

Table of Contents

Student Code of Conduct

I. Introduction . . . . .	1
II. University Disciplinary Authority . . . . .	3
III. Prohibited Conduct . . . . .	6
IV. Disciplinary Responsibility . . . . .	10
V. Appeal Procedure . . . . .	16
VI. Implementation of Sanctions . . . . .	17
VII. Disciplinary Files and Records . . . . .	18
VIII. Disciplinary Sanctions . . . . .	19
IX. Other University Policies . . . . .	20
X. Notice of Nondiscrimination . . . . .	21

**I. 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.

**A. 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, the Office of Student Affairs, or other appropriate officials.

**B. Student Rights & Responsibilities**

It is expected that all members of the campus community will 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.

**C. Student Rights**

Specifically, students have the right to:

1. Participate in the institution's activities without being discriminated against on the basis of 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 on 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. Protection of confidential personal and academic records that are maintained in compliance with the Family Educational Rights and Privacy Act of 1974 and applicable Administrative Rules.
8. Fair and impartial treatment in all instances of general discipline and academic discipline, including procedures that ensure all students are afforded their right to due process.
9. Freedom of Speech – the institution recognizes the rights of students to engage in discussion, to exchange thought and opinion, and to speak, write, or publish freely on any subject, in accordance with the guarantees of Federal 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.
10. A campus environment characterized by safety and order.

#### **D. Student Responsibilities**

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

1. Active participation in the learning process by attending class (in its entirety) on a regular basis. Active participants in the process of 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 the quality of education, particularly in the area of 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 policy, 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 – seeking 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. Accept access to many resources, including 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 the local and surrounding communities.
15. Promote the safety and welfare of the Oregon Tech community by not causing harm or threatening harm to the safety of Oregon Tech students, employees, or other members of the Oregon Tech community.

#### **E. Purpose of the Student Code of Conduct**

The purpose of the Student Code of Conduct is to educate 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 <http://www.oit.edu/campus-life/student-affairs/student-resources/handbook>. For questions regarding the Code of Conduct, contact the Office of the Vice President for Student Affairs.

#### **II. University Disciplinary Authority**

Under authority granted by the state of Oregon (ORS 352.087(m) and (q)), Oregon Tech's Board is granted full authority to adopt policies and procedures governing the conduct of Oregon Tech students. 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 shall have the right of due process and appeal as prescribed in this document 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.

##### **A. 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. In general, these obligations are considered higher than and distinct from the obligations imposed by civil and criminal law for all citizens. Students voluntarily accept their responsibilities as members of the academic community, as well as any educational sanctions imposed against them should their behavior violate these responsibilities.

##### **B. Interpretation**

Any question of interpretation regarding the Code of Conduct shall be determined at the sole discretion of the vice president for student affairs or his/her designee for final determination.

##### **C. Interim Suspension**

###### **1. University Interim Suspension**

Interim suspension is an immediate suspension from the University upon written notice from the vice president for student affairs or the dean of students. Interim suspension is imposed without a hearing,

pending further disciplinary proceedings. The vice president for student affairs or the dean of students will base his/her 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. A student suspended on an interim basis will be given a prompt hearing, set within five working days from the date of the interim suspension notification letter. In cases involving incarceration by law enforcement authorities, a hearing on whether the interim suspension should be maintained pending a hearing on the underlying violation may be set within a reasonable time after the student becomes available. A student may request, in writing, that the hearing be scheduled sooner than five working days. For hearing procedures, see Section IV of this document. The interim suspension will remain in effect until a final decision has been made on the pending complaint through a hearing or until the vice president for student affairs or the dean of students determines that the reason for imposing the interim suspension no longer exists.

## **2. Housing Interim Suspension**

If the conduct or behavior of a student residing in an Oregon Tech residence hall 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 the residence hall may be immediately suspended pending the outcome of a hearing. During an interim housing suspension, the student is immediately removed from the residence hall and is not to re-enter any campus residence hall until a hearing is held and a decision regarding the pending complaint has been made.

## **D. Definitions**

1. The term **“adviser”** means any person who has agreed to assist a complaining or responding student during the University disciplinary process. The adviser may be an Oregon Tech faculty or staff member, another Oregon Tech student, a friend, an attorney or any other person of the student’s choosing (other than a parent or legal guardian). The adviser is limited to advising the student and may not speak for or on behalf of a student at any hearing or other conference during the disciplinary process. The adviser cannot also serve as a witness. See page 11 for additional information on the role of an adviser.
2. The term **“complainant”** means any individual who files a disciplinary complaint or referral.
3. Unless otherwise specified, the term **“day”** means normal University working days, not including Saturday, Sunday or University holidays. Time deadlines may be extended during breaks and University holidays and to accommodate reduced availability of students, faculty or staff during the Summer Term where such persons are participants or witnesses necessary to the disciplinary process.
4. The Family Educational Rights and Privacy Act (**FERPA**) is a federal law originally passed in 1974 that defines student educational records and regulates who may access those records and under what circumstances.
5. The term **“group”** means a number of persons who are associated with each other but who have not complied with University requirements for registration as an organization.
6. The terms **“institution”** and **“University”** mean the Oregon Institute of Technology (“Oregon Tech”).
7. The term **“organization”** means a number of persons who have complied with University requirements for registration or recognition.
8. **Parental Notification** — FERPA permits educational institutions to notify parents of students under the age of 21 when a student has been found responsible for an alcohol- or drug-related

