

Standard Operating Procedures for General Misconduct and/or Substance Use Misconduct Allegations

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Introduction

The following procedures implement the [Student Conduct Code](#) (Code) as it relates to allegations of General Misconduct and Substance Use Misconduct when the Respondent is an individual student. These procedures do not apply to allegations of Discriminatory Misconduct or Academic 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, “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.

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, Persons Reporting, 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 act or 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.

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, referral to Residence Life, 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.

Residence Life Resolution Process: In cases where an alleged violation of the [Residence Hall Contract and Community Expectations](#) may also constitute a violation of the Code, the Director may refer the matter to the Residence Life Resolution Process. Egregious or repeated misconduct may be resolved through the formal conduct process, rather than the Residence Life Resolution Process.

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 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 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 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 Witness: 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 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 meeting, 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.

Action Plan: If 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 Respondent 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 action plan as determined by the case manager, if applicable; and
- Information about the appeals process.

Appeal Process

The Respondent may appeal an administrative conference decision within ten business days of the Decision Letter. 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 in accordance 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.

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.