

DIVISION 21
STUDENT CONDUCT CODE

Article I:

Mission of the Student Conduct Code

- A. 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.
- B. 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 Conduct system serves not just as a disciplinary system, but also as an educational system. Hence, a corollary mission of the 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.
- C. 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.

Article II:

Definitions & Usage

For purposes of this Code:

- A. A. "Academic misconduct" is the intentional violation of university policies, such as tampering with grades, resubmitting assignments for more than one class without the permission of the professor, or taking part in obtaining or distributing any part of a test that has not been administered.
- B. B. "Accused Student" means any student accused of violating this Student Code.
- C. C. "Appeals Board" means any person or persons authorized by the Community Standards Committee to consider an appeal from a Community Standards Hearing

- Board's determination as to whether a student has violated the Student Code or from the sanctions imposed by the Community Standards Administrator.
- D. D. "Cheating" means any act of deception by which a student misrepresents or misleadingly demonstrates that he or she has mastered information on an academic exercise that he or she has not mastered, including (1) the giving or receiving of unauthorized help in an academic exercise, (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments, (3) the acquisition, without permission, of tests or other academic material belonging to a member of the University faculty or staff (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion .
 - E. E. "Community Standards Administrator" means a University official authorized on a case-by-case basis by the Director of Student Conduct and Community Standards to impose sanctions upon any student found to have violated the Student Code. The Director of Student Conduct and Community Standards and Community Standards Committee may authorize a Community Standards Administrator to serve simultaneously as a Community Standards Administrator and the sole member or one of the members of the Community Standards Hearing Board. The Director may authorize the same Community Standards Administrator to impose sanctions in all cases.
 - F. F. "Community Standards Hearing Board" means any person or persons authorized by the Community Standards Committee to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed.
 - G. G. "Complainant" means any person who submits a complaint alleging that a student violated this Student Code. When a student believes that (s)he has been a victim of another student's misconduct, the student who believes (s)he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University community submitted the complaint itself.
 - H. H. "Contacting" includes, but is not limited to, communicating with or remaining in the physical presence of the other person.
 - I. I. "Contempt" means disregard of, or disobedience to, the rules or orders of any tribunal 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.
 - J. J. "Director of Student Conduct and Community Standards" is that person designated by the University Senate and President to be responsible for the administration of the Student Code.
 - K. K. "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 ORS 475.005 or modified in ORS 475.035.
 - L. L. "Fabrication" means the intentional use of information that the author has invented when he or she states or implies otherwise, or the falsification of research or other findings with the intent to deceive.

- M. M. "Faculty member" means any 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.
- N. N. "Gambling" means that 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 ORS 167.117.
- O. O. "Institution" means the University of Oregon and all of its undergraduate, graduate and professional schools, divisions and programs and may be used interchangeably with "university."
- P. P. "May" is used in the permissive sense.
- Q. Q. "Member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Director of Student Conduct and Community Standards.
- R. R. "Plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- S. S. "Policy" means the written regulations of the University as found in, but not limited to the Student Code, Residence Life Contract, the University web page and computer acceptable use policy, Living Group Alcohol policy, Greek Social Policy, Graduate/Undergraduate Catalog and Student Handbook.
- T. T. "Shall" is used in the imperative sense.
- U. U. "Student means any person who:
1. has submitted an application for admission, housing, financial aid, or any other service provided by the University which requires student status; or
 2. is registered for one or more credit hours; or
 - a. a. is enrolled in a special non-credit program approved by the University or
 - b. b. is participating in a University-sponsored program.
- V. V. "Student organization" means as any group of University of Oregon students applying for and meeting criteria for group registration or recognition established by the University, including but not limited to, ASUO, IFC, Club Sports or its designee.
- W. W. "University" means the University of Oregon and all of its undergraduate, graduate and professional schools, divisions and programs and may be used interchangeably with "institution."
- X. X. "University Official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
- Y. Y. "University premises" includes all land, buildings or grounds owned, leased, operated, controlled or supervised by the university including adjacent sidewalks and streets.

Z. Z. “University sponsored activity” means any activity on or off University premises that is directly initiated or supervised by the University (this includes recognized student organization activities).

AA.AA. “Will” is used in the imperative sense.

Article III:

Authority for Student Discipline

- A. Community Standards Committee: Under the authority of the charter of the University of Oregon, 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. 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 not inconsistent with provisions of the Student Code.
 2. 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 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, 2yr terms, & may be reappointed, up to 3 consecutive terms (6yrs). In addition, the Director of Residence Life in University Housing 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 Committee. Temporary members may be appointed to assure full Committee membership during summer session or at such other times as are necessary.
 - b. Sub delegation of Authority to Minor Tribunals and hearing officers:
 - i. 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 or other university regulations 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:

- ii. 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 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. 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.
- d. Hearing officers and bodies include but are not limited to:
 - i. University hearing board
 - ii. Director of Student Conduct and Community Standards
 - iii. Graduate Students in the Office of Community Standards
 - iv. Complex Directors
 - v. Peer Judicial Boards
 - vi. Greek tribunals
 - vii. Club Sports Executive Committee

Article IV: Jurisdiction

- A. The University shall have jurisdiction over student conduct that occurs on University property, or in connection with official University functions whether on or off University property. In general, the Student Conduct Code pertains to actions of students that materially interfere with:
 - 1. An educational opportunity of a University community member;
 - 2. The health and safety of a University community member or campus visitor;
 - 3. The maintenance or protection of University property or personal property located on campus;
 - 4. University record keeping;

