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Student Conduct Policy

OAR 579-040-0005

Student Code of Conduct

Eastern Oregon University is dedicated to a campus culture that upholds the highest standards of individual, interpersonal and academic excellence. The college experience involves a fusion of the learning process with the development of positive attitudes and standards of behavior. In addition to growing intellectually and academically, students should form attitudes of scholarship, personal responsibility, and respect for others by:

- Exemplifying personal and academic integrity;
- Respecting the dignity, rights and property of all persons;
- Opposing bigotry and prejudice and striving to be open to differences in people, ideas and opinions, encouraging community support of these differences;
- Demonstrating concern for others, their safety and their need for conditions which support their work and development.

Commitment to these ideals requires students to refrain from and discourage behaviors which threaten the freedom and respect every individual deserves.

Definitions

1. The term "University" means Eastern Oregon University.
2. The term "student" includes all persons taking courses at Eastern Oregon University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University residence halls. This Student Code of Conduct does apply at all locations of the University, including Distance Education students.

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EOU Student Affairs

One University Boulevard

La Grande, OR 97850-2899

Phone: 541-962-3672, ext.23635

E-Mail: saffairs@eou.edu

3. The term "faculty" means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
5. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Senior Hearings Officer.
6. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.
7. The term "organization" means any number of persons who have complied with the formal requirements for University recognition or registration.
8. The term "Campus Hearings Officer" means any person or persons authorized by the Senior Hearings Officer to determine whether a student has violated the Student Code of Conduct and to implement sanctions that may be imposed when a Student Code of Conduct violation has been committed.
9. The term "Senior Hearings Officer" is that person designated by the University President to be responsible for the administration of the Student Code of Conduct.
10. The term "Student Conduct Coordinator" means a University official authorized by the Senior Hearings Officer to insure procedural fairness for all Accused Students, is responsible for scheduling disciplinary hearings and/or establishing records, and serves as Secretary to the Hearings Officer(s) and Student Hearings Committee.
11. The term "Student Hearings Committee" means any person or persons authorized by the Senior Hearings Officer to serve on the committee to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be implemented when a Student Code of Conduct violation has been committed.
12. The term "shall" is used in the imperative sense.
13. The term "may" is used in the permissive sense.
14. The term "policy" means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Life Handbook, the University web page(s), computer use policy, and Undergraduate/Graduate Catalogs.
15. The terms related to Academic Honesty "cheating, fabrication, facilitation, plagiarism or tampering" are defined in the Academic Honesty Code.
16. The term "Complainant" refers to any person who submits a charge alleging that a student violated the Student Code of Conduct. When a student believes that he/she has been a victim of another student's misconduct, the student who believes he/she has been a victim will have the same rights under the Student Code of Conduct as are provided to the Complainant, even if another member of the University community submitted the charge itself.
17. The term "Accused Student" means any student accused of violating the Student Code of Conduct.

The following are offenses subject to disciplinary action:

Code

The University may initiate disciplinary action and impose sanctions against any student, officially recognized student organization, or academic department/group which commits any of the following acts proscribed by the State Board of Higher Education and the University:

1. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other institutional activities, including the institution's public service functions or other authorized activities on institutionally owned or controlled property.
2. Obstruction or disruption which interfered with the freedom of movement, both pedestrian and vehicular, on institutionally owned or controlled property.
3. Possession or use of fire arms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on institutionally owned or controlled property, in contravention of law or institutional regulations.
4. Detention or physical abuse of any person, or conduct which is intended to threaten imminent bodily harm or endanger the health of any person or any institutionally owned or controlled property.
5. Malicious damage or misuse or theft of institutional property, or the property of any other person