violation. Students are generally notified when parents will be contacted and are given the opportunity to contact the parents first.

9. A **“sanction”** is imposed on students found in violation of the Student Code of Conduct. Sanctions are not designed to be punitive but rather educational measures that hold students accountable for their behavior. Sanctions can range from a verbal warning to disciplinary suspension or expulsion.
10. The term **“student”** means any person who is enrolled in courses, either full-time or part-time, including correspondence study, electronic means, study abroad, auditing, or courses offered at any Oregon Tech location. Students are subject to disciplinary action for conduct that occurs during any period of enrollment. Students who leave the University before a disciplinary matter is resolved may be prohibited from future enrollment until the matter is resolved. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students.” This includes individuals who have been notified of their acceptance for admission.
11. The term **“University premises”** means buildings or grounds owned, leased, operated, controlled or supervised by the University.
12. The term **“University-sponsored activity”** means any activity on University premises or at an off-campus location that is directly initiated or supervised by the University. This can include fraternity and sorority organizations, study abroad experiences, or sporting events, even if such activities occur somewhere other than on University premises.

#### **E. 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. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of the degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student’s conduct even 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. Sanctions will generally result in suspension or expulsion from the University. 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.

### III. Prohibited Conduct

The following list describes actions that detract from the effectiveness of a 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:

1. **Academic Dishonesty:** Violations include but are not limited to cheating, plagiarism, unauthorized collaboration and fraudulent alteration of academic materials (policy OIT-14-30).
2. **Housing & Residence Life Behavior Standards:** On-campus residence hall policies and information regarding student standards are available in the Student Housing Handbook: <http://www.oit.edu/docs/default-source/housing-and-residence-life-documents/student-housing-handbook.pdf?sfvrsn=6>.
3. **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.
4. **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.
5. **Use of Tobacco:** The use of tobacco in any form (e-cigarettes, vaping) in University classrooms, laboratories, libraries, student housing and other areas on campus except where explicitly authorized, consistent with Policy and Procedures (policy OIT-30-035). Information on these policies is available online at <http://www.oit.edu/docs/default-source/Student-Affairs-/student-handbook/smoke-tobacco-free-campus.pdf?sfvrsn=4>.
6. **Information Technology Policies:** Violation of the University Information Technology policies including, but not limited to, the electronic mail policy (OIT-30-003), and the appropriate computer use policy (OIT-30-005).
7. **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.
8. **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.
9. **Weapons:** Possessing, using, or storing firearms, explosives (including firecrackers), weapons or dangerous chemicals or other materials on University property or in the course of any University activity, except as specifically authorized under applicable state law. This includes, but is not limited to 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.
10. **False Reporting:** False reporting of a bomb, fire or other emergency.
11. **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 he person or someone else will receive something of value in the event of a certain outcome. See Gambling definitions (ORS 167.117).

12. **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.
13. **Parties, Large Gatherings, Excessive Noise:** Parties, large gatherings or excessive noise that disturbs the peace of student housing communities or off-campus neighborhoods.
14. **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 not limited to narcotics, methamphetamines, marijuana (see point 15), cocaine, opiates, LSD, mushrooms, heroin, designer drugs such as 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.
15. **Marijuana:** Possession (in any form) and consumption, including but not limited to smoking, eating, or oils, is 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 as well as law enforcement actions; violations by individuals over 21 will be subject to the campus conduct process.
16. **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, actual 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 residence hall rooms and apartments only if all residents of the room or apartment 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 in buildings where alcohol is permitted). Lawful and responsible alcohol consumption is permitted for special events with approval per the campus alcohol policy (OIT-30-031).
17. **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 his/her 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. The University will strongly recommend suspension or expulsion for students found responsible for this charge when harm or injury occurs.
18. **Harassment** means:
  - a. Intentionally subjecting a person to offensive physical contact;
  - b. Unreasonable insults, gestures, or abusive words, in the immediate presence, and directed to, another person that may reasonably cause emotional distress or provoke a violent response (including but not limited to electronic mail, social media, conventional

mail and telephone) except to the extent such insults, gestures or abusive words are protected expression; or

