

## UNIVERSITY OF OREGON STUDENT-CONDUCT PROGRAM

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### I. THE CODE

#### A. PREAMBLE

1. The University is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It is believed that these goals can best be achieved through a sound educational program and policies of student conduct that encourage independence and maturity.

2. The University distinguishes its responsibility for student conduct from the control functions of the wider community. When a student has been apprehended for the violation of a law of the community, the state, or the Nation, the University will not request or agree to special consideration for the student because of his status as a student. The University will cooperate fully, however, with the courts in any program for the rehabilitation of the student. Ordinarily, the University will not impose further sanctions after law enforcement agencies or the courts have disposed of a case.

3. The University may apply sanctions or take other appropriate action when student conduct directly and significantly interferes with the University's (a) primary educational responsibility of ensuring the opportunity of all members of the University community to attain their educational objectives, and (b) subsidiary responsibilities of protecting the health and safety of students, maintaining and protecting property, keeping records, providing living accommodations and other services, and sponsoring a wide range of non-classroom activities such as lectures, concerts, athletic events, and social functions.

4. Procedural fairness is basic to the proper enforcement of all University rules. In particular, no disciplinary sanction as serious as expulsion, suspension, disciplinary probation or entry of an adverse notation on any permanent record available to persons outside the University shall be imposed unless the student has been notified in writing of the charges against him and has had an opportunity (a) to appear with counsel, if he so desires, before an appropriate committee, court, or official; (b) to know the evidence against him and to present evidence in his own behalf, and (c) to appeal the initial decision to a higher authority.

5. Students shall have an opportunity to participate fully in the formulation of all policies and rules pertaining to student conduct and in the enforcement of all such rules.

6. Rules and sanctions affecting the conduct of men and women shall be based on general principles of equity, including like penalties for like violations.

#### B. VIOLATIONS

1. No sanction or other disciplinary action shall be imposed on a student by or in the name of the University except in accordance with this Code.

2. Expulsion or suspension from the University or any lesser sanction may result from the commission of any of the following offenses:

- a) Academic cheating and plagiarism
- b) Furnishing false information to the University with intent to deceive
- c) Forgery, alteration, or misuse of University documents, records, or identification cards
- d) Physical abuse of another person in the University community
- e) Malicious destruction, damage, misuse of University property, including library materials, or of private property on the campus
- f) Theft
- g) Vandalism or kidnapping committed on other campuses
- h) Participation in hazing
- i) Lewd or indecent conduct
- j) Two or more (or the repetition of) offenses listed in paragraph 3 below.

3. Probation or any lesser sanction may result from the commission of any of the following offenses:

- a) Possession or consumption or furnishing of alcoholic beverages on University owned or controlled property, in University related housing for single students, or at University sponsored or supervised functions
- b) Disorderly conduct
- c) Raiding of living units
- d) Violation of closing hour restrictions
- e) Violation of visiting hour rules
- f) Violation of any University rule approved by the Faculty-Student Conduct Committee for the infraction of which sanctions may be imposed under this Code.

4. All rules which are approved by the Faculty-Student Conduct Committee pursuant to paragraph 3 (f) shall be in writing and published and distributed or posted in such a manner as to furnish adequate notice of their contents to students affected by such rules. Failure to comply with this requirement shall be a complete defense by any student to any charge of violation of a rule of which he has no actual knowledge.

### C. SANCTIONS

1. Sanctions which may be imposed for the commission of University offenses shall include the following:

- a) Permanent expulsion from the University
- b) Suspension from the University for a definite or indefinite period of time
- c) Probation with or without loss of designated privileges for a definite period of time. The infraction of any University rule or violation of probation terms during the period of probation may be grounds for suspension or expulsion from the University. The parents of any student under 21 years of age placed on probation shall be so notified.
- d) Loss of privileges:
  - 1 - "Campusing" (restriction) to living quarters or library for purposes of study for a designated time
  - 2 - Denial of use of an automobile for a designated time
  - 3 - Removal from dormitory or other University housing
  - 4 - Loss of such other privileges as may be consistent with the offense committed and the rehabilitation of the student
- e) Admonition and Warning
- f) Such other sanctions as may be approved by the Faculty-Student Conduct Committee

2. The sanctions of expulsion or suspension shall not be imposed except upon proper determination by the Student Court or the Faculty-Student Conduct Committee.

3. The Preamble, Violations, and Sanctions shall be printed and made readily available to all students. The campus newspaper shall be requested by the Faculty-Student Conduct Committee to publish the same at the beginning of each school year.

### D. THE FACULTY-STUDENT CONDUCT COMMITTEE

1. The Faculty-Student Conduct Committee, by faculty legislation and by delegation of the President of the University, is designated as the agency within the University which has primary responsibility for the student-conduct program. The Committee shall be responsible to the faculty and the President of the University for recommending policies relating to student conduct, for formulating or approving rules and enforcement procedures within the framework of existing policies, for disposing of such individual cases as may properly come before it, and for recommending to the President of the University changes in the administration of any aspect of the student-conduct program.

