



## SECTION 7: Student Conduct Authority

- 7.1 Authority
- 7.2 Complaint Assessment and Evaluation
- 7.3 Alternative Resolution Options
- 7.4 Hearing Officers
- 7.5 Interpretation and Revision

## SECTION 8: Appeals

- 8.1 Overview
- 8.2 Grounds for Appeal
- 8.3 Appeals Submission
- 8.4 Appeals of Cases with Multiple Parties
- 8.5 Appellate Authority
- 8.6 Conflict of Interest and Correction of Errors
- 8.7 Compliance with Sanctions and Provisional Student Status
- 8.8 Appeal Outcomes

## SECTION 9: Administrative Suspension



## SECTION 2: Definitions

1. **Accused or Respondent:** 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. **EOA:** The Office of Equal Opportunity and Access. EOA serves as the University's Title IX office and is the office that investigates concerns of sexual misconduct and/or discrimination.
6. **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).
7. **Institution or University:** Refers to Oregon State University.
8. **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.
9. **Organizational Violation:** A violation of the *Code of Student Conduct* committed by a student organization.
10. **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.
11. **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.
12. **SCCS:** The Office of Student Conduct and Community Standards.
13. **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.
14. **Student Organization:** Includes recognized student organizations or student groups affiliated with an academic unit.

## **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.

**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.** Students are responsible for all communication delivered to their Oregon State University email address. Oregon State University email is OSU's method of communication with students. The university is not responsible for email messages that are not received by the student. The university considers communication and notification to be completed when it is sent to a student's Oregon State University email account. If students do not review or act on emails received, our processes will move forward. Such processes could result in the placement of registration holds, conducting hearings without student participation, and the issuance of decisions and sanctions regarding alleged student behavior.

**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 or Section 4.5). 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 Behavioral 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;
  - g. using alcohol to facilitate incapacitation or forcing ingestion of alcohol without consent; or
  - h. use, or possession, of alcohol in a way that is prohibited by applicable law.
  
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 cannabis 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;
  - g. facilitating incapacitation or ingestion without consent through the use of marijuana or its derivatives; or
  - h. use, or possession, of marijuana in a way that is prohibited by applicable law.
  
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; or
  - 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.
- 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; or

- 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 faculty, staff, or Department of Public Safety officers, 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://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://policy.oregonstate.edu/policy/weapons-and-destructive-devices> also constitute a violation of this Code.
- 18. Smoking and Tobacco Use.** Smoking, carrying any lighted inhalant delivery instrument, or using any tobacco product is prohibited:
- within enclosed university-owned or -controlled facilities, including but not limited to offices, reception areas, laboratories, lavatories, classrooms, stairwells, hallways, lobbies, meeting rooms, gymnasiums, elevators, and storage rooms;
  - in any indoor or outdoor spaces, including but not limited to parking lots, grounds, rooftops, athletic facilities, entrances and exit ways, and experiment stations;
  - within all vehicles on university-owned or -controlled property; and,

- d. within any university-owned or -controlled vehicle.

Persons under 21 years of age are not permitted to possess tobacco products or inhalant delivery systems while present on university-owned or -controlled property, or while attending university-sponsored events.

- a. This section does not apply to a person for whom a tobacco or nicotine product or a substance to be used with an inhalant delivery system has been lawfully prescribed.
- b. This section does not apply to the use of tobacco products as part of scientific research studies and ceremonial activities as those terms are defined in OSU Standard.

The Oregon State University Smoking and Tobacco Use on Campus Policy is found online at: [https://policy.oregonstate.edu/UPSM/07-020\\_tobacco\\_use](https://policy.oregonstate.edu/UPSM/07-020_tobacco_use); 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 Discrimination and Sexual/Gender-Based Misconduct.

- 26. Discriminatory Harassment.** Any unwelcome conduct or action, based on actual or perceived status (gender, 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. 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.
- If there is a question whether a relationship exists, EOA will make a determination based on the

complainant's description of the relationship, respondent'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.

**32. 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 complainant;
- 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 electronic devices or platforms to engage in the activity.

**33. 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 another individual's nudity or listening to or observing the sexual activity of individuals, 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, or enabling or facilitating the viewing, creation, or trafficking of child pornography;
- c. non-consensual photographing, recording, 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 disease, without their knowledge;
- f. inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity;
- g. prostituting another person.

