

Policy Title:	Code of Student Conduct
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Governing Body:	Southern Oregon University	Policy Number:	SAD.015
Policy Contact:	Dean of Students	Date Revised:	September 2020
Custodial Office:	Enrollment Management and Student Affairs	Date Approved:	September 18, 2020
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Related Policy:			

### Revision History

Revision Number:	Change:	Date:
	Initial version	February 2009
1	Revision	August 2016
2	Revision	September 2019
3	Revision	September 2020

### 1. Purpose

The purpose of the Code of Student Conduct is to outline the expectations for student conduct at Southern Oregon University. The Code will delineate specifically prohibited behavior and the procedures for review and resolution of behavioral concerns should they occur.

### 2. Definitions

- A. “Student” is defined as any person who has (or will have) attained student status by way of:
  - 1) Application for admission, housing or other service that requires student status.
  - 2) Registration for one or more credit hours.
  - 3) Enrollment in any non-credit, certificate or other program offered by the university.
- B. The “Respondent” is any student to whom a violation of the Code of Student Conduct has been attributed or alleged.
- C. The “Complainant” is any person who submits a complaint alleging a Code of Student Conduct

violation. The complainant need not be the victim of the alleged violation, and in cases concerning the university, the university may serve as complainant.

D. The “Active Bystander” is any person who intervenes to prevent harm to another person or to the community. Active bystanders engage in prevention, intervention, and promotion of a safe environment.

E. The Dean of Students is the administrator charged with overseeing student concerns and has delegated authority to oversee the student conduct process to the Associate Dean of Students. The Dean of Students will serve as the appeal authority for student conduct cases or may designate another administrator to do so. The Dean of Students may also designate adjudicating officials or conduct officers in the absence of the Associate Dean of Students.

F. The Associate Dean of Students is the administrator who is responsible for oversight and administration of conduct related processes at SOU, including alternative resolution formats such as mediation, arbitration, or restorative justice programs. The Associate Dean makes primary case assignments to the adjudicating officials and monitors the progress of each case to resolution.

### 3. Policy Statement

#### **A. Introduction**

1. Participation as a member of the Southern Oregon University (SOU) community entails respect for oneself and all other members of the campus community. All students agree that every other member of the campus community is to be respected as a colleague committed to the pursuit of knowledge and self-understanding. To misuse or abuse that mutual respect is to threaten the entire academic enterprise.
2. When an individual’s safety is not compromised, students have a responsibility to adhere to the institutional policies, procedures, and guidelines at SOU. In addition, students are obligated and responsible to take actions to prevent misconduct or problematic behaviors from occurring. Students are expected to be active bystanders in the community by attempting to prevent misconduct from happening, disengaging from others who are exhibiting problematic behaviors, or reporting to appropriate authorities.

By being an active bystander in the SOU community, students are willing to engage in preventing, stopping, and/or reporting problematic behavior that they observe. These engaging actions can be in the form of speaking out, intervening in a safe manner, or reporting the behavior so that the involved person(s) can be connected to resources and support on campus. All students are obligated to be responsible within the SOU community and take an assumption of risk when determining whether to be an active bystander.

3. Behaviors that impede others’ ability to engage in their work and lives at the university and/or are disruptive have no place within the SOU community. The Code of Student

Conduct and all of the university's policies are designed to guide students by providing clear descriptions of problematic behaviors and the responses that can be expected should they occur.

4. Civility is the hallmark of this community. Hostility in any form has no place in open and honest learning. These ideals operate within the balance between freedom of expression and freedom from threats to safety, both physical and emotional.

SOU recognizes and supports the rights of freedoms of speech and expression. Within this higher education environment, there is an opportunity for students to engage in civil discourse and express their perspectives in a responsible and accountable manner. Freedom of expression is essential to the university's commitment to ensure inclusive educational opportunities. It also requires that space be provided for all viewpoints, including viewpoints with which we vehemently disagree and even those we find offensive or even abhorrent.

Differences and dissenting viewpoints are encouraged as part of the educational process, not simply tolerated. It is not the role of the university to shut down ideas or discourse, even if they are offensive, controversial, hateful, or at odds with SOU's institutional values. Freedom of speech generally cannot be denied because an opinion or the language used to express an opinion is viewed as highly offensive. In short, hate speech is generally not illegal. Even where others advance viewpoints we find offensive, we share a responsibility to treat each other with civility and respect.

The university may exercise its own right to speak out against speech that runs counter to SOU's values, including its commitment to inclusive and equitable educational opportunity. The university encourages those with differing viewpoints to peaceably assemble to express differing opinions with the speaker, group, or message.

Freedom of speech is a fundamental right under the U.S. and Oregon constitutions. This right is not protected by "true threats" or specific threats of violence against particular individuals. Speech activities cannot significantly disrupt university operations or the legal rights of others (including their right to free speech). SOU may reasonably regulate time, place, and manner to ensure disruption does not disrupt operations. Persons who engage in behavior that poses a specific threat to others or significantly disrupts the university's operations may be referred for possible violations of the Code of Student Conduct, employee policies, or other legal means, as applicable.

