

# Residence Life Resolution Process Standard Operating Procedures

The following procedures have been established to resolve potential violations of the Residence Life Community Standards. For the purpose of these procedures: “Respondent” means any resident reported to have violated the Residence Life Community Standards; “ADRL” means the Assistant Director of Residence Life for Student Conduct, Community Standards, and Crisis Management; and, “Case Manager” means the person designated by the ADRL to conduct the Resolution Meeting and to make a determination as to whether a violation occurred.

## Preliminary Considerations

### Access Accommodations

Residence Life 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 resolution 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.

### Privacy

Residence Life 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 record in the name of the Respondent. These records will be maintained in accordance with University policy and state and federal law.

### 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 Housing Records Form within [My Housing](#). The person(s) reporting and other people involved in 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 ADRL will determine what constitutes an unreasonable delay.

Support Persons may attend the Resolution Meeting with the Respondent. A Support Person is not permitted to act or speak on behalf of the Respondent, serve as a witness in the same matter, or disrupt the Resolution Meeting. The ADRL may require a Support Person to leave the Resolution Meeting, if the Support Person engages in unreasonable, disruptive, harassing, or retaliatory behavior.

## Initiating the Resolution Process

### Review of the Initial Report

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

- Whether the report contains information that, if proven, would violate the Residence Life Community Standards;
- 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 ADRL decides further response is necessary, the ADRL will assess whether a Community Standards Conversation, referral to the formal Student Conduct Process, or the Residence Life Resolution Process, outlined in these procedures, is appropriate. All cases, regardless of resolution method, will be subject to applicable student record retention requirements.

**Community Standards Conversation:** In this restorative resolution method, the Respondent meets with a case manager to discuss the incident, impact on self and others, and expectations of the Respondent as a member of the Residence Life community. While the Respondent and the case manager may agree that the Respondent should complete certain actions following the meeting, the case manager will not make a determination regarding the potential violation and will not assign outcomes. The meeting will be summarized by a Potential Violation Letter, which includes any agreed upon actions.

## Residence Life Resolution Notice

When the ADRL decides to initiate the Residence Life Resolution Process, the ADRL will issue a Residence Life Resolution Notice to the Respondent. This Notice will include the following:

- A brief description of the alleged misconduct;
- The alleged violations of the Residence Life Community Standards;
- The name and contact information for the assigned case manager;
- A direct link to the Residence Life Community Standards and these procedures; and
- The date, time, and location (or access information) for the Resolution Meeting.

Throughout the process, all communications from the ADRL 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 ADRL 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. In such instances, the ADRL will provide the Respondent written notice of the dismissal.

## Resolution Meeting

### Scheduling the Meeting

The Resolution Meeting will generally be scheduled on the third business day following the Notice. The case manager will grant reasonable requests to reschedule the Resolution Meeting permitted the Respondent makes that request prior to the originally scheduled Resolution Meeting. The Resolution Meeting should occur no later than 8 business days after the Notice. If the Respondent receives notice of the Resolution Meeting and does not attend, the meeting will proceed without the Respondent. The opportunity to attend a meeting is satisfied by the opportunity to appear virtually.

## Participation

The Resolution Meeting 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 meeting is not open to the public. Only the Respondent, the Support Person of the Respondent, the case manager, and other individuals the case manager deems necessary, such as for logistic support, may be present. No person is permitted to audio or video record any part of the Resolution Meeting.

If a Respondent chooses to remain silent during the resolution 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.

## Overview of Meeting

At the beginning of the meeting, the case manager will share relevant information and/or documents with the Respondent and answer any questions about the Residence Life Resolution Process. Then, the case manager will ask the Respondent to respond to the allegation and ask questions of the Respondent. Following the Resolution Meeting, the case manager may conduct follow-up as they deem appropriate. If new information is gathered, the Respondent will be given an opportunity to respond to that new information before the case manager's decision.

## Decision and Outcomes

After the meeting, the case manager will determine, based on a preponderance of the evidence, whether the Respondent violated the Residence Life Community Standards. A preponderance of the evidence means the evidence shows that it is more likely than not that the alleged misconduct occurred. If a violation has been found, the case manager will determine appropriate outcomes.

## Decision Letter

The case manager will issue a written decision letter to the Respondent generally within 5 business days of the Resolution Meeting, although delays may occur if follow-up is deemed appropriate. This letter will include:

- Whether the Respondent has been found in violation;
- The outcomes as determined by the case manager, if applicable; and
- Information about how to request a review of the decision in accordance with the University's grievance process.

## Outcomes:

Outcomes are intended to promote person reflection and growth, repair any harm causes, and help the student realign with institutional and Residence Life values. Outcomes include active and passive assignments which are reflective, restorative, or educational in nature. The case manager will consider the nature of the violation and the individual Respondent's personal circumstance when determining which outcomes are appropriate for each case. Failure to comply with outcomes assigned in accordance with these procedures may constitute a violation of the Residence Life Community Standards, as well as the Student Conduct Code.

## Review of the Decision

In accordance with the University's Grievance Process, students are permitted to request a review of the case manager's decision.

To initiate a review of the decision, the Respondent must complete the grievance form within ten business days of the decision letter and include at least one of the following bases for review:

- To determine if the student had been individually and unduly impacted by subjective and/or inconsistent action or non-action by the case manager.
- To determine if the process was conducted in line with established procedures, including receiving Notice.
- To determine whether the decision reached was based on important and relevant information and that the information was sufficient to establish, by a preponderance of the evidence, that a violation occurred.
- To determine if the outcome was commensurate for the violation and individual student circumstance.
- To determine if new information, that was not available at the time of the Resolution Meeting, is sufficient to alter a decision.

A Respondent who does not attend the Resolution Meeting may only request a review of the decision on the basis that they did not receive Notice and should provide documentation to support that claim.

The Respondent may also request a stay of outcomes(s) pending the review by showing that undue harm will occur if they are required to complete the outcome before the decision is made.

After considering the request for review, the decision-maker may uphold, overturn, or modify the case manager's decision. This review decision is considered final.

## Exceptions to Procedures

The Respondent may submit a petition to the ADRL 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 ADRL a reasonable amount of time to consider the request. The ADRL has the discretion to grant or deny petitions.

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