- c. Other types of prohibited discrimination, discriminatory harassment, and sexual harassment, as defined by law.
19. **Threats:** Written, oral, or physical conduct (direct or indirect) that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  20. **Bullying:** Persistent, severe or pervasive verbal abuse, threats, intimidation, harassment, coercion, or other conduct that threatens or endangers the mental or physical health/safety of any person or causes reasonable apprehension of such harm.
  21. **Hazing:** Hazing is any action or activity that causes or intends to cause physical or mental discomfort or distress, 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 are not neutral acts; they are violations of this rule. (State law classifies hazing as a crime.) Hazing is prohibited. To haze means:
    - a. To subject an individual to whipping, beating, striking, branding or electronic shocking, to place a harmful substance on an individual's body or to subjects an individual to other similar forms of physical brutality;
    - b. To subject an individual to sleep deprivation, exposure to the elements, confinement in a small space or other similar activity that subjects the individual to an unreasonable risk of harm or adversely affects the physical health or safety of the individual;
    - c. To compel an individual to consume food, liquid, alcohol, cannabis, controlled substances or other substances that subjects the individual to an unreasonable risk of harm or adversely affects the physical health or safety of the individual; or
    - d. To induce, cause or require an individual to perform a duty or task that involves the commission of a crime or an act of hazing on another individual.

The University will strongly recommend suspension for students found responsible for an act of hazing whether or not harm/injury occurs.

22. **Sexual Misconduct:** Sexual misconduct is a broad term encompassing any nonconsensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior including but not limited to the following examples of prohibited conduct:
  - a. **Unwelcome sexual touching/exposure**  
The touch of an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts. This also includes indecent exposure and voyeurism.
  - b. **Non-consensual sexual assault**  
Unwilling or non-consensual penetration of any bodily opening with any object or body part. This includes, but is not limited to, penetration of a bodily opening without effective consent (including when an individual is intoxicated and unable to provide sober/sound consent) through the use of coercion.
  - c. **Forced sexual assault**  
Unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due

to drugs or alcohol, age or disability) of which the assailant was aware or should have been aware.

23. **Effective consent** is informed, voluntarily given, mutually understandable words that affirm a willingness to participate in mutually agreed upon sexual activity. Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained. Consent is not effective if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, disability, or incapacitated due to drugs or alcohol.
24. **Sexual Harassment:** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:
  - a. Submission to or rejection of such conduct or communication is a term or condition of educational benefits, employment, academic evaluations or opportunities;
  - b. Submission to such conduct or communication has the purpose or effect of substantially interfering with a student's education; or
  - c. Such conduct is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile or offensive educational environment or negatively affecting a student's educational opportunities. For more information, refer to policy OIT-21-325.
25. **Stalking:** Stalking includes, but is not limited to, the persistent, severe or pervasive harassment of another person in a manner that would cause a reasonable person to feel frightened (for his/her safety or the safety of others), intimidated, threatened, harassed or molested, or suffer substantial emotional distress. This may include repeatedly contacting another person (through any means, such as in person, by phone, electronic means, text messaging, social media, etc.), following another person, or having others contact another person on your behalf.
26. **Dating Violence:** Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such relationship shall be determined based on a consideration of the following factors:
  - Length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
27. **Domestic Violence:** Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.
28. **False reports:** The university will not tolerate false allegations of incidents of sexual and gender-based misconduct.

Complaints made in good faith that are found not to constitute harassment or discrimination will not be considered false allegations. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Any individual who knowingly, maliciously, or frivolously makes a false allegation of sexual and gender-based misconduct will be subject to disciplinary action up to and including suspension or expulsion. Similarly, any party or witness who is later proven to have intentionally given false information during the course of an investigation or conduct process may be subject to disciplinary action.
29. **Discrimination:** The university expressly prohibits discrimination on the basis of 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.

30. **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.
31. **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.
32. **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.
33. **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.
34. **Theft:** Theft, attempted theft or unauthorized possession of property belonging to the University or others on University property.
35. **Property Damage:** Defacement, damage or destruction of property belonging to the University or others on University property.
36. **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.
37. **Unauthorized Entry:** Unauthorized entry into, or use of, any University building, facility, vehicle, equipment room or area. This includes unauthorized possession or use of University keys, computers, lock combinations or other special access codes or passwords.
38. **Traffic and Parking Violations:** flagrant or habitual parking violators may be referred for disciplinary action to the Office of Student Affairs.

#### **IV. Disciplinary Responsibility**

The responsibility for the campus discipline system is delegated from Oregon Tech Board of Trustees 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, Housing and Residence Life, and designated hearing officers. A hearing officer is a University employee who is an officially designated administrator, faculty member, or staff member. The goal is to resolve cases closest to the point of infraction for maximum educational benefit.