5. Application to SOU implies acceptance of the university's rules and regulations and compliance with them. All university rules and policies have been crafted to balance freedom and responsibility and to provide standards for the orderly operation of this educational community.
6. Conduct occurs in the context of a community of scholars dedicated to personal and academic excellence. Joining this community obligates each member to observe the

following principles:

- a. Mutual respect
- b. Personal and academic integrity
- c. Civil discourse
- d. Responsible decision making

7. Most members of the SOU community act in a mature manner consistent with the benchmarks of mutual respect, civil discourse, appreciation of differences, and responsible choices. However, it is necessary to protect the many from the few who may choose to act in an irresponsible manner. This is one of the main reasons the university has a Code of Student Conduct and a comprehensive set of policies and regulations.
8. The Code of Student Conduct is designed to review, adjudicate, educate, develop, and restore students who engage in misconduct whenever possible. SOU is committed to using educational and developmental sanctions to achieve this aim, but will exclude students for significant misconduct to protect the wellbeing and safety of the campus community.

## **B. Process Overview**

Regarding the practical matter of reviewing incidents of student misconduct, this Code outlines the procedures to be followed by the university. Any allegations of misconduct must involve violations of listed rules and the university must follow written procedures. These procedures include:

1. Written notice of what rule(s) have allegedly been violated, in sufficient detail to allow a response.
2. An opportunity to address the issue(s) before a designated university staff member or hearing board.
3. A timely, written decision based on the greater weight of the information presented.
4. An opportunity to appeal based on alleged deviation from the written procedures.

## **C. The Code Is Not All-Inclusive**

The Code of Student Conduct should be read broadly. It does not define all prohibited conduct in exhaustive terms.

## **D. Jurisdiction**

1. The university's jurisdiction related to student conduct includes on and off campus behavior. Primary concerns will be related to conduct that occurs on university premises or which impacts the university community and/or the pursuit of its objectives. The term "university premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the university, and/or university sponsored or controlled events, including online learning environments.

2. SOU's Campus Public Safety (CPS) officers' duties include enforcing local, state, and federal laws and university policies when those violations compromise safety and/or the livability of the campus community. CPS officers have the local authority and jurisdiction to stop and ask a person to identify themselves regardless if they are on or off campus.

Any person present on campus is obligated to adhere to CPS officers' requests, including complying with providing identification as a local and university directive. Any student who refuses to cooperate with this directive may be subject to violations according to SOU's Code of Student Conduct and local, state, or federal law(s).

3. Participants in overseas and off-campus programs are expected to act in accordance with university rules and regulations and assume added responsibility to the group and to the laws and regulations of the host location or country.

### **E. Violation of Law and University Conduct Proceedings**

1. In cases where criminal charges are filed against a student for actions that are also violations of university policy, the university is responsible for hearing allegations of policy violations regardless of and separate from any other proceedings. Student conduct hearings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
2. When a student is charged by federal, state or local authorities with a violation of law, the university will not request or agree to special consideration for that individual because of status as a student. If the alleged offense is also a violation of university policy, the university may advise off-campus authorities of the existence of this Code and how such matters will be handled internally within the university community. The university will cooperate fully with law enforcement and other agencies in the enforcement of criminal laws on campus and in the conditions imposed by the criminal courts for the rehabilitation of student violators.

### **F. Oversight and Administration**

When it appears that a student has violated one or more university policies, the university intervenes with a process designed to resolve the issue and ensure future problems do not arise. The Office of the Dean of Students coordinates the procedures associated with responding to student conduct issues. The responsibilities of the office include all of the following:

1. Receive information about alleged policy violations (typically from Campus Public Safety reports, University Housing incident reports and/or reports from faculty, staff, or students).
2. Determine policies that appear to have been violated.
3. Investigate the alleged violations.
4. Interview and advise parties involved in student proceedings.
5. Determine the resolution or hearing format.
6. Determine the conduct officer to hear or oversee each case.

7. Conduct the hearing.
8. Review the decisions of conduct boards.
9. Train and advise conduct officers and conduct boards.
10. Maintain all student conduct records.
11. Develop procedures for mediation, arbitration, conflict resolution, and restorative justice programs.
12. Appoint an arbiter for disputes within the student community, which do not involve a violation of university policy. In cases involving mediation, arbitration, conflict resolution, or restorative justice processes, all parties must agree to the alternative resolution format without opportunity to appeal.
13. Monitor educational sanctions.
14. Collect and disseminate research and analysis concerning student conduct processes and alternative resolution processes.

### **G. Conduct Officers and Conduct Boards**

1. In matters of alleged violations of this Code, the Associate Dean or designee will determine the appropriate format for hearing proceedings as outlined in this Code. The university maintains an active pool of faculty, administrators, staff and specially trained students for the purpose of hearing and resolving student conduct allegations. Hearings or other proceedings outlined in this Code may be held before the following individuals or boards:

- a. Peer Review Board (PRB): Generally consisting of no fewer than three trained SOU students. PRBs may hear non-violent violations and other violations that are unlikely to result in sanctions that would exclude a respondent from continuing at the university. The PRB may also act as a mediating or arbitrating body for disputes that occur outside the scope of this Code.
- b. University Review Board (URB): The URB consists of at least one faculty member, one administrator, and one student. A URB will hear allegations as deemed appropriate by the Associate Dean or designee. Violations that may result in exclusion from the university are typically heard in this format.
- c. Administrative Conference: The Associate Dean or designated conduct officer may hear allegations in a one-to-one format where appropriate.
- d. At the discretion of the Associate Dean or designee, cases involving assault, intimidation, or other matters posing an immediate threat to the campus community may be heard by the Associate Dean, designee, or a University Review Board.