5. University living accommodations and other services; and
 6. University sponsorship or supervision of non-classroom activities such as lectures, concerts, athletic events and social functions.
- B. Although the University will not routinely invoke its disciplinary processes over student conduct that occurs off campus except in connection with an official University function, the University shall have discretion to exercise jurisdiction over conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct had occurred on campus when:
1. The alleged misconduct indicates the student poses a threat to the safety or security of any member(s) of the University community; or
 2. The alleged misconduct involves academic work or the forgery, alteration, misuse of any University document, record, key, electronic device, or identification.
- C. Specifically, the University may choose to exercise jurisdiction over off-campus incidents under subsection (B)(1) above where the alleged misconduct involves:
1. Physical abuse, including but not limited to sexual misconduct as defined by violation 21 below, and other physical assault; threats of violence; or conduct that threatens the health or safety of any person;
 2. Unwanted Contact as defined in violation 20.
 3. Hazing as defined in violation 15.
- D. In determining whether or not to exercise off-campus jurisdiction in cases under subsection (B)(1) above, the University will consider the seriousness of the alleged misconduct; whether the alleged victim is a member of the campus community; the ability of the University to gather evidence, including the testimony of witnesses; or whether the off-campus conduct is part of a series of actions that occurred both on and off campus.
- E. 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 on 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.
- F. Complaints of academic dishonesty or fraudulently obtaining a degree may be filed at any time, whether or not the student is currently enrolled or registered.
- G. In all cases except academic dishonesty or fraudulently obtaining a degree, the University must file disciplinary complaints under this Code within six months of:
1. the Office of Student Conduct and Community Standards' discovery of the student's or student organization's involvement in the alleged violation; and

2. 2. the student's last date of enrollment or registration, or an organization's recognition.

H. Students may be accountable to both civil authorities and to the University for acts behavior which constitute violations of the law and the Student Conduct Code. Since the action of civil authorities is independent from University action, the University may or may not initiate a conduct complaint when criminal complaints are pending.

Article V: Violations of Community Standards

The following misconduct constitutes violations of the community standards that are essential to the core educational mission of the University of Oregon:

A. Standards Relative to Academic 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 Conduct Code itself. The following misconduct violates standards of academic integrity:

1. 1. Cheating: i.e. any act of deception by which a student misrepresents or misleadingly demonstrates that he or she has mastered information on an academic exercise that he or she has not mastered, including the giving or receiving of unauthorized help in an academic exercise.
2. 2. Fabrication: i.e. the intentional use of information that the author has invented when he or she states or implies otherwise, or the falsification of research or other findings with the intent to deceive.
3. 3. Plagiarism: i.e. the inclusion of someone else's product, words, ideas, or data as one's own work without proper crediting.
4. 4. Academic misconduct: i.e. the intentional violation of university policies, such as tampering with grades, resubmitting assignments for more than one class without the permission of the professor, or taking part in obtaining or distributing any part of a test that has not been administered and any information about the test.
5. 5. Intentionally Furnishing false information to University faculty or staff.
6. 6. Forgery, alteration, or unauthorized use of University documents, records, keys, student identification, keycards or services.
7. 7. Creation or distribution of false identification.
8. 8. Failure to comply with the terms of any sanctions imposed in accordance with the Student Conduct Code.
9. 9. Contempt of adjudicative proceedings including impairing or interrupting the due course of proceedings in the presence of any tribunal created under this Code. Adjudication of contempt and imposition of sanctions may be imposed summarily consistent with Article VIII. E.

B. Standards Relative to Respect for Property and for Shared University Resources

The following misconduct violates standards of respect for property and shared University resources:

1. Engaging in behavior that could reasonably be foreseen to cause disruption, obstruction, or interference with the process of instruction, research, administration, student discipline, or any other service or activity provided or sponsored by the University.
2. Damage, destruction, theft, or unauthorized use of property located on the University campus or property owned or controlled by the University.
3. Unauthorized entry into or use of University property or University recognized living units, facilities, residence halls, equipment, or resources.
4. Disorderly conduct (including that resulting from the use of alcohol), unreasonable noise, or conduct that results in unreasonable annoyance.
5. Failure to comply with the reasonable directions of University of public officials acting in performance of their duties on University – owned or controlled property or at University sponsored or supervised activities when such conduct constitutes danger to personal safety or property or obstructs or impairs educational or other institutional activities.
6. Computer Policies:
Violation of University policies on the acceptable use of computing resources. Unacceptable uses of computing resources includes, but are not limited to:
 - a. Use of electronic forums to violate other sections of the Student Conduct Code
 - b. Sharing of accounts or 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
 - g. Threatening, abusive or harassing conduct (as defined in violation 19) via electronic forums or electronic mail.

C. 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 misconduct endangers such an environment, and threatens the welfare of the University Community as a whole:

1. 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.

