

# Student Code of Conduct

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## OREGON TECH STUDENT CODE OF CONDUCT

### Introduction

Oregon Tech is committed to creating and maintaining a productive living and learning community that fosters the intellectual, personal, cultural, and ethical development of its students. Self-discipline and respecting the rights of others are essential to the educational process and to good citizenship. In attending Oregon Tech, students agree to observe standards consistent with our academic community.

The Student Code of Conduct applies to all Oregon Tech students regardless of which campus or location the student is enrolled in.

### Purpose of the Student Code of Conduct

The Student Code of Conduct educates students about their civic and social responsibilities as members of the University community. The primary focus of the disciplinary process is on educational and corrective outcomes; however, sanctions such as suspension or expulsion from the University may be necessary to uphold community standards and to protect the campus community. The most current version of the Code of Conduct is available at [www.oit.edu/student-affairs](http://www.oit.edu/student-affairs) under student resources. For questions regarding the Code of Conduct, contact the Office of Student Affairs at 541-885-1011 or at [student.affairs@oit.edu](mailto:student.affairs@oit.edu).

### Community Standards

Oregon Tech students aspire to follow and promote these behavioral standards:

#### **Citizenship**

- Be civically responsible and engaged to improve our campus and community.

#### **Academics**

- Respect Oregon Tech's commitment to academic integrity and uphold the values of honesty and responsibility that preserve our academic community.

#### **Responsibility**

- Accept responsibility for your learning, personal behavior and future success, appropriately challenging others to do the same.

#### **Diversity**

- Behave in a manner that recognizes and respects individual differences, supporting both pluralism and inclusiveness.

#### **Safety**

- Do no harm and help promote campus safety and welfare by adhering to the Code of Conduct and immediately reporting unusual or dangerous behavior to Campus Safety at 541-891-2143, the Office of Student Affairs at 541-885-1011, or any other University employee.

## Student Rights & Responsibilities

Oregon Tech expects all members of the campus community (faculty, staff and students) to strive to foster academic excellence and integrity, both in and out of the classroom. Within this community, students are entitled to certain rights and are expected to uphold certain responsibilities. Students are responsible for adherence to all University policies.

### Student Rights

Students have the right to:

1. Participate in the institution's activities without being discriminated against based on race, color, creed, national origin, religion, gender, age, disability, marital status, veteran status, sexual orientation, or any other legally protected characteristic.
2. Participate in the formulation of policies and regulations directly affecting students through membership of applicable committees as determined by the appropriate institutional authority.
3. Pursue educational, recreational, social, cultural, and residential activities in an atmosphere that challenges and promotes intellectual and personal growth.
4. Receive fair and impartial academic evaluations.
5. Access faculty, student services, administrative offices and facilities available on campus.
6. Receive accurate and timely information regarding academic policies, graduation requirements, and individual course objectives and requirements.
7. Have confidential personal and academic records maintained in compliance with the Family Educational Rights and Privacy Act of 1974 and applicable Administrative Rules.
8. Experience fair and impartial treatment in all instances of conduct and academic discipline, including procedures that ensure all students are afforded their right to due process.
9. Freedom of Speech – the institution recognizes students' rights to engage in discussion, to exchange thoughts and opinions, and to speak, write, or publish freely on any subject, in accordance with the guarantees of Federal and/or State constitutions. Students are free to organize and join associations to promote interests held in common with other students without the interference of the University, and to engage in peaceful and orderly protest, demonstration, and picketing on institution-owned property provided such behavior does not infringe on the rights of others and does not disrupt functions of the institution, as set forth in Oregon Tech's Campus Speech Activities, OIT 30-002. All policies can be found at <https://www.oit.edu/human-resources/policies/students>.
10. A campus environment characterized by safety and order.

## Student Responsibilities

Rights and responsibilities go hand in hand. Both are equally important to develop and maintain Oregon Tech's community of learning. Specifically, students have the following responsibilities:

1. To actively participate in the learning process by attending class (in its entirety) regularly. Active participants in education ask questions, seek and use resources, and read and respond to communication.
2. Become knowledgeable of academic requirements and expectations.
3. Practice civility in class. Maintain conduct that contributes to a learning atmosphere in which the rights, dignity, and worth of every individual in the University community are respected.
4. Respect the rights of others to hold various points of view, and resolve conflicts, disputes, and differences through participation and thoughtful discussion.
5. Balance responsibilities and obligations to family and work with responsibilities for education quality, particularly in time management.
6. Follow institutional procedures, including notifying the University of any changes in contact information, including name, address, telephone number, and email address.
7. Be aware of and follow the Student Code of Conduct and other institutional policies, including the Academic Integrity Procedures, and the acceptable use policies for the campus information technology network.
8. Hold one another accountable for behavior, taking responsibility for one's own behavior and that of guests.
9. Maintain physical and emotional health – seek appropriate assistance when necessary – so that students' well-being and lives are not in danger, and students can be effective learners.
10. Approach this educational opportunity with an open mind and a positive attitude, recognizing all community members have much to learn and experience.
11. Utilize resources, including but not limited to libraries, computers, recreational facilities, classrooms, residence halls, faculty, and staff, while taking responsibility to treat all campus resources – people and property alike – with respect and integrity.
12. Comply with institutional rules and regulations, and local, state, and federal laws.
13. Be knowledgeable of how lifestyle choices affect academic success and personal growth.
14. Be positive contributors to the institution and their local and surrounding communities.

## Health and Immunization Responsibilities

Students are responsible for compliance with the immunization policies set forth by the State of Oregon and the University. All new students, regardless of entering classification or hours enrolled, are required to submit a Health History form to Oregon Tech. Find details at [www.oit.edu/health](http://www.oit.edu/health).

## Standards of Behavior

Attendance at Oregon Tech is optional and voluntary. When students enroll here, they voluntarily accept obligations of performance and behavior that are consistent with Oregon Tech's lawful mission, processes and functions. These obligations are considered higher than and distinct from the obligations imposed by civil and criminal law. Students voluntarily accept their responsibilities as academic community members, and any educational sanctions imposed against them should not violate these standards.

## University Disciplinary Authority

Under authority granted by the state of Oregon ([ORS 351.071](#)), through the Board of Trustees of Oregon Institute of Technology, Oregon Tech is granted full authority to adopt policies and procedures governing its students' conduct. By enrolling at Oregon Tech, students accept responsibility for compliance with all University policies and contracts. Disciplinary action may also be taken for any violation of local ordinances, state or federal law, whether on or off campus, that adversely affects the University community or the pursuit of the University's lawful educational mission, process, or function. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Students have the right to due process and appeal as detailed in the Disciplinary Process and other relevant University policies, rules, or regulations. Students may be subject to civil and criminal penalties in addition to campus sanctions. Campus resolution may proceed before, during, or after civil or criminal actions are concluded and is not subject to challenge based on the action or inaction of civil authorities.

Any question of interpretation regarding the Code of Conduct shall be determined at the sole discretion of the Vice President for Student Affairs or their designee for final determination.

## Applicability of the Code of Conduct

The Oregon Tech Student Code of Conduct shall apply to conduct that occurs on Oregon Tech premises, at Oregon Tech sponsored activities, and to off-campus conduct that adversely affects the Oregon Tech community or the pursuit of its objectives. The Student Code of Conduct applies to all Oregon Tech students regardless of which campus the student is enrolled in. Each student shall be responsible for their conduct from the time of application for admission, including any pre-admission activities, through the actual awarding of the degree and beyond, even though conduct may occur before classes begin, after classes end, or during periods between terms of actual enrollment. The Student Code of Conduct shall apply to a student's conduct even if the student is no longer enrolled or after a degree is awarded; it also applies if the student withdraws from school while a disciplinary matter is pending.

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Off-campus behavior that allegedly violates local, state or federal law or ordinances and adversely affects the University community or the pursuit of the University's lawful educational mission, process or function may be subject to University disciplinary action. Examples of off-campus behavior that may be subject to University disciplinary action include but are not limited to: selling or otherwise providing alcohol to underage students, selling or distributing illicit drugs, sexual misconduct, harassment, hazing or bullying, actions that result in the serious injury or death of another person(s), threatening harm to others, repeated alcohol or drug offenses, or any alleged violation that jeopardizes an individual's or community's educational opportunities. The Vice President for Student Affairs or Dean of Students shall decide whether conduct that has occurred off-campus adversely affects the University

community or the pursuit of the University's lawful educational mission, process or function on a case-by-case basis.