2. Student participants of PRB or URB processes who are attributed possible violations of this Code or with a criminal offense may be suspended from their conduct board positions by the Associate Dean or designee until a final resolution is obtained. Students found responsible for violations or criminal conduct may be disqualified by the Associate Dean from any further participation in the university conduct system.

### **H. Adaptable Resolution**

1. Adaptable resolution is a voluntary, remedies-based, structured interaction between or

among affected parties that balances support and accountability without formal disciplinary action against a respondent. Adaptable resolution is generally designed to allow a respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the complainant and/or the university community. Adaptable resolution is designed to address the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community.

2. The Associate Dean of Students is the administrator who is responsible for oversight and administration of conduct related processes at SOU, including adaptable resolution formats such as mediation or restorative justice processes. The Associate Dean makes primary case assignments to the adjudicating officials and monitors the progress of each case to resolution.
3. All Adaptable Resolution processes are voluntary for all participants. If any participant wishes to remove themselves from the process, they may do so with consultation from the designee or facilitator of the Adaptable Resolution process. All participants must be willing to engage in the process in good faith. The designee or facilitator may ask any participant to leave if they are not participating in good faith in the Adaptable Resolution process. Each participant and support person (if allowed) are mandated to sign the voluntary participation agreement before entering into the Adaptable Resolution process.
4. The Adaptable Resolution processes:
  - a. Mediation - Mediation is a structured process in which people attempt to resolve their differences with the assistance of a neutral third party. Mediators will guide the participants toward their own resolution. Through joint sessions and separate caucuses with each person, the mediators help both sides define the issues, understand the other's position, and move closer toward their own resolution.
  - b. Restorative Justice Circles and Conferences - Restorative Justice Circles and Conferences bring together members of the community that have been impacted by an event or incident. They allow those who are impacted and responsible to have honest dialogue in a space where all members may speak and ask questions. It is a non-threatening way to rebuild trust, community, and relationships. Restorative Justice Circles and Conferences focus on gaining understanding and reaching a mutually desired outcome or resolution.
  - c. Facilitated Dialogue - Facilitated dialogue is the process by which the participants guide the conversation about the issues or conflict they are experiencing. A third party facilitates the conversation by keeping the involved parties on track, and helps both parties come to an agreeable resolution if possible.
  - d. Impact Panels - A panel is composed of unrelated victims and respondents linked by a similar type of violation. Through storytelling, a respondent can be exposed to the harms/impacts they have caused and may help bring closure to the complainant.
  - e. Negotiation - Negotiation involves bringing in a third party to encourage communication. Once the negotiator has a full understanding of the motives and

needs of each person, they can begin to look for ways for them to compromise. The negotiator creates a contract or agreement by incorporating the agreed-upon compromises.

5. Any agreement that is produced and signed at the end of a process is a binding agreement and will be monitored by the Office of the Dean of Students. Any signed agreement which results from an adaptable resolution process cannot be appealed.

## **I. Conduct Referrals and Hearing Procedures**

1. Referring Concerns: Any person may refer a student or a student group or organization suspected of violating any university policy to the Office of the Dean of Students. Persons making such referrals are required to provide information pertinent to the situation and will normally be expected to provide an incident report and written statement, and/or appear at a hearing as the complainant. The hearing format for resolution will be selected at the discretion of the Associate Dean or designee.
2. Investigation: The Associate Dean or designee may conduct an investigation (or request that an investigation be conducted by other university officials) to determine if the allegations have merit. Complainants, respondents, and witnesses may be instructed to participate in an investigative meeting as a part of a conduct investigation. Participation in the investigation is voluntary. However, attendance at the investigative meeting is required, as directed. If the alleged conduct may constitute a violation of the Code of Student Conduct, the Associate Dean or designee will proceed with determinations related to a hearing.
3. Interim Measures: In order to create conditions that allow for a review of the alleged conduct, interim measures may be assigned to respondents and/or complainants at the discretion of the Associate Dean. They may include interim suspension, administrative restriction, order of no contact, or other applicable measures or restrictions.
4. Hearing Notification: Once it is determined that a case will move forward to formal adjudication, the respondent will be provided with notice. The notice provides details of the alleged misconduct in written form and includes the date or date range, location (if known), and a description of the prohibited conduct relevant to the alleged violation(s). A date and time are set for a hearing that will be at least three (3) business days after the date of the notification letter, but not more than fifteen (15) business days after the date of the notification letter. Minimum and maximum time limits for scheduling of hearings may be extended at the discretion of the Associate Dean or designee based on the academic calendar or at the written request of the respondent. The respondent may waive the right to a three (3) day notice and request more immediate resolution. This determination will be made by the Associate Dean or designee.
5. Hearing Guidelines:
  - a. Privacy: Hearings are conducted in private, unless both the respondent(s) and the complainant(s) and the Associate Dean or designee agree to an open hearing.

