

OREGON STATE UNIVERSITY

CODE OF STUDENT CONDUCT

SECTION 1: Purpose

The primary purpose of the *Code of Student Conduct* is to establish standards and procedures necessary to maintain a community conducive to learning, whether on-campus or online, and to advance the educational objectives of Oregon State University. The *Code of Student Conduct* promotes an environment that values inclusivity and respectful discourse. This Code applies to students at Oregon State University (see Section 2) and is based on the belief that all persons should treat one another with dignity and respect for scholarship to thrive. Acknowledging that learning occurs in a multitude of places, Oregon State believes a set of community standards develops professionalism and decision-making in all students. Oregon State University encourages exemplary conduct by balancing the rights of the individual student with responsibility to the larger community.

Choosing to join the Oregon State University community as a student obligates each member to a code of responsible behavior. Policies support the health and safety of the Oregon State University community, support a learning environment that is free from disruption, further the educational pursuits of Oregon State community members, and limit property harm. Students are encouraged to hold each other accountable and report concerning behaviors, as the *Code of Student Conduct* strives to create a community that protects the safety, wellness, and educational focus of students. Students are also expected to follow the academic and professional standards of the academic units. All students and Student Organizations are expected to observe the policies, rules, and requirements of Oregon State University as well as all applicable laws of municipalities and counties, the State of Oregon, the United States of America and, when in another country, that country.

The student conduct process at Oregon State University exists to protect the interests of the community and to challenge behavior that is not in accordance with our policies. This process is separate from criminal or civil court processes. Students who are accused of violating this Code will receive written notice and a hearing with objective decision-maker(s) as part of our student conduct process. No student will be found in violation of the *Code of Student Conduct* without a finding that it is more likely than not that a violation occurred (a preponderance of the evidence standard). Students found responsible in a student conduct process for violations of the Code are subject to sanctions. Sanctions are proportionate to the severity of the violation and to the cumulative conduct history of the student. Assigned sanctions provide an opportunity for students to reflect critically on their choices and behavior, to demonstrate learning, and, when appropriate, to make reparation for any harm that was caused. If a student is unable to tailor their behavior to community expectations or has exhibited sufficiently severe misconduct, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Oregon State University reserves the right to make changes to this Code as necessary. Once those changes are posted online, they are in effect. The *Code of Student Conduct* is made available to students in the form of a link on Oregon State University's website at www.studentlife.oregonstate.edu/studentconduct. Hard copies are available upon request from the Office of Student Conduct and Community Standards (SCCS). To request a copy of the *Code of Student Conduct* in alternative formats, please contact sccs@oregonstate.edu. Students are responsible for reading and abiding by the provisions of the *Code of Student Conduct*.

SECTION 2: Definitions

1. **Accused or Responding Party:** Any student charged with a violation of the *Code of Student Conduct*.
2. **Administrative Suspension:** Under this *Code of Student Conduct*, the Director of Student Conduct and Community Standards or designee may Administratively Suspend and/or separate a student from the community or university housing pending the scheduling of a conduct hearing on alleged individual or organizational violations when immediate action is deemed necessary to ensure the safety of the Oregon State University community, property, or to protect the normal operation of the University (see Section 9).
3. **Code:** Abbreviated term used to refer to the *Code of Student Conduct*.
4. **Complainant:** Any individual or party who is the alleged recipient of alleged behaviors that would violate the *Code of Student Conduct*.
5. **Hearing Body:** The term used in the student conduct process to reference either a hearing officer (in an administrative conference) or a hearing committee (in a committee hearing).
6. **Institution or University:** Refers to Oregon State University.
7. **Individual Violation:** A violation of the *Code of Student Conduct* committed by an individual Student acting alone or in concert with other individual(s) independent of a Student Organization or its activities and events.
8. **Organizational Violation:** A violation of the *Code of Student Conduct* committed by a Student Organization.
9. **Provisional Student Status:** Provisional student status is assigned to any student who has been issued a suspension or expulsion sanction and has appealed the decision. Under provisional student status, a student may continue to progress academically; however, should the student's appeal be denied, the suspension or expulsion sanction goes into effect retroactive to the original date of determination, and the student will not receive grades, any academic credits or degrees earned while on provisional student status, and may not be refunded any money paid during the provisional student status period. Students who are excluded from the institution as part of institutional Administrative Suspension (see Section 9) are not eligible for provisional student status.
10. **Reporting Party:** Any person or organization who submits a report or a complaint against a student indicating that a student may have violated the *Code of Student Conduct*, which may result in an investigation. A reporting party could also include witnesses or participants in investigations whose perspectives contribute to the report.
11. **SCCS:** The Office of Student Conduct and Community Standards.
12. **Student:** For the purposes of administering the Code of Student Conduct, a "student" is: an admitted person demonstrating acceptance of admission through participation in orientation programs or early start programs; a person who is enrolled or dually enrolled; a person enrolled online; a person between academic terms; a graduate awaiting a degree; a person on an approved educational leave; a person currently serving a suspension, including administrative suspension; a person who is not currently enrolled but can register without re-applying; a person who withdraws while a disciplinary matter, including an investigation, is pending; and, a person who is eligible to receive any of the rights and privileges afforded a person who is enrolled.
13. **Student Organization:** Includes recognized student organizations or student groups affiliated with an academic unit. In the student conduct process, the University will direct communication to a known, elected, if applicable, leader (usually a president), who will be expected to represent the organization throughout the process, as noted in this *Code of Student Conduct*.

SECTION 3: Jurisdiction of the University and Responsibilities of Students

3.1 Jurisdiction. The *Code of Student Conduct* and the student conduct process apply to the conduct of all Students and Student Organizations as defined by this Code.

Additionally, the University retains conduct jurisdiction over students for any misconduct that occurred prior to any leave of absence, including withdrawal or graduation. If sanctioned or requested to participate in a student conduct process or investigation, a hold may be placed on the student's ability to re-enroll, graduate, or obtain official transcripts until sanctions and/or participation expectations are completed. The University may invoke these procedures after the accused student has graduated in the event of serious misconduct in which health and safety is impacted or a serious and significant disruption to the educational environment is caused prior to a student's graduation. Should the former student be found responsible, the University may withhold the student's degree if they have not yet received it, or revoke that student's degree and apply other sanctions as appropriate. The University may also invoke these procedures if an accused student leaves the University during a student conduct proceeding as defined in this Code.

The *Code of Student Conduct* applies to behaviors that take place on University property or in online, extended or distance learning environments, including in social media, applications, or other electronic communications; at University-associated events; and off campus when the Director of Student Conduct and Community Standards or designee determines that the off-campus conduct affects a substantial University interest. A substantial interest could include but is not limited to harm or threats of harm to health or safety, behavior that causes significant University community disruption, or behavior that is detrimental to the educational mission or interests of the University. Oregon State University does not regularly search for this information but may act if and when such information is brought to the attention of the University.

3.2 Freedom of Expression. Freedom of expression is essential to the University's commitment to ensure inclusive educational opportunities. Freedom of expression, which includes freedom of speech, is a fundamental right guaranteed by the U.S. and Oregon constitutions. Freedom of expression does not generally extend to specific threats of violence against individuals, and generally cannot be exercised in ways that significantly disrupt the operation of the university or the legal rights of others. The University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the University's activities. The University will not take disciplinary action under this Code for any speech activities protected by applicable law in which a Student engages, although it may respond in other ways to facilitate dialogue or education.

3.3 Additional Points of Potential Responsibility. Some students may have multiple points of accountability. For example, students may have a scholarship or participate in a University program that holds students accountable for their behavior within their own programmatic guidelines. Students may be going through a concurrent legal process (see Section 3.7). Students with other affiliations, including but not limited to student organization membership, University-affiliated programs (e.g., ROTC), academic programs (e.g., study abroad), NCAA athlete status, or visa status may be subject to processes or standards in addition to this Code.

3.4 Student Responsibility for Communications. Oregon State University email is Oregon State University's primary means of communication with students. Students are responsible for all communication delivered to their Oregon State University email address.

3.5 Reporting. Anyone may seek resolution of violations of the *Code of Student Conduct* committed against them by members of the Oregon State University community. Student information is protected by the Family Educational Rights and Privacy Act (FERPA) as well as Oregon state law and University Policy & Standards;

therefore, the University may not be able to communicate outcomes to reporting parties who are not victims of a crime of violence or non-forcible sex offense or who do not have an educational need to know, except to confirm receipt of the report. The University may report relevant outcomes to victims of misconduct when such outcomes have a direct impact on the victim. The University may reach out via phone to reporting parties and/or victims to gather additional information. All official SCCS communications will be in writing, typically via email.