##### **A. Disciplinary Process**

The following information is provided to inform students of the procedures in place at Oregon Tech for resolving alleged violations of University regulations. The procedures are designed to allow for fact-finding and decision-making in the context of the Oregon Tech educational community. The objective is to provide procedures that balance the rights of the individual with the legitimate interests of the University and community.

##### **A.1 Complaints**

1. Any member of the University community (faculty, staff or student) or any person who is unaffiliated with the University who has knowledge of an alleged violation of the Code of Conduct may file a complaint against a student alleging that a violation of the Code of Conduct has occurred. The University may itself initiate a complaint.

2. Such complaint shall be filed with Office of Student Affairs as soon as possible but typically within 180 calendar days (not University business days) of the alleged violation. A later complaint may be accepted with the approval of the vice president for student affairs, the dean of students, or designee.
3. The complaint must be submitted in writing and signed by the complainant(s), or submitted via approved online form and electronically signed by appropriate technical method, and must include the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient detail to make a determination of whether disciplinary action may be warranted.
4. Complaints may be initiated for incidents where concurrent criminal charges are pending. The University reserves the right to adjudicate incidents without regard to either pending civil litigation or criminal prosecution. University disciplinary proceedings may proceed before, during or after court proceedings.

### **A.2 Evidentiary Standards**

Formal rules of procedure and evidence typically found in a court of law do not apply to disciplinary matters. In order for a student to be found responsible, the evidence must support a determination that it is “more likely true than not” (known as the “preponderance of the evidence standard”) that a violation of the Code of Conduct occurred. Except, however, to impose the sanction of expulsion, the alleged violation of the Code of Conduct must be proven by “clear and convincing evidence”, which requires proof that it is substantially more likely true than not that the alleged violation occurred. Hearsay evidence and personal testimony may be considered but will be weighed accordingly.

### **A.3 Disposition of Charges**

The University disciplinary process is administered through the Office of Student Affairs and is described here. Alleged violations of University regulations where neither disciplinary suspension nor disciplinary expulsion are a possibility are normally resolved through an Administrative Hearing process with a University hearing officer. Alleged violations of University regulations where disciplinary suspension or disciplinary expulsion are a possibility may be resolved through the Student Hearing Commission. Allegations where a one-on-one meeting between the hearing officer and the respondent would be the most effective way to establish the facts of the case are typically referred for an Administrative Hearing. Allegations that are complex, sensitive, require a number of witnesses or involve an alleged victim are often referred to Student Hearing Commission. The vice president for student affairs, the dean of students, or designee will assign the type of hearing after reviewing the initial complaint.

A respondent or complainant in a case assigned to an Administrative Hearing may request that their case be resolved at the Student Hearing Commission. Such a request must be made before the scheduled Administrative Hearing. The request must be in writing and explain the perceived benefit of the Student Hearing Commission. The vice president for student affairs or dean of students will review such requests and make a final determination as to the type of hearing.

### **A.4 Victim Amnesty**

The university will provide amnesty for conduct that would warrant minor sanctions under the Student Code of Conduct, such as underage drinking or violation of other campus policies, and will extend limited immunity to victims in order to foster reporting and adjudication of sexual assaults on campus.

## **B. Student Rights in Conduct Proceedings**

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. During a disciplinary hearing process, both the respondent and the complainant have the rights to:

1. A written notice of the alleged violation(s).
2. An explanation of the student conduct process upon request.
3. Have no code violation assumed until proven.
4. A timely hearing.
5. Be accompanied by an adviser during the hearing. The adviser is limited to advising the student and may not present the case, question relevant participants or make statements during the proceedings to participants other than the student they are advising.
6. Have access to the information, statements and other evidence to be presented at the hearing in advance of the hearing. The university retains discretion with regard to the time, place and manner in which access to such information is permitted.
7. Be present during the entire hearing, except during deliberation.
8. The accused (respondent) has the right to question his/her accuser, either directly or indirectly, at the discretion of the hearing officer or hearing panel chair; the complainant has the right to question the accused either directly or indirectly, at the discretion of the hearing officer or hearing panel chair.
9. Question witnesses, either directly or indirectly, at the discretion of the hearing officer or hearing panel chair.
10. Present material witnesses (those with firsthand knowledge of the incident). The respondent and complainant are responsible for contacting and arranging for the attendance of their own witnesses in all cases.
11. The respondent has the right to a written notification of the outcome of the hearing; the complainant has the right to receive written notification of the outcome of the hearing when permitted by law.
12. An avenue for appeal from an administrative hearing, a Student Hearing Commission hearing, or an academic grievance hearing.

