

<b>Administrative Policy:</b>		Student Rights, Responsibilities and Conduct		<b>Policy Number:</b>	AP 5500
<b>Applicable regulations - Federal/State/Board/ College</b>		NWCCU Standards 2.C.2, 2.C.3, 2.D.2, 2.G.2 ORS 341.290(2)			
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## ADMINISTRATIVE PROCEDURE 5500 – STUDENT RIGHTS, RESPONSIBILITIES AND STUDENT CODE OF CONDUCT

### OREGON COAST COMMUNITY COLLEGE STUDENT RIGHTS

Oregon Coast Community College students, as members of our learning community, have a specific set of rights. Although not all rights are enumerated in this document, it is important to note the most fundamental rights of every student.

**Freedom of Inquiry and Expression.** Students have a right to freedom of inquiry and expression; those rights vary depending on which location and environment a student is in at the time. In a non-public Forum (classrooms, curricular activity locations, educational lectures or debates, and staff offices), during discussion time as identified by the instructor/staff person, students shall be free to express a point of view that differs with the information or views presented by the instructor/staff without it affecting their grades or causing other penalty, as long as the disagreement is not disruptive to the instructional or educational process. Students are responsible for learning the content and academically presented point of view of any course for which they have enrolled, even if they disagree with the course content. Students are also responsible for learning their responsibilities under this Code.

In an open public forum, students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They are free to support causes by orderly means that do not disrupt the regular and essential operation of the

institution and that do not deprive others of their rights to free expression. At the same time, members of student clubs or other expressive groups shall make clear to the academic and the larger community that their public expressions or demonstrations speak only for themselves, not for the College.

Actions by individuals or groups which deny free expression rights of others, silence a speaker, disrupt the operations of the institution, or obstruct or restrain others by physical force are subject to consequences; illegal actions may cause a student/guest to be subject to arrest, financial restitution, and/or charges of violations of the Code of Conduct by OCCC resulting in various forms of sanction.

**Freedom to Create Student Publications.** Student publications and student press provide avenues for free and responsible discussion of topics. Editors and managers are protected from arbitrary suspension and removal due to editorial policy or content. Editors and managers can be removed as the result of a breaking of OCCC community standards which are unrelated to expressed content.

**Freedom of Association Through Student Organizations.** Students shall be free to organize and join associations to promote their common interests subject to the following considerations:

1. The College reserves the right to not recognize clubs which pose health or safety risks. If a club otherwise meets club criteria and follows appropriate processes, a club shall be recognized through Associated Student Government and the Vice President of Academic and Student Affairs (VPASA). The club and its members shall then follow OCCC rules and guidelines.
2. Student clubs are open to any registered OCCC student. Policies and actions of a student organization are to be decided by vote of members (and not by the College), and will be determined by vote of only those persons who are OCCC students. Some activities of student organizations will require College approval. Clubs affiliated with an external organization may be permitted to follow the larger organization's membership requirements when not restricting an OCCC protected class.
3. Student organizations shall be free to select their own OCCC advisor, with consent of that person's supervisor. Advisors must be either full-time faculty or staff currently employed by OCCC. OCCC staff serve the College community as compensated employees when they accept the responsibility to advise and consult with student organizations to provide guidance to the group on college procedure and policy. Advising is an assigned duty, with consent of the advisor assigned. Advisors are required to complete training on applicable College policies and procedures.
4. On specific dates, student organizations shall be required to submit a statement of purpose, criteria for membership (if limited), rules of procedures, a current list of officers

with contact information, and a list of active members who are verified students, as a condition of institutional recognition on specific dates.

5. Student organizations, including those affiliated with an extramural organization, shall be open to all students and shall comply with the OCCC Nondiscrimination policy. Disability accommodations are available to students while participating in any OCCC activity, including clubs.

**Right to Participate in Institutional Governance.** Student representation on selected OCCC councils and committees and in student government roles, activities, and processes provides an opportunity for students to participate in institutional governance.

**Right to Protections of Civil Rights: Equal Opportunity and Freedom from Harassment, Sexual Harassment, Sexual Assault, Stalking, Domestic Violence, Partner Violence, and Unlawful Discrimination.** OCCC prohibits unlawful discrimination based on race, color, religion, ethnicity, use of native language, national origin, sex, sexual orientation, gender, gender identity, marital status, disability, veteran status, age, or any other status protected under applicable federal, state, or local laws.

**Right to Report a Concern or Complaint Without Fear of Retaliation.** Students have a right to report a concern, complaint, or misconduct of any person (employee, student or guest) without retaliation. Students are strongly encouraged to discuss their concerns directly with the other person first, with the goal of establishing a mutual resolution, as long as they can do so safely. When resolution does not occur, reports and requests for assistance are to be submitted either to the supervisor of the individual employee or by filing a complaint. In the case of complaints against a college department or employee, students are strongly encouraged to seek resolution through the department manager or the supervisor prior to filing a complaint form. The College favors early resolution of disputes and encourages timely reporting.

**Right to Fair Processes.** To ensure each student has fair treatment, the College has processes described in this policy and all other dispute processes which are a student right prior to any final adverse action. A student shall be given notice and opportunity to be heard prior to assigning any final consequence or sanction for misconduct, unless a student waives that right. However, nothing in this policy shall prevent the College from temporary exclusion or administrative actions, pending the outcome of an investigation.

In conduct processes, students shall have the right to tell their story and submit evidence or witness information prior to a final decision. Generally, there is no right to confront an accuser, as our processes comprise educationally based student behavioral intervention and not a civil or criminal code adjudication. However, when the law requires, students shall be given other rights, such as the right to question or confront their accuser or the accused (a possible right in cases of sexual assault).