To increase safety, security, and accountability and to preserve the educational environment, the University encourages community members to report known instances of alleged misconduct, as outlined in Section 4, to SCCS. There is no set or defined time limit on reporting violations of the *Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness accounts and to make determinations regarding alleged violations. The University will accept complaints from parties who do not wish to be identified; however, in order to provide full due process to a responding student, the University may be limited in its ability to investigate and respond to such a complaint. SCCS is also willing to consult with individuals or groups that have witnessed or otherwise been impacted by disruptive or concerning behavior to provide applicable resources and help identify which pathways for resolution are most appropriate.

3.6 Reporting Amnesty: Oregon State University encourages all community members to report behavior associated with sexual harassment and sexual assault (section 4.4). To support such reporting, the University will not pursue student conduct proceedings against a reporting student, a complainant, a respondent or witness for personal use of alcohol, marijuana or other drugs at or near the time of the incident provided their use did not place the health or safety of any other person at risk. Oregon State University may however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana or other drugs.

3.7 Violations of the Law. Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an alleged offense occurs over which the University has jurisdiction, the student conduct process may go forward regardless of any criminal complaint that may or may not arise from the same incident or the status of any criminal or civil proceeding. The University reserves the right to exercise its authority of Administrative Suspension upon notification that a Student and/or Student Organization is subject to a criminal investigation and/or complaint (for additional grounds for Administrative Suspension, see Section 9).

The University may choose to proceed toward resolution of an alleged violation when sufficient information has been obtained and/or is available. The University will apply a preponderance standard of evidence (see Section 5.2 – Standard of Proof) to determine responsibility for the alleged violation(s) of this Code and will make decisions independent of criminal resolution through the courts. Because SCCS is applying this Code to Student behavior, student conduct processes may proceed regardless of whether Accused Students or Student Organizations criminal charges, civil actions, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated.

Students accused of crimes sometimes voluntarily choose to withdraw from the university until the criminal charges are resolved. The institution, however, may still choose to immediately move forward, may delay the process until more information becomes available, or may work with a student to identify a new timeline that is agreeable to all parties. In situations where a student chooses to withdraw while there is a pending student

conduct complaint, the student is subject to the following conditions:

- The Accused Student should remain in communication with the University regarding all campus investigative efforts; and
- The Accused Student must comply with all Interim Actions, restrictions, and/or determinations (including sanctions) as a result of the student conduct process during the leave of absence

SECTION 4: Prohibited Conduct

4.1 Behavioral Expectations. Oregon State University considers the behavior described in the following sub-sections to be inappropriate for the Oregon State University community. These expectations apply to all Students and Student Organizations, regardless of the location of the behavior except as specified below. Findings of violations will be based on behavior, rather than other factors (such as intent, knowledge, state of mind, etc.) relating to the behaviors, unless otherwise stated. If a violation of the *Code of Student Conduct* is found, mitigating or aggravating factors will then be considered and will potentially influence the severity of any sanctions.

Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 6: Sanctions.

The following conduct is prohibited under the *Code of Student Conduct*:

4.2 Academic Misconduct

- 1. Academic Misconduct.** Any action that misrepresents a student or group's work, knowledge, or achievement, provides a potential or actual inequitable advantage, or compromises the integrity of the educational process. Prohibited behaviors include, but are not limited to doing or attempting the following actions:
 - a. Cheating.** Unauthorized assistance, or access to or use of unauthorized materials, information, tools, or study aids. Examples include, but are not limited to, unauthorized collaboration or copying on a test or assignment, using prohibited materials and texts, unapproved use of cell phones, internet, or other electronic devices, etc.
 - b. Plagiarism.** Representing the words or ideas of another person or presenting someone else's words, data, expressed ideas, or artistry as one's own. Examples include, but are not limited to, presenting someone else's opinions and theories as one's own, using another person's work or words (including unpublished material) without appropriate source documentation or citation, working jointly on a project and then submitting it as one's own, etc.
 - c. Falsification.** Fabrication or invention of any information. Examples include, but are not limited to, falsifying research, inventing or falsely altering data, citing fictitious references, falsely recording or reporting attendance, hours, or engagement in activities such as internships, externships, field experiences, clinical activities, etc.
 - d. Assisting.** Any action that helps another engage in academic misconduct. Examples include, but are not limited to, providing materials or assistance without approval, altering someone's work, grades or academic records, taking a test/doing an assignment for someone else, compelling acquisition, selling, bribing, paying or accepting payment for academic work or assistance that contributes to academic misconduct, etc.
 - e. Tampering.** Interfering with an instructor's evaluation of work by altering materials or documents, tampering with evaluation tools, or other means of interfering.

- f. **Multiple submissions of work.** Using or submitting work completed for another or previous class or requirement, without appropriate disclosure, citation, and instructor approval.
- g. **Unauthorized recording and use.** Recording and/or dissemination of instructional content without the express permission of the instructor(s), or an approved accommodation coordinated via Disability Access Services.

4.3 General Misconduct

2. **Alcohol.** The following behavior is prohibited:

- a. use, possession, or procurement of alcohol by persons under the legal drinking age; students are also considered to be in possession if the substance is in their bodies or the use is otherwise detectable;
- b. furnishing, manufacturing, distributing, or selling alcohol except as expressly permitted by law and the University's policies regarding alcohol;
- c. driving under the influence of alcohol in excess of the applicable legal limit;
- d. public intoxication, possession, or use while on University property or at events except as expressly permitted by University policies regarding alcohol;
- e. disruptive behavior or other Code violations due to alcohol intoxication regardless of location;
- f. failure of a Student Organization to take all necessary steps to ensure that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or organizes, or within any property or transportation it owns, operates, and/or rents; or
- g. using alcohol to facilitate incapacitation or forcing ingestion of alcohol without consent .

3. **Marijuana.** The following behavior is prohibited:

- a. use, possession, or procurement of marijuana or its derivatives or paraphernalia related to use by persons under the legal age; students are also considered to be in possession if the substance is in their bodies or the use is otherwise detectable;
- b. public intoxication, possession, or use of marijuana or its derivatives or paraphernalia related to use while on University property or at University events;
- c. furnishing, manufacturing, distributing, or selling marijuana or its derivatives except as expressly permitted by law;
- d. driving under the influence of marijuana or its derivatives;
- e. disruptive behavior or other Code violations due to marijuana intoxication regardless of location;
- f. failure of a Student Organization to take all necessary steps to ensure that no person under the legal age possesses or consumes marijuana or its derivatives at functions it sponsors or organizes, or within any property or transportation it owns, operates, and/or rents; or
- g. facilitating incapacitation or ingestion without consent through the use of marijuana or its derivatives.

4. **Drugs.** The following behavior is prohibited, where "drugs" includes but is not limited to federally controlled substances, synthetic drugs or inhalants, natural substances used for drug effects, and medication used/possessed/handled in non-prescribed manners:

- a. use, possession, or procurement of drugs or paraphernalia related to use; students are also considered to be in possession if the substance is in their bodies or the use is otherwise detectable;
- b. furnishing, manufacture, distribution, or sale of drugs except as expressly permitted by law;
- c. public intoxication due to drug use;
- d. driving under the influence of drugs;

- e. disruptive behavior or other Code violations due to drug intoxication regardless of location;
- f. failure of a Student Organization to take all necessary steps to ensure that no person possesses or consumes drugs at functions it sponsors or organizes, or within any property or transportation it owns, operates, and/or rents; or
- g. facilitating incapacitation or ingestion without consent through the use of drugs.

5. Disruptive or Disorderly Conduct. Conduct that may contribute to:

- a. unreasonable noise,
- b. disturbance of the public peace,
- c. offensive public behavior (such as public urination or defecation or indecent or public exposure of intimate body parts as prohibited by law, even when it does not rise to the level of sexual or discriminatory misconduct, found in Section 4.4),
- d. violent, threatening, and/or severely disruptive behavior.
- e. disruption of Oregon State University operations including obstruction of teaching, research, administration, other Oregon State University activities, and/or other authorized non-University activities which occur on or in University physical or virtual spaces.

6. Harm or Endangerment to Persons. Conduct that causes physical harm or endangers the health or safety of any person.

7. Threats: Written, oral, or physical conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.

8. Harassment. Repeated, persistent, severe, or pervasive actions directed toward specific individual(s) with the intent or effect to harass, harm, or alarm, including attempted or threatened physical contact, or acts that create the reasonable apprehension of unwanted contact. Such acts may include but are not limited to face-to-face interactions, phone calls, text messages, and/or use of social media.

