

## **Policy No. 576-015**

### **STUDENT CONDUCT CODE**

#### **576-015-0005**

##### **Purpose**

(1) The primary purpose of the Student Conduct Code is to establish community standards and procedures necessary to maintain and protect an environment conducive to learning, in keeping with the educational objectives of Oregon State University. This code is based on the assumption that all persons must treat one another with dignity and respect in order for scholarship to thrive.

(2) Students are also expected to follow the academic and professional standards of the academic units.

(3) Choosing to join the Oregon State University community obligates each member to a code of responsible behavior. Individuals and Student Organizations are expected to observe the policies, rules, and requirements of Oregon State University as well as laws of municipalities and counties, the State of Oregon, the United States of America and, when in another country, that country.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

#### **576-015-0010**

##### **Definitions**

(1) A "Student" includes all persons enrolled at the University and/or any or all dual-enrolled campuses pursuing undergraduate, graduate, or professional studies. It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the University including, but not limited to, those individuals admitted to the University and attending orientation programs, and those individuals enrolled in any special non-credit programs approved by the University. A "Student" may be currently registered, or may have been enrolled in a previous term, or may be registered for a future term, or may be admitted but not yet enrolled.

(2) A "Student Organization" includes any group of students living or acting together, or electing officers, or assessing dues or fees for their mutual benefit, or which has registered with the University, or is affiliated with an academic unit.

(3) An "Individual Violation" is a violation of the Student Conduct Code committed by an individual Student acting alone or in concert with other individual(s) independent of a Student Organization or its activities and events.

(4) An "Organization Violation" is a violation of the Student Conduct Code committed by a Student Organization.

(5) "SCCS" is the office of Student Conduct and Community Standards.

(6) "Consent" is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. To be effective, consent must be informed and reciprocal, freely and actively given, and mutually understandable. Definitions of these terms and additional information on what is, and is not, consent can be found on the Equity and Inclusion [website](#).

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## **576-015-0020**

### **Offenses Proscribed by the University**

A Student or Student Organization found to have committed any of the following proscribed acts is subject to sanctions under these rules:

(1) Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures, or other institutional activities, including the institution's public service functions or other authorized activities on institutionally-owned or controlled property. Disruptive behavior may include but is not limited to the following, where it has the effect of obstructing or disrupting the University activities listed above:

(a) Repeatedly leaving and entering the classroom without authorization;

(b) Making loud or distracting noises;

(c) Arriving late or leaving early;

(d) Persisting in speaking without being recognized;

(e) Behavior that would cause a reasonable person to fear for his or her safety. The instructor has authority to manage the classroom environment, which may include requiring a Student to leave when the Student's behavior disrupts the teaching or learning environment. If the Student refuses to leave, the instructor may call the Department of Public Safety for assistance and should submit an Incident Report Form to SCCS to initiate disciplinary proceedings.

(2) Academic or Scholarly Dishonesty:

(a) Academic or Scholarly Dishonesty is defined as an act of deception in which a Student seeks to claim credit for the work or effort of another person, or uses unauthorized materials or

fabricated information in any academic work or research, either through the Student's own efforts or the efforts of another.

(b) It includes:

(A) CHEATING — use or attempted use of unauthorized materials, information or study aids, or an act of deceit by which a Student attempts to misrepresent mastery of academic effort or information. This includes but is not limited to unauthorized copying or collaboration on a test or assignment, using prohibited materials and texts, any misuse of an electronic device, or using any deceptive means to gain academic credit.

(B) FABRICATION — falsification or invention of any information including but not limited to falsifying research, inventing or exaggerating data, or listing incorrect or fictitious references.

(C) ASSISTING — helping another commit an act of academic dishonesty. This includes but is not limited to paying or bribing someone to acquire a test or assignment, changing someone's grades or academic records, taking a test/doing an assignment for someone else by any means, including misuse of an electronic device. It is a violation of Oregon state law to create and offer to sell part or all of an educational assignment to another person (ORS 165.114).

(D) TAMPERING — altering or interfering with evaluation instruments or documents.

