

Student Conduct Code Changes Spring 2014

Approved Change #1

Jurisdiction

571-021-0115: Jurisdiction (Changes in Red)

(1) Jurisdiction over types of actions and events. The Student Conduct Code applies to actions by Students that materially interfere with:

- (a) An educational opportunity of a University community member;
- (b) The health and safety of [any person] ~~a University community member or campus visitor;~~
- (c) The maintenance or protection of University property or personal property located on campus;
- (d) University record keeping;
- (e) University living accommodations and other services; or
- (f) University sponsorship or supervision of non-classroom activities such as lectures, concerts, athletic events and social functions.

(2) Jurisdictional boundaries.

(a) On-Campus. The Student Conduct Code routinely applies to actions which occur on University Premises or at a University Sponsored Activity.

(b) Off-Campus. [The University extends jurisdiction without exception to off-campus sexual misconduct that consists of unwanted penetration or nonconsensual personal contact as defined in OAR 571-021-0105(30).] The University shall have discretion to extend jurisdiction over conduct that occurs other than on University Premises or at a University Sponsored Activity. In determining whether or not to extend jurisdiction, the University will consider its ability to gather information, including testimony of witnesses. The University may extend jurisdiction if the alleged conduct [would have violated the Student Conduct Code if the conduct had occurred on campus; and]:

- (A) Adversely and significantly affects the learning or living environment; [or]
- ~~— (B) Would have violated the Student Conduct Code if the conduct had occurred on campus; and~~
- ~~(C) [B]~~ Involved violence or produced a reasonable fear of physical harm; or
- ~~(D) [C]~~ Involved academic work or any records, documents, or identifications of the University.

Notes: The significant change in this section is that it allows the Dean of Students Office to take jurisdiction in cases that EITHER “Adversely and significantly affect the learning or living environment OR in cases that “involve violence or produce a reasonable fear of physical harm.

In the past, behavior would have to meet both requirements to take jurisdiction. This is the change that will significantly bolster our caseload, and hopefully allow us to begin to deal with poor behavior off-campus.

Approved Change #2

Standard of Proof (For the sanction of Expulsion

571-021-0140

Student Rights

(5) (h) To be considered not responsible for the alleged conduct until proven responsible by a preponderance of the information. ~~If expulsion is a possibility, the standard of proof must be clear and convincing information.~~

571-021-0210

University Hearings Panel Hearings

(16) Allegations of violations of the Student Conduct Code must be established by a preponderance of information ~~except a student may be expelled only based on clear and convincing evidence.~~

Notes: It is important to note that this change ONLY affects the standard that can be used when determining whether a student will be expelled from the University

Approved Change #3

(Minor Language Change)

571-021-0100

(30) "Sexual Misconduct" means:

(a) Unwanted Penetration is Penetration of another person, or causing the Penetration of another person, when one:

(A) Does not first obtain Explicit Consent from that person; or

(B) Knows or should have known the person was incapable of **[explicit]** consent by reason of Mental Disorder, Mental Incapacitation, or Physical Helplessness.

(b) Nonconsensual personal contact occurs when a student subjects another person to contact of a sexual nature when a reasonable person would know that such contact would cause emotional distress:

(A) Without having first obtained Explicit Consent; or

(B) When he or she knows or should have known the person was incapable of **[explicit]** consent by reason of Mental Disorder, Mental Incapacitation, or Physical Helplessness.

Notes: This is an extremely minor change that simply makes our definition of consent consistent throughout the code.