**Other Student Rights as Published** in Local, State, or Federal Law. Local, state, and federal laws give students other rights, including but not limited to:

1. The right to audio-record instructor lectures with notice to the instructor (but not to record student discussion without consent. There is no right to take a photo or video-record any person in class.)
2. Rights to privacy and rights to confidential records. (See Oregon law. See FERPA.)

## **OREGON COAST COMMUNITY COLLEGE STUDENT CODE OF CONDUCT**

### **PURPOSE OF THE CODE OF CONDUCT**

Oregon Coast Community College (OCCC) is committed to the success of its students and is dedicated to student learning, retention, safety, and the development of responsible personal and social conduct.

Each member of the OCCC community must adhere to a code of responsible behavior so that all members of the college community have an equal opportunity to learn. This document communicates the expectations that the College has of students and is intended to educate and guide students to understand their responsibilities. This Code is aligned with the College's Non-Discrimination Statement and shall not be administered in a discriminatory manner. Every effort will be made to balance the needs and rights of the individual with the welfare and rights of others and the college community as a whole.

This Code applies to all OCCC students, recognized student organizations, and groups of students. In addition, students who are enrolled in specific educational programs with additional standards of behavior are also expected to follow those related academic and conduct standards.

**Values Guiding the Code.** Each student at Oregon Coast Community College assumes an obligation to act in a manner compatible with preserving the rights of everyone to learn in our educational community. The following values are the foundation informing the rules and expectations established for students by the College to preserve an educational environment supportive of learning by all.

The following values guide the creation of policies and the administration of this Code:

1. **Maintain honesty** and integrity in all work, communication and interactions;
2. **Take personal responsibility** for learning material, listen and participate appropriately in class activities designed for student learning by the instructor, advocate for personal needs, and know the rules and regulations governing the OCCC community;

3. **Support** the teaching, learning and working environment by interacting with reasonable respect and civility within all classrooms, student spaces, staff workspaces, and engagement areas, and by following communicated guidelines. In general use areas, support the values of free expression by maintaining conduct within permitted community standards outlined in the [Freedom of Expression policy](#).
4. **Honor** the lawful direction and expectations of the College, faculty and staff, including but not limited to those posted in special labs, classrooms, parking lots, common areas, and online. Follow program rules of special admit or specific degree programs, as published. Follow city, state, and federal laws. Rules include [Board](#) and [Administrative](#) Policies and the [Technology Acceptable Use](#) policy governing computers, wireless internet, and social media.
5. **Safely** use College equipment and facilities properly for their intended use, including returning loaned equipment/materials timely; and maintain safe practices, including providing information and identification when requested by a college employee.

#### STUDENT CODE OF CONDUCT DEFINITIONS

- A. **Adjudicate:** a method of resolving alleged student dishonesty/dishonesty which employs a fact-finding, impartial adjudicator to render a binding decision in the matter.
- B. **Administrative Hearing:** a meeting held by a Student Conduct Officer to (a) investigate or (b) gather more information about a possible Code violation. The opportunity for the parties involved to explain their version of events.
- C. **Administrative Suspension:** the Vice President of Academic and Student Affairs (VPASA) or designee may administratively suspend and/or separate a student from the College pending the scheduling of a conduct meeting on alleged individual or student organizational violations when immediate action is deemed necessary to ensure the safety of the Oregon Coast Community College community, property, or to protect the normal operation of the College
- D. **Appellate Officer:** the VPASA or designee has the authority to consider an appeal of a Student Conduct Officer's decision.
- E. **Artificial Intelligence:** the simulation of human intelligence in machines that are programmed to think and mimic human actions. AI encompasses a broad range of techniques, including machine learning, natural language processing, computer vision, robotics, and more.
- F. **Code:** Refers to this Student Rights, Responsibilities, and Conduct Code.
- G. **College:** Oregon Coast Community College; OCCC; or any physical or virtual space being used by Oregon Coast Community College.

- H. **College Official:** any person employed, contracted, or assigned by the College, including, on some occasions, students performing assigned administrative or professional responsibilities.
- I. **College Premises:** includes all physical space (buildings, facilities, and other property, including adjacent streets and sidewalks) and the virtual environment in the possession of, owned, used, or controlled by the College.
- J. **Educational Record:** any record directly related to a student and maintained by the College or by a party acting for the College, as defined by the Family Educational Rights and Privacy Act (FERPA). This includes academic records and disciplinary records.
- K. **Faculty Member:** any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty or instructional staff.
- L. **Member of the College Community:** any person who is a student of, employee of, or who is contracted to perform services of any kind for the College.
- M. **Policy:** the written rule or regulations of the College as found in, but not limited to, the Code, as well as contracts, academic catalogs, professional standards, and any other documents that are deemed by the College to express College policy.
- N. **Preponderance of Evidence:** a decision whether the accused party more likely than not engaged in an alleged violation of this Code.
- O. **Reporting Party:** an individual or group who brings forward an allegation of a Code violation. The College may be the “Reporting Party.”
- P. **Responding Party or Accused:** any student or group charged with an alleged violation in this Code.
- Q. **Student:** any person who has applied and registered for any form of admission to the College or registered for a credit or non-credit course taught in any delivery mode (i.e. CWE, face-to-face, hybrid, online, virtual, etc.). Any person who has withdrawn or who is not enrolled in any courses, but who has a continuing relationship with the College, may be considered a “student” for the purposes of this Code.
- R. **Student Conduct Officer:** also called “conduct officer;” an official authorized by the VPASA to conduct an Administrative Hearing. This official is also authorized to impose sanctions under this Code when it has been determined that a violation has occurred.
- S. **Student Organization:** any student or group of students formally recognized by the College as a Student Organization, or any group with student membership that uses College spaces, funds managed or administered by the College, or College materials.