(E) PLAGIARISM — representing the words or ideas of another person or presenting someone else's words, ideas, artistry or data as one's own, or using one's own previously submitted work. Plagiarism includes but is not limited to copying another person's work (including unpublished material) without appropriate referencing, presenting someone else's opinions and theories as one's own, or working jointly on a project and then submitting it as one's own.

(c) Academic Dishonesty cases are handled initially by the academic units, following the process outlined in the University's Academic Dishonesty Report Form, and will also be referred to SCCS for action under these rules.

(3) Obstruction or disruption that interferes with freedom of movement, either pedestrian or vehicular, on institutionally-owned or controlled property.

(4) Hazing, defined as any action that endangers the physical, emotional, mental health or safety of an individual, or destroys or damages personal property for the purpose of initiation, membership, admission or participation in a group or organization. Expressed or implied consent of the person subject to hazing is not a defense. Apathy and acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. Acts that constitute hazing when they endanger the physical, emotional, mental health or safety of an individual, or destroy or damage personal property, include but are not limited to:

(a) Acts that are prohibited under any applicable law, including but not limited to ORS 163.197, under which hazing is a criminal violation;

(b) Interfering with a Student's academic performance by denying sufficient time for class, study or other academic activities;

(c) Compelling ingestion of any substance;

(d) Compelling participation in physical activities such as calisthenics, exercise, or other games or activities requiring physical exertion;

(e) Compelling exposure to weather elements or other physically or emotionally uncomfortable situations;

(f) Compelling excessive fatigue from sleep deprivation, physical activities, or exercise;

(g) Committing any act of physical brutality against another including but not limited to paddling, striking with fists, open hands or objects, and branding;

(h) Kidnapping or transporting another with the intent of stranding him or her;

(i) Compelling conduct that can be reasonably expected to embarrass or adversely affect the dignity of another, including the performance of public stunts and activities such as scavenger hunts;

(j) Intentionally creating work or labor for another;

(k) Compelling another to commit any sexual act or engage in lewd behavior

(l) Compelling any act that results in the destruction, defacement or removal of private or public property

(5) Harassment, defined as conduct of any sort directed at another that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study or participate in his or her regular life activities or participate in the activities of the University, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the University. Stalking behavior that meets this definition constitutes Harassment within the meaning of this rule.

(6) Sexual Harassment, as defined in the University's Policy on Sexual Harassment.

(7) Discriminatory Harassment, as defined in the University's Policy on Discriminatory Harassment.

(8) Possession or use of explosives, dangerous chemicals, or other dangerous instrumentalities on institutionally-owned or controlled property, in contravention of law or institutional rules.

(9) Illegal use, possession, or distribution of drugs or illegal substances on institutionally-owned or controlled property. The university will not pursue any conduct violation against a survivor for substance use, possession, or distribution at the time of sexual assault/harassment.

(10) Alcohol violations, including possession or consumption of alcohol by persons less than 21 years of age, furnishing alcohol to persons less than 21 years, or consumption of alcohol by a Student of any age in violation of the University's rules or policies on alcoholic beverages on University owned or controlled property or at University sponsored or supervised activities. The university will not pursue any conduct violation against a survivor for alcohol possession or consumption at the time of sexual assault/harassment.

(11) Sexual assault, or sexual misconduct of any kind are prohibited. Sexual assault or sexual misconduct may be found whenever sexual contact occurs without the recipients consent, as defined by 576-015-0010(6).

(12) Detention or physical abuse of any person or conduct that threatens imminent bodily harm or endangers the health of any person on any institutionally-owned or controlled property.

(13) Invasion of another's privacy, where that person has a reasonable expectation of privacy, including but not limited to the use of electronic devices to make an unauthorized audio or video recording of any person while on University owned or controlled property without his or her prior knowledge, or without his or her effective consent, when such a recording is of information or of images taken from or of a person at a time and place where she or he has a reasonable expectation of privacy and where the recording is reasonably likely to cause injury or distress.

(14) Unauthorized recording of a class or of organizational or University meetings. To obtain the required authorization, the Student or Student Organization must obtain expressed permission from the faculty member, Student Organization, or University representative or official in charge of the class, meeting, or activity.

(15) Malicious damage, misuse or theft of institutional property, or the property of any other person where such property is located on institutionally-owned or controlled property or, regardless of location, is in the care, custody, or control of an institution.