9. Hazing. Conduct that endangers the mental or physical health or safety of any person, or that destroys, damages, or removes public or private property, and is related to the initiation, admission into, affiliation with, advancement within, or general member participation in a group, organization, social or academic program, regardless as to whether or not the actions are sanctioned or approved by the organization or continued membership or standing is contingent upon participation. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent or failing to report those acts may also violate this policy. Hazing includes, but is not limited to:

- a. Unreasonable interference with a student's academic performance, participation, or attendance
- b. Compelled ingestion of alcohol, food, drugs, or any other substance
- c. Compelled exclusion from social contact
- d. Kidnapping or abandonment
- e. Striking, beating, whipping, branding, paddling or other actions of physical abuse in any form
- f. Creation of unnecessary fatigue (such as through sleep deprivation, labor or calisthenics)
- g. Personal servitude
- h. Unbalanced or unreasonable labor or workshare, such as house-cleaning, collection/assembly/purchasing of supplies or materials,
- i. Participation in an activity or conduct which tends to or which is intended to demean, disgrace, humiliate or degrade a person, which shall include but not be limited to, forced conduct that could result in extreme embarrassment or other forced activity that could adversely affect the mental health or dignity of the person (including, but not limited to, scavenger hunts, public

- stunts or actions, carrying or holding of items, wearing of apparel which is conspicuous or inappropriate, etc.)
 - j. Unreasonable exposure to weather, noise, or environmental elements that may cause physical, emotional, or psychological harm.
 - k. Compelled participation in activities that are unlawful, lewd, or in violation of University policy.
- 10. Retaliation.** Any intentional, adverse action taken by an individual or allied third party against or toward a participant, witness, or other party who is, or is perceived to be, engaged in an investigation, a report, or a hearing or administrative process with SCCS relating to the behavior or conduct.
- 11. Abuse of Conduct Process.** Abuse, disruption, or interference with, or failure to comply with outcomes of, the University student conduct process as outlined in this Code, including, but not limited to:
 - a. Falsification, destruction, or misrepresentation of information provided in a conduct process or investigation;
 - b. Attempting to discourage or influence an individual's good faith participation in, or use of, the student conduct process;
 - c. Intentionally initiating or causing to be initiated any false report;
 - d. Failure to complete or comply with or attempt to bypass any sanctions(s) imposed, directives, Interim Actions, or the terms of resolution identified by the conduct processes.
- 12. Failure to Comply.** Failure to comply with any reasonable directive of Oregon State University officials or law enforcement officers during the performance of their duties. This includes, but is not limited to, failures to: adhere to no-contact directives, identify oneself upon request, remove oneself from premises or disperse as group, cease and desist, etc.
- 13. Falsification.** Knowingly providing/presenting, creating, or possessing false, falsified or forged materials, documents, accounts, records, identification, payments, or financial instruments.
- 14. Theft.** Unauthorized taking of property of another, including goods, services and other valuables, or knowingly taking or maintaining possession of stolen property.
- 15. Damage or Destruction.** Damage to or destruction of Oregon State University property or the property of another.
- 16. Unauthorized Access or Use.** Misuse of access privileges to any premises or unauthorized entry to or use of property or physical or virtual space, including trespassing, hacking, propping doors or windows, or providing unauthorized access. Also, misuse of Oregon State University-related access privileges, including unauthorized possession, duplication, sharing or use of means of access to any university building or property (i.e. – keys, cards, etc.); failure to immediately report a lost Oregon State University card, key, or other means of access which results in unauthorized entry or access; failure or refusal to vacate; or unauthorized use of alarmed doors for entry or exit.
- 17. Weapons.** Possession, use, or threatened use of dangerous chemicals, any switchblade or similar knife, hunting or target bow, crossbow, dirk, dagger, slingshot, metal knuckles, or similar instrument; or a projectile containing an explosive or incendiary material or other chemical substance, or a bomb, grenade, missile, or similar instrument are prohibited on university-owned or controlled property and at university-sponsored activities, unless expressly authorized by law and applicable policies. Weapons, as listed above, possessed, used or handled off-campus in a manner that is unlawful or contributes to any

other violation of the *Code of Student Conduct* is also prohibited. Possession of a firearm on university-owned or controlled property is also prohibited for students, employees and other specific groups. Additionally, any violation of the institutional standards and policies on firearms and weapons found at http://uhds.oregonstate.edu/sites/uhds.oregonstate.edu/files/20162017_the_uhds_policy_guide_final.pdf, <http://fa.oregonstate.edu/sites/fa.oregonstate.edu/files/manuals/gen/ous-policy-on-firearms.pdf> and http://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/standards/weapons_576-065.pdf also constitute a violation of this Code.

- 18. Smoking.** Smoking, including vaporizing or “vaping”, is prohibited on the Corvallis campus and in other locations as articulated by policies and applicable law. The Oregon State University Smoking Policy is found online at:
http://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/standards/smoking_576-040.pdf.
A map of the campus boundaries can be found here:
<http://studentlife.oregonstate.edu/smokefree/campus-boundary-map>
- 19. Misuse of Computing Resources.** Violating Oregon State University Acceptable Use of Computing Resources Policy, found online at: <http://fa.oregonstate.edu/gen-manual/acceptable-use-university-computing-resources>. This includes, but is not limited to, the unauthorized transfer of copyrighted material, use of computing resources to engage in unlawful behavior, and threats, abuse, or harassment made or transmitted via electronic forums or electronic mail.
- 20. Unauthorized Recording.** Making, sharing, or otherwise distributing any audio, video, photographic, or digital recording or image, which was taken without a person’s prior knowledge or consent when the person being recorded would have a reasonable expectation of privacy, or where the recording is reasonably likely to cause injury or distress.
- 21. Failure to Disclose.** Failure of a student to disclose or any misrepresentation by a student of information required as a matter of application to the university or university program, such as criminal convictions, requirements to disclose sex offender status, etc. Failure of a student to update any previously required disclosures, immediately upon status change, such as expungement, conviction, legal requirements to disclose, etc.
- 22. Health and Safety.** Creation of any health and/or safety hazards, including but not limited to dangerous pranks, hanging from/on/in windows, climbing on building exteriors, to balconies, roofs, etc.
- 23. Other University Policies.** Violating other applicable Oregon State University policies, standards, agreements or rules, including University Housing and Dining Services, Student Leadership & Involvement, and Center for Fraternity and Sorority Life policies.
- 24. Unlawful Behavior.** Engaging in conduct that is prohibited by local, state or federal laws.
- 25. Collusion.** Acting with others with the intent to violate or support others in committing a violation of the *Code of Student Conduct*.

4.4 Discriminatory Misconduct

- 26. Discriminatory Harassment.** Any unwelcome conduct or action, based on actual or perceived status (sex, gender identity or expression, race, color, age, genetic information, national or ethnic origin, physical or mental disability, veteran status, religion, sexual orientation or other protected statuses), which is sufficiently severe, persistent or pervasive that it unreasonably interferes with a person's academic or work performance, or limits or denies a person their ability to fully participate in or benefit from the university's programs, services, opportunities, or activities.
- 27. Sexual/Gender-based Harassment.** any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature when:
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
 - Submission to or rejection of such conduct by an individual is used as the basis for employment or education-related decisions affecting such an individual; or,
 - Such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance because it has created an intimidating, hostile, or offensive environment and would have such an effect on a reasonable person of that individual's status.
 - A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to establish the existence of a hostile environment, particularly if the harassment is physical. Conduct that is pervasive or persistent, even if not severe, may also create a hostile environment.
 - Employee conduct directed towards a student, whether unwelcome or welcome, may constitute sexual harassment.
 - The University will consider the effects of off-campus conduct when evaluating hostile environment sexual harassment on campus.
- 28. Non-Consensual Sexual Contact.** Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.
- Sexual contact includes: intentional contact with the breasts, buttocks, groin or genitals, or touching others with any of these body parts, or making others touch another or themselves with or on any of these body parts or any other intentional bodily contact made in a sexual manner.
- 29. Non-Consensual Sexual Intercourse.** Any sexual intercourse, with any object, by a person upon another person that is without consent, and/or by force.
- Intercourse includes: vaginal or anal penetration by a penis, object, tongue, or finger and mouth-to-genital contact, no matter how slight the penetration or contact.
- 30. Non-Consensual Sexual Activity.** Any sexual activity, including, but not limited to, kissing, touching intimate body parts, and fondling without first obtaining consent to the specific activity. Such activity constitutes sexual misconduct under this policy whether or not the conduct violates any civil or criminal law.
- 31. Sexual Exploitation.** Non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior

does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- a. Without consent, purposefully observing or listening to another individual's nudity or sexual activity or purposefully allowing another to observe or listen to consensual sexual activity, which is conducted in a private space, without the knowledge and consent of all parties involved;
- b. Viewing or possessing child pornography;
- c. Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity conducted in a private space, or distribution of such without the knowledge and consent of all parties involved;
- d. Exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
- e. Knowingly exposing another individual to a sexually transmitted infection, or sexually transmitted disease, without their knowledge;
- f. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity;
- g. Prostituting another person.

32. Intimate Partner Violence. Intimate partner violence ("IPV"), includes dating violence, domestic violence, and other types of relationship violence. IPV is violence or a threatened act of violence against a person who is, or has been involved in, a sexual, dating, or other intimate relationship with the alleged perpetrator.