- b. Accommodation: Requests for language interpreting or accommodations under the Americans with Disabilities Act will be requested as soon as possible within the investigation and adjudication process. These requests may be made of the conduct officer, the Associate Dean, or Disability Resources as applicable.
- c. Attendance: Admission of any person to the hearing is at the discretion of the Associate Dean or designee.
- d. Multiple respondents: In hearings involving more than one respondent, the Associate Dean or designee may permit the hearings concerning each respondent to be conducted separately.
- e. Support person: The complainant and the respondent may be accompanied by a support person. The support person may not make a presentation or represent the party bringing the complaint or the respondent during the hearing. The support person may confer quietly with the complainant or the respondent, exchange notes, provide interpreting, clarify procedural questions with the conduct officer or chair, and suggest questions to the complainant or the respondent. The complainant and/or the respondent is responsible for representing their case and presenting their own information.
- f. Witnesses: The complainant, the respondent, and the conduct officer/board have the privilege of presenting witnesses, subject to questioning by the conduct officer/board. All questions will be facilitated through the chair or conduct officer. Respondents and complainants may not address each other directly during the course of the proceedings. The Associate Dean will determine whether witnesses will be interviewed in advance of the conduct proceeding or be permitted in the hearing.
- g. Evidence: Pertinent records, exhibits and written statements may be accepted for consideration by a conduct officer/board chair at the discretion of the Associate Dean or designee.
- h. Procedural questions: All procedural questions are subject to the final decision of the Associate Dean or designee.
- i. Deliberations: After the hearing, the parties are dismissed and the conduct officer or board (by majority vote) determines whether the respondent is responsible for each alleged policy violation.
- j. Evidence standard: The conduct officer's/board's determination is made on the basis of a preponderance of evidence, which is whether it is "more likely than not" that the respondent violated the policy.
- k. Notification of outcome: The respondent and complainant are notified of the outcome not more than ten (10) business days following the hearing. The respondent is notified in writing of the decision, rationale, and sanctions, if any.
- l. Opportunity for appeal: The opportunity to appeal is offered in all cases where a responsible finding is determined.
- m. Records: There is a record of all hearings before a hearing board, consisting of an audio recording and all written documentation including notes taken during the hearing. The record is the property of the university and is maintained in the Office of the Dean of Students.
- n. Decision to participate: No student may be found to have violated a policy in question solely because the student failed to appear, except in the case of a student accused of

violating the “failure to comply with directives” policy by not appearing before a conduct board or university official. In all hearings, the information in support of the allegations is presented and considered. Final decisions are based on the information available. Thus, it may be in a respondent’s best interest to engage in the conduct process in order to have their perspectives considered.

6. Academic Misconduct

- a. In decisions of alleged academic misconduct, academic penalties (grades) are imposed only by faculty members (course instructors).
- b. When a faculty member has determined that academic misconduct has occurred, they will notify the Office of the Dean of Students by filing an SOU Cares report. This report should include a description of the misconduct and the academic sanction imposed. The report should contain the misconduct, evidence, investigation notes, and sanction.
- c. Academic misconduct with outcomes determined by the faculty member will remain a part of the educational record for reference and consultation. However, they are not placed in the formal conduct record and are not released during background checks due to the lack of due process afforded by the process.
- d. Any effort to change an academic determination must be made through the grade grievance process.
- e. If the academic misconduct is referred to the Office of the Dean of Students for investigation and adjudication, the outcome will become a part of the official conduct record, as the student will have been afforded due process and the right to appeal.

7. Sexual misconduct is managed in accordance with guidelines established in the Equal Opportunity, Harassment and Sexual Misconduct Policy.

**J. Sanctions**

1. Restorative Process: Whenever possible, the student conduct process is designed to be restorative. To this end, the university will employ educational and developmental sanctions where appropriate in an attempt to retain and restore students who have violated policies. The university may also employ alternative resolution formats as determined by the Associate Dean of Students.
2. Cases Involving Risk: Restorative processes may not be possible in cases involving risk to the community, criminal conduct, theft, physical violence, sexual violence, and threats to members of the community. Exclusion through suspension or dismissal may be included in the sanctions.
3. Purpose of Sanctions: Disciplinary sanctions are educational tools designed to send a clear message regarding violation of university policy. Sanctions are related to the nature of the violation, with stronger sanctions imposed for more aggravated or repeated misconduct. Sanctions may be used to engage a student in contributing to a community through service in order to provoke greater reflection, sense of affiliation, or increased understanding of the impact on the community. Sanctions of probation, suspension and

dismissal require the approval of the Associate Dean.

4. **Compliance with Sanctions:** All students, as members of the university community, are expected to comply with conduct sanctions within the timeframe specified by the Associate Dean or designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in a Dean's Hold on the student account and/or additional sanctions up to and including suspension from the university. In such situations, resident students may be required to vacate university housing within 24 hours of notification by the Associate Dean. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Associate Dean.
  
5. **Possible Sanctions:** The following sanctions may be imposed when a student is found responsible for policy violation(s):
  - a. **Warning:** A notice in writing to the student that the student is violating or has violated university policy.
  - b. **Loss of Privileges:** Denial of specified privileges, permanently or for a designated period.
  - c. **Order of No Contact:** Orders of no contact may be used as interim measures or permanent sanctions. In the case of a permanent sanction, the order of no contact is used to create clearly defined distance between two or more students whose interactions have become a concern to the university and/or created significant disruption to the university.
  - d. **Fines:** Previously established and published fines or special fees may be charged to a student's account.
  - e. **Restitution:** Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. **Discretionary Sanctions:** Work assignments, censure, research, apology letters, and service to the university or other related discretionary assignments.
  - g. **Circles of Support and Accountability:** Focusing on reentry of an individual back to a community in which the community members support the individual to take accountability for their actions, increase self-awareness, create expectations for behavior, and develop healthy relationships.
  - h. **Fee Assessment:** Fee assessed to violator to pay for educational classes, damage to property and other appropriate instances. Fee may be paid directly or through community restitution.
  - i. **Residence Hall Suspension:** Separation of the student from the residence halls for a stated period of time, after which the student is eligible to reapply. Conditions for readmission may be specified. The student may be issued a written trespass notice from one or more residence halls or all of University Housing and dining for the duration of the suspension.
  - j. **Residence Hall Dismissal:** Permanent separation of the student from the residence halls. The student will be issued a written trespass notice from all residence and dining halls at the time of the dismissal.
  - k. **University Housing Eviction:** Removal from any university owned or operated

housing other than the residence halls. The student will be issued a written trespass notice from all university housing at the time of the eviction.

