

# Standard Operating Procedures for Academic Misconduct Allegations

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## Introduction

The following procedures implement the Student Conduct Code (Code) as it relates to allegations of Academic Misconduct when the Respondent is an individual student.

These procedures incorporate by reference the definitions of the Student Conduct Code. In particular, “Respondent” means any student reported to have violated the Student Conduct Code. “Director” refers to the Director of Student Conduct and Community Standards, or their designee. “Faculty Member” refers to the Faculty Member or other relevant university official reporting an allegation of Academic Misconduct.

The University of Oregon is committed to providing an educational environment that is accessible to all students. Students in need of accommodations due to a disability should contact the Accessible Education Center (AEC) as soon as possible. Any accommodations deemed necessary and approved by the AEC will be incorporated into the student conduct process as possible.

## Preliminary Considerations

### Access Accommodations

The University of Oregon is committed to ensuring an inclusive, accessible, and equitable process for all participants. Students who have a disability and believe they require a reasonable accommodation in order to participate in any part of the student conduct process should contact the Accessible Education Center (AEC). Requests should be made as soon as possible to ensure the University has sufficient time to review and process the accommodation request. Any accommodations deemed necessary and approved by AEC will be incorporated into the resolution process as possible.

### Interim Action and No Contact Directives

**Interim Action:** The Director may impose an interim action(s) as necessary to address a substantial and immediate threat of harm to person or property, consistent with the procedures outlined in Section VII of the Code. Interim action may include, but is not limited to, an interim suspension from the University and/or removal from University-owned housing facilities pending the consideration of a case through the procedures in this document.

**No Contact Directive:** A no contact directive, between two or more students, may be issued by the Director by request or when the Director determines the directive is necessary. Failure to comply with a no contact directive may result in further conduct proceedings and/or interim action.

## Privacy

The University of Oregon recognizes that students are often concerned about the privacy of information relating to disciplinary processes. Education records are protected by the Family Educational Rights and Privacy Act

(FERPA). As such, information about the allegations and process is only shared with those who have a “need to know” the information in order to assist with the University’s management or resolution of the incident.

Reports will result in the development of a student conduct record in the name of the Respondent. These records will be maintained in accordance with University policy and state and federal law. The University will only release conduct records to third parties when there is advance, written release from the Respondent or as otherwise allowed by law.

## Concurrent Processes

In some incidents, conduct may constitute a violation of both criminal law and the Code. Individuals may file a criminal complaint, a student conduct report, both, or neither. Incidents addressed through the University's conduct system are separate from the criminal justice system and/or civil protective order processes. The Director is not in the position to give any legal advice about any implications arising from a Respondent's participation in the conduct process.

## Support Persons

Respondents may seek the assistance of one support person to provide support, advice, or guidance throughout the process. To designate a support person, a Respondent must submit a Consent to Disclose Student Conduct Records Form. Witnesses, reporting persons, and other Respondents from the incident cannot serve as support persons in that case. The opportunity to have a support person present during a meeting does not allow for an unreasonable delay. The Director will determine what constitutes an unreasonable delay.

Support persons may attend meetings, be copied on formal case communications, and ask the Director reasonable clarifying questions regarding the process. A support person is not permitted to speak on behalf of the Respondent, serve as a witness in the same matter, or disrupt any meetings. The Director may require a support person to leave a meeting, including the Administrative Conference, if the support person engages in unreasonable, disruptive, harassing, or retaliatory behavior.

## Addressing Suspicion of Academic Misconduct

Anyone with a good faith basis for believing Academic Misconduct has occurred may report the alleged violation to the responsible instructor, chair/director, dean or other relevant university official of the academic unit in which the course is located. A Faculty Member who suspects that a student has committed an act of Academic Misconduct should proceed as follows:

### Report to Director

University Officials, including Faculty Members, are required to submit a written report to Director within ten business days from the date of discovery. Reports should be submitted using the Reporting Academic Misconduct Form.

Documentation to include in the report:

When filing a report, please be as detailed as possible. Please be aware that the incident report, notes, and email communications may become a part of the student(s) education record and that students have the right to review and inspect their education records. Therefore, it is imperative to provide factual and appropriate information. In cases where the Faculty Member is unsure about filing a report, or including information, they should consult the Director. Essential documents to include in the report:

- Course syllabus
- The original version of the work in question with notes as applicable (e.g., blue book, test/quiz, or paper)
- Correspondence with the student(s)
- Other important document (e.g., sources work is plagiarized from, online resources, or other students' work)

### Notice to Respondent

The Faculty Member should provide written notice to the Respondent within five business days. This notice should include the nature of the suspected Academic Misconduct and direct the student to contact the Director for further questions regarding the report. An example for this notice can be found in the Faculty Guide to Addressing Academic Misconduct.

During the process, students retain full access to their education. This includes equal educational opportunity, including the full ability to participate in educational programs and activities.

