

Standard Operating Procedures for Prohibited Conduct Allegations against Student Organizations

Effective date: August 15, 2020

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Introduction

The following procedures implement the [Student Conduct Code](#) (Code) as it relates to allegations of Prohibited Conduct when the Respondent is a Student Organization. These procedures do not apply to allegations of

Discriminatory Misconduct. Allegations of conduct which could constitute a violation of both Discriminatory Misconduct *and* General and/or Substance Use Misconduct will be administered consistent with the [Standard Operating Procedures for Discriminatory Misconduct Allegations](#).

These procedures incorporate by reference the definitions of the [Student Conduct Code](#). In particular, “Student Organization” means any Student Organization reported to have violated the Student Conduct Code. “Director” refers to the Director of Student Conduct and Community Standards, or their designee. “Organization Representative” means the identified student leader (normally the president on file with ASUO, the Office of Fraternity & Sorority Life, or the Center for Student Involvement) who is responsible for representing the Student Organization during the process.

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 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.

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 group suspension or restrictions on organizational activities 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 directly related to any identifiable student 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. 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 Student Organization’s, or Organization Representative’s, participation in the conduct process.

Support Persons

The Student Organization may seek the assistance of one Support Person to provide support, advice, or guidance throughout the process. To designate a support person, the Organization Representative must submit a [Consent to Disclose Student Conduct Records Form](#). Witnesses, Persons Reporting, and other Respondents involved cannot be designated as a Support Person 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 act or speak on behalf of the Student Organization or Organization Representative, 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.

Initiating Student Conduct Allegations

Review of Initial 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 further response is necessary, the Director will assess whether an informal resolution, formal student conduct action, or other process is appropriate.

Informal Resolution: This resolution method may include, but is not limited to, discussion, mentoring and coaching, conflict mediation, and non-disciplinary intervention.

Any resolution will be subject to applicable record retention requirements.

Notice of Allegations

If the Director decides to initiate formal student conduct action, the Director will issue a written Notice of Allegations to the Student Organization. The Notice will be emailed to the Organization Representative. 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 Student Organization may be subject to group suspension;
- 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 are delivered via email to the Organization Representative 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 Organization Representative 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 Organization Representative 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 Student Organization 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. The Student Organization is encouraged to invite a Support Person to attend this meeting.

Resolution by Agreement

If the case manager agrees it is appropriate, the Student Organization 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 Organization Representative within three business days of the agreement offer. If the Organization Representative does not accept the agreement, the case will move forward to an administrative conference. There will be no inference against a Student Organization for not accepting an agreement.

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

Administrative Conference Process

Scheduling the Administrative Conference

The Organization Representative 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 Organization Representative does not attend the informational 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 Student Organization can expect the following:

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

Document Review: The Organization Representative 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 Witness: The Student Organization 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 Student Organization will be given an opportunity to respond to that new information before the case manager's decision.

Participation: The administrative conference is not open to the public. The individuals who may attend are the Organization Representative, the support person of the Student Organization, the case manager, and other individuals the case manager deems necessary, such as for logistic support or an inter/national organization representative. If the Organization Representative receives notice of the administrative conference and does not appear for the conference, the conference will proceed without the Organization Representative. A support person may not appear on behalf of the Student Organization.

If an Organization Representative chooses to remain silent during the conduct process, the case manager will not draw an adverse inference from that silence. If an Organization Representative 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 Organization Representative 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 meeting, the case manager will determine, based on a preponderance of the evidence, whether the Student Organization violated the Code. A preponderance of the evidence means the evidence shows that it is more likely than not that the alleged conduct occurred. Additionally, the case manager may consider whether:

- The violation arises out of a group-sponsored, organized, financed, or endorsed activity or event;
- The organization provides the impetus for the violation;
- The violation occurs on the premises owned or operated by the group;
- A group leader has knowledge of the violation being likely to occur before it occurs and fails to take corrective action; or
- A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.

Action Plan: When a violation has been found, the case manager will determine an appropriate 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.

Decision Letter: The case manager will issue a written decision letter to the Organization Representative 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 Student Organization has been found in violation;
- The action plan as determined by the case manager, if applicable; and
- Information about the appeals process.

Appeal Process

Submitting an Appeal

An administrative conference decision may be appealed by the Organization Representative. In order to be considered, a completed appeal form must be submitted within 10 business days of the decision letter. On the form, the Appealing Party will be required to identify at least one (1) basis for appeal. They will also be asked to provide any supporting information and/or documentation. The designated University Appellate Body for Student Organization cases is the Vice President for Student Life (VPSL), or their designee.

The Appealing Party should review the form first, then gather their materials and write draft response to the form's questions. Preparing this material in advance is important because you cannot save this form "in progress" and come back to it later. Submitting an incomplete form will delay the process outlined below and may ultimately result in the denial of an appeal.

Bases for Appeal

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.

Additionally, the following applies to review of an appeal under these procedures:

- Cases which are resolved prior to an administrative conference may not be appealed.
- Failing to retrieve official UO email communications does not constitute a deviation from procedure and cannot be the basis for an appeal.
- An appeal cannot be submitted solely because the Student Organization is dissatisfied with the decision.
- If the Organization Representative did not attend the scheduled administrative conference, any information that could have been known to the Student Organization at the time of the scheduled administrative conference will not be considered new information.

Scope of Appeal

Except for new information, an appeal is limited to the case file. The Appeal Review is not a new administrative conference. The VPSL will only review the decision made by the case manager to determine whether the decision was made based on sufficient evidence, whether there were procedural errors, whether the Action Plan is appropriate, or whether new information should be considered by the Director. As such, the Organization Representative does not have an opportunity to meet with the VPSL.

Appeal Response

Within a reasonable amount of time, the Organization Representative will receive a response to their submitted appeal from the VPSL. That response will indicate the estimated timeline for the Appeal Review and request any

additional information the VPSL deems necessary to make a decision. Generally, the Appeal Review will be completed by the VPSL within 30 business days from the response.

Appeal Review and Decision

During the Appeal Review, the VPSL will consider each identified basis of appeal. If the VPSL determines that the Student Organization has not met the basis for appeal, the VPSL will deny the appeal. If the Board decides the Student Organization has met the basis for appeal, the VPSL will grant the appeal.

When an appeal is granted, the VPSL will decide to modify the action or send the matter back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case. If the appeal was granted on the basis of “new information,” the only action the VPSL may take is to send it back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case.

Following their review, the VPSL will send an Appeal Decision Letter to the Organization Representative which outlines their decision and any next steps.

Exceptions to Procedures

The Organization Representative 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 Organization Representative will receive written notice within a reasonable time.