2. Hazing, on or off campus, is defined as initiation rites involving any intentional action or situation that a reasonable person would foresee as causing mental or physical discomfort, embarrassment, or ridicule. Such activities and situations include, but are not limited to:
 - • Sleep deprivation or causing excessive fatigue
 - • Physical or psychological shock
 - • Public stunts or jokes
 - • Compelled ingestion of any substance
 - • Degrading or humiliating games or activities
 - • Activities that have an adverse effect on academic progress
 - • Forced servitude
 - • Activities which are not consistent with the parent organization's rules and regulations
 - • Activities which violate Federal, State, or local lawsIndividual acceptance of or acquiescence to any activity covered by the foregoing definition in no way validates or excuses the activity.
3. Possession, use, or threatened use of a weapon, ammunition, or any object or substance used as a weapon on University property except as expressly authorized by law or University regulations as administered by DPS. A concealed weapons permit does not constitute authorization.
4. Unauthorized possession, use, or threatened use of dangerous chemical or biological substances or explosives.
5. Tampering with fire-fighting equipment, turning in a false alarm, or engaging in conduct that constitutes a significant fire hazard.
6. Harassment 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. Harassment involves:
 - a. Intentionally subjecting a person to offensive physical contact, or
 - 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 and telephone).
 - c. Prohibited discrimination, discriminatory harassment, and sexual harassment as relevant to student conduct as defined by law.
7. Unwanted contact, defined as repeatedly or persistently contacting 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.

8. Sexual Misconduct.

- a. 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 as described in subsection b of this section wherever that activity takes place, on or off campus.

- b. The following are defined as sexual misconduct:

- i. 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 consent by reason of mental disorder, mental incapacitation, or physical helplessness.

- ii. 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 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. The following definitions apply to sexual misconduct:

- i. "Explicit Consent" 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. Consent to one form of sexual activity cannot automatically be taken as consent to any other sexual activity. A "no" always

means that 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 consent to any form of sexual activity.

ii. ii. “Penetration” means any degree of insertion, however slight, of the penis or any object into the vagina or anus, or the penis into the mouth.

iii. iii. “Contact of a sexual nature” 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.

iv. iv. “Mental disorder” 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.

v. v. “Mental incapacitation” 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 other intoxicating substance or because of any act committed upon the person without consent.

vi. vi. “Physical helplessness” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

e. Sexual gratification or pleasure of any party involved is not relevant to an offense in this section.

f. A student who is violating provisions of the alcohol or drug policy in the Student Conduct Code on a certain occasion is still able to make a complaint regarding another person’s sexual misconduct on the same occasion.

9. Alcohol use:

- a. a. Possession of alcohol by those under 21 years of age on
- b. b. University-owned or controlled property or at University-sponsored or supervised activities
- c. c. Consumption of alcohol by those under 21 years of age on University-owned or controlled property or at University-sponsored or supervised activities
- d. d. Furnishing of alcohol to persons under 21 years of age.*

- e. e. Consumption or furnishing of alcoholic beverages by those or to those persons at least 21 years of age is permissible only in such areas as the University may designate.*

* As defined by state Law

10. Drug use.

- a. a. Manufacture, processing, distribution, or cultivation of marijuana, narcotics or other controlled substances on University-owned or controlled property or at University-sponsored activities except as expressly permitted by law.
- b. b. Sale of marijuana, narcotics or other controlled substances on University-owned or controlled property or at University-sponsored activities
- c. c. Possession of marijuana, narcotics or other controlled substances on University-owned or controlled property or at University-sponsored activities except as expressly permitted by law.

11. 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 while on University premises without his/her prior knowledge, or without his/her effective consent when such an injury is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

12. Gambling, as defined an prohibited in ORS 167.108 to 167.164 except as authorized by ORS 464.270 to 464.530.

D. Violations of Community Standards by Student Organizations

When an incident comes to the Universities attention the Office of Student Conduct and Community Standards will review the incident to determine the appropriate process for resolution. Generally, a student organization will hold itself accountable for the acts of its members when those acts are related to student organization life. When members of a student organization act together in a way that violates University standards of conduct, the student organization is expected to hold its members responsible for those violations. If sufficient action is not taken in a timely manner by the student organization to correct a violation of University standards, individuals can file grievances with the appropriate governing body, or, if none exists, with the Office of Student Conduct and Community Standards. If sufficient action is not taken in a timely manner by the governing body, the Office of Student Conduct and Community Standards will take appropriate action.

The Office of Student Conduct and Community Standards will be notified and kept informed at all stages of the process. 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.

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

1. The violation arises out of a group-sponsored, organized, financed, or endorsed event.
2. The organization provides the impetus for the violation.
3. The violation occurs on the premises owned or operated by the group.
4. A group leader has knowledge of the violation being likely to occur before it occurs and fails to take corrective action.
5. A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.

Article VI: Sanctions

The University utilizes an educational sanctioning model; hearing officers will make every attempt to provide an educational sanction that will enable a student to make better choices in the future. The educational sanction applied will become progressively more demanding if the student repeats violations and demonstrates that learning has not taken place.

An accumulation of a variety of violations may result in severe sanctions such as suspension or expulsion. Academic dishonesty as well as 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.

A. Forms of Sanction

1. 1. Expulsion (student status is severed permanently): any student who has been expelled from the University as a result of disciplinary action shall not be permitted to participate in any University-recognized function or allowed to reside in any University residence hall.
2. Suspension:
 - a. Individual Suspension (student status is severed for a specified period): any student who has been suspended from the University as a result of disciplinary action shall not be permitted to participate in any University-recognized function or allowed to reside in any University residence hall.
 - b. Group Suspension (any student organization): this sanction is equivalent to loss of University recognition or registration and all privileges associated with such recognition or registration.
3. Negative Notation on Transcript: entry of the fact of violation on the student's permanent academic record as a separate or additional sanction may be imposed at the discretion of the hearings officer. After the expiration of the period of time set by the hearings officer, the notation shall be removed upon the request of the student.