(16) Refusal by any person while on institutional property to comply with an order of the President or appropriate authorized official to leave such premises because of conduct proscribed by this rule when such conduct constitutes a danger to personal safety, property, or educational or other appropriate institutional activities on such premises.

(17) Unauthorized entry to or use of institutional facilities, including buildings and grounds.

(18) Smoking in unauthorized areas in violation of 576-040-0010.

(19) Falsification or misuse of University information, including but not limited to records, permits, documents, computer resources, identification cards, etc.; or the furnishing of false or misleading information to the University or its representative; or refusal to provide one's name,

class, school, and local address when requested by a University official, provided the official is identified and indicates legitimate reason for the request.

(20) Unauthorized use of University computing resources in violation of the University's Acceptable Use of Computing Resources Policy.

(21) Inciting others to engage in any of the conduct or to perform any of the acts prohibited herein. Inciting means that advocacy of proscribed conduct which calls on the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the institution, including the safety of persons and the protection of its property.

(22) Violating the State Board of Higher Education's Policy on Intercollegiate Athletics as described in Section 8 of its Internal Management Directives, specifically including the subsection thereof entitled Code of Ethics.

(23) Violation of any federal or state law or city or local ordinance or University rule or policy that applies to the Student.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1996, f. & cert. ef. 6-21-96; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 4-1999, f. & cert. ef. 7-17-99; OSU 2-2002, f. & cert. ef. 2-25-02; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 4-2011, f. & cert. ef. 6-13-11; OSU 1-2012(Temp), f. & cert. ef. 3-30-12 thru 6-30-12; OSU 2-2012, f. & cert. ef. 5-9-12

## **576-015-0021**

### **Violations of the Student Conduct Code by Student Organizations**

When members of a Student Organization act together in a way that violates the Student Conduct Code, the Student Organization is expected to hold itself accountable.

(1) When a potential Organization Violation of the Student Conduct Code occurs, SCCS may review the incident to determine the appropriate process for resolution. Generally, the University will expect a Student Organization to hold itself accountable for the acts of its members when those acts are related to the Student Organization's activities.

(a) The Student Organization or its governing body will notify SCCS and keep it informed at all stages of the process.

(b) The University, through SCCS, reserves the right to take immediate jurisdiction at its discretion. The Student Organization or governing body may still hold its members accountable in the situation, but must do so in conjunction with SCCS.

(2) If a person affected by the alleged violation is not satisfied with the action taken by the Student Organization, that person may file a grievance with the appropriate governing body or, if none exists, with SCCS.

(3) If, in the judgment of the Director of SCCS, sufficient action is not taken in a timely manner by the Student Organization, the case will be reviewed for possible action by SCCS.

(4) 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 had knowledge, or should have had knowledge, of the likelihood that a violation would occur and failed to take corrective action; or

(d) A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.

Hist.: OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## **576-015-0025**

### **Jurisdiction**

The Student Conduct Code shall apply to a Student's or Student Organization's conduct that occurs on University premises, at University sponsored or affiliated activities regardless of location, and to off campus conduct that adversely affects the University community or the pursuit of University objectives. These standards shall apply to a Student's conduct even if the Student withdraws from school while a disciplinary matter is pending. Examples of behavior that adversely impacts the University community may include but are not limited to physical or sexual assault, rape, hazing, harassment, stalking, furnishing alcohol to minors, distribution of drugs or illegal substances, or illegal weapons use. The University has sole discretion to determine what conduct occurring off campus adversely impacts the University community and/or the pursuit of University objectives.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## **576-015-0030**

### **Sanctions**

The University utilizes an educational and restorative sanctioning model. The sanction applied will be commensurate with the violation committed and become progressively more demanding or severe if the Student or Student Organization repeats violations, demonstrating that learning has not taken place. An accumulation of a variety of violations may result in severe sanctions such as deferred suspension, suspension, and expulsion. Violations that affect the health, safety and well being of the community are deemed the most severe and may result, upon the first violation, in a suspension or expulsion. Students or Student Organizations exhibiting behavior that violates any part of the Student Conduct Code 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 Student Conduct Code. The continuation of such behavior may result in further conduct action.