## Prohibited Conduct

The following list describes actions that detract from the effectiveness of the University community and/ or which students are subject to disciplinary action. All violations below are also prohibited off-campus and may be adjudicated by the University when the behavior potentially jeopardizes the individuals or community's safety or educational opportunities. Prohibited conduct includes, but is not limited to, the following violations:

### Academic Dishonesty

- Violations include cheating, plagiarism, unauthorized collaboration and fraudulent alteration of academic materials (policy OIT-14-30). <https://www.oit.edu/campus-life/student-affairs/student-resources/student-conduct#academic-integrity>

### Alcohol Policy

- Consumption, possession, distribution, sale, and the serving of alcoholic beverages on university premises (including residence halls) or at university-sponsored activities, regardless of age, except as expressly permitted by university policy, is prohibited.
- Public intoxication, driving under the influence of alcohol, physical control of a vehicle while under the influence of alcohol, providing alcohol to minors, permitting any individual under 21 years of age to possess or consume alcohol, transporting an open container of alcohol, driving while impaired, incapacitation, possession or use of a fake ID, or being underage in possession of alcohol on or off campus are also violations of this policy.
- Students are expected to know and abide by all applicable laws regarding the consumption of alcoholic beverages.
- Exceptions to this policy permit the possession or consumption of alcoholic beverages by residents and invited guests within the interior living spaces of specific on-campus housing rooms only if all residents of the assigned and invited guests are of legal drinking age (See Housing and Residence Life policies online at [www.oit.edu/housing](http://www.oit.edu/housing) for information about alcohol policies pertaining to on-campus housing). Lawful and responsible alcohol consumption is permitted for special events with approval per the campus alcohol policy (OIT-30-031) <https://www.oit.edu/human-resources/policies/students>.

### Attempts and Complicity

- Attempts to or encouraging others to commit acts prohibited by this Code will be sanctioned to the same extent as if one had committed the prohibited act.
- Apathy or acquiescence in the presence of prohibited conduct may constitute a violation of this policy and may constitute a violation of the policy that prohibits the conduct or behavior.

### **Classroom Disruption**

- Classroom disruption is behavior that a reasonable person would view as substantially or repeatedly interfering with the instructor's ability to teach the class or the ability of other students to benefit from the instructional program.

### **Dating Violence**

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- A form of Relationship Violence that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person who has experienced Dating Violence. For this definition's purposes: (1) Dating Violence includes sexual or physical abuse or the threat of such abuse; (2) Dating Violence does not include acts covered under the definition of Domestic Violence.

The existence of such a relationship shall be determined based on:

- the length of the relationship, the type of relationship,
- and the frequency of interaction between the persons involved in the relationship.

### **Discrimination**

- The University expressly prohibits discrimination based on race, color, gender, marital status, national origin, age, disability, religion, pregnancy, sexual orientation, gender identity or expression, or any other consideration not directly and substantively related to effective performance; and in compliance with all relevant federal, state and local laws and regulations.

### **Disorderly Conduct**

Disorderly conduct is behavior that is disorderly, lewd, indecent, or a breach of peace on University property or at University-sponsored activities. Examples include:

- any nonconsensual photography, video or audio recording of another person on University premises when such recording causes or is likely to cause injury or distress. This conduct would be a violation off-campus if it interfered with an individual's educational opportunities.

### **Disruption or Obstruction**

- Disruption or obstruction of normal University or University-sponsored or hosted activities, including, but not limited to studying, teaching, research, University administration or fire, police or emergency services on University premises or at officially arranged University activities off campus.

### **Domestic Violence**

A form of Relationship Violence that is committed by:

- (1) a current or former spouse or intimate partner of the person who has experienced Domestic Violence;
- (2) a person with whom the person who has experienced Domestic Violence shares a child in common;
- (3) a person who is cohabitating with, or has cohabitated with, the person who has experienced Domestic Violence as a spouse or intimate partner;

- (4) a person similarly situated to a spouse of the person who has experienced Domestic Violence under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (5) any other person against an adult or minor who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the Domestic Violence has occurred.

**Drug Policy**

- Illegal use, possession, sale, distribution, cultivation or manufacture of any state or federally controlled drug, substance or paraphernalia is prohibited.
- Drugs include but are not limited to narcotics, methamphetamines, marijuana, cocaine, opiates, LSD, mushrooms, heroin, Ecstasy and GHB.
- Use, abuse, or possession of prescription drugs other than for the person prescribed, or for use other than the prescribed purposes, is prohibited.
- Inhaling or ingesting any substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a student's mental state is also prohibited.

**Failure to Comply**

- Failure to comply with the lawful directions of any University employee acting within the scope of their official duties or failure to identify oneself to such a person when requested to do so.