4. **Revocation of Degree:** an academic degree previously awarded by the University may be revoked on proof that it was obtained by fraud or that a significant part of the work submitted in fulfillment of, and indispensable to, the requirements for such degree was plagiarized. The Academic Requirements Committee may, upon appeal of a university graduate subjected to degree revocation, stipulate the requirements for re-obtaining the degree.
5. **Grade penalty:** a student admitting academic dishonesty or found responsible of academic dishonesty is subject to a grade penalty as determined by the instructor in the course in which the violation occurred.
6. **Disciplinary Probation:** participation in University life by individual students or student organizations is placed on probation, with or without loss of designated privileges.
7. **Restitution:** the student or student organization is required to replace or restore damaged, stolen, or misappropriated property.
8. **Educational Activity:** the student (or student organization) is required to complete a project or activity specifically designed to help the student (or 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 the University community. Educational activities shall include but not be limited to: assessments of substance abuse and other behaviors, community service, workshops, papers and similar assignments.
9. **Loss of Privileges:** the student or student organization is denied specified privileges normally associated with student status, such as participation in or sponsorship of University-recognized activities, use of University facilities or services, or living in University-owned or supervised housing.
10. **Conduct Reprimand:** the student or student organization is given written notice that the conduct engaged in is inconsistent with University standards and expectations for the conduct of the members of its community and informed that future violations of the Code may result in the imposition of more serious sanctions.
11. **Suspended Sanction:** the execution of any sanction authorized under this Code may be suspended. When suspending a sanction, a time limit for the suspension period shall be designated, and subsequent violations of the Code that will terminate the suspension and result in the imposition of the original sanction shall be specified. In the absence of such violation(s), the original sanction shall be deemed completed at the end of the suspension period.
12. **Medical Leave:** actions taken pursuant to University policies on medical leave shall not be deemed disciplinary sanctions within the meaning of this Code.

B. Failure to complete assigned sanctions.

In order to enforce the timely completion of disciplinary sanctions issued under the Student Conduct Code, this rule requires the following procedures:

1. 1. After a student has been found responsible for a student conduct code violation and a sanction has been imposed, he or she will be orally informed

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 provide the student with that information in writing in the initial decision letter.

2. 2. If a student fails to complete the disciplinary sanction by the assigned deadline, the Office of Student Conduct and Community Standards will:
 - a. a. Send the student a letter that states:
 - i. i. the student's ability to register for classes, drop classes, or change grade options will be placed on hold until verification that the student has completed the sanction has been received by the Office of Student Conduct and Community Standards.
 - ii. ii. the student has five class days after the deadline to show that he or she has completed the assigned sanction before the hold will be placed; and
 - iii. iii. it is the student's responsibility to ensure that the Office of Student Conduct and Community Standards receives notice of completion of the sanction.
 - b. b. 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.
 - c. c. The hold will be removed immediately after the student has provided verification of completion of the sanction.
3. 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.

Article VII: 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 students or student organizations 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:

- A. Regulations and disciplinary sanctions affecting the conduct of all students shall be based on general principles of equal treatment.
- B. 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 may refer 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.

- C. Students shall have an opportunity to participate in the formulation of all regulations and policies pertaining to student discipline at the University of Oregon.
- D. 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.
- E. Students accused of violations of the Student Conduct Code can expect the following procedural protections:
 1. To be informed of the complaint and alleged misconduct upon which the complaint is based;
 2. To request that the Director of Community Standards resolve the case in an informal disciplinary conference.
 3. To be allowed reasonable time to prepare for the hearing or conference.
 4. To be informed of the information upon which a complaint is based and accorded an opportunity to offer a relevant response;
 5. To call and confront relevant witnesses;
 6. To be assured of confidentiality, in accordance with the terms of the federal Family Educational Rights and Privacy Act and Oregon Records law.
 7. To request that any person conducting a disciplinary conference or serving as a hearing board member or hearing officer be disqualified on the ground of personal bias.
 8. To be considered not responsible of the complaints until proven responsible by a preponderance of the information. If suspension or expulsion is a possibility, the standard of proof must be clear and convincing information.
 9. To have an adviser of their choice present at the hearing provided that advisor's schedule does not delay the hearing.

Article VIII: Conduct Procedures

A. Complaint

Any member of the University Community may file complaints against a student for violations 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 event takes place, preferably within 1 year. 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.

B. 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 notify the student of:

1. The alleged Code violation;
2. The opportunity for the student to meet with the Director for purposes of discussing the options for disposition of the case (conference with the Director or staff, or formal hearing by hearings panel);
3. The student's right to assistance. At an informal conference with the Director, or, a formal hearing by a hearing panel or before the Appeals Board, 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. any student
 - c. any member of the faculty or administration
 - d. any member of the Oregon Bar
4. The requirement to respond within 10 days, excluding breaks between terms or when the student is not registered, to arrange a meeting with a Hearing Officer. The hearing Officer will proceed as provided in subsection (B)(2) if the student does not arrange to meet or fails to meet with the Hearing Officer as arranged.

B. Response

1. After proper service of written notice as provided in section (1) of this rule, the student may arrange to meet with the Director for the purpose of selecting an option for the disposition of the case (conference with the Director or staff, or formal hearing by hearings panel);
2. 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 10 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 may take any of the actions specified in OAR 571-021-0045 or select another option for disposition of the case (formal hearing by hearings panel) without consultation with or agreement by the student.
3. Immediate Referral to Hearings Panel. If the Director finds that under the circumstances of the case, an immediate referral to a hearings panel for formal hearing would be in the best interest of the University or the best interest of the student, the Director 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 by subsections (1)(a), (c), and (d) of the rule. The case then shall proceed as provided in OAR 571-021-0055.
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 expulsion or suspension from the University.

