

# PSU CODE OF STUDENT CONDUCT AND RESPONSIBILITY

Click on the links below to go to specific sections of the Portland State Code of Student Conduct and Responsibility or scroll down to read the document in its entirety.

1. [General Policy](#)
2. [Definitions](#)
3. [General Statement of Authority](#)
4. [Jurisdiction](#)
5. [Conduct Proscribed by Portland State University](#)
6. [Procedures for Complaints Against Recognized Student Organizations](#)
7. [Procedures for Complaints Against Students in University Housing](#)
8. [Procedures for Emergency Action](#)
9. [Procedures for Complaints Against Individuals](#)
10. [Procedures for Allegations of Sexual Misconduct and Prohibited Discrimination](#)
11. [Procedures for Complaints of Academic Misconduct](#)
12. [Appeals](#)
13. [Fees](#)
14. [Sanctions](#)
15. [Records](#)
16. [Interpretation and Revision](#)

## I. GENERAL POLICY

(1) Portland State University seeks excellence in instruction, research, and public service. The University recognizes the intrinsic value of individual differences and diversity. The University supports the right of all people to live and learn in a safe and respectful environment that promotes the free and vigorous expression of ideas. Policies and procedures are designed to protect these freedoms and the fundamental rights of others. Students are expected to conduct themselves in a manner consistent with these principles.

(2) A Student, Recognized Student Organization, or group of Students whose conduct is determined incongruent with the standards of the University as described in this Code of Student Conduct and Responsibility ("Code") is subject to disciplinary action. The procedures for that action are generally educational in nature and are intended to lead to the preservation of community, self-evaluation, and accountability.

(3) The procedures of this Code consider each case individually and without prejudice. Investigations in to matters shall be done in a prompt, fair, and impartial manner.

(4) In addition to the regulations in this Code, all Students must follow the academic and professional standards of all applicable academic units, departments, schools, and colleges.

(5) This Code becomes effective on May 1, 2015 and supersedes all other previous student conduct codes.

## II. DEFINITIONS

(1) The “Code” is this Code of Student Conduct and Responsibility.

(2) A “Complainant” is any person submitting a Complaint alleging that a Student, Recognized Student Organization or group has engaged in conduct proscribed by this Code.

(3) A “Complaint” includes, but is not limited to, a Campus Public Safety Office Incident Report, Portland Police Bureau Report, Dean of Student Life Conduct Complaint Form, or Residence Life Incident Report.

(4) A “Conduct Record” includes, but is not limited to, incident reports, final reports, notification of allegation, disciplinary reports, informal discussion notes, formal hearing records and recommendations, decision statements, appeal records and decision, and related documentation and correspondence.

(5) A “Course Instructor” is any person employed by the University to conduct classroom activities or who has an official instructional function with the University.

(6) A “Day” is any business day in which the University is open. It does not include weekends, federal and state holidays or days in which the University is not open for business.

(7) The “Dean of Student Life” or “Dean” is the University Official holding this title. Any action required to be performed by the Dean under this Code may be performed by their designee(s).

(8) The “Provost” is the University Official holding this title. Any action required to be performed by the Provost under this Code may be performed by their designee(s).

(9) A “Hearing Officer” is a University Official designated to adjudicate cases by the Senior Conduct Officer.

(10) “Effective Consent” is a voluntary, non-coerced and mutually understandable communication between adults, meeting the age requirements of the State of Oregon, indicating a willingness to participate in a particular act. Consent must be freely and actively given. Effective consent cannot be gained by actual or the threat of force, intimidation, or by taking advantage of incapacitation of another, where a person knows or reasonably should have known of such incapacitation. Silence, stillness, or the absence of “no” in and of itself is not an indication of consent. Consent can be withdrawn at any time. Past consent does not imply future consent.

(11) “Incapacitation” is a state that renders a person incapable of determining their own conduct and/or lacking an understanding of the who, what, when, where, why, or how of their sexual interaction at the time of the incident. The causes of incapacitation may include but are not limited to a medical diagnosis, lack of sleep, blackouts, or influence of a controlled or other intoxicating substance that has rendered the individual physically or substantially incapable of making decisions or communicating unwillingness to engage in sexual activity.

(12) A “Recognized Student Organization” is a group of five or more Students who have formed around a defined mission or purpose and who have been officially recognized by Student Activities and Leadership Programs or Campus Recreation.

(13) A “Respondent” is a Student who is alleged to have engaged in conduct proscribed by the Code.

(13) The “Senior Conduct Officer” is the University Official charged with the responsibility of administering the Code. The Director of Student Conduct and Community Standards is the senior conduct officer for PSU. Any action required to be performed under this Code by the Senior Conduct Officer may be performed by their designee.

(14) The “Student Conduct Committee” (the “Committee”) is composed of faculty and staff appointed by the Faculty Senate of the University and students appointed by the Associated Students of Portland State University. Quorum for the committee will be four (4) members.

(15) A “Student” is a person who: (a) is enrolled and/or registered for one or more credit hours; (b) is enrolled in a special non-credit program approved by the University; or (c) was enrolled as a student and is eligible to return or have a continuing relationship with the university. A person who satisfies (a), (b), or (c) above is considered a “Student” for purposes of the Code as of the date that the person first submitted an application for admission, financial aid or any other service provided by the University that requires student status.