### **C. Administrative Hearing**

1. Upon determining that sufficient evidence exists to believe that a violation of the Code of Conduct may have occurred, the vice president for student affairs, the dean of students, or other hearing officer with jurisdiction will notify the student in writing of the alleged violations against him/her. The written notice will be delivered by one of the following methods: (1) hand delivery to the student, (2) sent electronically to the student's institutional email address, or (3) sent by U.S. mail to the student's last known address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address with the Registrar's Office.
2. At the Administrative Hearing, the student will be provided with the following:
  - a. An explanation of the alleged violations of University policy;
  - b. A summary of the facts and information that substantiate the allegations; and
  - c. The opportunity to reflect upon and respond with his/her account of the incident or circumstances pertaining to the allegation(s).
3. An explanation of the decision of the hearing officer that may result in the following:
  - a. The allegation(s) may be dismissed as unfounded;
  - b. The student may admit responsibility for the violation(s) and have a sanction imposed; or
  - c. The student may be found responsible for violating the Code of Conduct and have a sanction imposed.

4. Any sanction, except disciplinary suspension, deferred suspension, and disciplinary expulsion may be imposed.
5. Failure to respond to a written allegation of charges or failure to complete the assigned sanction(s) will result in either a hold being placed on the student's enrollment privileges or graduation, the filing of additional charges, or a decision being made based on the information available at the time.

#### **D. Student Hearing Commission**

Hearing procedures are provided for allegations against an individual or group where suspension or expulsion from the University are possible if they are found responsible, and for grievances. An Administrative Hearing will be conducted in these cases when the individual or group admits responsibility for the Code of Conduct violation(s). A hearing before the Student Hearing Commission is available for cases where suspension or expulsion is possible and the individual or group denies responsibility for a Code of Conduct violation, or there are disagreements pertaining to the facts of the case.

A hearing before the Student Hearing Commission may not be available during dead week, final examinations, breaks, Summer Term, or other periods when a timely hearing is not possible.

1. The Student Hearing Commission is comprised of a minimum of eight faculty appointed by the president; and three students appointed by student government, and the dean of students (ex-officio member).
2. A quorum is at least five members (one of which must be a student) is needed in order to hold the hearing.
3. A dean of students, or designee, will be present as a non-voting participant. His/her role will be to facilitate dialogue between the hearing panel and the students involved, direct the attention of the parties to relevant points, act as an adviser to the hearing panel and answer procedural questions as needed.
4. If an attorney accompanies the charged student or the complainant at the hearing, the University may also elect to have an attorney present. The University's attorney shall serve as a non-voting observer and adviser to the hearing panel. Any adviser, including an attorney, is limited to advising the student, as noted elsewhere in this document.
5. In cases of sexual harassment and sexual misconduct, the Title IX investigator will present an investigation report as part of the hearing proceedings. The investigator will present the report and answer questions. The role of the investigator is to serve as an unbiased party conducting a thorough investigation of all allegations of sexual harassment or sexual misconduct. The investigation report is a compilation of facts, not a verbatim report, and is not appealable or rebuttable.

#### **E.1 Pre-Hearing Procedures**

1. Student Hearing Commission members will be asked for their availability to participate in an upcoming hearing.
2. Office of Student Affairs will prepare and send a written notice to the charged student or group and the complainant at least five University working days before the hearing. If expulsion is a possibility, ten University working days' notice is required. The written notice will be delivered by one of the following methods: (1) hand delivery to the student, (2) sent electronically to the student's institutional email address, or (3) sent by U.S. mail to the student's last known address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address with the Registrar's Office. The notice will include:

- a. The date, time, place and nature of the hearing;
  - b. Reference to the sections of the Code of Conduct involved;
  - c. A brief explanation of the alleged violation including the approximate date, time and place where the alleged violation occurred;
  - d. Names of witnesses, if known;
  - e. Acts alleged to constitute a violation;
  - f. Whether the student may face expulsion for the violation;
  - g. An explanation of the right to be accompanied by an adviser, including that the adviser's role is to advise and support the student. The adviser may not present the case, question relevant parties, or make statements during the proceedings. The student must notify Office of Student Affairs two University working days in advance of the hearing if he or she will be accompanied by an attorney. In such cases, the University may elect to have an attorney in attendance.
3. The Dean of students, or designee, will be available to meet with the complainant and the respondent, separately or together, to discuss and explain the hearing procedures and answer questions.

### **E.2 Three University Working Days in Advance of the Hearing**

1. No less than three University working days in advance of the hearing, the charged student and the complainant will each provide to the Office of Student Affairs copies of documentary evidence to be presented at the hearing and the names of witnesses who will be called. It is the responsibility of the each student to notify witnesses of the date, time and location of the hearing and to enlist their witnesses' cooperation and willingness to attend the hearing.
2. No less than three University working days in advance of the hearing, the charged student and the complainant will have the right to have access to documentary evidence to be presented at the hearing, by prior appointment.