- where such property is located on institutionally owned or controlled property, or, regardless of location, is in the care, custody, or control of an institution.
6. Refusal by any person, while on institutional property, to comply with an order of the institutional executive or appropriate authorized official or officials, to leave such premises because of conduct proscribed by the code when such conduct constitutes a danger to personal safety, property, or educational or other appropriate institutional activities on such premises.
 7. Unauthorized entry to or use of institutional facilities, including the buildings and grounds.
 8. Use, possession, or distribution of illegal drugs on institutionally owned or controlled property.
 9. Inciting others to engage in any of the conduct or to perform any of the acts prohibited herein. Inciting means that advocacy or proscribed conduct which calls upon the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the institution, including the safety of its students, faculty, and officials, and the protection of its property.
 10. Academic Dishonesty: cheating, fabrication, facilitation, plagiarism or tampering in connection with an academic program of the institution.
 11. Forging, altering, misusing, or mutilating University documents, records, identification, educational materials, or other University property.
 12. Sexual assault, sexual harassment, or any other non-consensual verbal or physical sexual activity including the support or assistance of such activities. For specific definitions please see the Sexual Assault Policy.
 13. Stalking, defined as repeatedly contacting another person when a) the contacting person knows or should know that the contact is unwanted by the other person; and b) the contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person's ability to perform the activities of daily life. Contacting includes but is not limited to communicating with or remaining in the physical presence of the other person.
 14. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, or which endangers or harms animals, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are a violation of this code.
 15. Disorderly conduct includes but is not limited to: vulgar, indecent, defamatory, or obscene conduct or expression on University-owned or controlled property or at University-sponsored or supervised functions or events; any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
 16. Possession or consumption of alcohol beverages by persons under 21 years of age, or furnishing of alcoholic beverages to persons under 21 years, on University owned or controlled property or at University sponsored or supervised activities. Individuals of legal drinking age in recognized student housing may possess and consume alcoholic beverages only in their private rooms, and dispensing devices such as kegs and taps, and large containers such as "party balls," are not permitted. Use of alcohol in any other campus location is prohibited unless specifically authorized in OAR 845-006-0347, which governs the conditions under which alcoholic beverages may be consumed in areas other than housing units on the University campus. Regulations concerning use of alcoholic beverages by students in University housing units and by recognized student organizations on or off campus are detailed in the Eastern Oregon University Drug and Alcohol Policy, the Alcohol Beverage Use Policy and the Tailgating Policy.
 17. Use of tobacco products in unauthorized locations on campus in violation of state law, University, or public health regulations.
 18. Violating University parking regulations or other misuse of a vehicle, which violates the law or University policy.
 19. Intentionally furnishing false information, including false identification.
 20. Distributing, publishing or posting materials, soliciting funds, selling items, engaging in commercial activity, erecting structures, exhibiting items, displaying films and videos, using

official University insignias or materials, or participating in performances and activities without proper authorization or not in accordance with the University Open Forum (Time, Place, Manner) Policy.

21. Attempted or actual theft or misappropriation of property, equipment, materials, services, or data of the University, faculty, staff, students or guests.
22. Attempted or actual theft or other abuse of computer facilities and resources, including but not limited to: unauthorized entry into a file, to use, read, or change the contents, or for any other purpose; unauthorized transfer of a file; use of another individual's identification and/or password; use of computing facilities and resources to interfere with the work of another student, faculty member or University official; use of computing facilities and resources to send obscene or abusive messages; use of computing facilities and resources to interfere with normal operation of the University computing system; use of computing facilities and resources in violation of copyright laws; any violation of the University Acceptable Use Policy.
23. Knowingly possessing stolen property, equipment, materials, services, or data.
24. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website.
25. Abuse of the Student Conduct System, including but not limited to: failure to obey the notice from the Senior Hearings Officer, Student Conduct Coordinator, a Campus Hearings Officer, or University official to appear for a meeting or hearing as part of the Student Conduct System; falsification, distortion, or misrepresentation of information before a Campus Hearings Officer or Student Hearings Committee; disruption or interference with the orderly conduct of a hearing proceeding; institution of a student conduct code proceeding in bad faith; attempting to discourage an individual's proper participating in, or use of, the student conduct system; attempting to influence the impartiality of a member of a Student Hearings Committee or a Campus Hearings Officer prior to, and/or during the course of, the hearing proceedings; harassment (verbal or physical) and/or intimidation of a member of a Student Hearings Committee or a Campus Hearings Officer prior to, during, and after a hearing proceeding; failure to comply with the sanction(s) imposed under the Student Code of Conduct; influencing or attempting to influence another person to commit an abuse of the Student Conduct System.
26. Violation of any federal or state law or city or local ordinance or University rule.

Stat. Auth.: [ORS 351.070](#)

Stats. Implemented: [ORS 351.070](#) and [351.088](#).