- T. **Support Person:** any person that attends an Administrative Hearing or proceeding under this Code with a student, including, but not limited to, a parent, a friend, a Success Coach or Faculty Advisor, another College staff person, or an attorney.

### **AUTHORITY**

- A. The Board of Education delegates to the College President the authority to oversee the administration of student conduct standards.
- B. Administration of the Student Code of Conduct is the responsibility of the VPASA or designee(s), who shall develop procedures to carry out the Code.
- C. Student Conduct Officers (VPASA, or designee) shall serve as the principal investigators and administrators for alleged violations of the Code and shall interpret and implement procedures to carry out the Code. Decisions made by a Student Conduct Officer shall be final, pending the appeal process set forth in this Code.
- D. The VPASA is responsible for reviewing the Student Code of Conduct policy and Student Rights and Responsibilities Statement on a regular basis which at a minimum is in accordance with the scheduled review of administrative policies. All revisions to these policies must be approved by the VPASA, the President's Executive Team, and the College President.

### **JURISDICTION AND RESPONSIBILITIES OF STUDENTS**

- A. The Code shall apply to student conduct on College premises; at or in connection with College-related or sponsored events and activities, regardless of location, including but not limited to international or domestic travel, activities funded by the Associated Student Government, trainings, online learning, supervised academic/work experiences, or any other College-sanctioned social or club activities; and off-campus during non-College-related or sponsored events and activities, when the College, in its sole discretion, determines that the alleged off-campus dishonesty adversely affects the College community or the pursuit of the College's objectives.
- B. The Code shall apply to student conduct at all hours during each term, between terms, and during periods in which a student is not enrolled but has a continuing relationship with the College, from the time a student applies for admission to the College through the student's receipt of a degree, completion of a program, or withdrawal from the College. Proceedings under the Code may continue if a student withdraws while a disciplinary matter is pending, whether or not the student has a continuing relationship with the College.
- C. All persons, including persons who are not students, must comply with all applicable College policies and procedures when attending or participating in any activity connected with the College.

D. At the discretion of the Student Conduct Officer(s), allegations of a violation by students or student groups may be adjudicated prior to, concurrent with, or following any civil or criminal proceedings.

E. Students are responsible for all communication delivered to their Oregon Coast Community College email. OCCC email is OCCC's official method of communication with students. The College is not responsible for email messages that are not received by the student. The College considers communication and notification to be completed when it is sent to a student's OCCC email account. If students do not review or act on emails received, College processes will move forward. Such processes could result in the placement of registration holds, conducting hearings without student participation, and the issuance of decisions and sanctions regarding alleged student behavior.

F. Alleged violations of federal, state, and local laws may be investigated and addressed under the Code. When an alleged offense occurs over which the College has jurisdiction, the student conduct process may go forward regardless of any criminal complaint that may or may not arise from the same incident, or the status of any criminal or civil proceeding. The College reserves the right to exercise its authority to impose administrative suspension upon notification that a student and/or student organization is subject to a criminal investigation and/or complaint.

If a student is in violation of federal, state, or local laws on campus or at College-sponsored activities, the College may contact local law enforcement agencies for investigation and prosecution. The College may request law enforcement to assist or to take over a misconduct investigation or matter at any time. The College reserves the right to decide when law enforcement action has been sufficient to correct failure to meet College expectations and when the College needs to impose additional consequences to achieve that goal.

### **CONDUCT SUBJECT TO DISCIPLINARY ACTION**

The following constitutes conduct prohibited by the College for which a student or student organization is subject to disciplinary action:

**A. Academic Dishonesty.** Actions constituting violations of academic dishonesty include, but are not limited to the following: Cheating, Collusion, Fabrication, Plagiarism, unauthorized or improperly cited use of artificial intelligence. Incidents of Academic Dishonesty can be adjudicated through the Student Code of Conduct when repeated offenses occur, or the scale of the alleged violation is not adequately addressed through the [Academic Honesty policy \(AP 5540 – Academic Honesty\)](#)

**B. Alcohol, Drug, and Tobacco Violations:**



**Alcohol.** The use, possession, delivery, sale, or being under the influence of any alcoholic beverage is prohibited on College premises and during College-related or sponsored events and activities, except as permitted by law and applicable College policies.

**Drugs.** The use, possession, delivery, sale, or being under the influence of any illegal drugs is prohibited at all times. This includes unauthorized use of prescription drugs.

**Marijuana.** The possession, consumption, being under the influence of, or furnishing marijuana, cannabis, or any of its derivatives is prohibited on the College premises and during College-related or sponsored events and activities.

**Tobacco and Inhalants.** Possession and use of tobacco products and inhalant delivery devices is prohibited on all OCCC grounds and property including, but not limited to: in College buildings, at College-sponsored activities, in vehicles on College grounds on the main campus and at all centers, including satellite properties.

**C. Assault, Endangerment, Harassment, and Intimidation.** Any non-physical contact, including but not limited to, bullying, intimidating, or threatening behavior, that obstructs a person from engaging in individual activities; puts a person in reasonable fear for personal safety; causes or creates a substantial risk of personal injury or property damage; or causes or is intended to cause emotional or physical distress. Non-physical contact includes all forms of direct or indirect contact with another person, including, but not limited to, written, electronic, or telephonic communication of any form. Unwelcome physical contact that obstructs or disrupts a person from engaging in individual activities; puts a person in reasonable fear for personal safety; or causes or creates a substantial risk of personal injury or property damage.