**False Reporting**

- False reporting of a bomb, fire, or other emergencies is prohibited.

**False Representation**

- Providing false representation to the University in any form, written or verbal. Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to or continuation at Oregon Tech.

**Fire Drills**

- Planned fire drills are held each academic year. All persons are required to immediately evacuate buildings during a fire drill. Failure to evacuate or failure to evacuate in a timely manner is a violation of the code of conduct.

**Fire Safety**

- Misuse or unauthorized use, including tampering, of firefighting, fire sprinkling systems and other safety equipment or warning devices, and failure to evacuate when a fire alarm is activated. This includes but is not limited to initiating a false alarm or activating an unnecessary alarm or emergency protocol.

**Fondling**

- A form of Sexual Misconduct. This includes the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person alleging fondling, including instances where the person alleging fondling is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

**Force**

- The use or threat of physical violence or intimidation to overcome a person's freedom of will to choose whether to participate in sexual activity. The use of force negates consent.

**Forgery or Unauthorized Use**

- Forgery or unauthorized use of University documents or records, financial aid documents, computers, electronic mail, telephones, identification or property or the use of University equipment to perpetrate a violation of the Code of Conduct or to violate local, state, or federal law.

**Gambling**

- Gambling means an activity in which a person takes stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. See Gambling definitions (ORS 167.117) [https://oregon.public.law/statutes/ors\\_167.117](https://oregon.public.law/statutes/ors_167.117).

**Hazing**

- Any intentional, knowing, or reckless act in connection with student organization membership or participation that creates an unreasonable risk or causes physical injury or psychological harm. Consent is not a defense under Oregon law (ORS 163.197).
- Any action or activity that causes or intends to cause physical or mental discomfort or distress.
- Any action that may demean, degrade, or disgrace any person, regardless of location, intent, or consent of participants, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization (on or off campus).
- Apathy or acquiescence in the presence of hazing is not a neutral act; they are violation of this rule. Suspension for students found responsible for hazing when harm/injury occurs is recommended.

Examples include, but are not limited to:

- Sleep deprivation or causing extreme fatigue
- Physical or psychological shock;
- Public stunts or jokes;
- Compelled ingestion of any substance, including water
- Degrading or humiliating games or activities;
- Forced servitude.

**Housing & Residence Life Behavior Standards**

- On-campus housing policies and information regarding student standards are available in the Student Housing Handbook which can be found: <https://www.oit.edu/campus-life/housing>.

**Information Technology Policies**

- Violation of the University Information Technology policies including the electronic mail policy (OIT-30-003) and the appropriate computer use policy (OIT-30-005) are prohibited. Information on these policies is available online at <https://www.oit.edu/human-resources/policies/students>.

### **Interfering with Discipline Process**

Interfering with discipline procedures or outcomes, including but not limited to:

- Falsification
- Distortion or misrepresentation of information before a hearing officer or hearing panel
- Knowingly initiating a complaint without cause
- Harassment or intimidation of any member of a hearing panel, witness(es), or University personnel before, during or after a proceeding
- Failure to comply with the sanction(s) imposed by either a hearing officer or hearing panel.

### **Marijuana**

- Possession and consumption are prohibited by federal law. Although Oregon has legalized marijuana for medicinal use and recreational use (for individuals 21 years of age or older), it is prohibited on the Oregon Tech campus because marijuana is not legal under federal law and the University is required to comply with federal law. Possession/consumption by individuals under 21 will be subject to the campus conduct process and law enforcement actions; violations by individuals over 21 will be subject to the campus conduct process.

### **Parties, Large Gatherings, Excessive Noise**

- Parties, large gatherings or excessive noise that disturb the peace of an on-campus group or community, on-campus residents, or off-campus neighborhoods are prohibited.

### **Physical Violence and Threats of Physical Violence**

- Physical violence of any nature against any person, on or off campus and threats of physical violence. This includes:
  - Fighting
  - Assault
  - Battery
  - the use of a knife, gun, or other weapon
  - physical abuse
  - restraining or transporting someone against their will
  - suicidal or self-harming behavior
  - or any action that threatens to harm or endangers the physical health or safety of any person or causes reasonable apprehension of such harm. Suspension or expulsion for students found responsible for this charge when harm or injury occurs is strongly recommended.

### **Property Damage**

- Defacement, damage or destruction of property belonging to the University or others on University property.