(2) **Required Educational Activities:** Mandatory participation in educational activities. Such Education 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:** A Student or Student Organization is required to complete a specified number of hours of service to the University or general Community.

(4) **Behavior Expectations Agreement:** A contract between the University and the Student outlining specific behavior expectations.

(5) **Restitution:** The Student or Student Organization is required to provide reimbursement by dollar amount, by transfer of property, or by provision of services to the University or a member of the University community in accordance with the nature of the violation and in an amount not in excess of actual expenses, damages, or losses incurred.

(6) **Restrictions:** Removal from a Student Organization, denial of entry to specific University facilities 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 space for a meeting or event on campus, participation in competition and events, and receipt of institutional funding.

(7) **No Contact Order:** A No Contact Order is a directive to a Student or Students to refrain from any intentional contact, direct or indirect, with one or more designated persons through any means including personal contact, e-mail, telephone, or third parties.

(8) **Academic Sanction:** Students whose behavior is found to constitute Academic or Scholarly Dishonesty as defined in 576-015-0020(2) are subject to additional academic sanctions, which



may include but are not limited to failing the course, removal from an academic department, or removal from a college. Academic sanctions are imposed by the instructor, department chair or dean and are noted on the Academic Dishonesty Report Form in accordance with Academic Regulation 15.

(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 concurrence 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. No refunds for tuition or other class fees will be made.

(10) Conduct Probation: Placement on probationary status during which there is observation and review of behavior and the Student or Student Organization must demonstrate compliance with the Student Conduct Code. 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.

(11) Conduct Suspension:

(a) Deferred Suspension: Placement on deferred suspension status during which there is observation and review of behavior. If the Student or Student Organization is found to further violate the Student Conduct Code during this period then the Student/Student Organization is suspended without further hearings. Deferred Suspension may be for a period of one term up to and including the remainder of a Student's enrollment at the University; Deferred Suspension for a Student Organization is generally for one year but may be up to three years.

(b) Suspension:

(A) Student -- Exclusion from the University and all University property for a specified period of time. The Department of Public Safety will exclude the Student from OSU campus upon Suspension. 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. Suspension is generally for one year, however the period of Suspension may be specified for any period of time;

(B) Student Organization -- Loss of University recognition or registration for a specified period of time. The Organization must comply with all sanctions prior to being registered or recognized again. While a Student Organization is suspended it may not use University resources;

(C) The conditions of Suspension take effect immediately after the Student or Student Organization has been informed of the decision. If an appeal is filed, the imposition of the Suspension will be delayed until the conclusion of the appeal process. However, if a pending conduct hearing or appeal may result in Suspension as determined by the Director of SCCS, awarding of a Student's academic degree will be postponed pending the outcome of the conduct hearing.

(12) Expulsion: Permanent Conduct Suspension.

(13) Degree Revocation.

[Publications: Publications referenced are available from the agency.]

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-1993, f. & cert. ef. 5-7-93; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

### **576-015-0035**

#### **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 certifies that the terms of suspension have been met, the Student may apply for readmission through the regular process.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

### **576-015-0040**

#### **Record**

(1) All Student Conduct Code violations incurring sanctions include the creation of a conduct record. Sanctions at the level of

Conduct Probation and above place the Student or Student Organization outside of "good standing" with the University for the duration of the sanction. Multiple sanctions may be imposed where appropriate.

(2) Suspension or expulsion will be noted in a Student's general academic record within the Registrar's Office by means of a Conduct Action Form which indicates the reason for the Suspension. The suspended Student may include in the record an explanation for the action taken by the University. As stipulated in OAR-166-475-0110(38), case files involving Expulsion or Degree Revocation are retained for 75 years; case files involving Suspension are retained for 10 years; all other conduct case files are retained for 5 years.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## **576-015-0043**

### **Notice**

(1) Upon receiving a complaint or report that a Student or Student Organization may have violated the Student Conduct Code, the Director of SCCS or the Office of Equity and Inclusion (“OEI”) will notify the Student/Student Organization in writing of the alleged violation(s). The notice will inform the Student or Student Organization of the rule(s) said to have been violated and a description of the acts or omissions alleged to have been in violation of the Student Conduct Code.