Students not subject to suspension or expulsion will be entitled to an informal disciplinary conference with the Director of Student Conduct and Community Standards or staff member or a formal hearing with the hearing panel. Students who are subject to suspension or expulsion will be entitled to a hearing before the University Hearings Board

- b. Students referred for a hearing by the Director may elect to have their cases resolved in accordance with Part E of this code. Such an election must be in writing, affirming that the student is aware a hearing is being waived and that the full range of sanctions may be imposed, including suspension or expulsion from the University.
- c. The Director 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 or designee.

C Informal Conferences

1. Students accused of violations that may result in penalties less than suspension or expulsion may choose an informal conference with the Director of Community Standards, or designee. The following procedural protections are provided to accused students in disciplinary conferences:
 - a. written notice of the specific complaints at least 3 class days prior to the scheduled conference.
 - b. reasonable access to the case file prior to and during the conference. The case file consists of materials which would be considered “educational records” pursuant to the Family Education Rights and Privacy Act of 1974; personal notes of University staff members or complainants are not included.
 - c. an opportunity to respond to the information and to ask the Director or designee hearing the case to contact relevant and necessary witnesses.
 - d. the right to be accompanied by an adviser
 - e. the right to have the case referred outside the office of Community Standards if the student can articulate that the office is itself biased for some reason that would prevent the student from receiving a fair hearing by the office.
2. In cases where the Director of Student Conduct and Community Standards concludes that a student complaint with any offense under the Student Conduct Code lacks the mental capacity to respond to pending disciplinary complaints, the Director shall stay the proceeding until such time that the Director concludes that the student is competent to respond to the pending disciplinary complaints. 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 dishonesty, no academic sanction may be imposed during the pendency of a stay granted pursuant to this section, but the faculty member responsible for the context in which the complaint of academic dishonesty arose shall request the Registrar to assign a grade of “I” until the disciplinary proceeding has been completed.

3. In cases where a student, accused with a violation of the Student Conduct Code, submits a written statement that the student engaged in the specific conduct alleged accompanied by a written opinion of a Student Health Center psychiatrist or Counseling Center psychologist stating that, as a result of mental disorder, the student did not know the nature of the wrongfulness of the conduct at the time of the offense or could not conform his or her behavior to the requirements of the Code, no disciplinary sanctions shall be imposed. The student may submit any other supplemental information pertinent to his or her mental condition to the Director. 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 where appropriate, consult with the student's parents or guardian in compliance with the Student Records Policy, or take other measures to assure a fair disposition of the case. If the student has been accused of academic dishonesty, the responsible faculty member for the class in which the academic dishonesty took place shall assign an appropriate grade.

D. University Hearings Board Formal Hearings

1. Membership; Selection; Hearing Board Chair; Presiding Officer; Recusal; Removal
 - a. Student Conduct Code formal hearings are heard by a panel on which faculty and students are represented, drawn from a pool known as the "Hearings Board."
 - b. The Hearings Board shall consist of eighteen members, all of whom must be appointed by the University President. The board must consist of:
 - i. 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.
 - ii. Four University officers of instruction, all of whom the Committee on Committees 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.
 - iii. Four University officers of administration all of whom the Committee on Committees 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. 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.
3. 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.

4. Names of nominated students will be forwarded to ASUO for formal nomination to the University President pursuant to OAR 571-21-055(A).
5. Preference will be given to up to 5 recommended students wishing to return to the hearing board for reappointment.
6. 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.
7. New student members will be ready to assume responsibilities for the Hearings Panel at the beginning of the next academic year.
8. A "Hearings Panel" shall consist of three students and two faculty members selected at random from the Hearing Board. A hearing cannot proceed with fewer than 4 members present.
9. Formal Hearing Procedures
 - a. a. If a matter cannot be resolved by an informal conference, resolution will be sought through a hearing before a 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 to be construed as a criminal proceeding, trial, or litigation.
 - b. b. 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.
 - c. The hearings panel will select a Chair from among the returning members of the hearings board. The Chair shall conduct the hearing. He or she may participate in Board deliberations and discussions but shall not vote.
 - d. The University community values personal responsibility and accountability as a contributor to the educational process that is at its core. In accord with this value, in a hearing the Accused Student and any Complainant are responsible for presenting his/her own information in response to inquiries from the hearing panel. However, the Accused Student and any Complainant is each allowed, if he/she wishes, to be assisted by one advisor that he/she chooses, at his/her own expense. The following rules and standards pertain to any such advisor:

- i. i. The advisor may be an attorney, but need not be an attorney;
- ii. ii. 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;
- iii. iii. 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 second student is to be promptly notified of the first student's plan to invite an advisor, and the other student afforded an equal right to invite an advisor even if this means disregarding the seven-days-prior-notice provision;
- iv. iv. An advisor may counsel his/her advisee on how to answer any question posed by the panel;
- v. v. In order to preserve the educational tone of the hearing and to avoid creation of an adversarial environment, advisors are generally not permitted to speak or participate directly in any hearing, except that an advisor is permitted to speak and participate in one or more of the following specific ways:
 - a. An advisor may provide a written openingsummary/statement;
 - b. An advisor may provide an oral closing summary/statement;
 - c. An advisor may be allotted a limited time-period to ask one or more questions of the student to whom he/she is advisor and allow the student to respond, these questions being in addition to rather than a substitution for questions asked by the panel;
 - d. An advisor may submit to the panel in writing any questions for the panel ask of any other participants who are giving information at the present time, or will be giving information at a future time, in the hearing;
 - e. If both Complainant and Accused Student independently request at the beginning of the hearing to have procedures changed so as to allow advisors to directly question any person providing information in the hearing, the hearings panel may permit this change in procedure.
- vi. vi. The hearing panel will have responsibility and authority for deciding