### **Reporting Amnesty**

OCCC encourages all community members to report behavior associated with assault, endangerment, harassment, and intimidation. To support such reporting, OCCC will not pursue student conduct proceedings against a reporting student, a complainant, a respondent or witness for their personal use of alcohol, marijuana or other drugs at or near the time of the incident provided their use did not place the health or safety of any other person at risk. OCCC may, however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana, or other drugs. OCCC's reporting amnesty is in alignment with ORS 471.434.

OCCC will not pursue any conduct violation against a survivor for substance use, including alcohol, at the time of sexual assault/harassment if the sexual assault/harassment is reported to the VPASA/Title IX Coordinator, or the Director of Human Resources, or the Vice President of Administration.

1. **Hazing.** An act which endangers or jeopardizes the mental or physical health or safety of a student or other College community member, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. This includes but is not limited to all violations of applicable hazing laws. The express or implied consent of the person subject to the hazing does not relieve an individual or group from responsibility for violating the Code. Apathy or acquiescence in the presence of hazing are not neutral acts but are violations of this rule.

2. **Harassment.** Unwelcome verbal, nonverbal, visual, or physical conduct that is so severe, persistent, or pervasive that it interferes with or limits the ability of a student, faculty, or staff member to participate in, or benefit from, the College's educational and/or employment opportunities, programs, or activities. A single, serious incident may also constitute harassment. At the College's sole discretion, harassment may be addressed through the College's [Nondiscrimination \(AP 3410\)](#) instead of, or in addition to, this Code.

3. **Sexual Misconduct.** Unwanted conduct of a sexual nature that constitutes sexual harassment, sexual assault, relationship violence (including domestic violence and dating violence), stalking, and includes related acts of retaliation. Relevant definitions and the procedures for addressing possible sexual misconduct are included in the College's [Prohibition of Sexual Harassment under Title IX \(AP 3433\)](#) and/or [Prohibition of Sexual Harassment \(AP 3430\)](#). At its sole discretion, the College may address possible sexual misconduct through this Code instead of, or in addition to, another policy.

i. **Sexual Harassment:** defined as any unwelcome conduct of a sexual nature, including sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual or gender-based nature.

ii. **Sexual Assault:** a forcible or non-forcible sexual act or sexual contact that occurs without the consent or permission of the other person, Consent is words or overt actions indicating a freely given agreement to the sexual act or sexual contact in question. Consent is not an absence of "no."

iii. **Domestic Violence:** An intra-family offense that results in physical injury, including physical pain or illness, or that caused or was intended to cause reasonable fear of imminent serious physical injury or death.

iv. **Dating Violence:** An offense against an intimate partner (romantic, dating, or sexual relationship) that results in physical injury, including physical pain or illness or that caused or was intended to cause reasonable fear of imminent serious physical injury or death.

v. **Stalking:** A course of conduct directed at a specific individual with the intent to cause that individual (or where the person knows or should have known that it would cause the

individual) to fear for his or her safety or the safety of another person; feel seriously alarmed, disturbed, or frightened; or suffer emotional distress.

**D. Disruptive Behavior**

- a. Obstruction or disruption of teaching, learning, research, administration, disciplinary procedures, other College-related or sponsored activities, including the College's public service functions, or other authorized activities on College-owned or controlled property.
- b. Obstruction or disruption interfering with the freedom of movement, including obstruction of the free flow of pedestrian or vehicular movement on College property or at a College activity.
- c. Leading or participating in any activity that unreasonably infringes on the rights of another member of the College community or that is intended to or reasonably may incite another person to unreasonably infringe on the rights of another member of the College community.
- d. Interfering with someone else's participation in a College activity, event, or process.

**E. Failure to Comply.**

- a. Failure to comply with reasonable directions of College officials, acting in the scope of their duties. In some cases, "officials" may be students employed to act on behalf of the College.
- b. Failure to comply with any disciplinary sanction imposed under the Code.

**F. Falsification of Information.** Includes, but is not limited to:

- a. Knowingly furnishing false information, or failing to furnish correct information, in response to a request or requirement of a College Official.
- b. Forging, altering, or misusing OCCC documents, records, or identification cards, including electronic documents and records.
- c. Unauthorized use of another individual's identification or password or sharing one's personal identification or password with an unauthorized user.
- d. Knowingly reporting a false emergency.
- e. Knowingly making false statements or knowingly submitting false information in bad faith as part of a complaint or report or associated with an investigation into misconduct.

**G. Fire and Life Safety.** Includes, but is not limited to:

- a. Tampering with fire safety equipment, generating a false alarm, or engaging in behavior that constitutes a fire or safety hazard.
- b. Failure to evacuate a College building after an alarm has sounded.
- c. Failure to follow the fire and/or life safety-related directives of a person authorized to give such directives.

**H. Property Theft and/or Damage.** Attempted or actual theft of, unauthorized use or possession of, and/or damage to property of the College or of a member of the College community.

**I. Misuse of Computing Resources.** Abuse or unauthorized use of the College's computer equipment, software passwords, or records, or any violation of the confidentiality or security of passwords, records or software, including but not limited to networks, Internet, World Wide Web, and e-mail. Using OCCC computer resources and/or networks to send threatening or harassing messages or view pornographic materials is forbidden. [See AP 7320 - Technology Acceptable Use Policy.](#)

**J. Recording.**

- a. Using, obtaining, or attempting to obtain electronic or other means to photograph or record the likeness of another without the individual's consent, in any situation in which there is a reasonable expectation of privacy, is prohibited. This includes, but is not limited to, recording another person in an intimate situation.
- b. Recording in any College locker room or restroom is strictly prohibited.
- c. Recordings of lectures and presentations may not be used for any reason other than personal educational purposes and may not be shared publicly.