(2) If the Director of SCCS determines the alleged violation(s) of 576-015-0020(1)–(5), (8)–(10), or (12)–(23) may result in Suspension or Expulsion, the notice described in subsection (1) will set a time and place for a SCCS Committee hearing. If the conduct at issue has also given rise to alleged violations of 576-015-0020(6), (7) or (11), this notice may be sent by the Office of Equity and Inclusion pursuant to subsection (3). The period of time between the hearing date and the accused Student's or Student Organization's receipt of the notice must be at least 72 hours. The Director of SCCS will notify the Student/Student Organization that the SCCS Committee Hearing may be waived and, in its place, the case heard by the Director of SCCS or designee.

(3) If the Office of Equity and Inclusion (“OEI”) determines the alleged violation(s) of 576-015-0020(6), (7) or (11) may result in Suspension or Expulsion, the notice described in subsection (1) will set forth a time and place for a hearing with a Hearing Officer assigned by the Office of Equity and Inclusion pursuant to the process set forth in 576-015-0052. The period of time between the hearing and the accused Student's or Student Organization's receipt of the notice must be at least 72 hours.

(4) If there is an allegation of academic dishonesty as defined in 576-015-0020(2), the Director of SCCS will determine what conduct proceeding is appropriate. If there is a record of a previous incident of academic dishonesty, the Director of SCCS will send written notice to the Student of a SCCS Committee hearing, as described in subsections (1) and (2) of this rule, and 576-015-0050.

Hist.: OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2002, f. & cert. ef. 2-25-02; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14; OSU 4-2014(Temp), f. 4-15-14, cert. ef. 4-16-14 thru 6-30-14

## **576-015-0045**

### **Determination by the Director of Student Conduct and Community Standards**

(1) If the Student or Student Organization receiving notice under 576-015-0043(2) elects to have the case heard by the Director of SCCS or designee, the Student/Student Organization will be informed of the evidence of the violation(s) and will be given an opportunity to explain the behavior. The Student/Student Organization may bring any third party advisor to any meetings so long as the availability of the advisor does not hamper the timeliness of the hearing. The

Student/Student Organization will be expected to speak for him/herself or themselves at all times.

(2) If the Student or Student Organization fails to meet with the Director of SCCS or designee, the Director may take conduct action in the Student's/Student Organization's absence.

(3) The accused Student or Student Organization will be informed orally or in writing of the decision and will be informed of the right to appeal to the Vice Provost for Student Affairs, pursuant to 576-015-0060.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14

### **576-015-0050**

#### **Student Conduct and Community Standards (SCCS) Committee Hearing**

(1) Students or Student Organizations who receive notice under 576-015-0043(2) may elect to participate in a SCCS Committee Hearing. Students or Student Organizations who receive notice under 576-015-0043(3) are subject to the process set forth in 576-015-0052.

(2) When an SCCS Committee hearing is called, the accused Student or Student Organization will appear before a panel of up to five faculty or staff and five Students appointed by the Vice Provost for Student Affairs and the Associated Students of Oregon State University, respectively. The Bylaws of the SCCS Committee are available from the Vice Provost for Student Affairs or the SCCS office.

(3) All SCCS Committee hearings are closed and information presented along with all supporting documents will be disseminated internally only on a need to know basis and will not be disseminated externally except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures.

(4) If the Student or Student Organization has been properly notified and fails to appear, the SCCS Committee may proceed with the hearing and conduct action may be taken.

(5) During the hearing, the accused Student or Student Organization may be accompanied by an advisor of the Student's/Student Organization's choice. The advisor may be a faculty or staff member, fellow Student, parent, or any person of the Student's/Student Organization's choice so long as the availability of the advisor does not hamper the timeliness of the hearing. The Student/Student Organization may choose to have an attorney serve as advisor, however the advisor does not represent the Student/Student Organization in a conduct hearing and the Student/Student Organization will be expected to speak for him/herself or themselves at all times.

(6) During the hearing, the Student or Student Organization has the opportunity to offer information and testimony on his/her/its own behalf. The Student/Student Organization also has the opportunity to review and respond to all information, statements, or evidence presented.