- a. a. time limits for any closing summary/statement or questioning period provided to advisors;
 - b. b. at what point in the hearing these should be presented.
- vii. vii. 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.
- viii. An advisor should act in accord with the standards and values of the University community. If an advisor's conduct in a hearing is judged to merit such disqualification, the hearings panel will have the authority to remove a person's name from the Hearing Panel Advisors list and to disqualify that person from serving as an advisor in future hearings.
- e. The Director or a designee shall give accused students notice of the hearing date and the specific complaints against them at least seven days in advance. Notice shall be by personal delivery or by certified mail to the last address provided by the student to the university. Accused students shall be accorded reasonable access to the case file, which will be retained in the Office of the Director of Community Standards.
- f. The Chair of the hearing panel may require the attendance of relevant witnesses after consultation with the Director of Community Standards. These requests must be personally delivered or sent by certified mail. University students and employees are expected to comply with these requests issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship, or substantial interference with normal university activities, as determined by the Director of Student Conduct and Community Standards.
- g. Accused students who fail to appear after proper notice will be deemed to have pleaded "not responsible" to the complaints pending against them. A hearing may be conducted in their absence, if necessary.
- h. All hearings conducted under the authority of the Code are to be private unless the students have waived in a signed, written and dated document any restrictions on disclosure of documents, exhibits, written statements, interview notes, photographs, or other preserved materials in the Student Conduct file or in other educational records which could be offered, admitted, identified, described, referred to, or generated in the course of the specified hearing. Such a waiver shall apply to the entire hearing, unless otherwise agreed to by the University and complaining student if there is one, and the student complaint. In the event such a waiver is not made, the presiding officer shall close the hearing to all persons other than participants in the hearing, including, but not

limited to, the Director, the complainant student, the complainant student's advisor. With regards to sexual assault as used in Title 20, chapter 28 subchapter VI part F, section 1092 U.S. Code the accuser and accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding. The accuser of alleged sexual assault may have an equivalent number of advocates as the accused during a hearing. In a case where the accused does not have an advocate, the accuser may still have an advocate during the hearing. The accuser also has the right to remain in the hearing as long as information is being presented. To the extent necessary to preserve order, the presiding officer may limit the attendance of persons present at the hearing.

- i. Subject to the State and Federal student records law, the University may disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18, U.S. Code), the results of the disciplinary proceeding against the accused student with respect to such a crime of violence. Such disclosure includes the University's final determination with respect to the alleged offense and any sanction that is imposed against the accused.
- j. The Chair shall exercise control over the proceedings to avoid needless consumption of time and to achieve completion of the hearing. Any person, including the accused student, who disrupts a hearing may be excluded by the Chair. All procedural questions are subject to the final decision of the chairperson of the Community Standards Hearing Board.
 - k. Hearings shall be tape recorded or transcribed.
 - l. Any party may challenge a hearing board member or the chair on the ground of personal bias. Panel members may be disqualified by the chair, or upon majority vote of the voting members, conducted by secret ballot. The chair may be disqualified by the Director of Student Conduct and Community Standards.
- m. Witnesses shall be asked to affirm that their statement is truthful, and may be subject to complaints of violating this Code by intentionally providing false information to the University.
- n. Propsective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the statements of other witnesses. All parties, the witnesses and the public shall be excluded during Board deliberations, which shall not be recorded or transcribed.
- o. The complaints against the respondent must be established by a preponderance of the information unless expelling a student in which case the complaints must be established by clear and convincing information. The Director shall be responsible for investigating and presenting the relevant information in the Student Conduct file to the hearings panel and ensuring that all relevant

information is presented on both sides. For all violations of the code, it is the 'complaining party's burden to prove the case by a preponderance of information except as stated above.

- p. Formal rules of information shall not be applicable in disciplinary proceedings conducted pursuant to this Code. The hearing officer shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into information which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant information may be excluded.
- q. Complainants and accused students (not their advisors), will be accorded an opportunity to ask relevant questions of those witnesses who testify at the hearing.
- r. Board members may ask questions of the parties and all witnesses. They may also take judicial notice of matters which would be within the general experience of University students and faculty members.
- s. A determination of responsibility shall be followed by a supplemental proceeding in which either party may submit relevant information or make relevant statements concerning the appropriate sanction to be imposed. The past disciplinary record of the accused student will only be supplied to the board during the supplementary proceeding.
- t. In Community Standards Hearing Board Hearings involving more than one accused student, the Director of Student Conduct and Community Standards, in his or her discretion, may permit the Community Standards Hearing Board Hearings concerning each student to be conducted either separately or jointly.

10. Information in Sexual Misconduct Cases

Information about the sexual behavior of an alleged survivor prior to or subsequent to an alleged sexual misconduct incident is not admissible in a hearing unless both of the following conditions apply:

- a. Any specific instances of sexual behavior, whether of the complaining student or the accused student, sought to be admitted are submitted to the hearing panel chair not less than seven days prior to the hearing (or when otherwise deemed essential by the hearing panel chair), and the student has had an opportunity to provide a written response prior to the hearing; and
- b. The hearing panel chair finds that the probative value of the information outweighs the danger of unfair prejudice to the student.