### **Theft**

- Theft, attempted theft or unauthorized possession of property belonging to the University or others on University property.

## Threats and Bullying

- Any physical, written, or verbal conduct, whether direct, indirect or conditional, that conveys intent or is reasonably perceived to convey intent to cause physical harm to property or someone or to place someone in fear of his or her safety or the safety of others. A threat encompasses the use of technology to commit this behavior. See Oregon Tech's Policy mandating a Violence-Free Campus.
- Persistent, severe or pervasive verbal abuse, threats, intimidation, harassment, coercion, bullying or other conduct that threatens or endangers the mental or physical health/safety of any person or causes reasonable apprehension of such harm.

## Traffic and Parking Violations

- Flagrant or habitual parking violators may be referred for disciplinary action to the Office of Student Affairs.

## Unauthorized Entry

Unauthorized entry into, use of, or remaining in:

- Any University building, facility, vehicle, equipment room or area.
- This includes unauthorized possession or use of University keys, key cards, fobs or other forms of access to a space, computers, lock combinations or other special access codes or passwords. This includes unauthorized access by student employees, volunteers, etc. outside of their role or assigned duties.

## Use of Tobacco

- The use of tobacco in any form in University classrooms, laboratories, libraries, field houses and other areas on campus except where explicitly authorized, consistent with Policy and Procedures (policy OIT-30-035) <https://www.oit.edu/human-resources/policies/students>.

## Violence

- Any intentional or reckless act that physically harms a person or persons or an intentional or reckless act resulting in damage to property. See Oregon Tech Violence-Free Campus Policy (OIT-01-010) <https://www.oit.edu/human-resources/policies/students>.

## Weapons

- Possessing, using, or storing firearms, explosives (including firecrackers), weapons, or dangerous chemicals or other materials on University property or during any University activity, except as specifically authorized under applicable state law. This includes BB guns, paintball guns, knives, swords, handguns, rifles, or any type of firearm or weapon. See Oregon Tech Policy and Procedures (policy OIT-50-010) for more information. <https://www.oit.edu/human-resources/policies/students>

# Sexual Misconduct

Oregon Tech strives to maintain an atmosphere that supports educational and career advancement based on reasonable, meaningful, and objective measures, such as academic and job performance. Oregon Tech strives to recruit and retain top talent and people of diverse backgrounds and experiences for its workforce and within its student body.

Oregon Tech recognizes sexual misconduct as a form of sex discrimination. Sexual misconduct serves as an umbrella term for behaviors, including, but not limited to, sexual and gender-based harassment, sexual exploitation, sexual assault, relationship violence, and sex and gender-based stalking.

Sexual Misconduct has no place on Oregon Tech campuses, facilities, or within the Oregon Tech Community, and it will not be tolerated. People who commit Sexual Misconduct will be held accountable. For more information about sexual misconduct, visit <https://www.oit.edu/title-ix>.

## Sexual Misconduct Definitions and Prohibited Conduct

### Hostile Educational Environment (Title IX)

- A form of Sexual and/or Gender-Based Harassment prohibited by Title IX that is unwelcome conduct that a reasonable person would determine is subjectively and objectively offensive and severe or pervasive in nature that effectively results in a limitation or denial of a person's ability to participate in or benefit from the school's education program or activity. While a person who engages in harassing behavior most often has some form of power or authority over the person being harassed, that is not always the case. The harasser can be a peer of the person being harassed. Sometimes the harasser is harassing a person who has the power over them. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a Hostile Education Environment.

### Quid Pro Quo (meaning "this for that")

- A form of Sexual and/or Gender-Based Harassment that can occur when it is stated or implied that an academic or employment decision about a student or employee depends upon whether the student or employee submits to conduct of a sexual nature. Quid Pro Quo sexual harassment also occurs when it is stated or implied that an individual must submit to conduct of a sexual nature to participate in a University program or activity. Quid Pro Quo harassment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

### Rape

- A form of Sexual Assault involving 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 person who has been penetrated. This offense includes the rape of both males and females. Rape includes the crime of rape, regardless of the age of the person who has been penetrated, if the person who has been penetrated did not consent, or if the person who has been penetrated was incapable of giving Consent. If the person who has been penetrated was under the statutory age of Consent (i.e., they are not capable of giving Consent), this is more specifically defined as Statutory Rape.

### Retaliation

- The University will not tolerate retaliation against a person who, acting in good faith, brings a complaint forward. Retaliation against an individual who has brought a complaint forward, or against an individual who has participated in an investigation, is prohibited.