(7) The chairperson of the SCCS Committee, or designee, will decide any questions or objections to hearing procedures that are raised during the hearing.

(8) Members of the Committee may ask questions of any person present during the hearing and the chairperson will invite questions and comments from the accused Student/Student Organization and the victim-claimant if present. The chairperson may also invite questions or comments from advisors or others present. If the chairperson decides an essential person or piece of information is missing, the chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(9) After the chairperson has determined that all necessary information has been presented and questions answered, the Committee will go into executive session and all other persons will be excused. The Committee will determine, based on a preponderance of the evidence, whether or not it believes the accused Student/Student Organization is responsible for a violation of the Conduct Code and, if so, 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 his/her/their right to be present. The Committee may consider:

(a) Evidence of any mitigating circumstances presented by the Student/Student Organization; and

(b) Other relevant information, including but not limited to, evidence of prior violations of the Student Conduct Code presented by a representative of SCCS.

(10) The Committee will again go into executive session to make a decision about appropriate sanctions. The time between the conclusion of the hearing and the delivery of the recommendation to the Director of SCCS shall be no more than three days, excluding weekends and holidays. The Committee's decision will be in the form of a written recommendation to the Director of SCCS.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 4-2011, f. & cert. ef. 6-13-11; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14; OSU 4-2014(Temp), f. 4-15-14, cert. ef. 4-16-14 thru 6-30-14

**576-015-0052**

### **Investigations and Determinations of Responsibility by the Office of Equity and Inclusion**

(1) The Office of Equity and Inclusion (“OEI”) will assign a Hearing Officer to investigate a Student or Student Organization’s alleged violation of 576-015-0020(6), (7) or (11). The Hearing

Officer may also investigate and issue a determination of responsibility for other alleged conduct violations related to the incidents giving rise to the alleged violation of 576-015-0020(6), (7) or (11). The Hearing Officer will review and consider all relevant evidence discovered through the Hearing Officer's investigation, and may include but is not limited to, information provided by the survivor, witnesses, or the accused through interviews or otherwise;

(2) If the Hearing Officer determines that the alleged violation(s) may result in suspension or expulsion, the accused Student or Student Organization will be informed of the evidence of the violation(s) and will be given an opportunity to explain the behavior during a hearing with the Hearing Officer. During this hearing, the Student or Student Organization has the opportunity to offer information and testimony on his/her/its own behalf. The Student or Student Organization also has the opportunity to review and respond to all information, statements, or evidence presented, and to pose questions that the Hearing Officer may choose to later ask witnesses or the survivor;

(3) The Student or Student Organization may be accompanied by an advisor to any meeting so long as the availability of the advisor does not hamper the timeliness of the interview. The advisor may be a faculty or staff member, fellow Student, parent, or any person of the Student's or Student Organization's choice. The Student or Student Organization may choose to have an attorney serve as advisor, however the advisor does not represent the Student or Student Organization in the hearing and the Student or Student Organization will be expected to speak for him or herself or themselves at all times.

(4) If the Student or Student Organization has been properly notified and fails to attend his or her hearing with the assigned Hearing Officer, the Hearing Officer may render a determination of responsibility without input from the accused Student or Student Organization.

(5) Hearings conducted by the Hearing Officer are closed and information presented along with all supporting documents will be disseminated internally only on a need to know basis and will not be disseminated externally except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures.

(6) The Hearing Officer will decide any questions or objections to this process that are raised during the investigatory process;

(7) After the Hearing Officer has determined that all necessary information has been presented and questions answered, the Hearing Officer will determine, based on a preponderance of the evidence, whether or not he or she believes the accused Student/Student Organization is responsible for the alleged conduct violations;

(8) If the Hearing Officer determines that the Student or Student Organization is responsible for one or more of the alleged conduct violations, the Hearing Officer will recommend a sanction to the Director of SCCS. In considering what sanctions may be appropriate, the Hearing Officer may consider:

(a) Evidence of any mitigating circumstances presented by the Student/Student Organization;  
and

(b) Other relevant information, including but not limited to, evidence of prior violations of the Student Conduct Code.

(9) The Hearing Officer will notify the Director of SCCS in writing of the Hearing Officer's determination of responsibility and recommended sanction.