- l. Unconditional University Probation: A written reprimand, which may place the student's participation in university activities in a provisional status. Probation may exclude the student from participation in co-curricular activities in which the student represents the university (e.g., varsity athletics and club sports, elected student office, debate, musical and dramatic groups). Probation may include mandatory counseling and includes the probability of more severe disciplinary sanctions if the student further violates university regulation(s) during the probationary period. Probation may also serve as an elevated warning where appropriate and may lead to university suspension if additional violations of policy occur within the probationary period.
- m. University Restriction: Restriction from any part or all of SOU property may be sanctioned as a part of suspension, dismissal, or may be an additional sanction for the health or safety of the campus community. University Restriction may be temporarily lifted by appointment with or by permission from the Dean of Students or Associate Dean of Students.
- n. University Suspension: Separation of the student from the university for a specific period of time after which the student is eligible to petition for readmission. Conditions for readmission may be specified. A Dean's Hold will be placed on the student account at the time of suspension. At the discretion of the Associate Dean, a university trespass order may be employed for the period of the suspension. A suspension may be deferred to the end of a term at the discretion of the Associate Dean or Dean of Students if the determination is made upon appeal.
- o. University Dismissal: Permanent separation of the student from the university. A Dean's Hold will be placed on the student's account. Transcript annotation may be added to this sanction.

6. The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above as applicable.
- b. Deactivation: Loss of all privileges, including university recognition, for a specified period.

7. Interim Sanctions or Interim Measures: Interim sanctions and measures may be imposed at the discretion of the Associate Dean. Interim sanctions and measures are not attributions of responsibility, but are placed in order to create conditions to allow for investigation and adjudication.

- a. Interim Suspension - In certain circumstances, the Associate Dean may impose a university or residence hall suspension prior to the hearing. Interim suspension may be imposed only:
  - i. to ensure the safety and well-being of members of the university community or preservation of university property; and/or
  - ii. to ensure the student's own physical or emotional safety and well-being; and/or
  - iii. if the student poses a definite threat of disruption of or interference with

the normal operations of the university.

- b. During the interim suspension, the student is denied access to the campus (including classes) and all other university activities or privileges for which the student might otherwise be eligible, as the Associate Dean may determine to be appropriate.
  - c. Administrative Restriction – In certain circumstances, the Associate Dean may impose an administrative restriction from all of campus or specific buildings or areas on campus.
  - d. Order of No Contact – This is a means of creating space between two or more people in order to allow the investigation or adjudication process to proceed.
8. More than one of the sanctions listed above may be imposed for any single violation.
  9. Official conduct records are created for all cases where violations are attributed and adjudicated. University dismissals are reported to the University Registrar for disenrollment, application of holds, and possible transcript annotation. All adjudicated conduct becomes a part of the official educational record, which will be released upon receipt of a properly executed request for release of information or subpoena.
  10. When sanctions involve the separation of the responsible student from university housing, the student may be held accountable for all financial penalties or other conditions as outlined in the Southern Oregon University Residence and Dining Contract.

#### **K. Appeals**

1. A decision may be appealed within ten (10) business days of the date of the decision letter to the Dean of Students or designee. Such appeals must be in writing and must be delivered by mail or email.
2. An appeal is limited to one or more of the following purposes:
  - a. To determine whether the original hearing was conducted fairly in light of the allegations and information presented and in conformity with the procedures outlined in this Code.
  - b. To determine whether the decision reached regarding the respondent was based on facts sufficient to establish that a violation of university policy occurred using a preponderance standard, which is a more likely than not standard.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation(s) for which a responsible determination was made.
  - d. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.
3. The appeal outcome will be communicated to the respondent by official SOU email and may be communicated to the original conduct officer/board for action, if appropriate.

## **L. Student Groups and Organizations**

1. Student groups, teams and organizations, sanctioned and unsanctioned, may be charged with violations of university policy.
2. A student group, team or organization and its officers may be held collectively or individually responsible when violations of policy by those associated with the group, team or organization have received the tacit or overt consent or encouragement of the group, team or organization or of the group's, team's or organization's leaders, officers or spokespersons.
3. The student officers or leaders or any identifiable spokespersons for a student group, team or organization may be directed by the Associate Dean or designee to take action to prevent or end violations by the group, team or organization. Failure to make reasonable efforts to comply with any resulting directives shall be considered a violation of university policy, both by the officers, leaders or spokespersons for the group, team or organization and by the group, team or organization itself.
4. Student groups, teams, and organizations may have conduct outcomes reported to the respective division, league, or parent organization as determined in the sanctions. Unsanctioned groups, teams or organizations may be limited or denied future status as a sanctioned organization.