### **Sex-Based Harassment**

- A form of sex-based discrimination that includes conduct defined as sexual harassment and other harassment on the basis of sex. See definitions for Hostile Environment Sexual Harassment, Quid Pro Quo, and other VAWA offenses.

### **Sex and Gender-Based Stalking**

- Engaging in a course of conduct directed at a specific person, based on a person's sex or gender, that would cause a reasonable person to: (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition: (1) course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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; (2) reasonable person means a reasonable person under similar circumstances and with similar identities to the person being stalked; (3) and substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### **Sex Discrimination**

- Conduct that denies or limits a person's ability to benefit from or fully participate in educational programs or activities or employment opportunities on the basis of sex stereotypes, sex characteristics, Pregnancy or related conditions, a person's known or presumed sex, gender, gender identity, gender expression, or sexual orientation. Sexual Misconduct is a form of Sex Discrimination, but it is not the only form. Forms of Sex Discrimination that do not constitute Sexual Misconduct under this Policy are addressed in Oregon Tech's Policy on Prohibited Discrimination and Discriminatory Harassment.

### **Sexual Assault**

- Any attempted or actual sexual act, including vaginal or anal intercourse; anal, oral or vaginal penetration with an object; oral-genital contact; or other sexual contact, directed against another person without their Consent, including instances where the person is incapable of giving Consent. Several different acts can fall within the definition of Sexual Assault, including, but not limited to, Fondling, Incest, Rape, Sexual Assault, Sexual Assault with an Object, Sexual Contact, Sodomy, and Statutory Rape.

### **Sexual Assault with an Object**

- The use of an object to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the person assaulted, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" is anything used by the Respondent other than the Respondent's genitalia, such as a finger or a stick.

### **Sexual Coercion**

- Conduct, including intimidation and express or implied threats of immediate or future physical, emotional, reputational, financial, or other harm to the Complainant or others, that would reasonably place a person in fear, and that is employed to compel someone to engage in sexual activity. The use of Coercion negates Consent. See also Threats.

### **Sexual Exploitation**

- A form of Sexual Misconduct that occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's Consent. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to: prostituting another person; recording images (e.g., video, photograph), audio, or otherwise of another person's sexual activity, intimate body parts, or the person in a state of undress; distributing images (e.g., video, photograph), or audio of another person's sexual activity, intimate body parts, or the person in a state of undress; and viewing another person's sexual activity, intimate body parts, or the person in a state of undress in a place where that person would have a reasonable expectation of privacy.

### **Sexual Harassment**

- A form of Sexual Misconduct. Oregon Tech recognizes three definitions of Sexual Harassment, consistently with federal law, pursuant to Title IX and Title VII, and Oregon state law. All three definitions constitute Sexual Misconduct and are strictly prohibited. In addressing Sexual Harassment, Oregon Tech will apply the definition and corresponding procedures that are consistent with either Oregon or federal law, depending on the nature of the offense.

### **Sexual Intimidation**

- Threatening or emotionally distressing conduct based on sex, including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording. The use of Sexual Intimidation negates Consent. See also Threats, below.

### **Sexual Manipulation**

- A person's attempt to use a superior position to obtain sexual favors from a subordinate could be described as Sexual Manipulation. Instead of physical force, they may use wit, charm, and verbal adeptness to manipulate intended targets; they may engage in name-calling or dates to manipulate the person being manipulated; they may also make threats of self-harm to manipulate the intended target. The use of Sexual Manipulation negates Consent. See also Sexual Coercion, above.

## **Disciplinary Responsibility**

The responsibility for the campus discipline system is delegated from the Board of Trustees of Oregon Institute of Technology to the Vice President for Student Affairs through the President. The Vice President for Student Affairs further delegates authority for student conduct to the Dean of Students, Assistant Dean of Students, Housing and Residence Life, and designated hearing officers, including the Student Hearing Commission. The goal is to resolve cases closest to the point of infraction for maximum educational benefit.

The University considers the disciplinary process to be an educational opportunity for the student that can promote growth in personal understanding of one's role as a member of an educational community and a better understanding of one's rights, responsibilities, and privileges therein. Refer to the Disciplinary Process for additional details.