#### **4.5 Title IX Sexual Misconduct.**

**34. Title IX Sexual/Gender-Based Harassment.** Any conduct on the basis of sex that satisfies one or more of the following:

- a. A university employee conditioning the provision of an aid, benefit, or service on an individual's

participation in unwelcome sexual conduct;

- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a university education program or activity.

**35. Title IX Sexual Assault.** An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

- a. Sex Offenses, Forcible. Any sexual act directed against another person, without the consent of the complainant, including instances where the person is incapable of giving consent.
  - 1. Forcible Rape. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.
  - 2. Forcible Sodomy. Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the complainant is incapable of giving consent because of age or because of their temporary or permanent mental or physical incapacity.
  - 3. Sexual Assault with an Object. To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the complainant is incapable of giving consent because of age or because of their temporary or permanent mental or physical incapacity.
  - 4. Forcible Fondling. The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the complainant is incapable of giving consent because of age or because of their temporary or permanent mental or physical incapacity.
- b. Sex Offenses, Nonforcible. Nonforcible sexual intercourse.
  - 1. Incest. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - 2. Statutory Rape. Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**36. Title IX Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

- a. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
  - 1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - 2. Dating violence does not include acts covered under the definition of domestic violence as defined in provision 4.5 (37).

**37. Title IX Domestic Violence.** An act of violence committed by:

- a. a current or former spouse or intimate partner of the complainant,
- b. a person with whom the complainant shares a child in common,
- c. a person who is cohabitating with or has cohabitated with the complainant as a spouse or



notice of allegations of the alleged violation(s). The notice of allegations 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 allegations will provide the student/student organization with directions and details regarding scheduling a date, time, and location for an administrative conference or SCCS committee hearing.

Generally, if a student/student organization does not respond to the notice of allegations and/or schedule an administrative conference or SCCS committee hearing, SCCS will schedule a hearing date and time for the student/student organization. SCCS will notify the student/student organization in writing of the scheduled date, time, and location. 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. SCCS may also place a hold on the student's registration until the student either schedules and/or participates in a hearing. SCCS may also schedule the hearing if the student/student organization does not respond or chooses not to participate.

In instances where a student/student organization misses a scheduled meeting without notifying the appropriate hearing body in advance, the hearing may be conducted in the absence of the student/student organization. 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 or body may also choose to place a hold on the student's registration until the student either reschedules and/or participates in a hearing. 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/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 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 students/student organizations, complainants, witnesses, reporting parties or any other individuals who may have knowledge of the case. SCCS may also choose to place a hold on the student's registration until the student responds to the request to meet.

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; or
3. a notice of allegations 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





the hearing if the student/student organization does not respond or chooses not to participate.

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. When a SCCS committee hearing is elected, the matter is heard by a trained three- member panel, composed of at least one (1) faculty or staff member and at least one (1) student. 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 allegations will be emailed to the accused student/student organization informing them of the allegation. This notice will contain directions and details regarding scheduling a date, time, and location for a committee hearing. Accused students/student organizations who fail to schedule a committee hearing, or miss a scheduled committee hearing without notifying SCCS staff, will likely have a committee 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. SCCS may also place a hold on the student’s registration until the student either schedules and/or participates in a hearing. SCCS may also schedule the hearing if the student/student organization does not respond or chooses not to participate.
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. In the executive session, 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 hearing officer (CHO) will be assigned to review the case. This CHO 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 CHO 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 CHO, 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 CHO 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 CHO will confer with SCCS and, if the accused is a graduate student, the graduate school. The CHO 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 CHO may refer review of the case to the Director of Student Conduct and Community Standards at any step of the process. The Director of Student Conduct and Community Standards, or their designee, will then determine which hearing body, Administrative Conference or SCCS committee, will review the case.
8. The CHO 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 CHO’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 CHO 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, 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 Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints against Students.** Allegations of Discrimination and Sexual/Gender-Based Misconduct (Section 4.4) against

students/student organizations will be investigated by the Office of Equal Opportunity and Access (EOA). Sexual/Gender-Based Misconduct investigations will be initiated and facilitated in accordance with the procedures identified in Oregon State University's Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints against Students (Student Process).

EOA may also investigate allegations of Behavioral Misconduct (Section 4.3) that are related to the incident giving rise to the alleged violation of Discrimination and Sexual/Gender-Based Misconduct. In these incidents, when Behavioral Misconduct is investigated by EOA, EOA will do so pursuant to the process identified in the Student Process. The amnesty protections identified in Section 3.6 are applied when a student discloses substance use violations while reporting Sexual/Gender-Based Misconduct.