### **E.3 Hearing Process**

1. The purpose of the hearing is to attempt to provide a forum where all the evidence and testimony can be presented, where questions can be asked of all parties, and where the hearing panel can deliberate and decide by a preponderance of the evidence (meaning that it is "more likely true than not") that a violation of the Code of Conduct did or did not occur. Except however, to impose the sanction of expulsion, the standard of proof at the hearing for imposition of that sanction shall be "clear and convincing" evidence ("substantially more likely true than not"). Formal rules of process, procedure and technical rules of evidence, such as those applied in criminal or civil court, are not used in student conduct proceedings. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the student or the University may result. The hearing will be recorded.
2. If the hearing panel concludes that a violation did occur, the panel decides what disciplinary action is appropriate.
3. To protect the privacy of all parties and in accordance with FERPA (Family Educational Rights and Privacy Act), hearings will be closed.
4. Both sides have the right to present witnesses, who will be subject to questioning by the hearing panel. Questioning by the complainant or the accused is permitted at the discretion of the hearing panel so long as it is not threatening or harassing.
5. In the case of sexual misconduct, the hearing panel may, in its discretion, exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the alleged perpetrator is irrelevant.

6. If the accused is found responsible for violating the Code of Conduct, then in those cases involving a victim, that victim may submit an impact statement.
7. If the charged student elects not to appear for the hearing, the hearing will be held in his/her absence. Failure to appear will be noted without prejudice. Findings will be based on information presented at the hearing.
8. Material witnesses will be present during the introductory comments of the hearing, including the honesty statement\*, at which point they will be excused until time to give their testimony. Witnesses will be excused upon completion of testimony and questioning, but they may be asked to remain available for recall. The complainant and respondent remain throughout the hearing.
9. At the conclusion of the hearing, all parties will be dismissed except for the hearing panel so they may deliberate and reach a decision.
10. A student's past disciplinary record will be revealed to the hearing panel only if the accused is found responsible for the violation of the Code of Conduct under consideration. If the student raises the issue of past behavior during the hearing, the issue is then open to discussion.
11. The order of presentation at the hearing will be as follows:
  - a. Purpose of the hearing provided by the chair of the hearing panel or university representative.
  - b. The complainant may present an opening statement.
  - c. The responding student may present an opening statement.
  - d. The Title IX investigator will present the investigation report and answer related questions in cases of sexual misconduct.
  - e. The complainant will present evidence and call witnesses.
  - f. The responding student will present evidence and call witnesses.
  - g. At the conclusion of each witness statement, the witness may be questioned by the hearing panel, the representative from the Office of Student Affairs, the accused student either directly or indirectly, and the complainant, either directly or indirectly.
  - h. The complainant may make a closing statement.
  - i. The responding student may make a closing statement.
  - j. All parties are dismissed for hearing panel deliberation.
12. The hearing may accommodate concerns for the personal safety, well-being or fears of confronting the complainant, accused student, or other witnesses. Procedures or the hearing environment may be modified as determined in the sole judgment of the vice president for student affairs, or designee, to be appropriate.

\*Honesty statement: The University expects that all information presented will be truthful and accurate. If false information is willfully provided, a student will be in violation of Section III of the Code of Conduct and may be subject to disciplinary action.

#### **E.4 Hearing Panel Deliberations and Decision**

1. The hearing panel will deliberate and, by majority vote, find whether or not a violation(s) of the Code of Conduct as charged has been proven by the evidence presented.
  - a. The panel may find that the evidence was not sufficient to establish that a violation of the Code of Conduct, as charged, was committed and dismiss the case.
  - b. The panel may find that the evidence submitted was sufficient to affirm the charges and impose a sanction commensurate with the offense.

- i. In order to affirm a charge and impose a sanction of expulsion, the panel must find that there was clear and convincing evidence (i.e., substantially more likely true than not) that the violation occurred.
  - ii. In all other cases, in order to affirm a charge and impose a sanction, the panel must find that a violation occurred by a preponderance of the evidence (i.e., more likely true than not).
2. The hearing panel decision will be communicated in writing to Office of Student Affairs, which will notify the respondent, and if appropriate, the complainant in writing within five business days. The notification letter will include findings of fact, sanction(s) imposed (if any) and the rationale for the decision. The notification letter will be delivered by one of the following methods: (1) hand delivery to the student, (2) sent electronically to the student's institutional email address, or (3) sent by U.S. mail to the student's last known address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address with the Registrar's Office. The notification letter may also be picked up in the Office of Student Affairs within five working days of the hearing. In compliance with Department of Education requirements in cases of sexual violence or physical violence, the complainant will be notified of the outcome at the same time as the respondent. In other violations, the complainant will not be notified of the outcome.