(16) A “University Official” is any person performing assigned administrative or professional responsibilities on behalf of the University.

(17) The “University Premises” are all lands, buildings, facilities, and other property owned, in the possession of, used, or controlled by the University.

(18) “Rational Nexus” with the institution is the standard used in adjudicating behavior that originates or takes place off-campus. Criminal, violent, or other behavior that has the potential impact the campus community may be subject to administrative action by the university.

(19) A “University Sponsored Activity” is any program or event hosted by a department, program, organization, or individual representing the University. Such activities include, but are not limited to, field trips, athletic events, education abroad, University exchange programs, and student organization-hosted programs or events.

(20) The “University” is Portland State University, or any part, program, department, or division within Portland State University.

(21) A "Protected Class" is a group of people who qualified for protection under PSU’s [Prohibited Discrimination and Harassment policy](#) based on particular identities. The protected classes covered include age, color, disability, gender, gender identity and expression, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, or in the use of Workers’ Compensation, the federal Family and Medical Leave Act (“FMLA”) or the Oregon Family Leave Act (“OFLA”), and or any other basis protected by federal, state, or local law.

### **III. GENERAL STATEMENT OF AUTHORITY**

(1) As provided in PSU’s student conduct and responsibility policy, the Senior Conduct Officer will maintain overall responsibility for developing and implementing policies for the administration of the Code and procedural rules for the conduct of hearings that are consistent with provisions of the Code and applicable law.

(2) The Senior Conduct Officer will review all complaints received by the Dean of Student Life, determine if adjudication is appropriate, and if so, assign them to the appropriate hearing body or University Official for adjudication.

### **IV. JURISDICTION**

(1) The provisions of this Code apply to all Students and activities on University Premises; during any University Sponsored Activity regardless of location; and to off-campus conduct that has a rational nexus to the University and/or the pursuit of its objectives or that poses a potential threat to the health, safety, or assets of the University or any person associated with the University or substantially impacts any person’s ability to continue their University-related pursuits. Questions regarding jurisdiction will be resolved by the Senior Conduct Officer.

(2) Students participating in co-admission programs between Portland State University and other institutions will be accountable to conduct standards at Portland State University regardless of the standards applicable at the other institution and whether the other institution is or is not pursuing charges.

(3) Allegations of certain behavior may be adjudicated within the University's administrative conduct program as outlined in this Code as well as within any off-campus criminal justice system. Adjudication of allegations of misconduct by Students or Recognized Student Organizations or groups will occur expediently without regard to the status of any off-campus adjudication.

(4) Generally, students may be charged up to six months from the date of discovery of the alleged violation regardless of their current enrollment status. However, the Senior Conduct Officer may determine that a charge is appropriate beyond the six-month time limit, in their sole discretion. An adjudicated violation may result in a notation on the permanent record or degree revocation if the Student has separated from the University.

## **V. CONDUCT PROSCRIBED BY PORTLAND STATE UNIVERSITY**

The following constitutes conduct as proscribed by the university for which a Student or Recognized Student Organization or group is subject to disciplinary action:

(1) Obstruction or disruption of teaching, classroom, research, administration, disciplinary procedures or other authorized University activities.

(2) Obstruction or disruption interfering with freedom of movement.

(3) Possession or use of explosives, dangerous chemicals, or other weapons or reasonable facsimiles or instrumentalities on University-owned or -controlled property, unless expressly authorized by law, Board or PSU rules or policies.

(4) Physical abuse or detention of any person or conduct which intentionally or negligently causes harm or is intended to threaten imminent danger to the health of any person.

(5) Malicious damage, misuse or theft of University property, or the property of any other person where such property is located on University-owned or -controlled property, or, regardless of location, is in the care, custody or control of the University.

(6) Unauthorized entry to or use of University facilities, including buildings and grounds.

(7) Illegal use, possession or distribution of drugs.

(8) Inciting others to engage in any of the conduct or to perform any of the acts prohibited in this Code.

(9) Academic Misconduct. Academic Misconduct is defined as, actual or attempted, fraud, deceit, or unauthorized use of materials prohibited or inappropriate in the context of the academic assignment. Unless otherwise specified by the faculty member, all submissions, whether in draft or final form, must either be the Student's own work, or must clearly acknowledge the source(s). Academic Misconduct includes, but is not limited to: (a) cheating, (b) fraud, (c) plagiarism, such as word for word copying, using borrowed words or phrases from original text into new patterns without attribution, or paraphrasing another writer's ideas; (d) the buying or selling of all or any portion of course assignments and research papers; (e) performing academic assignments (including tests and examinations) in another person's stead; (f) unauthorized disclosure or receipt of academic information; (g) falsification of research data (h) unauthorized collaboration; (i) using the same paper or data for several assignments or courses without proper documentation; (j) unauthorized alteration of student records; and (k) academic sabotage, including destroying or obstructing another student's work.

(10) Furnishing false or misleading information to the University, including but not limited to knowingly failing to provide requested or required information to the University or misrepresenting a person's identity to a Course Instructor or other University Official.

(11) Forgery, alteration or unauthorized use of University documents, records, identification or resources

(12) Behavior that constitutes an existing or potential threat to the health or safety of others.