Upon the conclusion of EOA's investigation/evidence gathering process, EOA will forward the final investigation report and all relevant evidence, including the investigation record to the Director of SCCS. The Director of SCCS, or designee, will then implement the administrative conference process to determine whether university policy and/or Code have been violated and, if applicable, impose sanctions.

The administrative conference is the administrative process intended to provide an opportunity for each party to respond to information in the final investigation report. The administrative conference provides an opportunity for the parties to discuss with the Director of SCCS, or designee, either in-person or in writing, information provided in the final investigation report as well as issues relevant to the finding of responsibility, if any.

The Director, SCCS, or designee, will use the following procedures to implement the administrative conference process.

1. The administrative conference process will be conducted by the Director, SCCS or their designee. The Director, SCCS and any individual designated by the Director, SCCS must be free from actual bias or conflict of interest.
2. The Director, SCCS, or designee, will issue a notice of administrative conference to the parties, generally within two (2) business days of receipt of the final investigation report. In that notice, the Director, SCCS, or designee, will provide each party with electronic access to the final investigation report. The investigation report will be anonymized and will be watermarked in a manner that identifies which party is receiving the report copy. The final investigation report will be made available through completion of the administrative conference process, unless the process is placed on hold by SCCS.
3. All parties will be given the opportunity to submit written statements that address the charges and final investigation report. The written statement must be submitted within ten (10) business days of the notice of administrative conference. The statements of each party will be provided to the other. Each party will then be provided ten (10) business days to provide a written response to the other party's statement. The parties may also submit rebuttal evidence and witnesses for the Director, SCCS's, or designee's review.
4. Either party may choose not to submit a written statement and/or response. If a party chooses not to submit a written statement and/or response, the Director, SCCS, or designee, will make a determination based upon the available information.
5. At their election, either party may meet with the Director, SCCS, or designee, to discuss the information provided in their written statement. The request for an in-person meeting must be made within five (5) business days of submission of the written statement.
6. The timelines the administrative conference process sets for the parties are firm. However, if a party wishes to modify a timeline, the party should submit a written request to the Director, SCCS, or designee, for the requested modification. The written request must show good cause for modifying the timeline and must be submitted before the deadline. While the Director, SCCS, or designee, has sole

authority to grant or deny a request to modify a timeline, the Director, SCCS, or designee, may consult with the Title IX coordinator or their designee, if necessary. The Director, SCCS, or designee, will send simultaneous notices of timeline modifications to the parties. The parties may request periodic updates from the Director, SCCS, or designee, as to the status of the administrative conference process.

7. Once the deadline for both parties to submit a written response to the other party's statement has passed, or the deadline for requesting an in-person meeting has passed, the administrative conference process will be considered concluded.
8. After the conclusion of the administrative conference process, the Director, SCCS, or designee, will make a decision as to whether there has been a university policy and/or Code violation based on the investigation record, the final investigation report, the written statements and responses of the parties and any other relevant documents submitted during the administrative conference. The Director's determination will be communicated to the parties via a written notice of decision.
9. The written notice of decision will summarize the administrative conference process, the Director's or designee's decision regarding the alleged violations of policy and/or the Code including the rationale that shaped that decision, and appropriate sanctions, if any, and the rationale for each sanction. This document will serve as the determination of the university on the matter. The notice of decision will also include information on the availability of appeals. The Director, SCCS, or designee, generally will issue a notice of decision, to be delivered to both parties simultaneously, within ten (10) business days from conclusion of the Administrative Conference process.

**5.13 Investigation and Resolution Process for Title IX Complaints.** Allegations of Title IX Sexual Misconduct (Section 4.5) against students/student organizations will be investigated by the Office of Equal Opportunity and Access (EOA). Title IX Sexual Misconduct investigations will be initiated and facilitated in accordance with the procedures identified in Oregon State University's Investigation and Resolution Process for Title IX Complaints. For more information about the Title IX Process utilized by EOA, please contact [Equal.Opportunity@oregonstate.edu](mailto:Equal.Opportunity@oregonstate.edu).