#### **F. Victim Notification**

In cases involving allegations that a crime of violence or non-forcible sex offenses, victims are entitled to know the results of any disciplinary proceedings. Both the accused and complainant will be notified in writing of the results of any hearing involving such allegations. Victims of a crime of violence, sexual assault, non-forcible sex offense, or stalking will be provided with notification in writing of the final outcome of the disciplinary hearing, including the sanctions imposed against the alleged perpetrator. Victims of sexual harassment will be provided with notification in writing of the final outcome of the disciplinary hearing, including those sanctions that directly relate to the harassed student (e.g., no contact order, suspension, expulsion, etc.).

#### **V. Appeal Procedure**

An appeal is a review of the record of the original hearing, not a new hearing. It serves as a procedural safeguard for the student. The burden of proof is on the appellant, who must show that one or more of the listed grounds for appeal has merit.

#### **Appeal of Decisions Reached Through Hearing Proceedings**

Any outcome decided by an administrative hearing or the Student Hearing Commission may be appealed to the University President by either the respondent or the complainant. For an Academic Grievance hearing, the Provost will hear an appeal.

1. Students will be asked for their current address at the original hearing. A letter containing the hearing panel's decision will be mailed to this address by certified mail, delivered in person or sent electronically to the institutional email address within five working days following the hearing. Students may also pick up a copy of the decision at the Office of Student Affairs. Appeals must be submitted in writing to Office of Student Affairs by 5 p.m. within ten University working days of the original hearing. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

2. The appeal must cite at least one of the following Appeals Criteria as the reason for appeal and provide supporting argument(s) as to why an appeal should be granted on these grounds.  
Appeals grounds include the following:
  - a. The hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complainant or the respondent resulted;
  - b. The evidence presented at the previous hearing does not support the finding that was made; that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to support the Panel's findings;
  - c. New evidence that could substantially affect the outcome of the previous hearing has been discovered since that hearing. The evidence must not have been available at the time of the original hearing. Failure to present evidence that was available is not grounds for an appeal under this provision;
  - d. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with University procedures. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
3. The president will review the record of the original hearing, including documentary evidence, and issue a finding as to the merits of the criteria cited as the reason for appeal.
  - a. If the president/provost finds there is no merit to any of the grounds appealed, it will issue a finding as such.
  - b. If the president/provost is presented with new evidence that could not have been presented at the original hearing, the matter may be remanded to the original hearing panel for a rehearing.
  - c. If the sanction is determined to be inappropriate for the violation, the appeals panel may recommend the sanction be modified by the vice president for student affairs and state the reasons for that recommendation.
4. If the president finds there is no merit to any of the submitted grounds for appeal, that decision shall be final. The final decision will be communicated in writing by Office of the President or the Office of Student Affairs to the complainant and the respondent. The decision will normally be communicated within ten University working days of receiving the written recommendation, but it may take longer during University recesses, in a complex case, or other reasonable circumstances.
5. If the president recommends modifying the outcome or the sanction, the final decision will be communicated in writing by the vice president for student affairs to the complainant and the respondent. The decision will normally be communicated within ten University working days of receiving the written recommendation, but it may take longer during University recesses, in a complex case, or other reasonable circumstances. The decision of the University president shall be final.

## **VI. Implementation of Sanctions**

Disciplinary actions or grievance decisions shall not be implemented until the time for appeal has expired, until the entire appeal process is completed, or if the individual or group voluntarily waives the right to appeal in writing. The exceptions to delaying sanctions until the process is complete include: 1) when interim suspension has been invoked by the vice president for student affairs or dean of students (see Interim Suspension procedures for details [Section II]); or 2) to protect the safety of others on the campus.

The vice president for student affairs retains the authority, at his/her discretion, to convert any sanction imposed by a hearing panel to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to a hearing panel for review or reconsideration.

#### **VII. Disciplinary Files and Records**

1. Case referrals 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 be marked no action, no record and shall not constitute a disciplinary record. Such files will be maintained for seven years, and then will be destroyed.
2. The files of students found responsible for charges against them, with sanctions less than suspension or expulsion, will generally be maintained in the office of Office of Student Affairs for seven years from the calendar year of record, and then will be destroyed.
3. Records of cases in which suspension or expulsion from the University occur, are kept indefinitely.
4. Confidentiality — 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 persons may be involved. Disciplinary records are maintained separate from the student's academic record but are part of the student's educational record.

#### **VIII. 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.

1. **Warning** is an oral or written warning that further violations of University regulations could result in additional disciplinary action.
2. **Alternative Dispute Resolution** is a process by which a respondent is assigned to resolve an issue that has come to Office of Student Affairs collaboratively with the other people involved instead of having a hearing officer issue other sanctions. Any instances of alleged sexual misconduct and some other alleged violations are inappropriate for alternative dispute resolution.
3. **Loss of Privileges** is 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.
4. **Voluntary Project** is community service or an education class or project beneficial to the individual, campus or community.
5. **Restitution** is the actual cost of repair or replacement for loss, damage or injury to property or person, such as medical bills.
6. **Fines** – financial assessment imposed by the hearing officer or panel.
7. **Parental Notification** — The federal Family Educational Rights and Privacy Act permits educational institutions to notify parents of students under the age of 21 when a student has been found responsible for an alcohol or drug related violation. Students are generally notified when parents will be contacted and are given the opportunity to contact the parents first.
8. **Deactivation** is a group's loss of all privileges, including Oregon Tech recognition, for a specified period of time.
9. **Enrollment Hold** is a "hold" on enrollment privileges for failure to meet with the 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.