### Student Initiated Meeting

The Respondent may initiate a meeting with the Faculty to discuss the suspected academic misconduct. The Respondent will have an opportunity to present any relevant information for the Faculty Member's consideration. Following this meeting, the Faculty Member may choose to:

**Dismiss:** If the student requests to meet with the Faculty and presents information that indicates Academic Misconduct did not occur, the Faculty should forward this information along to the Director. The faculty member may recommend to the Director that they dismiss the case.

Information obtained during the meeting with the student should be passed along to the Director for consideration and inclusion in the case file.

### Recording Grade for Pending Case

A grade penalty should not be put in place prior to the resolution of the case and a finding of in violation. If a case is pending resolution past the grading deadline for the course, the Faculty Member must record the grade the student would have earned without applying an academic sanction. The Faculty Member may later change this grade to reflect an imposed academic sanction if the Respondent is found in violation.

### Withdrawing from a Course

A Respondent may not drop or withdraw from a course that is pending after the Respondent has received Notice from the Director. If a Respondent changes their grading option while a case is pending, that change will be reversed at the time a Respondent is found in violation. Respondents are encouraged to connect with their academic advisor to discuss what impact academic sanctions may have on their academic progress and/or overall grade point average.

If a case does not result in an academic sanction, the Respondent may withdraw from the course or change the course's grading option no later than five business days after the decision or termination of Student Conduct Code proceedings without sanction. The request for withdrawal or grading change must be sent in writing to the Director.

## Academic Sanction

Any action that impacts or changes a student's grade due to academic misconduct. This does not include a reduction in grade due to not meeting the content requirements of the assignment or exam. Examples of academic sanctions include:

- Redo assignment or exam with or without grade reduction
- Reduced grade on assignment or exam
- Reduced grade on final course grade
- N or F course grade

The Director may initiate student conduct action, as outlined below, based on the circumstances or the Respondent's conduct history.

### Initiating Student Conduct Allegations

#### Review of Faculty Report

When a report covered by these procedures is received, the Director will consider the following:

- Whether the report contains information that, if proven, would violate the Code;
- Whether the University has jurisdiction over the underlying allegations; and
- Whether the report requires further response based on the totality of the information obtained.

When the Director decides that further response is necessary, the Director will assess whether acknowledged case resolution, formal student conduct action, or other process is appropriate.

If the Respondent requests an administrative conference, the case will proceed as outlined in the "Administrative Conference Process" section, below.

## Notice of Allegations

If the Director decides to initiate formal student conduct action, the Director will issue a written Notice of Allegations to the Respondent. This notice will include the following:

- A brief description of the alleged misconduct;
- The alleged violations of the Code;
- The name and contact information for the assigned case manager;
- Whether the Respondent may be subject to suspension, expulsion, or negative transcript notation;
- A direct link to the Student Conduct Code and these procedures; and
- The date, time, and location (or access information) for the informational meeting.

Throughout the process, all communications from the Director and/or case manager will be sent to the Respondent's official University of Oregon email address and are considered received when sent.

Nothing in these procedures prevents the Director from dismissing an allegation(s) if they determine the allegation(s) are baseless or otherwise unsupported by the available information, or that the underlying issue is better resolved in a different manner. The Director may dismiss the allegation(s) at any stage before an Administrative Conference. In such instances, the Director will provide the Respondent written notice of the dismissal.

## Informational Meeting

The informational meeting will generally be scheduled on the third business day following the Notice. At this meeting, the Respondent and the case manager will review the report and relevant information, explain the student conduct process, and review possible options for resolving the conduct matter. The Respondent does not need to respond to the allegation(s) in this meeting. After the date scheduled for the informational meeting, the case manager will determine whether the case requires an administrative conference. Respondents are encouraged to invite a Support Person to accompany them to this meeting.

## Resolution by Agreement

If the case manager agrees it is appropriate, the Respondent may voluntarily agree to resolve the conduct matter by acknowledging the violation(s) occurred, accepting an appropriate action plan, and waiving the administrative conference. In this instance, an agreement will be drafted by the case manager and may be accepted by the Respondent within three business days of the agreement offer. If the Respondent does not accept the agreement, the case will move forward to an administrative conference. There will be no inference against a Respondent for not accepting an agreement.

Generally, cases in which the case manager will consider suspension, expulsion, or negative transcript notation will require an administrative conference. Cases resolved in this manner will not be eligible for appeal.

## Administrative Conference Process

### Scheduling the Administrative Conference

The Respondent will be notified of the date, time, and location (or access information) for the administrative conference at the conclusion of the informational meeting. In instances where the Respondent does not attend the information meeting, the case manager will provide written notice no later than five business days before the administrative conference with the date, time, and location (or access information) for the administrative conference.

### Preparing for the Administrative Conference

In preparation for the conference, the Respondent can expect the following:

**Sufficient Time:** If the Respondent needs additional time to prepare, the case manager may grant reasonable requests to reschedule the administrative conference.

**Document Review:** The Respondent may schedule a time to review all documentation in the Director's possession which may be relied upon in decision making, subject to limitations from policies, regulations, and state and federal law. This includes the initial report and relevant information gathered by the case manager since the informational meeting.