EOA may also investigate allegations of Behavioral Misconduct (Section 4.3) or Discrimination and Sexual/Gender-Based Misconduct (Section 4.4) that are related to the incident giving rise to the alleged violation of Title IX Sexual Misconduct. In these instances, when the other misconduct allegations are investigated by EOA, EOA will do so pursuant to the procedures identified in the Title IX Process. The amnesty protections identified in Section 3.6 are applied when a student discloses substance use violations while reporting Title IX Sexual Misconduct.

Upon the conclusion of EOA's investigation/evidence gathering process, EOA will forward the final investigation report and the investigation record to the Director of SCCS. The Director of SCCS, or designee, will serve as the decision-maker and will implement the administrative hearing process to determine whether university policy and/or Code have been violated and, if applicable, implement remedies and/or impose disciplinary sanctions.

The decision-maker (Director, SCCS or designee) will use the following procedures to implement the administrative hearing process.

1. Live Administrative Hearing:  
The administrative hearing is a live hearing intended to provide the parties with an equitable opportunity to respond to information contained in the final investigation report, and to question the relevancy and reliability of that information, by posing relevant questions to the other party or witnesses, through their advisor, orally and in real-time.
  - a. Overview: The administrative hearing is the process the university uses to determine whether or not university policy and/or Code have been violated. The administrative hearing will be

conducted by the decision-maker who will determine responsibility. When determining responsibility, the decision-maker will presume the respondent is not responsible unless and until the available relevant evidence establishes, by a preponderance of the evidence, that they are responsible. The decision-maker will be free from actual conflict of interest or bias for or against complainants or respondents generally or individually.

The decision-maker will conduct the administrative hearing in the following manner:

- b. **Hearing Date:** The decision-maker will set the date for the live administrative hearing. The period of time between the live administrative hearing date and the Notice of Hearing will be at least ten (10) business days.
- c. **Notice of Hearing:** The decision-maker will issue a Notice of Administrative Hearing to the parties, generally within five (5) business days of receipt of the Final Investigation Report and Investigative Record. The Notice of Hearing will include: the name of the decision-maker; information regarding the date, time, and location of the administrative hearing and how a party may request a meeting location separate from the other party; the party's opportunity to have an advisor of their choice at the hearing and the role of the advisor, including the requirement that the party's advisor must ask any questions the party seeks answered at the hearing by the other party or witnesses; a statement that if a party or a witness does not attend the administrative hearing, that party's or witness's information must not be relied on by the decision-maker; and the process for requesting disability accommodations and language assistance.

The decision-maker will provide each party and their advisor, via the Notice of Hearing, electronic access to the final investigation report and investigation record. The final investigation report and investigation record will be made available to the parties through the completion of the administrative hearing process unless the process is placed on hold by the decision-maker.

- d. **Participation:** The administrative hearing is a closed proceeding, not open to the public. The individuals who may participate in the administrative hearing are the decision-maker and their advisor, complainant and their advisor, respondent and their advisor, the Equity Associate, any relevant fact or expert witness called to the hearing, and any university staff involved in facilitating the administrative hearing.
- e. **Advisors:** A complainant or respondent may be accompanied to the hearing by any one (1) advisor of their choice.

If a party does not attend the administrative hearing with an advisor, the decision-maker will assign the party an advisor of the university's choice, without fee or charge to the party, for the purpose of conducting oral questioning of the other party and any witnesses. The university is not obligated to assign an advisor of equal professional standing as the advisor of the other party. However, the university will seek to assign an advisor who is versed in this Title IX Process.

- f. **Non-Participation:** The parties must be present for the administrative hearing. If a party or a witness does not attend the administrative hearing, or does not participate in questioning by a party's advisor, the decision-maker must not rely on any statements of that party or witness when making a determination of responsibility. However, the decision-maker may consider other documentary evidence submitted by the party or witness. The decision-maker may not draw an inference about the determination regarding responsibility based solely on a party's or

witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- g. **Separate Locations:** Either party may request to participate in the administrative hearing in a separate location using applicable technology that allows the decision-maker and the parties to simultaneously see and hear the party or witness answering questions. Requests for separate locations should be submitted to the decision-maker five (5) business days prior to the administrative hearing.
- h. **Determinations of Relevancy:** The decision-maker will determine the relevancy of all information offered, reviewed, or considered in the administrative hearing. Determinations of relevancy will be based on whether the information is directly related to the allegations and whether it will assist in resolving disputed issues between the parties. Questions regarding the complainant's past sexual behavior will be deemed not relevant unless questions or information about the complainant's past sexual behavior are posed to establish that someone other than the respondent engaged in the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- i. **Hearing Procedures:** Generally, the administrative hearing will proceed as follows:
  - I. The decision-maker will ask the Equity Associate to provide a summary of the Final Investigation Report, including undisputed and disputed issues identified during the investigation. The decision-maker will pose questions of the Equity Associate. The parties' advisors will be given the opportunity to separately pose relevant questions and follow-up questions of the Equity Associate. The decision-maker will inform the Equity Associate that prior to answering a question from the parties' advisors, they are to wait for the decision-maker to first determine whether or not the question is relevant and is to be answered. The decision-maker will explain any determination to exclude a question as not relevant.
  - II. The decision-maker will separately pose questions of the parties and witnesses. The parties, through their advisor, will have the opportunity to pose relevant questions and follow-up questions of the other party and witnesses. With each individual, the decision-maker will ask their questions of that individual first and then allow each party's advisor to ask their questions. The decision-maker will inform the parties and witnesses that prior to answering a question from the parties' advisors, they are to wait for the decision-maker to first determine whether or not the question is relevant and is to be answered. The decision-maker will explain any determination to exclude a question as not relevant.
- j. **Recording or Transcript:** An audio or audiovisual recording, or transcript, of the administrative hearing will be created by the university. The university reserves the right to determine the method of recording or transcription. While the recording or transcript is the sole property of the university, the university will make it available to the parties for inspection and review after the notice of decision is issued. The recording or transcript will remain available to the parties until either the appeal time frame has expired or an appeal decision is issued. Failure by the university to record or transcribe all or part of the administrative hearing due to an error and/or malfunctioning device will not be grounds for appeal.
- k. **Timelines:** The timelines the administrative hearing process sets for the parties are firm. However, if a party wishes to modify a timeline, the party should submit a written request to



the decision-maker for the requested modification. The written request must show good cause for modifying the timeline and must be submitted before the deadline. While the decision-maker has sole authority to grant or deny a request to modify a timeline, the decision-maker may consult with the Title IX Coordinator, or their designee, if necessary. The decision-maker, or designee, will send simultaneous notices of any timeline modifications to the parties. The parties may request periodic updates from the decision-maker, or designee, as to the status of the administrative hearing process.

- I. Conclusion of Hearing: Once the live hearing has been concluded, the administrative hearing process will be considered concluded.

## 2. Notice of Decision:

After the conclusion of the administrative hearing process, the decision-maker will make a decision as to whether there has been a violation of university policy and/or the Code based on the final investigation report, the written statements and responses of the parties, if any, to the investigation record and/or final investigation report, and any other relevant information provided during the administrative hearing. Generally, the decision-maker will issue a written notice of decision within twenty (20) business days after the conclusion of the administrative hearing. The decision-maker may extend the deadline if needed. The written notice of decision will be issued simultaneously to both parties.

- a. The written notice of decision will include: a list of the allegations; a summary of the procedural steps taken from receipt of the Title IX Complainant through the determination of responsibility; the determination of responsibility for each alleged violation of the Title IX Sexual Misconduct Policy, other university policy, and/or the Code; the findings of fact and the rationale that shaped the determination; any disciplinary sanctions assigned to the respondent and the rationale for each disciplinary sanction; any remedies designed to restore or preserve complainant's equal access to the university's education programs or activities provided to the complainant, and the rationale for each remedy, if any; and information regarding the procedures and bases for either party to appeal the decision-maker's determinations of responsibility.
- b. The determination of responsibility becomes final either on the date an appeal would no longer be considered, or, if an appeal is filed, on the date the parties are provided with the appeal written Notice of Determination.

## 3. Appeals.

- a. Appeal of the notice of decision: Either the complainant or the respondent may appeal the decision-maker's notice of decision. The appeal must be submitted within five (5) business days after the notice of decision is issued. Appeals are to be filed electronically with the Director, SCCS, at [sccs@oregonstate.edu](mailto:sccs@oregonstate.edu). Appeals that are not submitted within five (5) business days, that do not list specific grounds for the appeal, or that do not fall under one of the listed grounds will not be considered.
- b. Grounds for appeal: The request for an appeal must include specific justification on at least one of the following grounds:
  - I. Procedural irregularity that affected the outcome of the matter;