## **M. Parent and Guardian Notification**

1. A fundamental goal of the university is to support students' independence and maturity, in part by encouraging them to assume responsibility for their own educational and personal matters. The university also encourages students and parents or guardians to communicate directly, regularly and openly with each other about issues of mutual concern.
2. Under laws and policies that govern the privacy rights of students, SOU has the authority and reserves the right to contact parents or guardians of dependent students about a variety of serious matters and the parents or guardians of all students in certain emergencies regarding imminent serious injury or life or death situations. Parental or guardian notification may occur under the following circumstances:
  - a. Hospital visits for alcohol poisoning or drug overdose;
  - b. Behavior or circumstances which put the student at an imminent safety risk, including repeated or alarming levels of prohibited substance abuse; and/or
  - c. Serious mental health concerns.

## **N. Disciplinary Files and Records**

1. The formal hearing process prompts creation of a disciplinary file in the Office of the Dean of Students. The file contains information related to the incident as well as the following:
  - a. All documents related to alleged violations, investigation, adjudication, outcome, sanctions, and appeal.

- b. Any subsequent correspondence related to the case.
  - c. Materials related to sanctions.
  - d. Other reports at the discretion of the Associate Dean or designee.
2. Respondents involved in disciplinary processes may review the contents of this file (to the extent that the materials therein do not compromise the confidentiality of other students, faculty or staff) and may contest in writing anything in the file. Files may be redacted appropriately and may be viewed only in the presence of the Associate Dean or designee, unless the content is appropriate for physical or digital release at the discretion of the Associate Dean or designee.
3. Disciplinary records of students will be destroyed pursuant to the Oregon state law retention schedule governing institutional records. Prior access will be granted to students who have requested access before the records are destroyed.
4. Student conduct files are maintained permanently in the event of suspension or dismissal.
5. Student conduct records of students who have not yet responded to allegations will remain active. Once they have responded, the records are retained in accordance with the procedures above.
6. Academic misconduct resolved by the faculty in accordance with the syllabus will be reported to the Office of the Dean of Students, but will not be added to the official conduct file without due process.
7. Student conduct records may be voided by the Dean of Students for good cause, upon written petition of the student. Factors to be considered in review of such petitions include:
  - a. the present demeanor of the student;
  - b. the conduct of the student subsequent to the violation;
  - c. the length of time between the violation and the request; and
  - d. the nature of the violation and the severity of any damage, injury or harm resulting from it.
  - e. Files that are successfully voided shall not be reported on future background checks.
8. Disciplinary files are treated as “education records” under the provisions of the Family Educational Rights and Privacy Act (FERPA) and may be viewed only by those who “need to know” such information in the conduct of their official duties, as determined by the Associate Dean or designee. Otherwise, contents of the file may be released to others only with consent of the student whose name is on the file or following a court order or subpoena.
9. A maximum delay of forty-five (45) days is authorized in granting access to education records involving students.

## **O. Interpretation and Revision**

1. Any question of interpretation regarding this Code and university policy must be referred to the Dean of Students or designee for final determination.
2. Changes to the Code recommended through the university's consultative process are subject to approval by the President.

## **P. Prohibited Conduct**

1. **Academic Misconduct:** Each student's education is the product of their own intellectual effort and engagement in a process of critical exchange. Breaches of academic integrity compromise the overall quality of scholarship and detract from the value of the SOU degree. The university must respond to any act of academic misconduct to honor and protect responsible citizenship, both globally and within the university community. Prohibited academic conduct is as follows:
  - a. Acts of academic misconduct involve the use or attempted use of any method that is prohibited and/or enables a student to misrepresent the quality or integrity of their academic work.
  - b. Academic misconduct with respect to examinations includes but is not limited to copying from the work of another, allowing another student to copy from one's own work, unauthorized use of crib notes during exam time, arranging for another person to substitute in taking an examination, or giving or receiving unauthorized information prior to or during the examination.
  - c. Academic misconduct with respect to written or other types of assignments includes but is not limited to:
    - i. Failure to acknowledge the ideas or words of another that have been intentionally taken from any published or unpublished source;
    - ii. Placing one's name on papers, reports or other documents that are the work of another individual;
    - iii. Flagrant misuse of the assistance provided by another in the process of completing academic work, or the submission of unacceptably similar work resulting from inappropriate collaboration or assistance;
    - iv. Submission of the same paper or project for separate courses without prior authorization by faculty members;
    - v. Fabrication, alteration or other manipulation of data;
    - vi. Knowingly aiding in or inciting the academic dishonesty of another; or
    - vii. Inappropriate collaboration on papers, exams or other work.
  - d. Academic misconduct with respect to intellectual property includes but is not limited to theft, alteration or destruction of the academic work of other members of the community or of the educational resources, materials or official documents of the university.
2. **Animal Control:** The following animal-related behavior is prohibited:
  - a. Inhumane or cruel treatment of animals on university premises;