- a. If there is a question whether a relationship exists, EOA will make a determination based on the reporting party's description of the relationship, responding party's description of the relationship, frequency of interaction between the parties, and consideration of the length and type of the relationship.
- b. IPV can encompass a broad range of behavior, including all prohibited behavior in this policy. It may involve one act or an ongoing pattern of behavior. IPV may take the form of threats, assault, property damage, violence, or threat of violence to one's self, one's sexual or romantic partner, or to family members or friends of the sexual or romantic partner.

33. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their or others' safety or to suffer substantial emotional distress. For purposes of this definition:

- a. Course of conduct means two or more acts, including but not limited to, acts in which the alleged perpetrator directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- b. Reasonable Person means a reasonable person under similar circumstances and with the same protected status(es) as the reporting party;
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- d. Stalking includes cyber-stalking, a particular form of stalking in which the alleged perpetrator uses electronic media such as the Internet, social media, blogs, cell phones, texts or other similar devices to engage in the activity.

SECTION 5: Student Conduct Process and Procedures. The goal of the student conduct process is to determine whether a student is responsible or not responsible for violating the *Code of Student Conduct*; therefore, when issuing a notice of charge, the University does not make an assumption either way but rather reviews all of the evidence available to make a determination of responsibility.

The Director of Student Conduct and Community Standards, or their designee, is responsible for the coordination and implementation of the student conduct process. The Director will designate Administrative faculty members in the Office of Student Conduct and Community Standards, within the Office of University Housing and Dining Services, or trained University community members to serve as Administrative Hearing Officers in the student conduct process.

5.1 Notice of Charge. If SCCS receives a complaint, report, or conducts an investigation and determines that sufficient information exists to indicate that a Student or Student Organization may have violated the *Code of Student Conduct*, the Director of SCCS or designee will notify the Student/Student Organization in writing in a notice of charge of the alleged violation(s). The notice of charge will identify the alleged behaviors, the approximate date, time, and location of the alleged behavior, the *Code of Student Conduct* sections that are alleged to have been violated and which hearing body will review the matter.

The notice of charge will instruct the Student or Student Organization to contact SCCS within three (3) business days to schedule a hearing date and time. Students or Student Organizations who fail to schedule a hearing, or miss a scheduled hearing without notifying the appropriate hearing body, will likely have a hearing date and time set for them and possibly have their case heard in their absence. If the case is heard in their absence, the notice of decision will be sent to the student or student organization via email. The hearing body may also choose to place a hold on the student's registration until the student participates in a hearing.

The period of time between the hearing date and the provision of the notice will be at least five (5) business days unless otherwise agreed upon by the assigned hearing body and the accused Student/Student Organization.

The Director of SCCS will refer reports of Discriminatory Misconduct (see Section 4.4) to the Office of Equal Opportunity and Access (EOA) for investigation. Investigations will be initiated and facilitated in accordance with the procedures identified in Oregon State University's Sexual Misconduct Policy available at URL (<http://eoa.oregonstate.edu/sexual-harassment-sexual-assault-domestic-violence-dating-violence-and-stalking>) For more information about procedures utilized by EOA, please contact Equal.Opportunity@oregonstate.edu.

EOA will be the primary investigator for alleged violations of sexual misconduct or discriminatory misconduct policies identified in Section 4.4; however, EOA may also investigate other alleged conduct violations related to the incidents giving rise to the alleged violation of sexual misconduct or discriminatory misconduct policies. When general misconduct or other alleged violations are investigated by EOA, they will do so pursuant to the procedures identified in the Sexual Misconduct policy, even if one or more of the alleged policy violations are not considered Sexual Misconduct. The amnesty protections identified in Section 3.6 are applied when a student discloses substance use violations while reporting Sexual Misconduct.

In these cases, notice and proceedings will occur in alignment with the processes and procedures described in the Oregon State University Sexual Misconduct Policy, as referred to in Section 5.12 of this Code.

5.2 Standard of Proof. The University will use a preponderance of the evidence standard when making determinations about whether a Student or Student Organization is or is not responsible for violations of the *Code of Student Conduct*. A preponderance standard of evidence means that a violation of the *Code of Student Conduct* is based on a determination that the prohibited behavior was more likely than not to have occurred.

5.3 Investigations. There are some instances in which the University needs more information to determine about how to best proceed with an allegation of student misconduct. In such a case, the University may initiate investigatory meeting (s). Investigatory meetings may be conducted with the accused student(s), complainants, witnesses, reporting parties or any other individuals who may have knowledge of the case.

During an investigatory meeting, the University is looking into the nature of the incident, complaint or notice, the evidence available, and information related to the parties involved. This process may lead to:

1. A determination that the case or investigation should be closed at that time, because either there is insufficient evidence to pursue the investigation or because the behavior alleged, even if true, would not violate the *Code of Student Conduct*,
2. A more comprehensive investigation, when there is sufficient evidence that an incident in violation of the *Code of Student Conduct* may have occurred and more information must be gathered;
3. A notice of charge letter and initiation of the appropriate student conduct proceedings.

5.4 Participation by Students/Student Organizations. Students/Student Organizations are strongly encouraged to directly participate in all stages of the student conduct process. Because the student conduct process is educational in nature, and because information related to mitigating and aggravating circumstances is considered, Students/Student Organizations are best positioned to provide such information and enhance their own learning through direct participation. If Students/Student Organizations choose to not participate in the process, the case may proceed without them and a decision may be made in the absence of any input from the Student/Student Organization.

5.5 Advisors. At any stage of the process, an Accused Student, accused Student Organization, or Complainant may be accompanied by any one (1) advisor of the Student's or Student Organization's choice, so long as the advisor is not a party to the alleged incident (such as a witness, complainant, or additionally accused student) and that their presence, participation, or availability does not hamper the timeliness or procedure of a meeting, investigation, or hearing. The advisor is not permitted to speak on behalf of the Student or Student Organization in a conduct hearing or meeting; the Student or Student Organization will be expected to speak for themselves at all times. By bringing an advisor, the student explicitly consents to university officials speaking openly regarding student information in the presence of any advisor while they accompany a student. If Students or Student Organizations wish to waive their privacy rights to give further permission to the University to otherwise share private information, they may do so in writing via the Student Conduct and Community Standards office.

5.6 Accessibility. SCCS is committed to making the student conduct process as accessible as possible for all students. Students unable to participate in person may request arrangements to participate in other ways (including by providing written statements, through telephonic or online means, etc.). Students with disabilities have the right to reasonable accommodation. Non-native English speakers may request translation services. Students who require a disability accommodation, language support, who are off campus or otherwise indisposed, or who may have other factors that could impact their ability to participate in the student conduct process should contact SCCS at least 3 business days prior to a meeting, conference or hearing at sccs@oregonstate.edu to make a request, which will then be reviewed by SCCS. SCCS's ability to meet requests may be limited without enough advance notice.

5.7 Pre-Process Preparation. Students/Student Organizations accused in a student conduct process may choose to prepare in advance for their administrative conference or committee hearing. In addition to making any requests for reasonable accommodations necessary (see Section 5.6 Accessibility), a student is permitted to meet with a staff member to ask questions about the conduct process, and/or identify (in relevant cases) if they can bring or suggest witnesses and the process to do so. A student is also permitted to review collected evidence during a mutually agreed upon time before the hearing. This review period is provided at least 24 hours, but not more than 72 hours, before the hearing. The Student/Student Organization is welcome to bring an advisor with them at any step in the student conduct process, as long as they follow the expectations identified in Section 5.5.

5.8 Administrative Conferences. Conduct violations that are non-academic in nature are generally resolved through an administrative conference with a hearing officer. The purpose of an administrative conference is to provide an equitable forum for the review of the available information regarding an alleged incident of misconduct. The hearing officer will decide by a preponderance of the evidence whether or not the accused Student/Student Organization is found responsible for the allegation(s). The hearing officer has the ability to recommend all possible sanctions, up through and including suspension or expulsion from the University or degree revocation. The following procedures will be used in the administrative conference process.

1. After a report of alleged misconduct is received, a notice of charge will be emailed to the accused Student/Student Organization informing them of the allegation. The Student/Student Organization will be instructed to respond within three (3) business days to schedule an administrative conference. Accused Students/Student Organizations who fail to schedule a conference, or miss a scheduled conference without notifying the hearing officer, will likely have a hearing date and time set for them and possibly have their case heard in their absence. If the case is heard in their absence, the notice of decision will be sent to the student /student organization via email. The hearing officer may also choose to place a hold on the student's registration until the student completes the administrative conference.
2. Students may bring an advisor or support person in accordance with Section 5.5.
3. During the administrative conference, the student has the opportunity to explain their account of what happened before, during and after the incident and to provide additional information, witnesses, and context relevant to the report or allegation.
4. The hearing officer will determine if the accused Student/Student Organization is "responsible" or "not responsible" for violating each of the policies alleged using the preponderance standard as outlined in Section 5.2, or may also reach a finding of no determination. If the hearing officer determines the Student or Student Organization is responsible, they will consult with the Director of SCCS to determine appropriate sanctions.
5. The hearing officer will communicate the final decision of responsibility and, if appropriate any sanctions in a notice of decision to the Student/Student Organization via email. The notice of decision will also include information on a Student/Student Organization's rights to appeal (see section 8 for more information).