**K. Retaliation.** Retaliating, or attempting to retaliate, against any individual for exercising one's rights or reporting, providing information, or otherwise being involved in the process of responding to, investigating, or addressing allegations or violations of federal, state, or local law, or College policy, including, but not limited to, the provisions of this Code.

**L. Unauthorized Access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to College Premises, or unauthorized entry onto or into College premises.

**M. Violation of College Policy.** Violation of any College policy, rule, or regulation that is posted by a College Official or available electronically on the College website.

**N. Violation of Law or Regulation.** Engaging in conduct that is contrary to any federal, state, or local law when such violation interferes with, or poses a risk to, the College or interferes with other students' participation in College premises, activities, or events.

**O. Weapons and Dangerous Materials.** Possession or use of firearms, destructive materials or devices, or other weapons including replicas of weapons, or dangerous chemicals on College premises or use of any item in a manner that harms, threatens, or causes disruption to the educational environment. Exceptions to this policy are permitted when the weapon and/or dangerous materials are used in conjunction with an approved College instructional program, are carried by a duly constituted law enforcement officer, or are otherwise permitted by law.

## **GENERAL MISCONDUCT PROCEDURES**

**A. Temporary Removal of Registered Students (Interim Actions).** If a student is engaging in disruptive behavior, a course instructor may temporarily restrict a student's participation in class

or temporarily block access to the learning management system. Before allowing the student to return to class, the instructor and Dean will clarify with the student the behavioral standards that must be met to continue in the class. This clarification will occur as expeditiously as possible, preferably before the next class session or equivalent. During the period of restriction, the student must be provided the opportunity to maintain access to the educational or course content. Instructors must facilitate an alternate method for this to occur. A Student Conduct Officer can provide consultation and coordination throughout the classroom management process. If the disruptive behavior is not resolved through the clarification process, the situation must be referred to a Student Conduct Officer. Any permanent removal from class must be in accordance with the procedures of this policy.

**B. Removal of Unauthorized Individuals.** Instructors may restrict people who are not registered from attending class sessions. Exceptions based on disability must be approved by the College's Disability Services Office. Other exceptions may be made by a College official.

**C. Reporting an Alleged Violation.** Any individual may submit a report to the VPASA and Student Affairs via the [student complaint form](#).

A report should be made in a timely manner and contain:

- a. Name and contact information of the person reporting the incident. You may ask that the VPASA or designee keep your report anonymous, but this will likely diminish the ability of an investigation to collect evidence.
- b. Name of the person or group accused with all known details of event, names of witnesses and others impacted, if known. A report must be complete, or it may be dismissed as insufficient.

**D. Initial Review and Assessment of Report.** Upon receipt of a report, the VPASA or designee will review the report to determine if there is a reasonable basis to believe the *Student Rights, Responsibilities, and Conduct Code* may have been violated and further investigation is warranted. The following are some factors that are considered in deciding to initiate an investigation:

- a. In any instance where the reported conduct, even if substantiated, would likely not violate the Code, it may be decided not to investigate, and to address the situation through other College processes as appropriate.
- b. When the reported conduct, if substantiated, may constitute a violation of the Code, the VPASA or designee will evaluate the level of possible wrongdoing and determine what level of investigation and action are next appropriate:
  - I. Whether the behavior is minor and can be handled informally by alternative resolution options, including coaching, conversation, teaching or other informal

learning methods. The College may use creative informal processes designed to teach, so long as no student right is violated; or

- II. whether the behavior warrants a formal charge or further investigation; and
- III. the VPASA or designee may consider prior reports to inform the decision whether and how to proceed.

Additionally, the VPASA or designee maintains the discretion to determine if the College will not act on alleged violations based on available resources, institutional needs, and priorities.

### **ADMINISTRATIVE HEARING PROCESS**

1. **Report.** Anyone may submit information about a possible Code violation by submitting a compliant or report to the VPASA.
2. **Preliminary Review.** The Student Conduct Officer may gather further information to determine whether the reported conduct, if substantiated, may constitute a possible Code violation. If the Student Conduct Officer determines that the reported conduct, even if substantiated, would likely not amount to a Code violation, the Student Conduct Officer may choose to close the report or address the report through another College administrative process. The Student Conduct Officer may take an “Interim Action” to address immediate safety concerns.

**Interim Action.** A Student Conduct Officer may impose an appropriate sanction as reflected in the Code with the exception of Expulsion, including (a) immediate suspension; (b) restricting access to College premises, the virtual learning environment, and/or all other College activities or privileges; or (c) any other action approved by the VPASA deemed as reasonable to prevent the recurrence of the alleged Code violation or to protect the integrity of the investigation. The interim action(s) do not replace the Administrative Hearing process as outlined in this Code. The student will be notified in writing of any interim action and the rationale. As soon as practical following implementation of the interim action, in most cases within three business (3) days, the Student Conduct Officer shall provide the student with an opportunity to address the action and supporting information in person, by phone, or through written communication. Based on that information, the VPASA or designee may maintain, revoke, or modify the interim action.

#### **Interim Actions:**

- i. In serious cases, such as when a student or student organization represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, or to preserve College property and/or to prevent disruption of, or interference with, the normal operations of the College, VPASA or designee may impose one or more interim actions.
- ii. Interim actions include, but are not limited to, (a) administrative suspension, (b) exclusion from campus properties and/or virtual environments (with or without an

ability to participate via distance education methods in classes during exclusion), (c) restricted participation in a College-sponsored program or activity, (d) a No Contact Directive pending investigation for the timeframe necessary to complete a timely investigation, or (e) loss of network or technology system access, per this rule.