(13) Discrimination. Discrimination means excluding from participation, denying the benefits of, or otherwise subjecting an individual or group of individuals to different treatment based on Protected Class(es).

(14) Discriminatory Harassment. Discriminatory Harassment means verbal comments, graphic or written statements, or physical conduct by a student based on Protected Class(es) that is so severe, persistent, or pervasive that it interferes with or limits a student, employee, volunteer, or PSU community member's ability to participate in or benefit from the university's educational and/or employment opportunities, programs, or activities. Discriminatory Harassment includes Sexual Harassment and [Title IX Sexual Harassment](#).

(15) Sexual Harassment. Sexual Harassment refers to unwelcome conduct of a sexual nature. Sexual harassment includes sexual advances, requests for sexual favors, and other verbal comments, non-verbal, or physical conduct of a sexual nature, where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile environment.

Examples of inappropriate behavior include: sexual or derogatory comments; grabbing or touching parts of the body; and sending letters, notes, cartoons, emails, text, or audio messages of a sexually suggestive nature. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Sexual Harassment includes, but is broader than, [Title IX Sexual Harassment](#). Sexual harassment includes a host of behaviors, only a few of which are defined here. Many of these behaviors involve the absence of Effective Consent, including instances in which a person is incapacitated. Some additional behaviors that constitute Sexual Harassment include the following:

(a) Quid Pro Quo Sexual Harassment ("This for That"): Making submission to unwelcome conduct of a sexual nature explicitly or implicitly as a term or condition of an individual's employment or educational experience. This may include employment, salary, or other benefit changes affecting an employee, or as a basis for educational decisions or benefits affecting a student.

(b) Dating Violence: Sexual violence or physical abuse or the threat of such abuse, on the basis of sex, committed by a person who is in or has been in a "social relationship of a romantic or intimate nature" with the Complainant. PSU determines whether such a relationship exists by considering the Complainant's statement and the length of the relationship, the type of relationship, and the frequency of interaction between the people involved.

(c) Domestic Violence: Sexual violence or physical abuse or the threat of such abuse, on the basis of sex, committed by a student who is a current or former spouse or intimate partner of the Complainant, or shares a child in common with the Complainant, or is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or is similarly situated to a spouse of the Complainant under the domestic or family violence laws of Oregon. The relationship between the student and the Complainant is more than just two people living together as roommates.

(d) Fondling: The touching of the private parts of another person, without the consent of the other person, including instances where the other person is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

(e) Incest: Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

(f) Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.



(g) Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim was incapable of giving Effective Consent.

(h) Sexual Exploitation: This means that a student takes non-consensual or abusive sexual advantage of another for their own advantage or benefit or to benefit another person. Examples of Sexual Exploitation include, but are not limited to: invasion of sexual privacy, taking or transmitting photographs of a sexual nature without consent, engaging in voyeurism, exposing one's genitals in non-consensual circumstances, prostituting another person, or inducing incapacitation with the intent to commit other acts of sexual misconduct.

(i) Stalking: Engaging in a "course of conduct" (two or more acts, including, but not limited to acts in which the student directly, indirectly, or through third parties, by any action, method, device, or means), follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress, which includes anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

(j) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent as defined by the laws of the State of Oregon.

(16) Retaliation. Retaliation means any adverse treatment that is taken because a person has opposed an act or practice, made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning their protected rights and that would discourage a reasonable person from engaging in those protected activities. Retaliation also means coercing, intimidating, threatening, interfering, or discriminating against any person for the purpose of interfering with any protected right or because they have exercised any protected right, or aided or encouraged another person to exercise any protected right.

(17) Title IX Sexual Harassment. Title IX Sexual Harassment is the specific form of Sexual Harassment that is regulated under Title IX of the Amended Education Act of 1972, which prohibits discrimination on the basis of sex in PSU's education programs or activities. The procedures that apply to this form of Sexual Harassment are found in [PSU's Title IX Policy](#).

Title IX does not cover all cases of this Sexual Harassment or other sexual misconduct. Whether Title IX Sexual Harassment processes apply may depend on when and where the behavior occurred and the connection of the Complainant and Respondent to PSU.

(18) Tampering with the election of any Student, Recognized Student Organization or group.

(19) Hazing. Hazing is conduct which subjects a person to bodily danger, or physical, mental, or emotional harm, or to the likelihood of bodily danger or physical, mental, or emotional harm, or requiring, authorizing or permitting that the person be subjected to such conduct or act, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group or organization. The real or alleged participation in, consent to, or acquiescence in such conduct by a person subjected to hazing does not relieve an individual or group from responsibility for violating the Code.

(20) Violation of the University Alcohol and Other Drugs Policy or possession or consumption of alcohol beverages by persons under 21 years of age, or furnishing of alcoholic beverages to persons under 21 years, on University Premises or at any University Sponsored Activity.

(21) Smoking or use of tobacco in university buildings and other unauthorized areas. This includes but is not limited to e-cigarettes, cloves, bidis, vaping pens and other related equipment.

(22) Public indecency, includes but is not limited to behavior such as exposing the intimate parts while in a public place or a place visible from a public place not otherwise in accordance with the law.