- 11. The Community Standards Hearing Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation

by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Director of Student Conduct and Community Standards to be appropriate. If the opposing party rejects to the accommodations, they must submit a written response to the board demonstrating how the accommodations would negatively affect their case. The Hearing Panel will then decide whether to make the accommodation; if an accommodation is made the panel will not make any predeterminations based on whether or not an accommodation is granted.

E. E. Adjudication of Contempt and Imposition of Sanctions

The person or body considering whether a violation of the Code occurred and potential imposition of sanctions may make a determination of contempt and impose sanctions as necessary without complying with the procedures otherwise required in this Code. Notwithstanding, determination of contempt and imposition of sanctions is subject to appeal under Article X of this Code.

Article IX: 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 the 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.

A. Mediation is encouraged as an alternative means to resolve many disciplinary cases. The Director of Community Standards will inform complainants and accused students about the availability of mediation resources. The Director, in the exercise of his or her discretion, may decline to process a complaint until the parties in a non-academic misconduct case make a reasonable attempt to achieve a mediated settlement. To be binding in a disciplinary case, any mediated settlement must be approved by the Director of Student Conduct and Community Standards. Any agreement will be enforced by the Office of Community Standards.

1. 1. Students wishing to pursue mediation shall inform the Director of Student Conduct and Community Standards within XX days of receiving written notice of the violation pursuant to Article __, 8, B.
2. 2. The Director will determine if the student alleged to have violated the Code must admit responsibility as a condition of the Director's approval of a mediation option.
3. 3. If the student agrees to acknowledge responsibility, if required, the Director 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 progress of the mediation.

4. 4. If the necessary parties agree, the Director 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.

B. Restorative Justice serves primarily as a diversion program for those students who have acknowledged their involvement in a Code violation and who wish to remedy the effects of their violation. The following must be true in order for CRJP to be considered:

1. the offending student accepts responsibility for their involvement in the Code violation and admits wrongdoing,
2. there are clearly identifiable negative impacts on individuals and/or the community resulting from the violation,
3. the offending student and those harmed or impacted by the incident agree to participate

To be binding in a disciplinary case, any Restorative Justice outcome must be approved by the Director of Student Conduct and Community Standards. Any agreement will be enforced by the Office of Community Standards.

C. If a student who participates in an alternative dispute resolution fails to fulfill an obligation or otherwise fails to comply with the approved resolution, the Director of Student Conduct and Community Standards may initiate procedures either to make a determination of responsibility or, in the Director's discretion, as if a student had failed to complete a sanction under the Code.

D. Upon timely completion of a student's obligation arising from alternative dispute resolution, the 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.

Article X: Appeals

A. The University Appeals Board is the final appeals body within the Student Conduct Program. As set forth in OAR 571-021-0055(4), this Board shall be responsible for reviewing substantive or procedural appeals from the decisions of a hearings panel.

B. The Board shall consist of three faculty members, recommended by the Committee on Committees, 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

- Board membership during summer session or at such other times as are necessary. The President shall designate one of the members as pro temp chair of the Board.
- C. The Board will elect its permanent chair at its first meeting. A quorum shall consist of two students and two faculty members. The Board shall establish its own rules of procedure.
 - D. A decision reached by the Community Standards Hearing Board may be appealed by the accused student or complainant(s) to an Appellate Board within fourteen days of the decision. Such appeals will be in writing and will be delivered to the Director of Student Conduct and Community Standards or his or her designee. If an accused student fails to attend the hearing, they may not appeal except to show with direct information that they did not receive notice of the hearing.
 - E. Except as required to explain the basis of new information, an appeal will be limited to a review of the verbatim record of the Community Standards Hearing Board Hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the Community Standards Hearing Board Hearing was conducted fairly in light of the complaints and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to present information that the Student Conduct Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a bases 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 in case that, if believed by the fact finder, were sufficient to establish that a violation of the Code occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
 - d. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Community Standards Hearing Board Hearing.
 - F. No decision of a hearings panel may be overruled except through an affirmative vote of a majority of the Board members present. Upon a finding that an appeal in whole or in part has merit, the Board may:
 - 1. Modify the decision or sanction; or
 - 2. Remand for further proceeding
 - G. 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.
 - H. The decision of the Appeals Board may be appealed to the Court of Appeals.

**Article XI:
Emergency Action**

- A. The Director of Student Conduct and Community Standards or his/her designee may take emergency action against the accused student when immediately necessary to secure the health or safety of any persons and there is an alleged violation of the Student Conduct Code.
- B. “Emergency Action” includes, but is not limited to:
 - 1. Immediate withdrawal from the University;
 - 2. Restrictions on the accused student’s presence on University property and/or University events.
 - 3. At the time of the emergency action, the Student Conduct Director may request that the student secure a medical and/or 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.
- C. At the time that the emergency action takes place, the Director of Student Conduct and Community Standards or his/her designee will:
 - 1. Inform the accused student of the reason for the emergency action;
 - 2. Give the accused student the opportunity to explain why an emergency action need not be taken;
 - 3. Inform the accused student that a preliminary hearing will take place according to Section 4, and that the accused student will be informed of its time, place, and date; and
 - 4. Inform the accused student of the possible restrictions that may be imposed prior to a formal hearing.
- D. The preliminary hearing shall take place within two business days of the emergency action. At this hearing the accused student shall have a full opportunity to demonstrate to the Director of Conduct and Community Standards that none of the conditions specified in Section (1) apply. The accused person may be represented by a student advocate or other counsel.
- E. Based on the reasonable evaluation of the information presented at the preliminary hearing, the Director of Student Conduct and Community Standards shall notify the accused student within 24 hours of the decision to:
 - 1. Dissolve the emergency action and take no further action;
 - 2. Dissolve the emergency action but proceed to a full hearing regarding the accused student’s conduct as prescribed in the Student Conduct Code; or
 - 3. Sustain or modify the emergency action until such time as a formal hearing regarding the accused student’s conduct may be held.
- F. An emergency action shall be reviewed by the Dean of Students or his/her designee at the request of the accused student no sooner than the next working day after the preliminary hearing. The review shall allow the accused student to argue that an emergency action need no longer be imposed. Subsequent review of the same emergency action may be requested no sooner than every ten days.
- G. Formal hearings subsequent to an emergency action shall occur no sooner than fourteen days, and shall be administered pursuant to 571-021-0040 and 571-021-0055 of this Code. If the Director for Student Conduct agrees, the accused person