10. **Cancellation of Enrollment** 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.
11. **Class Removal** occurs when a student is dropped from a class or moved to another section of a class. The dean of students has 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.
12. **Graduation Hold** is 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 or other hearing officer, or for noncompliance with disciplinary sanctions. The vice president for student affairs may place a graduation hold.
13. **Revocation of Degree** – an academic degree previously awarded by the University may be revoked on 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.
14. **Campus No Contact Order:** The Student may not knowingly interact with another Student or Member of the University Community specified by the sanctioning person or body. The restriction prohibits the restrained Student from purposefully interacting with the protected person, over the phone, over any electronic source (including email, text messaging, social networks or any other electronic source), in person, through a third party and through the mail. Unless specifically stated otherwise in the sanction, the restriction does not prohibit the restrained Student from unintentionally, or out of necessity, being in the same building or vicinity as the protected Student (e.g., eating in the dining hall, bookstore). The sanctioning person or body will determine the time limit for this sanction.
15. **Residence Hall Suspension** is the separation of a student from the residence halls for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
16. **Residence Hall Expulsion** is the permanent separation of a student from the residence halls.
17. **Conduct Probation Level I** is a specified period of time during which the student is placed on formal notice that he/she is not in good standing with the University and that further violations of University regulations will subject him/her to suspension or expulsion from the University. Probation may include additional conditions or sanctions. The probationary status and conditions are documented in writing.
18. **Conduct Probation Level 2** adds to 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 organizations). 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.
19. **Disciplinary Suspension** is the exclusion from enrollment in classes and other privileges or activities for a definite period of time and until the conditions which are set forth in the hearing outcome letter are met. Notification of disciplinary suspension will be provided in writing.

Examples of violations for which the University will strongly recommend suspension include, but are not limited to, the following: selling or otherwise providing alcohol to underage students, selling or distributing illicit drugs, sexual violence/misconduct, hazing, actions that result in the serious injury or death of another person(s), violation of a University-imposed No Contact Order or repeated alcohol or drug offenses that jeopardize the individual's or community's educational opportunities or safety. Students who are suspended from Oregon Tech are not permitted on campus or in University buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the vice president for student affairs, the dean of students, or his/her designee. Conditions to conclude a suspension shall be stated in the written notification, including the approval of the Office of Student Affairs. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record in the Office of Student Affairs. Any refund of tuition or fees will be subject to the University's normal withdrawal policy.

20. **Deferred suspension** is suspension that may be deferred pending successful completion of the conditions to remain in school. Failure to complete the conditions in the given period of time 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 (referenced in Section VII, above).
21. **Disciplinary Expulsion** is termination of student status for an indefinite period. The conditions or readmission, if 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 normal withdrawal policy.
22. **Admission and Reinstatement Requirements** are conditions for admission given to students whose admission requires a clearance from Office of Student Affairs (see Section IX).

## **IX. Other University Policies**

### **A. Student Mailing Address**

Students are responsible for maintaining a current local mailing address with the Office of the Registrar. Since many 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 their U.S. mail and University e-mail.

### **B. 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 to Oregon Tech the Health History form. The form and details are available at [www.oit.edu/health](http://www.oit.edu/health). Students have the right to more information regarding immunizations, which can be found at the above website.

### **C. 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).

**D. 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 a clearance for further admission consideration and must provide additional information as requested to Office of Student Affairs. Students may be granted provisional admission with conditions to meet in order 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.

**E. Readmission Requirements for Students Suspended for Disciplinary Reasons**

Students who have been suspended from Oregon Tech for disciplinary reasons will be required to receive a clearance from Office of Student Affairs before they will be readmitted. The Office of Admissions will forward such applications to Office of Student Affairs for review and additional information may be requested. Students may be provisionally cleared for readmission consideration with or without special conditions.

**X. Notice of Nondiscrimination**

Oregon Institute of Technology does not discriminate on the basis of race, color, ethnicity, national origin, gender, disability, age, religion, marital status, sexual orientation or gender identity in its programs and activities. The following office is designated to handle inquiries and complaints regarding this non-discrimination policy: Affirmative Action Officer – Human Resources, Oregon Tech, 3201 Campus Dr., Klamath Falls, OR 97601-8801; 541.885.1120; Fax 541.851.5200.

Hard copies of policies may be requested through the Office of Student Affairs in 217 College Union.