- b. Bringing any animal inside a university building, with the exception of guide or service animals approved by Disability Resources, or by special permission of the Dean of Students;
  - c. Leaving an animal unattended on university premises, even when tethered;
  - d. Leaving an animal in a closed vehicle on university premises;
  - e. Allowing a dog off leash in any public building, green space, courtyard, or any other exterior area on university property.
3. Coercive or Abusive Conduct: Use of emotionally laden or abusive language or materials to attempt to sway, receive an exception, intimidate, ridicule or disrespect a member of the university community is prohibited.
4. Complicity to Misconduct: All students at SOU are responsible for the safety of the campus community. The absence of a student's active participation in the misconduct is an insufficient response to violations of the SOU Code of Student Conduct. When their individual safety is not compromised, students are expected to take an active role in disengaging from all acts of misconduct and are expected to adhere to SOU's Community Standards, which include personal integrity and responsible decision making.
5. Deliberate Acts of Dishonesty: In general, acts of dishonesty are prohibited. Such acts may include, but are not limited to:
  - a. Furnishing false and/or misleading information to any university or community official, faculty member, administrative office or conduct body;
  - b. Forgery, alteration and/or misuse of any university record, document or instrument of identification;
  - c. Bribery and/or coercion;
  - d. Fraud and/or other misrepresentation.
6. Controlled Substances:
  - a. The unlawful use, abuse, sale, purchase, transfer, possession, manufacture, distribution or dispensing of alcohol or other drugs on university property or as part of any university activity is prohibited.
  - b. Use, possession, cultivation, manufacture, promotion, sale and/or distribution of narcotics or other controlled substances, except as expressly permitted by law, is prohibited.
  - c. Use and/or possession of prescription drugs prescribed to another is prohibited.
  - d. The service of alcohol to and/or consumption by any person who is under the age of 21 or is intoxicated is prohibited.
  - e. Use of alcohol or other drugs in the presence of a person who is under 21 years of age is prohibited and may result in an additional violation.
  - f. Public intoxication at any age is prohibited.
  - g. Intoxication to the point of incapacitation at any age is prohibited.
  - h. Common source containers of alcohol, such as kegs, are prohibited on campus and university properties except with prior written permission from the President or designee.

- i. Alcohol and other drugs may not be consumed in the course of any class, laboratory or other activity at which attendance is required as part of a student's course or degree requirements. Exception is granted for wine appreciation classes.

7. Cyber Misconduct:

- a. Unwanted communication with another person using computers, email, cell phones or any other digital device is prohibited.
- b. Abuse, misuse and/or theft of computer data, equipment and/or software, including unauthorized file sharing, distribution of electronic materials, or creating or presenting false information, whether as a hoax, to incite fear, or to embarrass, harass, or ridicule another person is also prohibited.
- c. Hacking: Unauthorized entry into any off campus, university-owned or university-controlled network or other online space is prohibited.
- d. Illegal download: Use of any university-owned or controlled network to download illegally any material that is under copyright or other ownership is prohibited.
- e. Surveillance: Recording, streaming, or viewing another person without consent through the use of electronic, digital, or online devices, including sharing such materials with others, is prohibited. This conduct may be reviewed under the Equal Opportunity, Harassment, and Sexual Misconduct Policy.

8. Destruction of Property: Damage to public or private property, whether intentional or unintentional, is prohibited.

9. Disorderly Behavior: Disorderly behavior, which includes one or more of the following behaviors, is prohibited: loud, aggressive, profane, abusive, drunken and/or other behavior, which disrupts or obstructs the orderly functioning of the university or disturbs the peace and/or comfort of person(s) on campus, on university owned or controlled property, or at university sponsored or supervised functions. Exhibiting behavior that creates a concern for harm to others or behavior that suggests a serious problem which is detrimental to the university and university community is prohibited.

10. Disruptive Behavior: Disruptive behavior, which is engaging in or inciting others to engage in the disruption, obstruction and/or interference with any of the following, is prohibited:

- a. University student conduct proceedings.
- b. Educational activities in classrooms or other educational environments (both physical and online), lecture halls, campus library, laboratories, computer laboratories, theatres or any other place where education and teaching activities take place.
- c. Academic expectations. Disruption, obstruction or interference includes classroom behavior, which, in the judgment of the instructor, impedes other students' opportunity to learn and/or which interferes with class objectives. This includes disrespectful and/or abusive communication with professors and/or administrators. This provision includes university classes held on and off SOU premises, including distance learning and online courses.

- d. Administrative, auxiliary, support or other campus offices. This may include behavior that demands unreasonable allocation of time or resources beyond the intended scope of the office.
- e. Operations of Campus Public Safety, fire, police, emergency services and/or residential life staff.
- f. Interference with campus safety instruments.
- g. Any student's ability to study, learn and/or complete academic requirements including, but not limited to, destroying, preventing and/or limiting access to information or records.
- h. Intentionally interfering with the freedom of expression of others on university premises or at university-sponsored activities.
- i. University activities, including its public service functions, whether on- or off-campus, and other non-university activities, which occur on university premises.

11. Domestic violence and intimate violence is defined and adjudicated through SOU's Equal Opportunity, Harassment and Sexual Misconduct Policy.

12. Failure to Comply:

- a. Failure to comply with university regulations, state and/or federal laws, and/or the directives of university and/or community officials while acting in their duties is prohibited.
- b. Failure to comply with the conditions of the Southern Oregon University Residence and Dining Contract is prohibited.
- c. Failure to comply with the conditions of the Student Apartments & Family Housing House/Apartment Residential Lease is prohibited.
- d. Failure to comply with the conditions of the University Housing Community Standards is prohibited.
- e. Failure to comply with student conduct proceedings, including rules governing hearings procedures and sanctions imposed is prohibited.
- f. Failure to comply with the sanction(s) imposed under the Code is prohibited.
- g. Failure to comply with community standards is prohibited.
- h. Failure to comply with university directives regarding health and safety standards, including students who consciously and/or purposefully endanger the health and safety of other students, faculty, staff, or visitors in the community is prohibited.