- iii. In cases of immediate threat to health and safety or computing system security, the Director of Facilities and Public Safety, or Director of Information Technology, or designee may issue a temporary exclusion to secure the health and safety of campus and, if the excluded person is a student, refer the matter to the VPASA to initiate a Code of Conduct investigation. The Director of Facilities and Public Safety, and/or Director of Information Technology and the VPASA, or designee, will work cooperatively to determine risk and next steps to address concerns prior to and during the investigation.
- iv. Where appropriate in serious cases, the VPASA and/or Director of Facilities and Public Safety will warn a student or students who may be in danger and/or will design supportive measures for mitigation to prevent further harm from occurring. The College will work with both parties to mitigate negative impacts.
- v. At the time interim action is taken, the student or student organization will be informed in writing about the action(s) being taken and the reasons for the action(s). As soon as is reasonable after an interim action is taken, in most cases within three (3) days, the Student Conduct Officer or designee will provide the student the opportunity to address the action(s) taken with appropriate College personnel, and any additional information via a preliminary meeting or through written communication. In instances where a Responding Party fails to attend a scheduled meeting, respond to a meeting request, or participate in the conduct process, the interim actions may remain in effect until a conduct conference is held and a final determination can be made.
- vi. Based on the information received, the VPASA or designee will make a determination to maintain the action pending the outcome of a disciplinary process, modify the action, or revoke the action. This outcome will be communicated to the student or student organization within a reasonable timeframe, based on the complexity of the situation, after the preliminary meeting taking place.

### **3. Notice of Hearing**

After the preliminary review by the Student Conduct Officer, a Hearing Notice may be sent to the Responding Party. The notice shall include:

- (a) a brief description of the reported allegation(s),

- (b) the section(s) of the Code the Responding Party is alleged to have violated,
- (c) the range of possible sanctions for the alleged violation(s),
- (d) a specific date to respond to regarding a hearing date,
- (e) information about having a Support Person attend,
- (f) information on how to request accommodations for a disability, and
- (g) information on the Administrative Hearing procedures.

The Administrative Hearing typically occurs within ten (10) days from the date on the Hearing Notice. Requests for extensions by the Responding Party may be granted at the discretion of the Student Conduct Officer. The Student Conduct Officer may set a date beyond ten (10) days based on the complexity of the investigation or based on College closures.

#### **4. Administrative Hearing and Investigation**

Advisors - The Responding Party may bring one Advisor, or support person, to the meeting, but that person may not speak on behalf of the student/student organization. The only person not permitted to serve in an Advisor role is someone who is a party to the case. Advisors who disrupt the meeting or otherwise impede the process will be dismissed. If the student brings an OCCC employee as the Support Person, that employee shall be under strict confidentiality restrictions and shall not discuss any information gained in the meeting with any person other than the accused student, barring compliance with federal and state laws (not even with the investigator outside of the meeting).

Accessibility - The College is committed to making the student conduct process accessible to all students. Students unable to participate in person may request arrangements to participate in other ways (including by providing written statements, through telephonic or online means, etc.). Students with disabilities have the right to reasonable accommodation and can request support through Student Accessibility Services. At the request of the respondent or complainant, Student Accessibility Services will send notice of eligible accommodation(s) to the Student Conduct Officer.

Standard of Proof - The Student Conduct Officer will review all information submitted and decide whether a violation occurred. The College will use a **preponderance of evidence standard** when making determinations about whether a student/student organization is or is not responsible for violations of the Code. A preponderance standard of evidence means that a violation of this Code is based on a determination that the prohibited behavior was more likely than not to have occurred. The Student Conduct Officer will inform the student/student organization when to expect a decision.



Concurrent Proceedings - Nothing in this Code shall preclude or in any way restrict additional actions in any College department, educational program, or activity related to academic, professional, or similar standards specific to the department, program, or activity.

### Hearing Process

- 1) Students/student organizations accused in a student conduct process may choose to prepare in advance for their conduct meeting. In addition to making any requests for reasonable accommodation necessary, a Responding Party is permitted to meet with a staff member to ask questions about the conduct process, and/or identify (in relevant cases) if they can bring or suggest witnesses and the process to do so.
- 2) A Responding Party is also permitted to review collected evidence during a mutually agreed-upon time before the hearing. This review period is provided at least 24 hours, but not more than 72 hours, before the hearing. The Responding Party is welcome to bring an Advisor with them at any step in the student conduct process, as long as they follow the expectations regarding the role of the advisor.
- 3) The Responding Party may elect to participate in the Administrative Hearing in person, by telephone, by videoconference, and/or by submitting a written statement.
  - a. The Responding Party may elect to not participate in this hearing. If the Responding Party elects not to participate in or fails to attend the hearing, the Student Conduct Officer may decide the matter in the party's absence. Failure to cooperate or appear will not delay the outcome of the matter.
  - b. If the Responding Party elects to participate in the hearing, the Student Conduct Officer will review the alleged violation(s) with the Responding Party at the hearing. The Responding Party will be provided a reasonable opportunity to share the party's perspective, provide information to the Student Conduct Officer, and respond to the information presented.
  - c. The College and/or the Responding Party may seek legal advice at the party's own expense. The Responding Party may consult the party's Support Person, including an attorney, during the Administrative Hearing, but the Support Person may not participate in the meeting in any other manner, including speaking on behalf of the student. The Responding Party must notify the College within forty-eight (48) hours prior to the Administrative Hearing if the Support Person will be an attorney.
  - d. The Student Conduct Officer may gather additional information after the meeting, such as by conducting interviews and reviewing documents. The Student Conduct Officer may need to meet with the Responding Party about information gathered after the initial Administrative Hearing. In general, this may take up to ten (10) days after the hearing, or longer as appropriate under the circumstances.
  - e. The Student Conduct Officer will make reasonable efforts to communicate to all relevant parties any anticipated delays of more than ten (10) days. Students who may have factors that could impact their ability to participate in any facet of the student conduct process

should contact the VPASA at least 3 business days prior to a deadline or meeting to make a request for a delay, extension, or rescheduling, which will be reviewed by the Student Conduct Officer. The College's ability to meet requests may be limited without enough advance notice.