**Propose Witnesses:** The Respondent may provide the case manager the names and contact information for proposed witness(es), a brief summary of the information they expect the witness(es) to provide, and any questions they would like posed to the witness(es). With respect to witnesses:

- Witnesses determined to be irrelevant or repetitive will not be contacted by the case manager.
- Proposed witnesses who intend to provide opinion(s) solely about character will be considered irrelevant.
- Witnesses may be interviewed before the administrative conference.
- Witnesses are not permitted to observe the administrative conference.
- The case manager cannot compel a witness to answer any questions.

### The Administrative Conference

The administrative conference is an administrative proceeding not comparable to a criminal or civil trial. Rather, it is a meeting with the case manager to discuss the matter and provide a formal response to the allegation(s). The opportunity to attend a meeting, including the administrative conference, is satisfied by the opportunity to appear virtually.

Following the administrative conference, the case manager may conduct additional investigation as they deem appropriate. If new information is gathered, the Respondent will be given an opportunity to respond to that new information before to the case manager's decision.

**Participation:** The administrative conference is not open to the public. The individuals who may attend are the Respondent, the support person of the Respondent, the case manager, and other individuals the case manager deems necessary, such as for logistic support. If the Respondent receives notice of the administrative conference and does not appear for the conference, the conference will proceed without the Respondent. A support person may not appear on behalf of the Respondent.

If a Respondent chooses to remain silent during the conduct process, the case manager will not draw an adverse inference from that silence. If a Respondent chooses to answer some questions but not others or chooses to participate in some portions of the process but not others, the case manager may consider how that affects the credibility or weight of the information that Respondent chooses to provide.

**Recording:** Whether the administrative conference will be recorded by the case manager is determined by the Recording Standard Operating Procedures. No other person is allowed to audio or video record any part of the administrative conference.

### Decision and Action Plan

After the administrative conference, the case manager will determine, based on a preponderance of the evidence, whether the Respondent violated the Code. A preponderance of the evidence means the evidence shows that it is more likely than not that the alleged conduct occurred. If a violation has been found, the case manager will impose an appropriate action plan, and the Faculty Member may impose an appropriate academic sanction. If there is a finding that the Respondent did not engage in academic misconduct, no academic sanction will be imposed.

**Decision Letter:** The case manager will issue a written Decision Letter to the Respondent and the Faculty Member generally within 15 business days of the administrative conference, although delays may occur if additional investigation is deemed appropriate. This letter will include:

- Whether the Respondent has been found in violation;
- The academic sanction as imposed by the Faculty Member, if applicable;
- The action plan as imposed by the case manager, if applicable;
- Information about the appeals process.

Action Plan: The action plan consists of outcomes and administrative sanctions intended to promote personal reflection and growth, repair any harm caused, and help the student realign with institutional values. A list of outcomes and sanctions can be found in Section V of the Code. A Respondent's past conduct record may be considered when assigning an action plan. Failure to comply with the action plan will result in a registration hold on the Respondent's student account and may result in additional conduct action.

## Appeals Process

### Conduct Appeal

The Respondent may appeal an administrative conference decision within ten business days of the Decision Letter. The Faculty Member may also appeal the finding of violation within that timeframe. The designated University Appellate Body will be listed in the Decision Letter. Appeals must be in writing, state the basis for the appeal, and be delivered as directed to the Office of Student Conduct and Community Standards. When the University Appellate Body is the University Appeals Board, appeals will be reviewed consistent with the Standard Operating Procedures for the University Appeals Board.

Bases for Appeal: Except for new information, an appeal is limited to the case file. An appeal will only be accepted for one or more of the following bases:

- To determine whether there was any procedural irregularity that affected the outcome of the matter;
- To determine whether the action plan imposed was appropriate for the violation(s);
- To determine whether the finding is not supported by the preponderance of the evidence; and/or
- To consider new information that could alter a decision, only if such information could not have been known to the appealing party at the time of the administrative conference.

Failing to retrieve official UO email communications does not constitute a deviation from procedure and cannot be the basis for an appeal.

After considering an appeal, the University Appellate Body may either modify the action plan or send the matter back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case. If the University Appellate Body grants an appeal for "new information," the only action the University Appellate Body may take is to send it back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case.

### Academic Sanction Appeal

Once a student is found in violation for academic misconduct, the Faculty may implement an academic sanction. When an academic sanction has been implemented, the Faculty Member should notify the Respondent of their right to appeal. An example of this language can be found in the Faculty Guide to Addressing Academic Misconduct. The Respondent may appeal an academic sanction to the designated university official within the department, college, or school from which the academic sanction originated.



## Exceptions to Procedures

The Respondent may submit a petition to the Director to request exceptions to these procedures for good cause. To be considered, petitions must provide a brief written statement regarding the reason for the exception and must provide the Director a reasonable amount of time to consider the request. The Director has the discretion to grant or deny petitions.

For good cause, the Director may also make an exception to these procedures without a petition. If an exception is made by the Director, the Respondent will receive written notice within a reasonable time.