(23) Failure to comply with a University Official's requests. Students and Recognized Student Organizations and groups are expected to comply with and respond appropriately to requests of University Officials made in the performance of their duties.

(24) Engaging in conduct that is contrary to any federal or state law or city or local ordinance when such violation interferes with, or is detrimental to, the mission of the University or interferes with other students' legitimate educational activities and interests. Use of University property or University Premises to facilitate conduct that is contrary to any federal or state law or city or local ordinance shall automatically be deemed to be detrimental to the mission of the University. University disciplinary proceedings may be instituted against a Respondent charged with conduct that potentially violates both the law and this Code without regard to the pendency of civil or criminal litigation or criminal arrest and prosecution. Determinations made or sanctions imposed under this Code are not subject to change merely because criminal charges arising out of the same facts are dismissed, reduced, or resolved in favor of or against an individual.

(25) Violation of any University rule or policy, including but not limited to: Standards of Residence, PSU Housing Handbook, University Housing Office contracts, University Key Policy, and the University Computer and Acceptable Use Policy, and the [Prohibited Discrimination and Harassment Policy](#).

(26) Conviction of a felony or misdemeanor under circumstances where it is reasonable to conclude that the presence of the person at the University would constitute a danger to health, personal safety, or property.

(27) Recording (Audio or Visual) Without Authorization or Consent. Using electronic or other means to photograph or record the likeness of another without expressed consent or University authorization.

(28) A violation of any sanctions imposed as a result of previous disciplinary proceedings under the Code.

(29) Retaliation or Abuse of the University conduct program as outlined in this Code, including but not limited to: (a) Threat of or actual menacing, intimidation, or other adverse actions toward another individual(s) for making a report or otherwise attempting to deter participation in the conduct process (b) falsification, distortion or misrepresentation of information before any conduct body; (b) knowingly initiating any conduct proceedings without cause; (c) attempting to discourage an individual's participation in, or use of, any conduct system.

(30) Harassment. Harassment is a course of conduct directed at a specific individual or individuals that causes or is intended to cause emotional or physical distress and serves no legitimate purpose. This includes but is not limited to harassment based on protected class that violates the University's [Prohibited Discrimination and Harassment Policy](#).

## **VI. PROCEDURES FOR COMPLAINTS AGAINST RECOGNIZED STUDENT ORGANIZATIONS**

(1) Complaints submitted to the Senior Conduct Officer against a Recognized Student Organization or group may be referred, in their best judgment, to a University Official of the department or unit to which the group is most closely affiliated. The University Official will follow the procedures of the department or unit to which the complaint is referred.

(2) The president, principal officer, contact person(s), or other students designated by the Recognized Student Organization or group to act on behalf of the organization shall be given reasonable notice of the charges and be afforded all procedural rights in accordance with the provisions of this Code. The president, principal officer, contact person(s), or group agent shall be required to represent the group at all applicable stages of the judicial program. Failure to cooperate or appear and represent the organization will not delay the disposition of the matter.

## **VII. PROCEDURES FOR COMPLAINTS AGAINST STUDENTS IN UNIVERSITY HOUSING**

(1) Complaints alleging only a violation of the Housing Handbook will generally be heard by a Hearing Officer within Residence Life.

(2) The Hearing Officer will follow the procedures outlined in the Housing Handbook.

## **VIII. PROCEDURES FOR EMERGENCY ACTION**

(1) In the event the Dean of Student Life determines emergency action is appropriate, the student will receive notice of the action and the information supporting the action. As soon as possible following implementation of the emergency action (in most cases, within 72hrs) the Dean shall provide the student an opportunity to address the action and supporting information in person, via phone, or written communication. Based on that information, the Dean may maintain, revoke, or modify the action. Emergency action may include, but is not limited to: (a) immediate suspension of the Student; (b) exclusion from University Premises or any portion thereof; (c) loss of any of the privileges of being a Student; (d) mandating completion by the Student of an assessment by a qualified professional and compliance with the recommendations of the professional; or (e) any other action determined by the Dean to be reasonable due to the circumstances.

(2) Incidents in which emergency action is taken will be forwarded to the Senior Conduct Officer and follow the procedures outlined in Section IX of the code. The emergency action will remain in effect until for as long as the Dean determines in their sole discretion that is necessary to alleviate the risk as appropriate. All incidents in which emergency action has been taken will be adjudicated in a timely manner.

## **IX. PROCEDURES FOR COMPLAINTS AGAINST INDIVIDUALS**

(1) Any person may submit a written complaint to the Dean of Student Life Office alleging that a Student(s) or Recognized Student Organization or group has engaged in conduct proscribed by this Code. Any charge should be submitted as soon as possible after the event takes place, preferably within fourteen (14) Days of notice. While there may be delays in the process for legitimate reasons, matters should normally not extend beyond 60 days.

(2) The Senior Conduct Officer will review all complaints received by the Dean of Student Life Office to determine, in their sole discretion, if there are sufficient grounds to investigate the complaint. If so, an investigation may be initiated and the process will proceed as outlined below or, as appropriate, as outlined in the code.

(3) After initiating an investigation, the Senior Conduct Officer will send written notice to the Respondent(s) advising of the allegations and referencing the specific section of this Code allegedly violated. a. It is within the Senior Conduct Officer's authority to place a hold on transcripts pending the outcome of an investigation or hearing in order to preserve the record and allow for the completion of the process.