- 4) The hearing is the respondent's opportunity to explain their actions, take responsibility for their actions and discuss consequences, or contest the allegations by providing their own testimony, evidence, and/or witness information.
- 5) The hearing may conclude with the Student Conduct Officer needing to continue to pursue the investigation, or decide there is a preponderance of evidence to charge the respondent and hence, discuss sanctions.

## 5. DECISION OF RESPONSIBILITY

- a. The Student Conduct Officer's decision will be based on a preponderance of the evidence.
- b. After the hearing and the conclusion of any investigation, a decision letter will be sent to the Responding Party's College email explaining (i) the decision of the Student Conduct Officer, (ii) the sanction(s) imposed, if any, and (iii) information about the appeal process, if a Code violation is found.
- c. In accordance with FERPA, the Reporting Party and individual responsible for implementing any sanctions may be notified of the decision and if an appeal is filed.
- d. The decision of the Student Conduct Officer is final unless an appeal is filed in accordance with the appeal procedures set forth in this Code.

## 6. SANCTIONS

OCCC utilizes an educational and restorative sanctioning model. Sanctions, including, but not limited to, the following, are intended to be educational and developmental in nature. The sanctions applied will be proportionate with the violation committed and become progressively more severe if the student/student organization repeats violations, or otherwise demonstrates that learning has not taken place. Violations that negatively affect the health, safety, and wellbeing of the College community are deemed the most severe and may result in suspension, expulsion, or loss of recognition for a first offense.

The conduct officer may select from a wide range of consequences to promote learning by the respondent and establish a safe learning community. To this end, more than one sanction may be imposed for a single violation.

- i. **Warning (Verbal or Written).** Written notice that the Responding Party has been found responsible for violating the Code. Additional Code violations may result in progressive disciplinary action. A warning does not affect the Responding Party's disciplinary standing.
- ii. **Community Service.** The Responding Party must provide a designated number of hours of service to a designated entity or in a volunteer role at OCCC.

- iii. **Educational Sanctions.** The Responding Party must complete tasks such as assignments, interviews, reflection papers, educational meetings, or other educational activities.
- iv. **Loss of Privileges.** The Responding Party is denied specified privileges of being a student for a designated period.
- v. **No Contact Directive.** The Responding party is prohibited from contacting a specified person(s) related to the Code violation. This includes contact initiated through any means (including personal, electronic, and telephonic) as well as contact initiated by any third party on the Responding Party's behalf or request. This restriction applies both on and off campus. Failure to abide by the terms of this sanction will result in further disciplinary action. The Reporting party may choose to attempt to obtain a restraining order if legal protection from contact is thought to be necessary.
- vi. **Registration Hold.** Students who do not complete assigned sanctions within the time provided may be prevented from registering for classes until completion of those sanctions.
- vii. **Restitution.** For violations involving damage to, destruction of, or theft of property, the Responding Party may be required to make monetary restitution and/or return any stolen or misappropriated property in an amount not to exceed the actual expenses, damages, or losses incurred.
- viii. **Administrative Removal from a Class.** The Responding Party will be removed from a specific class but be allowed to continue in all other courses, unless otherwise restricted. The Responding Party is responsible for any tuition and fees associated with the administrative withdrawal process. Removal may require virtual attendance, if appropriate.
- ix. **Probation.** During the period of probation, the Responding Party is not considered in good disciplinary standing. Upon expiration of the probation period and fulfillment of other sanctions imposed (if any), the disciplinary probation will be lifted.
- x. **Suspension.** The temporary separation of the Responding Party from the College for a specific period. During the suspension period, the Responding Party is not eligible for the privileges and services provided to enrolled students, including but not limited to registering, attending class, or accessing the virtual learning environment. The Responding Party is trespassed from the College, including all College owned or controlled property, services, and facilities. The Responding Party will be responsible for any tuition and fees associated with the administrative withdrawal process including any financial aid status implications. Upon expiration of the suspension period, the Responding Party must submit in writing a request for reinstatement to the VPASA. The Responding Party may be asked to provide a statement demonstrating readiness to return and successfully re-engage with the College community in a manner aligned with the Student Code of Conduct. If the VPASA confirms that all terms of the suspension have been met and the suspension is lifted, the Responding Party may be reinstated with or without additional conditions, at the discretion of the VPASA.

