts have been made to treat both parties equally. Where only one party had a right of appeal, both parties now do. Both parties are also allowed the same advice and number of people present.
- V. **V. Clearer and faster timelines** to have formal hearings 10-30 days (takes 6-8 weeks now)
- VI. **VI. Allowance for an accused student** to ask that the case be referred outside the conduct office where they can show bias
- VII. **VII. Clearly defining** plagiarism, academic dishonesty and academic cheating within the student conduct code
- VIII. **VIII. Addition of gambling** violation in code to address bookmaking
- IX. **IX. Spelling out** more specifically computer violations as it is hidden in the current code
- X. **X. Clarification** within sexual misconduct section

- XI. XI. **New procedures for group violations** allowing for more self governance but still working in conjunction with the Office of Student Conduct and Community Standards
- XII. XII. **Jurisdiction off campus** to include violence that impacts the university community
- XIII. XIII. **Allowance of e-mail notification** instead of snail mail
- XIV. XIV. **Includes necessary language** to be in compliance with sexual assault victim bill of rights including allowing victims to have same number of advisors present in hearing as accused, the right to be present for entire hearing and the right to know the outcome of the case
- XV. XV. **Allowance for safety accommodations** in cases where there is a reluctant witness due to safety concerns
- XVI. XVI. **Inclusion of alternative dispute resolution** options within code including restorative justice program and mediation

Ad Hoc Senate Committee on the Student Conduct Code:

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