5.9 SCCS Committee Hearings. At the election of the Student/Student Organization (committee hearing request), or the Director of SCCS, or their designee, a case may be referred to a Committee Hearing as opposed to an administrative conference. The purpose of a SCCS Committee hearing is to provide an equitable forum for the review of the available information regarding an alleged incident of misconduct. The SCCS Committee will decide by a preponderance of the evidence whether or not the accused Student/Student Organization is found responsible for the allegation(s). The SCCS Committee can recommend all possible sanctions, up through and including suspension or expulsion from the University or degree revocation. The following procedures will be

used in a Committee Hearing process:

1. After a report of alleged misconduct is received, a notice of charge will be emailed to the accused Student/Student Organization informing them of the allegation. The accused Student/ Student Organization will be instructed to respond within three (3) business days to schedule a committee hearing. Accused Students/ Student Organizations who fail to schedule a conference, or miss a scheduled conference without notification, will likely have a hearing date and time set for them and possibly have their case heard in their absence. If the case is heard in their absence, the notice of decision will be sent to the accused Student/ Student Organization via email. When a SCCS Committee hearing is called, the accused Student/ Student Organization will appear before a trained three-member panel, composed of at least one (1) faculty or staff member and at least one (1) student.
2. All SCCS Committee Hearings are closed to those other than Committee members, SCCS staff or designees with a role in the hearing proceedings, accused parties and their advisor, and any witnesses approved by the Committee Chair (see 5.9, number 6). The hearing is informal and does not follow administrative contested case or courtroom procedures.
3. If the Student/Student Organization has been properly notified and does not appear, the SCCS Committee may proceed with the hearing and conduct action may be taken without the participation of the accused Student/Student Organization.
4. Students involved in a Committee Hearing are afforded the opportunity to bring an Advisor or support person in accordance with Section 5.5.
5. During the hearing, the Student/Student Organization has the opportunity to offer information, witnesses and testimony on their own behalf. The Student/Student Organization also has the opportunity to review and respond to all information, statements, or evidence presented to the Committee.
6. The Hearing Committee will select a Chair, who will lead the Committee. The chair can be a faculty or staff member, or a student. The Chair has the authority to pause, adjourn, and reconvene the Committee as needed. For example, if the Chair determines that an essential person or piece of information is missing or otherwise identifies it to be essential to pause or adjourn the hearing, the Chair may decide to reconvene the hearing at the earliest practical time available.
7. After the Chair has determined that all necessary and relevant information has been presented and reviewed, the Committee will go into closed executive session and all participants will be excused. The Committee will determine, based on a preponderance of the evidence, whether or not they believe the accused Student/Student Organization is responsible for the alleged violation (s) of the *Code of Student Conduct*.
8. If the Committee determines that a Student/Student Organization is responsible for the alleged violation of the *Code of Student Conduct*, the Committee will reconvene with the accused Student/Student Organization and a representative of SCCS to consider what sanctions may be appropriate. The accused Student/Student Organization may waive their right to be present. The Committee may consider:
 - a. Evidence of any mitigating circumstances;
 - b. Evidence of aggravating circumstances; and
 - c. Other relevant information, including but not limited to, evidence of prior violations of the *Code of Student Conduct*, analysis of victim/community impact, or demonstrated learning or restorative efforts relevant to the incident or behavioral history.
9. The Committee will conclude the hearing and proceed in closed executive session to compose written recommendations to the Director of SCCS for responsibility and sanctioning.
10. The Director will review the recommendations of the Committee and, if necessary, any information presented in the evidence packet and the conduct history of the accused Student/Student Organization to inform the final outcome.

11. The Director of SCCS will communicate the final decision of responsibility and, if appropriate, any sanctions in a notice of decision to the accused Student/Student Organization electronically. The notice of decision will also include information on an accused Student/Student Organization's rights to appeal (see section 8 for more information).

5.10 Hearing Officer. If the Vice Provost for Student Affairs or their designee believes it is necessary in order to schedule a timely hearing or because of a potential conflict of interest that might affect the ability of the SCCS Committee to conduct a fair hearing, they may appoint a hearing officer or officers to act in place of the SCCS Committee. The hearing officer may be the Director of Student Conduct and Community Standards, a faculty member, or a neutral investigator from outside the University. The hearing officer will hear the case and recommend to the Director of SCCS appropriate action in each case, except in an instance where the Director serves as the hearing officer.

If the Student or Student Organization Representative fails to meet with the Director of SCCS or designee, the Director may take disciplinary action in the Student's/Student Organization's absence. The accused Student or Student Organization will be informed of the notice of decision in writing and any right to appeal, if applicable per Section 8.

5.11 Academic Integrity Process. Academic misconduct violations (see Section 4.2) are primarily investigated and adjudicated within the academic College in which the alleged violation was reported. The alleged violations are resolved via the academic integrity process in which the student is invited to participate. The purpose of this process is to provide an equitable forum for the review of the available information regarding an alleged incident of misconduct. The hearing authority will decide by a preponderance of the evidence whether or not the accused student is found responsible for the charge(s). The following procedures will be used in an academic misconduct review process.

1. A report of suspected academic misconduct and all supporting evidence is submitted through the online Academic Misconduct Report. Primarily faculty members or instructors will be submitting this report and information. Instructors may, but are not required to, contact students before submitting a report in order to assess accuracy of information indicating if academic misconduct occurred, to explore the manner or context of the observed behavior, to ascertain information integral to the report, or to give additional notice that an Academic Misconduct Report is forthcoming. Per Academic Regulation 15 (AR 15), instructors will consult with their unit head prior to submitting an Academic Misconduct Report.
2. A designated College Officer will be assigned to review the case. This officer will be selected by designation of the Academic College in which the violation occurred. The Academic Dean of each College, or in the case of a remanded case post-appeal, the appeal authority, may designate an alternative College Officer when a particular need, such as conflict of interest, arises.
3. The accused student will be emailed a notice to inform them of the report, the specific alleged behaviors that indicate a violation occurred, and information about the Academic Integrity Process and other resources. The student will be instructed to respond within three (3) business days to schedule an appointment to review the reported information.
4. The student has the opportunity to meet with the College Officer, review all evidence relevant to the alleged behavior, provide their account of what happened before, during, or after the incident, provide additional information and context, and/or engage in questioning relevant to the report or allegation. If a student fails to respond or fails to appear for a scheduled meeting, the College Officer may proceed to the next steps of reviewing the allegation.
5. Within ten (10) business days from the date of the meeting, even if the student failed to respond or attend the scheduled meeting, the student may submit a written statement or response and provide

additional information relevant to the allegation. An online portal will be provided to submit the response and information securely. If a student fails to submit a response within the afforded timeframe, the College Officer may proceed after that time. A student may elect to submit a response prior to the expiration of the ten business days, or waive their ability to submit further response, which permits the College Officer to expedite their review of the case.

6. The College Officer will confer with SCCS and, if the accused is a graduate student, the Graduate School. The College Officer may communicate, solely on a need-to-know basis, with the reporting party, relevant fact witnesses, the college or program of the accused student, or other campus units, in order to collect/assess relevant information or provide support. This may occur at any step of the Academic Integrity Process as needed.
7. The College Officer may refer the case for hearing by the SCCS Committee at any step of the process if it is warranted, in accordance with section 5.9.
8. The College Officer will determine if the Student is “responsible” or “not responsible” for violating each of the policies alleged using the preponderance standard of proof as outlined in Section 5.2.
9. The accused student will receive an outcome letter that will detail the College Officer’s decision of responsibility and, if responsible, sanctions. Generally, for first-time, non-egregious violations, sanctions will include an educational sanction and an academic penalty. The academic penalty can range from a reduction of assignment or exam points up to an F on the assignment or exam. For more severe or repeated violations, the full range of College Officer sanctioning authority can include a grade penalty up to an “F” for the course, a restriction and reversal of grade replacement or withdrawal options regarding the academic transcript and Registrar’s records, or removal of the student’s enrollment in a College or program.
10. Any sanctions will be tracked by the SCCS office, or designee until completion. Failure to satisfactorily complete sanctions as assigned will likely result in a registration hold that will prevent a student’s registration related actions until conditions of sanctions are met.

5.12 Investigations by the Office of Equal Opportunity and Access. All reports of Sexual Misconduct and Discrimination (see Section 4.4) will be referred to the Office of Equal Opportunity and Access (EOA) for investigation. Investigations will be initiated and facilitated in accordance with the procedures identified in Oregon State University’s Sexual Misconduct and Discrimination Policy available at URL (<http://eoa.oregonstate.edu/sexual-harassment-sexual-assault-domestic-violence-dating-violence-and-stalking>) For more information about the process utilized by EOA, please contact Equal.Opportunity@oregonstate.edu.