2. All regulations or rules relating to student conduct that are established by any University official, committee or student group and for which sanctions may be imposed in the name of the University must be submitted to the Committee for approval. Such written regulations or rules shall be effective fifteen days after filing with the Secretary of the Committee unless disapproved, within this period, by the Committee. Fraternity, sorority or Co-op "house-keeping" rules adopted by members for the internal management of the living unit are not considered University rules for the purpose of this Code.

3. The Committee shall consist of four faculty members and three student members, each appointed by the President of the University. Each student member shall serve for a period of one year with one member retiring at the end of each academic term (Fall, Winter, Spring). Members of the Committee may be reappointed. The President may appoint temporary members of the Committee to serve during a summer session or such other times as is necessary to assure full membership of the Committee.

4. The President of the University shall designate an Associate Dean of Students who shall serve as Secretary of the Committee and assist the Committee in the discharge of its responsibilities. He shall coordinate the activities of all officials, committees, student groups, and judicial tribunals responsible for student conduct.

5. The Committee may delegate jurisdiction to handle infractions of University rules to the Student Court and such other judicial tribunals as may be established. With the consent of the President of the University, the Committee may also delegate such jurisdiction to appropriate University officials. In all instances such jurisdiction shall be defined by the Committee, ordinarily in terms of specified offenses, maximum sanctions, or designated living units. The Committee may at its discretion withdraw delegation of jurisdiction in any case and dispose of such case itself.

6. The Committee shall require from University officials and judicial tribunals periodic written reports of the disposition of all student-conduct cases handled under their jurisdiction. The gathering of such reports and their submission to the Committee shall be the responsibility of the Associate Dean of Students. The Committee shall examine such reports for consistency with existing policies and, where necessary, review the reports with the appropriate officials or tribunals.

7. The Committee shall submit to the faculty and the President of the University, each Spring term, a written report covering the entire student-conduct program, including an evaluation of existing rules, policies, and enforcement procedures. It shall recommend changes in policy to the faculty and the President and changes in the administration of the program to the President.

#### E. STUDENT JUDICIAL TRIBUNALS

1. The Student Court shall be composed of five students and two faculty members, each appointed by the President of the University. The student members shall be recommended by the President of the Associated Students. The jurisdiction of the Student Court and its procedural rules shall be established or approved by the Faculty-Student Conduct Committee.

2. The Faculty-Student Conduct Committee, with the assistance of the Associate Dean of Students, may establish minor judicial tribunals composed of students. When appropriate, University officials or faculty members may serve as advisors. No minor judicial tribunal shall have jurisdiction to impose the sanction of expulsion or suspension.

3. No judicial tribunal shall have any function except the enforcement of University rules or the performance of other duties which may be delegated to it by the Faculty-Student Conduct Committee.

#### F. RECORDS

1. The Associate Dean of Students shall be responsible to the Faculty-Student Conduct Committee for the maintenance of adequate records pertaining to the student-conduct program.

2. These records shall include a report of the disposition of each disciplinary case. Such reports shall be submitted to the Associate Dean of Students by every official, tribunal, court, or committee authorized to impose sanctions under this Code.

3. In order to accomplish his record-keeping responsibilities, the Associate Dean of Students may prescribe reporting procedures to be followed by those authorized to impose sanctions under this Code.

#### G. AMENDMENTS

1. The above Code may be amended only by action of the general faculty of the University of Oregon.

## II. THE ADMINISTRATION OF THE CODE

### A. THE STUDENT COURT

1. The Student Court shall be composed of five students and two faculty members, each appointed by the President of the University. The student members shall be recommended by the President of the Associated Students and shall serve for a term of two years with two members retiring in alternate years. Whenever possible, one member shall be a second or third year law student. The Court will elect a Chief Justice from its student membership.

2. A quorum of the Court shall consist of three student members and one faculty member. Decision shall be made by majority vote.

3. The Court shall prepare its own rules of procedure.

4. The Court shall maintain, with the assistance of the Associate Dean of Students, an adequate record of the history and disposition of each case to come before it. The record shall include a summary of the evidence upon which the Court based its decision.

5. The jurisdiction of the Court shall extend to all violations of the Code.

6. The Court may impose any authorized sanction which is warranted by the circumstances of the case.

7. Any student whose case is referred to the Court shall be notified of such referral in writing by the Associate Dean of Students at least three days before the hearing and shall be apprised in the notice of the charges against him. During the hearing the student shall have the opportunity (a) to appear in person or through counsel, (b) to know the evidence against him, and (c) to present evidence and argument in his own behalf. A request by a student for a hearing closed to the public will be given due consideration. In the resolution of factual disputes the Court will request the testimony of witnesses and otherwise seek the best evidence obtainable.

8. The Associate Dean of Students shall make available to the Court any information relevant to the case, assist the Court during the hearing, and advise the Court of relevant precedents. He shall not, however, sit with the Court during its deliberations in closed session.

9. The Associate Dean of Students shall execute the decisions of the Court.

### B. STUDENT TRAFFIC COURT

1. The Student Traffic Court shall consist of five students recommended by the President of the Associated Students and appointed by the President of the University. A representative of the Associate Dean of Students shall serve as secretary and advisor to the Court.