OAR 579-040-0007

Jurisdiction

A. The provisions of OAR 579-040-0005 apply to all students and activities on University owned or controlled property; during any University-sponsored activity or the activity of a University-sponsored or recognized organization, regardless of location; or when the behavior poses a clear threat to any persons or to property on campus. "Activities" include, but are not limited to field trips, athletic events, and all extra-curricular activities or theatre/music productions. Examples of behaviors which pose a clear threat may include, but are not limited to, physical or sexual assault, rape, sexual harassment, stalking or illegal weapons use.

B. In general, the off-campus activities of students are viewed as their personal business. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code of Conduct, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate. When a student violates local, state, or federal laws and, at the same time, violates the Student Code of Conduct, either on or off campus, the University reserves the option of initiating disciplinary action on its own. Such actions are particularly likely when Eastern

Oregon University student leaders (athletes, ASEOU officers, Ambassadors, Residence Hall staff, etc.) are involved.

Stat. Auth.: [ORS 351.070](#)

Stats. Implemented: [ORS 351.070](#) and [351.088](#).

OAR 579-040-0010

Student's Rights and Responsibilities

A. Eastern Oregon University students retain and enjoy all rights guaranteed to citizens by the Constitution and laws of both the United States and the state of Oregon. Examples of such rights include but are not limited to the following:

1. The right of reasonable access to University facilities and programs, and the right to learn free from unlawful discrimination or other arbitrary and impulsive treatment.
2. The right of free inquiry, expression, and assembly subject to constitutional limitations regarding time, place, and manner.

B. Students charged with violations of University regulations have the following rights in accordance with Due Process (OAR 579-040-0013) after a complaint has been filed with the Office of Student Affairs:

1. The opportunity to select whether a Campus Hearings Officer or the Student Hearings Committee will hear the allegation(s) of complaint.

2. Written notice to include:

- (a) Copies of all documents or complaints that have led to charges being brought forward or a hearing being scheduled. The exception to this is when anonymous charges have been filed, in which case the accusations must be corroborated with testimony, or other information that can be shared with the accused student;
- (b) Name of the Hearings Officer and names of Student Hearing Committee members (when appropriate);
- (c) Reference to the particular section(s) of the Student Code of Conduct that is/are involved in the complaint(s);
- (d) Time, location and other relevant information regarding the conduct violation(s);
- (e) A copy of the Student Code of Conduct and the procedures to ensure Due Process.

3. The consequences and/or sanctions will be consistent with the Student Code of Conduct.

4. To be advised by counsel at the hearing if the student makes all arrangements for counsel to be present at the student's expense. The student who is advised by counsel is still obligated to represent him/her self at the hearing.

5. Opportunity to review all information being considered at a disciplinary hearing.

6. Opportunity to have witnesses or documents in support of his/her defense.

7. Opportunity to appeal the decision rendered as a result of the disciplinary hearing.

8. In the case of suspension or expulsion/dismissal, the Senior Hearings Officer must review the Hearings Officer's decision and/or the Student Hearings Committee's recommendation.

C. Students complained against have the following responsibilities:

1. To appear at the designated time and place for a hearing to answer the charges filed. Failure to appear at the disciplinary hearing will result in the Hearings Officer or Student Hearings Committee issuing an order based on the information available.
2. To meet with the Student Conduct Coordinator to review disciplinary hearing policies and procedures.
3. To provide a list of all witnesses who will appear in his/her behalf to the Hearings Officer or Student Hearings Committee at least 48 hours prior to the scheduled disciplinary hearing.
4. To maintain civil decorum during the hearing process.

Stat. Auth.: [ORS 351.070](#)

Stats. Implemented: [ORS 351.070](#) and [351.088](#).

OAR 579-040-0013

Due Process

Procedural fairness is basic to the proper enforcement of all University regulations. Accordingly, no disciplinary action shall be initiated or sanction imposed against students or student organizations until they have been notified in writing of the charges against them and their rights under this Code, and given the opportunity to be heard:

1. The Student Conduct Coordinator shall insure that the best interests of students and student organizations are served, regardless of whether disciplinary action is taken.
2. Students shall have an opportunity to participate in the formulation of all regulations and policies pertaining to student discipline at Eastern Oregon University.
3. All University regulations and policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to students or student organizations.
4. Regulations and disciplinary sanctions affecting the conduct of students shall be based on general principles of equal treatment.

Stat. Auth.: [ORS 351.070](#)

Stats. Implemented: [ORS 351.070](#) and [351.088](#).

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