- may waive the fourteen-day notice requirement in order to expedite the hearings process.
- H. If restrictions on the accused student's housing or enrollment are removed, the student will not be assessed any fees for reinstatement.

Article XII: Academic Dishonesty Procedures

A. Notice

Upon the discovery of a suspected academic dishonesty incident—plagiarism, cheating, or knowingly furnishing false information to a faculty or staff member—the faculty member in whose course the incident originated shall promptly notify the student of the incident of suspected academic dishonesty. This notice shall include a discussion of the option of having the case referred directly to the Director of Student Conduct and Community Standards.

B. Non-Contested Cases

If the student admits to the academic dishonesty incident, the faculty member shall impose an appropriate academic sanction up to and including an N or an F and report the incident to the Office of 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.

C. Contested Cases

If a faculty member and a student cannot agree as to whether academic dishonesty has occurred, the faculty member will, not later than two weeks – excluding breaks – after the date of the conference, make a written referral of the case to the Office of Community Standards for resolution. The case will then be conducted in accordance with the procedures established in this code:

1. If there is a finding that the student engaged in academic dishonesty, the faculty member will assign an appropriate grade, and disciplinary sanctions may be imposed by the Office of Community Standards.
2. If there is a finding that the student did not engage in academic dishonesty, no academic sanction may be imposed.

D. Reporting Academic Dishonesty Incidents

Members of the faculty are required to file a written report of each academic dishonesty incident with the Director of Student Conduct and Community Standards. These reports shall be treated as confidential and retained for record keeping purposes as provided by the Student Records Policy.

E. Withdrawing from Course

If the incident 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 the case that they have dropped or withdrawn. If no sanction results, the student will be free to withdraw from the course or to change the course's grading option, by processing his/her request at the later of:

1. 1. The expiration of the withdrawal deadline for the course, or of the deadline for changing grade options; or
2. 2. Five business days after receipt by the student of notification of decision or termination of the incident without sanction.
3. 3. In the event the student is found not responsible for the violation and the student no longer feels comfortable returning to the class, the Office of Community Standards will work with the student to try and get the “w” off of the transcript.

Article XIII:

Administration of Conduct System

A. Disciplinary Records and Files

1. Case referrals will result in the development of a disciplinary file in the name of the accused student, which shall be avoided if the student is found not responsible for the complaints. Voided files will be so marked and shall not leave any student with a disciplinary record. Voided files will normally be destroyed after one year. In student on student complaints, a file shall be created for both students.
2. The files of students found responsible of any complaints against them will normally be retained as a disciplinary record for four years from the date of the letter providing notice of final disciplinary action.
3. Disciplinary records may be voided by the Director of Conduct and Community Standards for good cause, upon written petition. Factors to be considered in review of such petitions shall include:
 - a. the conduct of the student subsequent to the violation.
 - b. the nature of the violation and the severity of any damage, injury, or harm resulting from it.

B. Student Conduct Reports

1. The Community Standards Committee shall require from University officials, hearings board, 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 , where necessary, review the reports with the appropriate officials or tribunals.
2. 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.

C. Director of Student Conduct and Community Standards

1. 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 these

activities of all University officials, hearings officers, referees, committees, or tribunals that are concerned with the Community Standards Program.

2. 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 by those authorized to impose disciplinary sanctions.
3. 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.
- (4) The Director shall be responsible for gathering and presenting to the Community Standards Committee the reports required by this code.

D. Adjudication of Contempt and Imposition of Sanction

The adjudication and sanction of contempt provided in OAR 571-021-0030(18) shall be made by the referee, hearings officer, or presiding officer of the University Appeals Board; alone and summarily. Upon adjudication and sanction, if any, the officer shall certify to the Director of Student Conduct and Community Standards the facts constituting the contempt and the sanction imposed thereof. Persons so adjudicated in contempt shall have the same right to appeal as is afforded in any other case adjudicated before that tribunal.

E. Student Conduct Code

1. Code establishment. Upon approval by the University Senate, this Student Conduct Code becomes effective and supersedes all previous regulations and policies pertaining to student discipline at the University of Oregon.
 2. Code interpretation. Any question of interpretation or application of the Student Code will be referred to the Director of Student Conduct and Community Standards or his or her designee except in hearings before the Community Standards hearing panel.
 - 3.. Code Amendment. This Code may be amended by the faculty except that the delegation to minor tribunals sections may also be amended by the Community Standards Committee.
 4. Code Revision. This code shall be continuously reviewed in its entirety to make sure it is consistent with best practices in Student Conduct.
 5. This Code is adopted as Oregon Administrative Rules.
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