(4) The Senior Conduct Officer, in their best judgment, will determine which hearing body will hear the complaint. The Respondent may request that the Senior Conduct Officer choose a particular hearing body. The final decision will rest with the Senior Conduct Officer.

(5) If the Senior Conduct Officer hears the case, the Senior Conduct Officer will facilitate the hearing procedures and may decide the matter based on the available information. All hearings before the Senior Conduct Officer are closed, and the information and supporting documents presented are confidential except as required by law or policy. The hearing is informal and does not follow administrative contested case or courtroom procedures, including formal rules of evidence. It will be at the discretion of the Senior Conduct Officer to review information brought forward by any party involved and determine if it will be considered as a part of the hearing. All information and documentation associated should be submitted prior to the close of an investigation. Supplemental information submitted after review of the investigation should be submitted at least 24hrs in advance of a hearing.



(a) If the Respondent fails to attend the meeting, the Senior Conduct Officer will decide the matter in the Respondent's absence. Failure to cooperate or appear will not delay the disposition of the matter.

(b) The Respondent may bring up to two (2) third party advisors of their choice to the hearing as long as the availability of the advisor does not interfere with the timeliness of the hearing. The choice of advisor may be limited if otherwise directly involved with the matter in question. Delays will not normally be allowed due to the scheduling conflicts of an advisor. The Respondent will be expected to speak for themselves at all times and may only use the advisor for consultation or support. Advisors are not generally permitted to speak or participate directly in the hearing. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Dean of Student Life Office at least 24 hours prior to the scheduled meeting if their attorney will be present. The University assumes no responsibility for any costs associated with such representation.

(c) The Respondent will have the opportunity to offer information on their behalf and to review and respond to all information presented.

(d) The Senior Conduct Officer may ask questions of any person present during the hearing. The Senior Conduct Officer may invite questions and comments from advisors or others present.

(e) If the Senior Conduct Officer decides an essential person or piece of information is missing, the Senior Conduct Officer may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(f) The Senior Conduct Officer will determine, based upon a preponderance of the evidence (which means whether something is "more likely than not"), whether the Respondent is responsible for a Code violation and, if so, what sanctions are to be imposed. Once that determination is made, the Senior Conduct Officer will send written notice to the Respondent articulating the determination of responsible or not for the alleged violation(s), subsequent sanction(s), if any are imposed, and information about the appeal process described in the code.

(6) If the Student Conduct Committee (the Committee) hears the case, the Committee Chairperson facilitates the hearing procedures and has voting power in the case of a tie. The Senior Conduct Officer serves as an ex-officio consultant and ensures administrative support of the process. All Committee hearings are closed, and the information and supporting documents presented are confidential except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures, including formal rules of evidence. It will be at the discretion of the Chairperson to review information brought forward by any party involved and determine if it will be considered as a part of the hearing. All information and documentation associated should be submitted prior to the close of an investigation. Supplemental information submitted after review of the investigation should be submitted at least 24hrs in advance of a hearing.

(a) If the Respondent fails to attend the meeting, the Committee will decide the matter in the Respondent's absence. Failure to cooperate or appear will not delay the disposition of the matter.

(b) The Respondent may bring up to two (2) third party advisors of their choice to the hearing as long as the availability of the advisor does not interfere with the timeliness of the hearing. The choice of advisor may be limited if otherwise directly involved with the matter in question. The Respondent will be expected to speak for themselves at all times and may only use the advisor for consultation or support. Advisors are not generally permitted to speak or participate directly in the hearing. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Dean of Student Life at least 24 hours prior to the scheduled meeting if their attorney will be present. The University assumes no responsibility for any costs associated with such representation.

(c) The Respondent will have the opportunity to offer information on their behalf and to review and respond to all information presented.

(d) Members of the Committee may ask questions of any parties present during the hearing. The Chairperson may invite questions and comments from advisors or others present. The parties may not question other participants or witnesses directly.

(e) If the Chairperson decides an essential person or piece of information is missing, the Chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(f) After the Chairperson has determined that all the necessary information has been presented and questions answered, the Committee will go into executive session and all persons except for the Committee and its legal advisors, if any, will be excused. The Committee will determine, based on a preponderance of evidence (which means whether something is “more likely than not”), whether the Respondent is responsible for a Code violation, and, if so, what sanctions are to be imposed. Once that determination is made, the Committee will send written notice to the Respondent articulating the determination of responsible or not for the alleged violation(s), subsequent sanction(s), if any are imposed, and information about the appeal process described in the code.

(7) Appeals of the decision of the Senior Conduct Officer or of the Committee must follow the appeal process outlined in the code.

(8) Except as limited by the Dean of Student Life pursuant to the Code (Section XII), the Respondent is entitled to all rights and privileges of a student in good standing pending the Senior Conduct Officer’s or the Committee’s resolution of the matter. If the Senior Conduct Officer or the Committee decides to impose sanctions, those sanctions shall be effective immediately upon notice to the Respondent and shall remain in effect pending resolution of any appeal unless (a) the Senior Conduct Officer or the Committee states otherwise in a written notice issued or (b) the Provost decides to stay the imposition of those sanctions while the appeal is being decided.