EOA will be the primary investigator for alleged violations of sexual misconduct and discrimination policies identified in Section 4.4. However, EOA may also investigate other alleged conduct violations related to the incidents giving rise to the alleged violation of sexual misconduct and discrimination policies. When general misconduct or other alleged violations is investigated by EOA, they will do so pursuant to the process identified in the Sexual Misconduct and Discrimination policy, even if one or more of the alleged policy violations are not considered Sexual Misconduct. The amnesty protections identified in Section 3.6 are applied when a student discloses substance use violations while reporting Sexual Misconduct.

Upon the conclusion of the investigation process, EOA will forward a final investigation report (factual findings) and all relevant evidence to the Director of SCCS. The Director of SCCS will use the following procedures to determine whether the findings are a violation of OSU’s policy or the Code and what sanctions, if any, will be implemented.

- a) The Director of SCCS will review all information contained within the investigation report developed by the equity associate. The Director of SCCS will use the factual findings as established within the investigation report and may request that the equity associate provide additional information or investigation.
- b) The Director of SCCS will communicate with the parties and review the administrative conference process.
- c) The parties will be given the opportunity to submit written statements that address the charges and investigation report. The written statement must be submitted within 5 business days of the initial communication by the Director of SCCS. The statements of each party will be provided to the other. Each party will then be provided 5 business days to provide a written response to the opposing party's statement. The parties may also submit rebuttal evidence and witnesses.
- d) Either party may choose not to submit a final statement. If a party chooses not to submit a final statement, the Director of SCCS will make findings based on the available information.
- e) Either party may request an in-person meeting with the Director of SCCS to discuss the information provided in the written statement.
- f) Upon conclusion of the submission of all written statements and responses, the Director of SCCS will determine whether it is more likely than not that the Policy and/or the Code was violated, and assign appropriate sanctions, if any. The Director's determination will be communicated to the parties in a decision letter.
- g) Both the reporting and responding parties will receive simultaneous written notification of the outcome of the case, to the extent permitted or required by law. This written notification of the decision shall be delivered to the parties without undue delay between the notifications and will advise parties of appeal rights and procedures.
- h) Any assigned sanctions will be in accordance with the Code or other applicable university policy. Where the responding party is found in violation, SCCS will monitor compliance with the sanctions imposed. Where no violation is found, the investigation will be closed unless appealed.
- i) Upon the issuance of this final decision by the Director of SCCS any party may appeal the decision per section 8.

5.13 Violations of *Code of Student Conduct* by Student Organizations. When a potential Organization violation of the *Code of Student Conduct* is alleged, SCCS 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. However, the University, through SCCS, reserves the right to take immediate or additional action at its discretion in response to a potential Student Organization violation.

Self-Accountability of Student Organizations. In instances when a Student Organization holds its members accountable, utilizing reasonable, fair processes, applies educational and preventative measures, and keeps the University informed at all stages of the process, the University may choose not to take further action, if the Director of SCCS determines the self-accountability resolution satisfies the educational, restorative and accountability goals that the University would seek to meet through the conduct process. The University will issue a notice of decision supportive of the Organizations findings and resolution plan which may be considered relevant to future or concurrent actions.

In instances where the reported behavior, if it occurred, violates the University's Sexual Misconduct Policy or involves behaviors such as violence, threats, hazing, or Discriminatory Harassment, Student Organizations are expected to immediately report these instances to the University, so the University can support an effective, thorough, and timely response to the situation.

University Holding Student Organizations Accountable. The Student Organization will be assigned to either an administrative conference (see Section 5.8), or a Committee hearing (see Section 5.9) for resolution of any allegations. SCCS will notify the Student Organization representative(s) of the outcome of the conference or hearing via a notice of decision. The notice of decision will also include information on a Student/Student Organization's rights to appeal (see Section 8 for more information).

In deciding whether the Student Organization is responsible for the violation, the University will consider whether one or more of the following factors are present:

- a. The violation arises out of an event sponsored, organized, financed, or endorsed by the Student Organization;
- b. The violation occurs on premises owned or controlled by the Student Organization;
- c. The leadership of the Student Organization knew, or should have known, of the likelihood that a violation would occur and failed to take corrective or preventative action; or
- d. A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.

5.14 Notice of Decision to Accused Students. Once an investigation and conduct hearing process is completed, a decision will be made. The accused Student/ Student Organization may be found responsible for a violation of some or all of the charges and assigned sanctions, may be found not responsible for a violation of the charge(s) with no sanctions assigned, or in some instances, the hearing officer may reach a finding of no determination, in which case no sanctions will be assigned and the student conduct process ends. The accused Student/ Student Organization will be notified of this outcome in writing in a notice of decision letter. Notice of decision letters will also include the applicable appeals processes as outlined in Section 8.

5.15 Notice of Decision and Rights of Complainant. The University will make reasonable efforts to consider the rights and needs of any complainants, when applicable, in decisions related to reparation or other sanctions. In matters that involve sexual misconduct or crimes of violence, the complainant will be notified of the decision and any applicable appeal rights per Sections 5.14 and 8.

SECTION 6: Sanctions

6.1 Sanctions. The University utilizes an educational and restorative sanctioning model. The sanction applied will be proportionate with the violation committed and become progressively more demanding or severe if the Student or Student Organization repeats violations, or otherwise demonstrates that learning has not taken place. Multiple or on-going violations may, therefore, result in severe sanctions such as deferred suspension, suspension, or expulsion. Violations that negatively affect the health, safety and wellbeing of the community are deemed the most severe and may result, upon the first violation, in suspension or expulsion.

Students or Student Organizations who receive probation, deferred suspension, suspension or expulsion sanctions, or Students or Student Organizations who fail to complete sanctions are considered not in good standing with the University. Any sanctions will be tracked by the hearing officer, SCCS office, or designee until completion. Failure to satisfactorily complete sanctions as assigned will likely result in a registration hold that will prevent a student's registration-related actions until conditions of sanctions are met.

Students or Student Organizations exhibiting behavior that violates any part of the *Code of Student Conduct* are subject to one or more of the following:

1. **Warning:** Official notice to a Student or Student Organization exhibiting behavior that violates any part of the *Code of Student Conduct*. The continuation of such behavior may result in further conduct action.
2. **Required Educational Activities:** Mandatory participation in educational activities. Such educational activities include but are not limited to completion of a report or attendance at a seminar or other educational program or presentation.
3. **University/Community Service Work Hours:** Requirement to complete a specified number of hours of service to the University or general community.
4. **Behavioral Expectations:** A written list of specific behavioral expectations the University has in order for the Student to continue at the institution.
5. **Restitution:** A requirement that a Student or Student Organization provide reimbursement by dollar amount, by transfer of property, or by provision of services to the University or a member of the community in accordance with the nature of the violation and in an amount not more than actual expenses, damages, or losses incurred.
6. **Restriction/Exclusion:** Restrictions on participation in meetings, denial of entry to specific University facilities, prohibition of presence in certain areas, or other restrictions consistent with the violation committed. For a Student Organization, restrictions may include denial of specific University privileges including, but not limited to, sponsored social activities, sponsored parties or philanthropy, participation in intramurals, representing the University and any travel in connection with such representation, recruitment, membership or representation on a governing council, use of University space for a meeting or event, participation in competition and events, and receipt of institutional funding.
7. **No Contact Directive:** A directive to a Student to refrain from any intentional contact, direct or indirect, with one or more designated persons through any means, including personal contact, e-mail, telephone, social media, or third parties.
8. **Academic Sanction:** Students whose behavior is found to constitute Academic Misconduct as defined in Section 4.2 are subject to additional academic sanctions, which may include, but are not limited to, failing the course, restriction from course withdrawal, grade replacement provisions, or removal from an academic department, college or program. Students may also be sanctioned to complete the online Academic Integrity Course.
9. **Removal from a Class:** A Student's removal from a class may be temporary or permanent. Permanent removal from a class may be authorized by the Director of SCCS with agreement from the Dean of the College in which the class is offered. A Student who is permanently removed from a class will receive a "W" (Withdrawal) on the academic transcript, unless removed in conjunction with an academic misconduct violation that warrants an "F" grade for the course, in which the student will receive an "F" on the academic transcript. In instances where a student is removed from class due to a finding of responsibility for under this Code, no automatic refunds for tuition or other class fees will be made.
10. **Residential Disciplinary Probation:** Applies to students who have a contract with University Housing and Dining Services (UHDS). Residential disciplinary probation means that the student is not in good standing with UHDS, and any further violation may result in relocation or cancellation of a student's housing contract.
11. **University Conduct Probation:** Placement on probationary status during which there is review of behavior and the Student or Student Organization must demonstrate compliance with the *Code of Student Conduct*. Terms of the conduct probation will be determined at the time the probation is imposed and may include additional sanctions including but not limited to loss of privileges, restrictions, restitution, and/or required educational activities. University conduct probation means that the student

is not in good standing with the University, and any further violations may result in the Student or Student Organization's suspension or expulsion from or loss of recognition with the University.