(10) Upon receiving the Hearing Officer's recommended sanctions, the Director of SCCS may meet with the Student or Student Organization to hear evidence of any mitigating circumstances. The accused Student/Student Organization may waive his/her/their right to this meeting. The Director of SCCS will then affirm or modify the Hearing Officer's recommended sanctions as the Director deems appropriate;

(11) The accused Student or Student Organization will be informed orally or in writing of the decision and will be informed of the right to appeal to the Vice Provost for Student Affairs, pursuant to 576-015-0060.

Hist.: OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14

#### **576-015-0055**

#### **Hearing Officer(s) Contingency**

If the Vice Provost for Student Affairs or 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, he or she may appoint a hearing officer or officers to act in place of the SCCS Committee. The hearing officer(s) may be a faculty member or a professional from outside the University. The hearing officer(s) shall hear the case in accordance with these rules and shall recommend to the Director of SCCS appropriate action in each case.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

#### **576-015-0056**

#### **Emergency Action**

(1) The Director of SCCS or designee may, in coordination with the Department of Public Safety ("DPS"), take emergency action when necessary to secure the health or safety of other persons, or the Student against whom the action is taken (the accused Student) and there is an alleged violation of the Student Conduct Code.

(2) Emergency Action includes but is not limited to:

- (a) Immediate Suspension from the University;
  - (b) Restriction of the accused Student's presence on University property and/or at University events.
- (3) At the time that the Emergency Action takes place, the Director of SCCS or designee shall:
- (a) Inform the accused Student of the reason for the Emergency Action;
  - (b) Give the accused Student the opportunity to explain why an Emergency Action need not be taken;
  - (c) Inform the accused Student that a preliminary hearing will take place according to section (4) of this rule, and that the accused Student will be informed of its time, place and date.
- (4) The preliminary hearing shall take place within two business days of the Emergency Action. At this hearing the accused Student shall have a full opportunity to demonstrate to the Director of SCCS or designee and the Director of DPS or designee that none of the conditions specified in section (1) of this rule apply. As with other proceedings, the accused Student may be accompanied by an advisor, but must speak for him/herself at all times.
- (5) Based on the reasonable evaluation of the evidence presented at the preliminary hearing, the Director of SCCS or designee shall notify the accused Student within 24 hours of the decision to:
- (a) Dissolve the Emergency Action and take no further action; or
  - (b) Dissolve the Emergency Action but proceed to a full hearing regarding the accused Student's behavior as prescribed in the Student Conduct Code; or
  - (c) Sustain the Emergency Action until such time as a formal hearing regarding the accused Student's conduct may be held, but not to exceed two weeks.
- (6) Formal hearings subsequent to an Emergency Action shall occur no later than ten (10) business days after the preliminary hearing and shall be administered pursuant to 576-015-0050 to 576-015-0055.
- (7) If the Student Conduct Committee or a hearing officer recommends that the restriction on the accused Student's housing or enrollment be removed, the Student will not be assessed fees for reinstatement.

Hist.: OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14



## **576-015-0057**

### **Notice of Decision and Rights of Victim**

- (1) The University will make an effort to consider the rights and needs of the victim, if there is one, in decisions related to restitution or other sanctions.
- (2) If any sanction beyond a verbal warning is imposed after a conduct hearing, the accused Student will be given or sent a letter confirming the decision and University expectations.

Hist.: OSU 4-1998, f. & cert. ef. 6-24-98; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10

## **576-015-0060**

### **Conduct Action Appeals**

- (1) Appeals of the decision of the Director of SCCS or Hearing Officer shall be made to the Vice Provost for Student Affairs whose decision is final. In appeals concerning Academic or Scholarly Dishonesty, the Vice Provost for Student Affairs will confer with the Vice Provost for Academic Affairs and International programs or designee before the decision is made.
- (2) Appeals must be in writing and filed with the Vice Provost for Student Affairs within 15 calendar days following the date the action is taken.
- (3) The request for an appeal must include specific justification, including: errors, failure to consider all of the evidence presented, or any other action, including any new evidence not known at the time of the original hearing, which denied the Student a fair hearing.

Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-1993, f. & cert. ef. 5-7-93; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14