2. The Court shall recommend to the Campus Planning Committee policies and regulations to govern the use and parking of student cars on University grounds.

3. Students who receive citations for the violation of campus traffic and parking regulations may appeal their cases to the Student Traffic Court which may confirm or waive a fine or other sanctions imposed.

#### C. GENERAL PROCEDURES

1. All serious violations of law and of the Code will be immediately reported to the Associate Dean of Students by any person who has knowledge of the commission of any such violation. The reporting practices of those in a position of responsibility for student conduct may be delineated by the Dean of Students.

2. The Associate Dean of Students shall insure that the best interests of any offending student are served, regardless of whether disciplinary action is taken, by making full use of appropriate medical, counseling, and other professional services.

3. Where sufficient evidence exists that a violation of law has occurred, the Associate Dean of Students ordinarily shall refer the case and transmit the evidence to the appropriate law enforcement agency.

4. Violations of University rules which are brought to the attention of the Associate Dean of Students but which in his judgment do not warrant the sanction of expulsion or suspension may be referred to an appropriate minor judicial tribunal.

5. In those cases of violation of the Code involving psychological abnormality, mental illness, or other unusual circumstances, the Associate Dean of Students, with the consent of the Faculty-Student Conduct Committee, may take action other than the initiation of judicial proceedings.

6. Where the evidence establishes to the satisfaction of the Associate Dean of Students that a University offense has occurred and the case has not been disposed of under paragraphs 3, 4, or 5 above, the following procedures shall govern:

- a) The Associate Dean of Students shall advise the student of the charges and the evidence against him.
- b) The Associate Dean of Students shall afford the student an opportunity to state informally or present evidence in support of his side of the case, including mitigating circumstances.
- c) The Associate Dean of Students may seek professional assistance and advice, consult with the student's parents or guardian, or take other measures to assure a fair disposition of the case.

- d) The Associate Dean of Students shall refer the case to the Student Court for action.
- e) The conduct of the hearing before the Student Court shall be governed by the established rules of procedure of the Court.
- f) A student who pleads guilty may elect not to appear for a hearing. The plea and waiver of a hearing shall be in writing. In such instances the Associate Dean of Students shall present the written plea and the facts of the case to the Student Court for disposition.
- g) In extraordinary cases where the interests of the student or the University can best be served, the Associate Dean of Students may refer the case directly to the Faculty-Student Conduct Committee.

#### D. APPEAL PROCEDURES

1. The student shall have the right to appeal from a decision which includes the sanction of expulsion, or suspension, or probation.

2. The Student Court shall serve as the appellate tribunal to hear appeals from minor judicial tribunals. The appellate decision of the Student Court shall be final.

3. The Faculty-Student Conduct Committee shall serve as the appellate tribunal to hear appeals from the Student Court.

4. The tribunal or court which initially imposes a sanction of expulsion, suspension, or probation shall advise the student, in writing, of his right to appeal. The student shall have five days from the receipt of such advice to notify the appropriate appellate tribunal of his intention to appeal.

5. The appellate tribunal shall meet as soon as practicable to consider an appeal. Ordinarily, consideration shall be limited to a review of the evidence as established in the initial hearing. However, the appellate tribunal, at its discretion, may consider further evidence and call witnesses. The student may appear before the appellate tribunal in person or through counsel.

6. The appellate tribunal shall affirm the initial decision unless, in its opinion, such decision is unreasonable or arbitrary or not supported by substantial evidence. In cases where the decision is not to affirm, the appellate tribunal may (a) dismiss the charges, (b) reduce or modify but not increase the severity of the sanction, or (c) return the case to the lower tribunal for further consideration consistent with the directions of the appellate tribunal.

7. The Faculty-Student Conduct Committee may review on its own motion a decision of any judicial tribunal in any case regardless of the sanction imposed. The procedure outlined immediately above shall govern the conduct of such a review.

#### E. CLOSING-HOURS FOR WOMEN'S LIVING ORGANIZATIONS

1. The regular opening and closing hours for all women's living organizations shall be:

- a) Sunday through Thursday: 6:00 a.m. to 11:00 p.m.
- b) Friday and Saturday: 6:00 a.m. to 1:00 a.m.

2. Special closing-hours shall be:

- a) 1:00 a.m. the week-end following final examinations
- b) 12:00 midnight the night before a legal holiday observed by the University.
- c) 2:00 a.m. on special occasions announced by the Student Activities Committee
- d) 2:00 a.m. the evening of a formal dance of the living organization if approved by the Student Activities Committee.

3. When women attend a University-sponsored function that continues past the closing hour, they shall return to their living organization within 20 minutes after the activity has terminated.

4. Women students shall return to their living organization in accordance with the following provisions:

- a) Freshmen women shall return by the closing-hour
- b) Sophomore and Junior women under 21 years of age may return after the closing-hour if their parents have requested that they be given this privilege
- c) Senior women and women 21 years of age or older may return after the closing hour.

#### F. AMENDMENTS

1. Section II above, the Administration of the Code, may be amended only by the action of the Faculty-Student Conduct Committee. Amendments affecting the duties of administrative personnel shall be made with the approval of the President of the University.