12. Conduct Suspension:

- a. **Deferred Suspension:** Deferred suspension is applied when it is determined that the actions and behavioral pattern warrant separation from the Institution, but the hearing body and sanctioning authority deems it allowable for the student to remain enrolled, contingent on completion of and adherence to all terms of sanctions assigned and all University policies and rules. Failure to complete sanctions as assigned or meet identified conditions of continued enrollment or another violation of the *Code of Student Conduct* during a period of deferred suspension, will result in immediate suspension when substantiated either through a Student/Student Organization taking responsibility for the behavior or through an additional student conduct process. Further violation(s) may increase the period of suspension or subject the accused to further sanctions such as expulsion or degree revocation.
- b. **Suspension:**
 - i. Student - Suspended Students are denied the privileges and services provided to currently enrolled Students, including residing in University-owned or recognized Student housing, attending class, or using other University services or facilities. A sanction of suspension carries with it exclusion from the University and all University property for a specific period of time, unless otherwise noted. Suspension is generally for at least one year; however, the period of Suspension may be specified for any period of time.
 - ii. Student Organization – Loss of University recognition or registration for a specified period of time. A suspended Student Organization may not use University resources or participate in University activities in a manner that emulates the activities of a recognized Student Organization, including but not limited to recruitment, initiation, or group participation in service, philanthropy or events. The Organization must comply with all sanctions prior to being registered or recognized again.
 - iii. The conditions of Suspension take effect immediately when the Student or Student Organization is informed of the outcome in a notice of decision. If a suspended Student files an appeal, the imposition of the Suspension will be stayed until the conclusion of the appeal process as long as the Student is not excluded from the campus under Administrative Suspension (See Section 9).
 - iv. If a pending conduct hearing or appeal may result in Suspension, awarding of a Student's academic degree will be postponed pending the outcome of the conduct proceedings.

13. Expulsion: Removes the student from their academic program and separates the student from the University without the opportunity to graduate or reenroll in the future. Expelled Students will also be excluded from the University and all University property, unless otherwise noted.

- a. The conditions of Expulsion take effect immediately when the Student is informed of the outcome in a notice of decision. If an appeal is filed, the imposition of the Expulsion will be stayed until the conclusion of the appeal process as long as the student is not excluded under Administrative Suspension (See Section 9).
- b. If a pending conduct conference, hearing or appeal may result in Expulsion, awarding of a Student's academic degree will be postponed pending the outcome of the conduct proceedings.

14. Student Organization Recognition Revocation: Permanent revocation of University recognition of a Student Organization. The conditions of Recognition Revocation take effect immediately when the Student Organization is informed of the decision. If an appeal is filed, the imposition of the Recognition Revocation continues to be in effect pending the outcome of the appeal.

15. **Degree Revocation:** A degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious conduct violations committed by a student prior to graduation. The Office of the Registrar maintains the authority to revoke academic credit and degrees awarded in error. Therefore, in instances where an investigation as outlined in this Code would result in a recommended sanction of degree revocation, such a recommendation will be made to the Office of the Registrar by SCCS. For more information about degree revocation, please see Oregon State University Credit and Degree Revocation Policy.

6.2 Readmission After Suspension. A Student suspended for misconduct and wishing to return to the University after the suspension period must notify the Director of SCCS in writing. The notification should include a description of the Student's activities since the suspension went into effect. If the Director of SCCS determines that the terms of suspension have been met, and no further information exists that would prevent enrollment, the Student may apply for readmission through the regular process.

6.3 Record. All reported *Code of Student Conduct* violations include the creation of a conduct record. Records may include but are not limited to incident reports, evidence, notifications of allegation, notifications of decision or outcome, and related documentation and correspondence.

Suspension or Expulsion will be noted in a Student's general academic record within the Registrar's Office by means of a disciplinary action form which indicates the reason for the Suspension or Expulsion. The suspended Student may include in the record their own explanation for the action taken by the University. In instances where a student was sanctioned with expulsion, suspension, degree revocation, and/or negative notation on the transcript, the University will retain the student's conduct record for a minimum of 75 years from the notice of decision letter. For all other student conduct files, the University will retain the student's conduct record for a minimum of seven (7) years from the notice of decision letter.

Students are afforded the right to review and inspect their conduct records in accordance with the Family Educational Rights and Privacy Act (FERPA) but may not retain copies of any incident reports, witness statements, or evidence. Students have the right to add a note to their conduct record should they so choose, and can do so by written request to the Office of Student Conduct and Community Standards. Students wishing to review their records must do so with a staff member present and must make an appointment in advance. As students are not entitled to review other students' records, any information included in a student's conduct record about another student will be redacted before the student reviews the document.

6.4 Sanctioning Authority. The Director of SCCS has full scope of sanctioning authority. Hearing officers (as defined in Section 7.4), with the exception of College Hearing Officers, have the authority to issue sanctions from Warning through University Conduct Probation. Hearing officers in consultation with the Director of SCCS can issue sanctions of suspension and expulsion. College Hearing Officers have the authority to institute academic penalties as outlined in Section 6.1 (8).

SECTION 7: Student Conduct Authority

7.1 Authority. The Associate Vice Provost (AVP)/Dean of Student Life ("Dean of Student Life") is vested with the authority over student conduct by the Vice Provost for Student Affairs. The Dean of Student Life appoints a Director of Student Conduct and Community Standards to oversee and manage the student conduct process.

The Director of SCCS or designee may designate Hearing Officers as necessary to efficiently and effectively carry out the student conduct process.

The Director SCCS (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit, except in instances of Discriminatory Misconduct in which the Office of Equal Opportunity and Access will assume such responsibility.

7.2 Complaint Assessment and Evaluation. No complaint will be forwarded for an administrative conference or committee hearing unless there is a reasonable basis to believe the *Code of Student Conduct* has been violated. A reasonable basis is defined as some credible information to support the elements of each allegation of misconduct, even if that information is only a credible witness or a reporting party's statement. A complaint wholly unsupported by any credible information will not be forwarded for a conference or hearing. Additionally, the Director of SCCS maintains the discretion to determine if SCCS will not act on alleged violations based on available resources, institutional needs and priorities.

7.3 Alternative Resolution Options. In some instances, a student conduct proceeding may not be the most effective form of resolution for complaints brought to the attention of the Office of Student Conduct and Community Standards. For instance, some matters may be better managed through mediation, through conflict resolution or through remedies put in place through SCCS or EOA.

The Director of SCCS has the discretion to refer a complaint involving violations of the Code of Student Conduct for mediation or other forms of appropriate conflict resolution. Before making such a referral, the Director of SCCS or designee will ensure that the parties agree to conflict resolution and agree to be bound by the decision with no review/appeal. In such an instance, the resolution would be applied and completed without a finding of violation. Any unsuccessful conflict resolution can be forwarded for conduct action. The Director of SCCS may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation or other appropriate conflict resolution.

Allegations of sexual misconduct or violence are not eligible for such a resolution.

In the instance where remedies are deemed necessary by the Director of SCCS or the Executive Director of EOA or designee to secure the health and safety of students and support the educational mission of the University, such remedies will be imposed regardless of agreement of Students/Student Organizations subject to the remedies. In cases where such remedies may restrict or limit a student's right to education (e.g. removal from a class), the student will always be afforded due process as described in this Code. If Students/Student Organizations are unwilling to comply with or complete any remedy, the case may be forwarded to SCCS for further conduct action.

Examples of alternative resolution options or remedies approved by designated authorities may include but are not limited to:

- **Educational meetings or interventions.** This could include individual, group or organization-wide training or meetings to address a behavioral issue or concern.
- **Warnings, oral or written.** A document that identifies the problematic behavior, a statement of what policy the behavior violates, and a directive to not participate in such behavior in the future.
- **Behavioral expectation documents.** A document that outlines specific behaviors that have been problematic, expected behaviors moving forward, resources for a student to get support for behavioral

concerns, and an explicit statement that failure to abide by the expectations outlined in the document may lead to an initiation of the student conduct process and additional sanctions under this Code.

- **No contact directives.** A directive that describes the set of expectations given between two or more parties to not contact or communicate with each other, including directly, through third parties, or online. No contact directives are usually reciprocal and generally cannot be lifted without the express consent of all named parties.
- **Resolution agreement.** A document developed between SCCS or EOA, the responding Student/Student Organization, and, if applicable, any impacted parties, to outline actions the responding Student/Student Organization must take in order to effectively respond to and take corrective action regarding a complaint. This agreement will be the documentation of record for mediation, conflict resolution, or other alternative dispute resolution methods used under this Code.
- **Restorative remedies.** These are responses or actions initiated by the responding Student/Student Organization and accepted by SCCS as an appropriate resolution, or that are mutually agreed upon by both the responding Student/Student Organization and SCCS or EOA.
- **Conduct holds.** Conduct holds may be placed on a Student's academic account and will not be lifted until a Student meets requirements for the hold to be lifted. Such a hold would prevent a student from enrolling, dropping or adding classes, applying for an academic program, or receiving a diploma. A conduct hold may be put in place to require compliance with sanctions or to have the student respond to notice of a required meeting with a staff member in the conduct process. A conduct hold will not be placed for such a length of time as to significantly impede a student's academic progress without proper notice and an opportunity to be heard.