## **Disciplinary Files and Records**

Reported misconduct will result in the development of a disciplinary file in the name of the accused student. If the student is found not responsible for the charges, the file will not constitute a disciplinary record. Such

files will be maintained following the institution's retention policy. The files of students found responsible for charges against them, with sanctions less than suspension or expulsion, will be maintained in the Office of Student Affairs for seven years from the calendar year of record, or for as long as the current institution retention policy states, and then will be destroyed. Records of cases in which suspension or expulsion from the University occur are kept according to the institutional records retention policy.

All disciplinary records are private and may not be disclosed in whole or in part except as provided by law or by the written authorization of the student, under legal compulsion, or where the safety of other people may be involved. Disciplinary records are maintained separate from the student's academic record but are part of the student's educational record.

All decisions are shared with the reported students in writing, typically in writing through the student's oit.edu email address. If needed, decision letters will be hand-delivered or sent through certified mail to the student's address on record.

## Disciplinary Sanctions

Although not intended to be inclusive, the following are possible sanctions that may be imposed either singularly or in combination for a student or group/organization if a violation of the Student Code is found.

### Admission and Reinstatement Requirements

- Conditions for admission given to students whose admission requires a clearance from the Office of Student Affairs.

### Alternative Dispute Resolution

- A process by which a respondent is assigned to resolve an issue that has come to the Office of Student Affairs collaboratively with the other people involved instead of having a hearing officer issue other sanction(s). Any instances of alleged sexual misconduct and some other alleged violations are inappropriate for alternative dispute resolution.

### Campus No Contact Order

- A person is prohibited from having contact with another person in any form (including contact in person, by phone, electronically, written document, or through another person). Violating a university imposed No Contact Order may result in suspension or expulsion from the University.

### Cancellation of Enrollment

- This occurs when a previous hold has been cleared with the condition that the enrollment will be canceled for failure to meet the conditions of the clearance. If canceled, the refund of tuition or fees will be subject to the University's normal withdrawal policy.

### Class Removal

- This occurs when a student is dropped from a class or moved to another section of a class. The Vice President of Student Affairs, Dean of Students, or Assistant Dean of Students have the right to restrict a student from class pending a hearing for alleged violations of the Code of Conduct occurring in the classroom that substantially interfere with teaching or other students' ability to learn.

**Conduct Probation (Level 1)**

- A specified period during which the student is placed on formal notice that they are not in good standing with the University. Further violations of university regulations when a student is under probation level 1 may lead to suspension or expulsion from the University. Probation may include additional conditions or sanctions.

**Conduct Probation (Level 2)**

- This adds to Conduct Probation Level 1 the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within housing or fraternities/sororities or other University organizations, student employment, etc.). Students must apply to get off Conduct Probation Level 2 by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.

**Deactivation and/or Dissolution**

- A formal or informal loss privileges, including Oregon Tech recognition, for a specified time period. This includes Registered Student Organizations (RSO). For more information, refer to RSO policies and procedures (<https://www.oit.edu/campus-life/student-organizations>).

**Deferred suspension**

- Suspension that may be deferred pending successful completion of the conditions to remain enrolled at Oregon Tech. Failure to complete the conditions in the given period will result in suspension from the University. Notation on the transcript is not made; however, a record of the action is maintained in the student's record in the Office of Student Affairs for the entire seven-year period for which such records are retained.

**Disciplinary Expulsion**

- The termination of a student's status for an indefinite period. The conditions of readmission, if there are any, shall be stated in the hearing outcome letter. Notification of disciplinary expulsion will be provided in writing. Any refund of tuition or fees will be subject to the University's withdrawal policy.

**Disciplinary Suspension**

- The exclusion from enrollment in classes and other privileges or activities for a definite period and until the conditions that are set forth in the hearing outcome letter are met. Notification of disciplinary suspension will be provided in writing.

**Enrollment Hold**

- A "hold" on enrollment privileges for failure to meet with the Dean of Students, Assistant Dean of Students, or other hearing officer, or for failure to comply with assigned conditions or complete assigned sanctions. This hold can prevent the adding or dropping of classes or enrolling for subsequent terms.

**Fines**

- A financial assessment imposed by the hearing officer or panel.

**Graduation Hold**

- A hold on a student's participation in graduation exercises and diploma for failure to respond to a request to meet with the Dean of Students, Assistant Dean of Students, or other hearing officer, or for noncompliance with disciplinary sanctions. The Vice President for Student Affairs may also place a graduation hold.