## **X. PROCEDURES FOR ALLEGATIONS OF SEXUAL MISCONDUCT AND PROHIBITED DISCRIMINATION**

Upon receipt of a complaint against a student alleging sexual misconduct, including sexual harassment, sexual assault, stalking, dating or domestic violence, sexual exploitation, or regarding any conduct that violates the University’s [Prohibited Discrimination and Harassment Policy](#), the Director of Conduct will refer the matter to the University’s Title IX Coordinator. The Title IX Coordinator will review the complaint to determine if the alleged conduct falls within the University’s [Title IX Sexual Harassment Policy](#). If the alleged conduct does not meet those requirements, the Director of Conduct may address the matter under this Code.

If the Title IX Coordinator determines that the alleged conduct is conduct prohibited by the University’s Title IX Sexual Harassment Policy, then those procedures, not the procedures of the Student Code of Conduct, will apply. For all information related to the Title IX policy, including those definitions and prohibited behaviors, please consult the University’s Title IX Policy.

Where a complaint of alleged sexual misconduct is handled under the Student Code of Conduct, the following procedure applies and will be administered by the Office of the Dean of Student Life:

The Title IX Coordinator determines the case does not fall under Title IX jurisdiction.

The Director of Conduct receives the case from the Title IX Coordinator for consideration.

After consideration, the Director of Conduct determines if an investigation based on the allegations will occur.

When the Director of Conduct through this process determines that a case requires an investigation, the process will proceed as follows:

(1) If a complaint alleges facts that would constitute a sex offense, including stalking, dating or domestic violence, sexual harassment, sexual exploitation, non-consensual sexual contact, and non-consensual sexual intercourse, or violate the University's [Prohibited Discrimination and Harassment Policy](#), the Complainant and Respondent will be provided with equivalent opportunities to present relevant witnesses, documents and information during the investigation and, to participate during any hearings or other proceedings. This includes an opportunity to request an appeal to the decision and participation in any granted hearing thereafter.

(a) If in the course of a report of sexual misconduct, a violation such as underage drinking was reported, the university will not pursue formal adjudication of said violation if the Senior Conduct Officer determines that the Complaint related to sexual misconduct is brought forward in good faith.

(2) Pursuant to the code, the Dean of Student Life may impose interim actions such as suspension, relocation, or no contact orders between parties, to protect the integrity of the investigation and prevent the recurrence of the alleged code violation.

(3) The Senior Conduct Officer or other investigator will contact the Complainant and Respondent to gather statements, documents, digital records, and other information related to the complaint. The investigator will interview relevant witnesses. The Complainant and Respondent will be kept informed of the status of the investigation, as appropriate.

(4) Complaints will be investigated and resolved, and parties will be notified of the outcome promptly, but in most cases, not later than sixty (60) Days from the date of the complaint, absent extenuating circumstances.

(5) Hearing result notifications will be provided to Complainants and Respondents consistent with the Family Educational Rights and Privacy Act and other applicable laws.

## **XI. PROCEDURES FOR COMPLAINTS OF ACADEMIC MISCONDUCT**

(1) Course Instructors have the primary responsibility and purview for responding to and reporting academic misconduct by students enrolled in their respective courses. Course Instructors may issue a zero or a failing grade for the assignment for which the misconduct was found. Course Instructors may not issue a failing grade for the course unless a failing grade on the assignment in question results in a failing grade for the course, per the syllabus. Instructors may not administratively remove a student from a course.

(2) Departments, programs, colleges, or schools may also address academic dishonesty in accordance with their respective policies and procedures. These entities are limited to the following academic sanctions: (a) Issuing a zero or a failing grade for the assignment for which the misconduct was found; or (b) probation, suspension or expulsion from the department, program, college or school per the process proscribed by the respective entity.

(3) Any person may submit a Complaint to the Dean of Student Life Office alleging that a Student(s) has engaged in academic misconduct. Any charge should be submitted as soon as possible after the activity takes place, preferably within fourteen (14) Days of such activity.

(4) If the Complaint is submitted by anyone other than the Course Instructor, the Complaint will also be referred to the Course Instructor in which the alleged academic misconduct occurred.

(5) Course Instructors who submit a Complaint alleging academic misconduct may also include a suggestion for potential sanctions to be considered by the conduct officer and will be notified of the outcome of their Complaints upon request.

a. Outcomes and findings in the conduct process are separate from grading. Grades are given at the discretion and review of faculty.