- xi. **No Trespass Order:** A student who is temporarily or permanently separated from campus, through interim action, suspension, or expulsion, may be issued a no trespass order excluding them from all OCCC property.
- xii. **Conditions for Returning to Campus:** When a student is temporarily excluded from a specific location and for a period of time, the College may establish specific conditions of return. Conditions of return are designed to require the student to engage in learning activities to prepare to effectively re-enter the learning community. The conditions will be set out in the notice of findings that relate to the student conduct violation(s). The student is responsible for proving that all the conditions for return are satisfied to the level necessary to persuade the VPASA that the student is ready to learn and able and willing to cooperate with community standards.
- xiii. **Expulsion.** The sanction of Expulsion is by recommendation of the VPASA to the President and will result in the permanent separation of the Responding Party from the College. This means that the Responding Party may not, at any time in the future: enroll in the College; be a member of any student club or organization; or register for, or participate in, any program, activity, or event sponsored or organized, in whole or in part, by the College, including running for a seat on the governing board. The Responding Party is trespassed from College premises, which means the party may never again be present on College owned or controlled property or access the virtual learning environment. The Responding Party's rights and privileges as an enrolled student at the College are immediately revoked. The Responding Party will be responsible for any tuition and fees associated with the administrative withdrawal process, including any financial aid status implications. A notation will be placed on the Responding Party's academic transcript related to the party's disciplinary standing only if there is a sanction of Expulsion.
- xiv. **Loss of Recognition (Student Organizations):** Revocation of College recognition of a student organization may be made permanent or for a given period of time. The revocation takes effect immediately when the student organization is informed of the decision. The email sent to the club officer(s) and advisor(s) is considered notice. If an appeal is filed, the loss of recognition continues to be in effect pending the outcome of the appeal.

**Failure to Comply with Sanctions or Outcomes.** Students/student organizations who fail to complete sanctions are considered not in good disciplinary standing. Failure to satisfactorily complete sanctions will likely result in a registration hold that will prevent a student's registration-related actions until conditions of sanctions are met. Further, if a student/student organization does not complete or comply with conduct sanctions or outcomes, the student/student organization may be held accountable for additional violations of this Code. Failure to comply with sanctions or outcomes is a failure to follow directions of the conduct officer. In cases of active obstruction of the College accountability process, the behavior may give rise to new allegations and the Student Conduct Officer may initiate an additional conduct process.

## 7. Appeals

1) Appeals must be submitted electronically via email to the VPASA through the link provided in the Responding Party's decision letter and received within five (5) days of issuance of the decision letter.

2) The request for an appeal must state the specific grounds for the appeal. Dissatisfaction with a decision is not grounds for an appeal. Grounds for appeal are limited to:

i. Demonstrating that the Administrative Hearing deviated from the procedures outlined in the Code; however, deviation from these procedures shall not invalidate a decision or result in any other remedy unless it materially affected the Student Conduct Officer's decision.

ii. Demonstrating that the imposed sanction(s) was inappropriate for the Code violation.

iii. Considering directly relevant information that was not known to the Student Conduct Officer and was not known, and that could not reasonably have been known, to the Responding Party at the time of the Administrative Hearing.

3) The VPASA will assign an Appellate Officer who will review the appeal request, together with any other information the Appellate Officer deems relevant, which may include reviewing the Administrative Hearing record and consulting with the Student Conduct Officer, to determine whether an appeal hearing would assist the Appellate Officer in deciding the appeal. The Appellate Officer, using best judgment, may grant an appeal hearing, or not.

4) If an appeal hearing is granted, the Appellate Officer may limit the subject of the hearing to matters that will assist the officer in deciding the appeal, which may include a request to the Responding Party for additional information. The Appellate Officer may ask questions of the Responding Party at the hearing. The Responding Party's failure to cooperate or appear at the appeal hearing will not delay the outcome of the appeal. The Appellate Officer may dismiss the appeal if the Responding Party fails to appear at the hearing.

5) The College and/or the Responding Party may seek legal advice at the party's own expense. The Responding Party may consult the party's Support Person, including an attorney, during the appeal hearing, but the Support Person may not participate in the hearing in any other manner, including speaking on behalf of the student.

6) The Appellate Officer will make one of the following decisions on the appeal:

i. Refer the case back to the original Student Conduct Officer for reconsideration or additional proceeding if the Appellate Officer determines that new information provided by the Responding Party, as set forth above, is directly relevant and may alter the findings of the Student Conduct Officer.

ii. Deny the appeal. In this case, the decision of the Administrative Hearing, including any sanctions imposed, is affirmed.

iii. Grant the appeal. In this case, the Appellate Officer may make a new decision,

7) The decision to grant or deny the appeal will be based on the preponderance of the evidence.

8. The Appellate Officer's decision will be issued in writing to the Responding Party and is final. The decision shall be issued within five (5) days after receipt of the appeal.

### **STUDENT CODE OF CONDUCT REVISION SCHEDULE**

A. The Student Code of Conduct shall be reviewed at least every three (3) years or as determined by the VPASA.

B. In situations where a timely revision is necessary due to changes in federal or state laws, the VPASA will create an interim revision to a specific aspect within this code for the President's Executive Team's immediate approval. This temporary/ interim statement will be put into effect until a permanent revision is able to move through the formal approval process.

### **STUDENT CODE OF CONDUCT/DISCIPLINARY RECORD RETENTION**

All files and records of General Misconduct and Academic Dishonesty procedures under this Code are maintained by the Office of the VPASA.

### **ADDITIONAL COMPLAINT OPTIONS**

Students have the right to file complaints with the Higher Education Coordinating Commission (HECC: <https://www.oregon.gov/highered/access/pages/student-complaints.aspx>), or the college accreditor, Northwest Commission on Colleges and Universities (<https://nwccu.org/complaints/>), or the U.S. Department of Education, Office of Civil Rights (<https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/how-file-discrimination-complaint-ocr>).

Acknowledgement: OCCC appreciates permission from Blue Mountain Community College and Linn-Benton Community College to borrow existing language from their approved Student Rights and Code of Conduct documents.