**Interim Suspension (Housing)**

- This occurs when the conduct or behavior of a student residing in Oregon Tech on-campus housing is determined by the Vice President for Student Affairs, the Director of Housing and Residence Life, or the Dean of Students to be a threat to self or others, the ability to live in on-campus housing may be immediately suspended pending the outcome of a hearing. During an interim housing suspension, the student is immediately removed from on-campus housing and is not to re-enter any on-campus housing facility until a hearing is held and a decision regarding the pending complaint has been made.

**Interim Suspension (University)**

- An immediate suspension from the University upon written notice from the Dean of Students or Assistant Dean of Students. The Dean of Students or Assistant Dean of Students will base their decision on whether the allegation of misconduct is reliable and severe enough that the continued presence of the student on the University campus could reasonably be disruptive and/or pose a threat to the physical well-being of any member of the campus community or for reasons relating to the safety of any University property or any University function. Interim suspension usually includes physical exclusion from the campus. For further information, see the Disciplinary Process - <https://www.oit.edu/campus-life/student-affairs/student-resources/student-conduct>.

**Loss of Privileges**

- A limitation on a student's privileges for a period of time and may include, but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the University, or denial of participation in extracurricular activities.

**Parental Notification**

- This is permitted by the federal Family Educational Rights and Privacy Act when students under 21 are found responsible for an alcohol or drug-related violation. Students are generally notified when parents may be contacted and are given the opportunity to contact the parents first.

**Housing Expulsion**

- The permanent separation of a student from on-campus housing.

**Housing Suspension**

- The separation of a student from on-campus housing for a specified period, after which the student is eligible to return. Conditions for readmission may be specified.

### Restitution

- The actual cost of repair or replacement for loss, damage or injury to property or person.

### Revocation of Degree

- An academic degree previously awarded by the University may be revoked based proof that it was obtained by fraud or that a significant part of the work submitted in fulfillment of, and indispensable to, the requirements for such degree was plagiarized. The Academic Progress and Petitions Committee may, upon appeal of a university graduate subjected to a degree revocation, stipulate the requirements for legitimately obtaining the degree.

### Voluntary Project

- Community service, an educational class, or project beneficial to the individual, campus or community can be assigned as a sanction.

### Warning

- An oral or written warning that further violations of University regulations could result in additional disciplinary action.

## Additional Information

### Mailing Address

Students are responsible for maintaining a current local mailing address with the Office of the Registrar. Official Oregon Tech communications are sent to students at their local mailing address and their Oregon Tech e-mail address. Students are responsible for regularly checking and responding to communications from the University through their U.S. mail and University e-mail (oit.edu address).

### Drug Free School and Workplace Programs

Oregon Tech complies with the provisions of the federal Drug Free Workplace Act of 1989 and the Drug Free School and Communities Act Amendments of 1990. University policies adopted to implement these federal requirements provide for the possibility of serious disciplinary action in the event of alcohol abuse or illicit drug use on campus or in connection with university functions, or for mandatory referral to approved rehabilitation, assistance programs. Copies of the University's policy statements are available online at [www.oit.edu/hr](http://www.oit.edu/hr) (policy OIT-30-034).

### Admission Clearances for Potential Students Convicted of a Felony or Suspended from an Institution

The Office of Admissions forward applications for admission to the Office of Student Affairs when potential students have been convicted of a felony or suspended from an institution. These potential students require clearance for further admission consideration and must provide additional information as requested to the Office of Student Affairs. Students may be granted provisional admission with conditions to meet to be fully admitted to the University. The final decision regarding admission rests with the Office of Admissions using normal academic criteria. Oregon Tech typically upholds current suspensions from other institutions.

## Readmission Requirements for Students Suspended for Disciplinary Reasons

Students suspended from Oregon Tech for disciplinary reasons must receive clearance from the Office of Student Affairs before being readmitted. The Office of Admissions will forward such applications to the Office of Student Affairs for review and additional information may be requested. Students may be provisionally allowed for readmission consideration with or without special conditions.

## Notice of Nondiscrimination

Oregon Tech does not discriminate on the basis of sex, race, color, ethnicity, national origin, gender, disability, age, religion, marital status, sexual orientation or gender identity in its programs and activities. The following offices are designated to handle inquiries and complaints regarding this non-discrimination policy: Title IX at 541-885-0182 and Human Resources at 541-885-1120.

Physical copies of policies can be requested at the Office of Student Affairs in Klamath Falls, College Union room 217, and at the Portland-Metro campus in office 135.