## **XII. APPEALS**

- (1) Appeals of the decision of the Senior Conduct Officer or the Committee shall be made to the Provost, whose decision is final.
- (2) Appeal hearing requests must be in writing and received by the Provost within ten (10) Days following the date of the letter notifying the Respondent of the outcome of the hearing.
- (3) The request for an appeal hearing must state sufficient grounds for an appeal. Dissatisfaction with a decision is not grounds for appeal. Appropriate justification may include (a) new information that was not available at the time of the original hearing; (b) a demonstration that the sanction(s) imposed were outside of the University's authority; or (c) demonstrated errors in the conduct process. Justifications described in (a) or (c) will not be a basis for sustaining an appeal unless the deviation would have materially affected the decision of the Committee or the Senior Conduct Officer.
- (4) After receiving the request for appeal hearing, the Provost or designee(s) will review the appeal request, together with any other information the Provost deems relevant, and determine whether an appeal hearing would assist the Provost in deciding the appeal. The Provost may grant an appeal hearing, or not, in their best judgment. The Provost may also request the Committee or Senior Conduct Officer to conduct an appeal hearing and make findings and recommendations to the Provost. The Provost may limit the subject of hearing to the matters that will assist them in deciding the appeal.
- (5) If the Provost grants a hearing, the Provost will facilitate the hearing procedures or remand the matter to a hearing body. All appeal hearings are closed, and the information and supporting documents presented are confidential except as required by law. The appeal hearing is informal and does not follow administrative contested case or courtroom procedures, including formal rules of evidence.
- (a) During the appeal hearing, if any, the Respondent may bring up to two (2) third party advisors of his/her choice as long as the availability of the advisor does not interfere with the timeliness of the hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor. The Respondent will be expected to speak on their own behalf at the hearing. Advisors are generally not permitted to speak or participate directly in the hearing. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Provost at least 24 hours prior to the scheduled meeting if his or her attorney will be present. The University assumes no responsibility for any costs associated with such representation.
- (b) The Respondent's failure to cooperate or appear at the appeal hearing will not delay the disposition of the appeal. The Provost may dismiss the appeal if the Respondent fails to appear at the appeal hearing.
- (c) At the appeal hearing, if any, the Senior Conduct Officer or the Chair of the Committee will have the opportunity, within any limits prescribed by the Provost in granting the appeal hearing, to offer information and to review and respond to all information presented;
- (d) At the appeal hearing, if any, the Respondent will have the opportunity to offer information on their behalf, within any limits prescribed by the Provost in granting the appeal hearing, and to review and respond to all information presented.
- (e) The Provost or designee(s) may ask questions of any person present during the appeal hearing. The Provost may invite questions and comments from advisors or others present. No person other than the Provost may ask questions of persons present at the hearing.
- (f) If the Provost decides an essential person or piece of information is missing, the Provost may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(g) After the Provost has determined that all the necessary information has been presented and questions answered, the appeal hearing will be closed. The Provost will determine, based on a preponderance of evidence (which means whether something is “more likely than not”), whether or not the appeal is warranted, and, if so, what subsequent actions may be appropriate.

(h) The Provost’s decision will be in writing to the Respondent with copies to the Senior Conduct Officer and/or Chair of the Committee.

(6) Sanctions associated with a decision are deemed upheld unless the Provost specifies otherwise in their written decision.

### **XIII. FEES**

(1) A Student or Recognized Student Organization or group that has been determined to have violated the Code will be assessed a fee as provided in this rule. In incidents involving more than one violation, a fee will be assessed for the highest level offense only.

(2) The amount of the fee will be determined by the nature of the offense, as follows:

(a) For a Low Level Offense, the first violation may result in a \$10 fee, a second violation of the same or similar nature may result in a \$20 fee, and the fee will increase by an additional \$10 for each subsequent violation of the same or similar nature.

(b) For a Mid Level Offense, the first violation may result in a \$20 fee, a second violation of the same or similar nature may result in a \$40 fee, and the fee will increase by an additional \$20 for each subsequent violation of the same or similar nature.

(c) For a High Level Offense, the first violation may result in a \$75 fee, a second violation of the same or similar nature may result in a \$100 fee, and the fee will increase by an additional \$25 for each subsequent violation of the same or similar nature.

(d) For a Drug or Alcohol Offense, the first violation may result in a \$50 fee, a second violation of the same or similar nature may result in a \$75 fee, and the fee will increase by an additional \$25 for each subsequent violation of the same or similar nature.

(e) For Smoking related offenses in university buildings, violations may result in amounts up to \$250 for the first violation. A second violation of the same or similar nature may increase by an additional \$25 for subsequent violations.

(3) The following definitions apply to this rule:

(a) A “Low Level Offense” includes but is not limited to any of the following: (i) any violation of the Housing Handbook that is not a High Level Offense or a Drug or Alcohol Offense, unless the offense endangered the health or safety of the Student or others and (ii) minor violation of acceptable use policy.

(b) A “Mid Level Offense” includes but is not limited to any offense that is not a Low Level Offense, High Level Offense or Drug or Alcohol Offense.

(c) A “High Level Offense” includes but is not limited to any of the following: (i) any significant offense that involved firearms or weapons, (ii) resulted in physical injury to another, (iii) Sexual Misconduct, (iv) Sexual Misconduct, (v) Severe/Repeated instances of Academic Misconduct, or (vi) any offense in which the sanction imposed includes suspension, expulsion or negative notation on transcript.



(d) A “Drug or Alcohol Offense” is any offense, that is not a High Level Offense, that included the use or possession of drugs or alcohol in violation of the Code.

(4) The Senior Conduct Officer may waive the imposition of a fee in unique and compelling circumstances.

(5) All fees will be assessed to the University account of the responsible Student or Recognized Student Organization or group.