13. Gambling: Illegal gambling or wagering on university premises or at any official function sponsored by the university is prohibited.

14. Harassment is conduct that intentionally and maliciously aggravates, intimidates, ridicules, or humiliates another person and is prohibited. For harassment based on identity, see the Equal Opportunity, Harassment and Sexual Misconduct Policy.

15. Hazing: Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or

organization is prohibited.

16. Interference with Community Standards:

- a. Verbal or physical threats and/or intimidation of a person participating in a student conduct proceeding in any capacity is prohibited.
- b. Influencing or attempting to influence another person to commit an abuse of community standards is prohibited.
- c. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding is prohibited.
- d. Failure to comply with the sanction(s) imposed under the Code is prohibited.

17. Littering: Littering is defined as throwing, discarding, placing or depositing items in university buildings or on university grounds, except in receptacles provided for such purposes, and is prohibited.

18. Misuse of Emergency Equipment and Procedures:

- a. Tampering with, damage of or intentional misuse of emergency devices or blocking of fire exits or other means of impeding traffic is prohibited.
- b. Use of fire escapes, ground level fire doors, fire hoses, extinguishers and/or alarm equipment in non-emergency situations is prohibited.
- c. Failure to comply with fire drill procedures or emergency building evacuations is prohibited.
- d. Initiating a false report or warning, or the threat of fire, explosion, false fire alarm or other emergency is prohibited.

19. Noise: Activities in violation of established quiet hours in residence halls and academic buildings or which violate local, state or federal noise ordinances is prohibited.

20. Obstruction: Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or supervised functions is prohibited.

21. Restraint Violation: Restraint of a person against their expressed will is a violation and may include the following:

- a. Physical restraint of another person.
- b. Denying another person movement, departure, or access by any means, including threat or coercion.

22. Retaliation: Retaliation and/or harassment against a person making a report in good faith and/or a person engaged in their official duties related to employment, position in a club or organization, or other engagement on campus is prohibited.

23. Sexual misconduct as defined and adjudicated through SOU's Equal Opportunity, Harassment and Sexual Misconduct Policy is prohibited.

24. Smoking: Smoking, including but not limited to the use of smokeless products such as e-

cigarettes, vape, and others, is prohibited in any university building, within 25 feet of any building, in any university vehicle, or in any other designated area where smoking is prohibited.

25. Stalking is defined and adjudicated through SOU's Equal Opportunity, Harassment and Sexual Misconduct Policy and is prohibited.
26. Theft: Attempted or actual theft of university property or the property of students, community members, businesses, or public entities is prohibited.
27. Threatening Conduct:
  - a. Direct or implied threat of harm or hostile behavior that creates a reasonable fear of injury to another person or unreasonably subjects another individual to emotional distress and/or brandishing a weapon or an object which appears to be a weapon in a threatening manner is prohibited.
  - b. Threatening communication: Threats made online or through electronic communication with sufficient content such that it causes fear of injury or other harm are prohibited.
28. Unauthorized Use of Property: Use of any property without authorization or express permission is prohibited and includes but is not limited to:
  - a. Alteration, duplication and/or misuse of keys, university documents or identification;
  - b. Unauthorized entry into, or use of, university premises or equipment, including but not limited to university owned buildings, residence halls, houses, equipment, vehicles, or other supplies.
29. Vandalism: Any form of damage to public or private property of another person, group, or agency is prohibited.
30. Violation of Local, State or Federal Laws: Violation of local, state or federal laws on or off university premises that may be reasonably expected to have a negative impact on the university or members of the university community in any form is prohibited.
31. Violent Conduct: Violent conduct is any form of physical contact that causes physical harm to a person, including slapping, punching or otherwise physically attacking a person, and is prohibited.
32. Weapons and/or Other Devices:\*
  - a. Firearms are prohibited on campus pursuant to and in the manner prescribed by the [Firearms Policy \(FAD.052\)](#). On-campus use, possession, weapons storage (outside of Campus Public Safety), or manufacture of the following is prohibited:
    - i. Firearms or other devices capable of casting a projectile (this includes but is not limited to: nerf guns, paintball guns, archery bows and arrows, pellet or BB guns);

- ii. Any weapon, device, instrument, material or substance, which is designed to or may inflict injury upon another person;
  - 1. Acceptable weapons to possess on your person while on campus: knives with a blade length shorter than three (3) inches, stun guns that do *not* cast a projectile, and pepper spray. Note: any use of these items in a way that flaunts, threatens, harms, or inflicts fear or injury upon another person or property is prohibited.
  - iii. Explosives, bombs, chemicals, or other incendiary or destructive devices, including fireworks of any kind.
- b. Attempting, committing or aiding the intentional commission of an act, which results in a fire being ignited which causes damage, or is intended to cause damage, to the property of the university, to the property of another individual, or to personal property is prohibited.
  - \*Exception: This weapons policy does not apply to law enforcement officials who are authorized to carry weapons onto campus.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval.

#### D. Policy Consultation

ASSOU, University Housing and Policy Council were consulted on policy revisions. Policy was posted on September 11, 2020 for community comment.

The Policy Contact, defined above, will write and maintain the procedures related to this policy and these procedures will be made available within the Custodial Office.