- II. New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter;
  - III. The Title IX Coordinator, Equity Associate, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.
- c. Review by an appellate decision-maker: If an appeal is filed by either party, the appeal will be forwarded to the appropriate appellate decision-maker. The appellate decision-maker will be an impartial decision-maker trained in issues related to Title IX and not the same person as the decision-maker who reached the original determination. Generally, the Vice Provost for Student Affairs, or their designee, will serve as the appellate decision-maker for appeals of the notice of decision in Title IX Complaints.
  - d. Notification of appeal: The appellate decision-maker will notify the other party of the appeal. The non-appealing party will be provided an opportunity to review the appeal and submit any relevant information they want considered by the appellate decision-maker. If a non-appealing party chooses to submit a response to an appeal, they must do so within five (5) business days from the date they receive notice of the appeal.
  - e. Notice of Decision: The appellate decision-maker will issue a written decision describing the result of the appeal and the rationale for the result.
    - I. The appellate decision-maker has the authority to sustain, alter, or reverse the findings and/or sanctions in part or entirely. The appellate decision-maker may also remand the matter to the appropriate review level, either the administrative hearing decision-maker or the Equity Associate, for further consideration.
  - f. The appellate decision-maker will issue the written decision simultaneously to the parties, describing the result of the appeal and the rationale for the result within a reasonable time of receiving the appeal. The determination(s) of the appellate decision-maker serves as the final determination of the university on the matter; no additional appeals are available. Following the conclusion of any appeal process, the matter will be closed unless it is remanded for additional process by the appellate decision-maker.

**5.14 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. 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*. 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.

**5.15 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.

**5.16 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/Gender-Based Misconduct, Title IX Sexual Misconduct, or crimes of violence, the complainant will be notified of the decision and any applicable appeal rights per Section 5.13 or Section 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) and Dean of Students is vested with the authority over student conduct by the Vice Provost for Student Affairs. The Associate Vice Provost and Dean of Students 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 follow through with decisions and commitments 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 may not be eligible for such a resolution.

Except as provided for in the Title IX process, in the instance where remedies are deemed necessary by the Director of SCCS or the Executive Director of EOA or designee to protect 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.
- **Mutual 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 that is generally 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 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.
- **Access modifications.** A directive that describes modifications to a student's access to campus properties or events.

**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 for Non-Title IX Sexual Misconduct Matters**

The following procedures will be followed for non-Title IX findings of responsibility:

**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](mailto: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 Students 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 of Undergraduate Education 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/Gender-Based Misconduct Outcomes:** 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 Students 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 Students 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;
  - b. dissolve the administrative suspension and proceed to an administrative conference or SCCS committee hearing regarding the accused student/student organization behavior as prescribed in the *Code of Student Conduct*;
  - c. dissolve the administrative suspension and impose remedies prescribed in the *Code of Student Conduct*; or,
  - d. sustain the administrative suspension until such time that an administrative conference or SCCS committee hearing regarding the accused student/student organization's alleged conduct may be held.
- 6. Upon completion of the administrative suspension hearing process, students/student organizations will be notified in writing of the outcome of the administrative suspension hearing. If the administrative suspension is dissolved, SCCS will provide written notification of the processes to follow. If the administrative suspension is sustained, and the alleged misconduct does not involve Sexual/Gender-Based Misconduct (Section 4.4), or Title IX Sexual Misconduct (Section 4.5) an administrative conference or committee hearing will begin within ten (10) business days of notification of the administrative suspension outcome and will follow the conduct proceedings outlined in Section 5.8 or Section 5.9.

If the administrative suspension is sustained, and the alleged misconduct involves Discrimination and Sexual/Gender-Based Misconduct (Section 4.4), the draft investigation report will be made available for in-person review in the EOA offices within ten (10) business days of notification of the administrative suspension outcome and the conduct proceedings will then follow the procedures outlined in Section 5.12.

If the administrative suspension is sustained, and the alleged misconduct involves Title IX Sexual Misconduct (Section 4.5), the draft investigation report and investigation record will be made available for in-person review and inspection in the EOA offices or through a secure online platform within 10 business days of notification of the administrative suspension outcome and the conduct proceedings will then follow the procedures outlined in Section 5.13.

Effective date: September 11, 2017

Effective date: January 8, 2018 - Clarifying edits

Effective date: January 25, 2018 - Edit made to Section 5.12 Sexual Misconduct and Discrimination

Policy Effective date: October 15, 2019

Effective date: August 14, 2020 - Revised for compliance with updated Title IX Regulations