## **XIV. SANCTIONS**

Students or Recognized Student Organizations whose behavior violates this Code may be subject to one or more sanctions, including, but not limited to:

(1) Mediation Intake. Participation in a facilitated discussion about the matter with an option to move forward with a discussion with the Complainant. Mediation involving a Complainant is not an appropriate sanction in a case involving a sex offense as described in the code.

(2) Assessments. Completion of evaluation(s) and following the recommendations of a qualified professional for treatment and/or education.

(3) Restitution. Those responsible may be required to make monetary restitution, return any stolen or misappropriated property, or provide services to the University or a member of the University community in accordance with the nature of the violation and in an amount not to exceed the actual expenses, damages, or losses incurred.

(4) Educational Assignment. Complete specific assignments or render a designated number of hours of specified service to the University or the community.

(5) Community Service. This service can be mandated for on and off-campus related projects and service needs as a result of hearing outcome.

(6) Disciplinary Probation. Constitutes a period of time during which additional violations of the Code will result in sanctions of increased severity. Upon expiration of the period of probation and fulfillment of other sanctions imposed, if any, the Student’s disciplinary probation will be lifted.

(7) Social Probation. Establishes a fixed period of time, not less than one term, in which a student/organization may not be permitted to represent the University or participate in any University, extracurricular, athletic, or other activities. The specifics of the social probation will vary based upon the violation and the individual Student’s circumstances. For example, a Student may be restricted and allowed to participate only in activities directly related to academic pursuits and only be permitted to enter buildings necessary for the completion of academic requirements. Students on social probation may be restricted from attending or purchasing tickets for certain events sponsored by the University including, but not limited to, athletic events, concerts, SALP programs, intramurals, off-campus trips, etc.

(8) No Contact. An order of “No Contact” with another student, faculty member, staff member or University Official. In this case, Respondents or Recognized Student Organizations or groups may be required to organize their on-campus activities in order to avoid contact with designated individuals.

(9) Registration Hold. Students who do not complete assigned sanctions within the time provided may be prevented from registering for classes until completion of those sanctions.

(10) Exclusion from the University Premises or any portion thereof.

(11) Suspension. Loss of the right to be an enrolled student at the University for a specific period of time. Suspended Students are not eligible for the privileges and services provided to currently enrolled students, including but not limited to residing in University-owned student housing, registering, attending class, or using other University services or facilities. The suspension may be specified for any length of time.

(a) If a student is suspended, tuition and fees associated with the administrative withdrawal process are the responsibility of the student.

(b) If the pending conduct hearing or appeal may result in suspension, award of the academic degree sought may be postponed pending the outcome of the hearing.

(c) Upon expiration of the period of suspension the Student must submit in writing to the Senior Conduct Officer a request for the suspension to be lifted. The request should include a description of the Student's activities since the suspension went into effect. If the Senior Conduct Officer certifies that all the terms of the suspension have been met and the suspension lifted, the student may register for courses through the regular process, contingent on the completion and/or satisfaction of all sanctions and satisfaction of general admission and registration requirements.

(d) A notation of "Disciplinary Suspension" may be entered on the student's transcript for the duration of the suspension. After the suspension period is complete and all other conditions, if any, have been satisfied, the Senior Conduct Officer will notify the Registrar's Office to lift the Registration Hold, and the notation may be removed from the transcript.

(12) Administrative Removal from a Course. In the case of administrative removal from a particular course, a student will be allowed to continue in all other courses unless otherwise stated. After removal from a course, tuition and fees associated with the administrative withdrawal process are the responsibility of the student.

(13) Negative Notation on Transcript. Entry of information onto the student's permanent academic record regarding his or her violation of the Code and subsequent sanction. The entry may be permanent or temporary. If the notation is temporary, after the expiration of the period of time specified, the notation will be removed upon written request by the student to the Dean of Student Life. If the notation is permanent, "Permanent Negative Notation" on transcript will remain on the Respondent's transcript indefinitely.

(14) Expulsion. Permanent suspension from the University. A permanent notation is entered on the transcript of an expelled Student: "Disciplinary Expulsion".

(15) Degree Revocation. A former Student may have his/her degree revoked if the Student is found to have engaged in conduct leading to a degree that, if known at the time the degree was awarded, would have made the Student unqualified for the program or degree.

## **XV. RECORDS**

(1) All formally charged Complaints, involve the creation of a Conduct Record for the Student or Recognized Student Organization or group alleged to have violated the Code. These records are generally treated as confidential and accessible only to the Respondent and appropriate University Officials and other entities as required by law.

(2) An Expulsion of a Student will be permanently noted in a Student's general academic record maintained by the Office of the Registrar by means of a notation, which indicates the reason for the action.

(3) A Suspension of a Student may be noted in a Student's general academic record maintained by the Office of the Registrar by means of a notation, which indicates "Disciplinary Suspension" on the document until the Suspension is lifted.

(4) All files and records are kept in accordance with all applicable policies and law.

## **XVI. INTERPRETATION AND REVISION**

(1) Any question of interpretation regarding the Code must be referred to the Senior Conduct Officer for final determination.

(2) The Code should be reviewed annually or as determined appropriate by the Senior Conduct Officer after a 30 day review and posting period.

*Last updated: March 2021*

[CONTACT PSU](#) 

[LEGAL](#) 

[LEARN MORE](#) 

[SUPPORT](#) 



© 2021 Portland State University