7.4 Hearing Officers. Hearing Officers (HO) are chosen from a pool of annually trained faculty and administrators or staff members selected by the Director of SCCS. For example, some members of University Housing and Dining Services (UHDS) staff, administrative staff at OSU campuses, and academic faculty are all regularly trained to serve as Hearing Officers. A College Officer is a Hearing Officer that is trained to adjudicate cases of academic misconduct.

7.5 Interpretation and Revision. The Director of SCCS will develop procedures for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these procedures will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Director of SCCS may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The Director of SCCS may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party.

Any question of interpretation of the *Code of Student Conduct* will be referred to the Vice Provost for Student Affairs, whose interpretation is final. The *Code of Student Conduct* will be updated as needed under the direction of the Director of SCCS with a comprehensive revision process being conducted typically every three to five years, or more frequently if a need is identified.

SECTION 8: Appeals

8.1 Overview. The accused student has the right to one appeal per decision (unless otherwise noted) of student conduct findings. The purpose of an appeal is not to serve as a second hearing for the case, but rather a review of information to assess if the process provided met the standards of this *Code of Student Conduct*.

8.2 Grounds for Appeal. The request for an appeal must include specific justification on at least one of the grounds listed below:

- An action or omission that occurred that was not in accordance with the procedures outlined in or referenced by this *Code of Student Conduct*, or was fundamentally unfair, which substantially impacted the outcome;
- New evidence exists that was unavailable at the time of the original hearing that could substantially impact the original finding or sanction (a summary of this new evidence and its potential impact must be included); failure to participate or otherwise present available information in the original hearing does not constitute new evidence; or
- The sanctions imposed are disproportionate given the context of the violation.

8.3 Appeals Submission. All appeals other than academic appeals must be submitted electronically at sccs@oregonstate.edu within five (5) business days of the decision as dated in the notice of decision and must include at least one of the specific grounds listed above. Appeals that are not submitted within five (5) business days, that do not list specific grounds, or that do not fall under one of the listed grounds will not be considered. Academic appeals must be submitted in accordance with the procedures listed within the college or school that issued the outcome.

8.4 Appeals of Cases with Multiple Parties. In conduct hearings that involve sexual misconduct or crimes of violence, the complainant, if one exists, may appeal the conduct decision. In the case where the complainant is informed of the outcome of the matter and an appeal is submitted by the complainant or by the accused student, the other party will be informed of the appeal and provided an opportunity to submit any relevant information they want considered by the appellate authority. This information must be submitted within five (5) business days of notification that an appeal has been submitted.

8.5 Appellate Authority. Appeals are reviewed by the following parties:

- **Administrative Conference or Committee Hearing Outcomes:** For any sanction of suspension, loss of recognition, or expulsion, the appeal authority is the Vice Provost for Student Affairs or designee. If the SCCS Committee hearing proceedings involve an academic misconduct violation as referred from an Academic College, the Vice Provost for Student Affairs will remain the appeal authority, but will confer with the Vice Provost for Undergraduate Studies or the Vice Provost for Graduate Studies, as applicable. All other appeals will be reviewed by the Associate Vice Provost and Dean of Student Life or designee. Appeals received for conduct decisions made by UHDS will be reviewed by the Director of Residential Education or designee.
- **Academic Integrity Outcomes:** For findings of academic misconduct by a College Officer following the procedures in Section 5.11, appeals will be heard by the appeal authority, or their designee, based on the student's program of enrollment, which is as follows:
 - The Vice Provost and Dean of Undergraduate Studies will be the appeal authority for all undergraduate student appeals to outcomes determined via an Academic Integrity Process.
 - The Vice Provost and Dean of Graduate Studies will be the appeal authority for all graduate student appeals to outcomes determined via an Academic Integrity Process, with the exception of cases where the Vice Provost and Dean of Graduate Studies hears the case as the College Officer.

- The Senior Vice Provost for Academic Affairs will be the appeal authority for any outcomes determined via an Academic Integrity Process adjudicated by the College of Veterinary Medicine, the College of Pharmacy, or the Graduate School.
- **Sexual/Discriminatory Misconduct Administrative Conference:** For any sanction of suspension, loss of recognition, or expulsion, the appeal authority is the Vice Provost for Student Affairs or designee. All other appeals will be reviewed by the Associate Vice Provost and Dean of Student Life or designee. Appeals received for conduct decisions made by UHDS will be reviewed by the Director of Residential Education or designee.

8.6 Conflict of Interest and Correction of Errors. To avoid real or perceived conflicts of interest, the Associate Vice Provost and Dean of Student Life will not designate as an appeal authority anyone who served as a Hearing Officer or otherwise was involved in the determination/findings of the case.

In any instance where the institution becomes aware of a significant error in the student conduct process, the institution will independently take action to remedy the matter via a corrected decision or additional process, even if the error is found outside of the appeal window or a previous decision on an appeal has already been made.

8.7 Compliance with Sanctions and Provisional Student Status. Students/Student Organizations are expected to comply with all sanction deadlines pending the outcome of their appeal. Should a student appeal a suspension or expulsion sanction, the student may be permitted to continue their course of study under a provisional student status (see “Provisional Student Status” in Section 2: Definitions) unless the student has also been excluded from the institution as part of institutional Administrative Suspension. Under provisional student status, a student may continue to progress academically; however, should the student’s appeal be denied, the suspension or expulsion sanction goes into effect retroactive to the original date of determination, and the student will not receive grades, any academic credits or degrees earned while on provisional student status, and may not be refunded any money paid during the provisional student status period.

8.8 Appeal Outcomes. A final written determination on the Student’s/Student Organization’s appeal will be issued to the student within a reasonable time. The appellate officer has the authority to:

- Sustain the original decision, including the sanctions imposed.
- Remand (send back) the case to the appropriate hearing body for further consideration.
- Alter the sanction imposed by replacing, or reducing or increasing the severity of, the sanction(s).
- Reverse part or all of the original decision and resolve the case with no additional action.

SECTION 9: Administrative Suspension

The Director of SCCS or designee may enforce administrative sanctions, up to and including administrative suspension. This action is taken to promote the safety and well-being of members of the University community; secure University property; and/or take action with a Student/Student Organization who poses an ongoing threat of disruption to the normal operations of the University. In such an instance, the following procedures will be followed:

1. The Director of SCCS or designee may administratively suspend Students or Student Organizations for allegations of serious law or policy violations of the Code of Student Conduct to provide for the health and safety of the campus community.

2. Administrative Suspension includes but is not limited to:
 - a. Immediate suspension from the University;
 - b. Immediate suspension of privileges/ recognition of a Student Organization;
 - c. Restriction of the accused Student's presence on University property and/or at University events;
 - d. The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.
3. At the time that the Administrative Suspension takes place, the Director of SCCS or designee will:
 - a. Inform the accused Student or Student Organization of the reason for the Administrative Suspension;
 - b. Inform the accused Student or Student Organization that a preliminary hearing will take place according to (4) below, and that the accused Student or Student Organization will be informed of its time, place and date.
4. The preliminary hearing will take place within two (2) business days of the date of the Administrative Suspension notice to the Student/Student Organization was issued. At this hearing the accused Student/Student Organization will have a full opportunity to demonstrate to the Director of SCCS that none of the conditions specified in Section 9 and 9(1) apply. As with other proceedings, the accused Student/Student Organization may be accompanied by an advisor, but must speak for themselves at all times.
5. Based on the reasonable evaluation of the evidence presented at the preliminary hearing, the Director of SCCS will notify the accused Student/ Student Organization within 24 hours after the preliminary hearing that they will:
 - a. Dissolve the Administrative Suspension and take no further action; or
 - b. Dissolve the Administrative Suspension but proceed to a full hearing regarding the accused Student/Student Organization behavior as prescribed in the *Code of Student Conduct*; or
 - c. Sustain the Administrative Suspension until such time that a hearing regarding the accused Student/ Student Organization's alleged conduct may be held.
6. Subsequent to the completion of the Administrative Suspension process, a notice of charge may be issued to the accused Student/Student Organization. The notice of charge will identify the alleged behaviors, the approximate date, time, and location of the alleged behavior, and the *Code of Student Conduct* sections that are alleged to have been violated. If the Administrative Suspension is sustained, an administrative conference or committee hearing will occur within 10 business days of the Administrative Suspension preliminary hearing and will follow the conduct proceedings outlined in Section 5.

Effective date: September 11, 2017

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