



Dean of Student Life

Division of Student Affairs

# PSU CODE OF STUDENT CONDUCT AND RESPONSIBILITY

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## I. GENERAL POLICY

The University supports the right of all people to live and learn in a safe and respectful environment that promotes excellence in instruction, research, and public service. The Code of Student Conduct and Responsibility (“Code”) is designed to protect the freedoms, fundamental rights, and responsibilities of those in the PSU community. Students are expected to conduct themselves in a manner consistent with these principles.

1. A Student Party whose conduct is determined incongruent with the standards of the University as described in this Code is subject to disciplinary action. The procedures for that action are generally educational in nature and are intended to lead to the preservation of community, self-evaluation, and accountability.
2. The procedures of this Code consider each case individually and without prejudice. Review of alleged conduct code violations shall be done in a prompt, fair, and impartial manner.
3. In addition to the regulations in this Code, all Student Parties must follow the academic and professional standards of all applicable academic units, departments, schools, and colleges.

4. This Code became effective on July 24, 2023 and supersedes all other previous student conduct codes.

## II. DEFINITIONS

1. **Appeal Officer:** university official appointed to review appeals of Conduct outcomes and sanctions.
2. **Code:** this Code of Student Conduct and Responsibility.
3. **Conduct Record:** Records relating to reports of Code Violations, including, but not limited to, incident reports, final reports, notification of allegation, disciplinary reports, informal discussion notes, formal Conduct Review meeting records and recommendations, decision statements, appeal records and decision, and related documentation and correspondence.
4. **Course Instructor:** any person employed by the University to conduct classroom activities or who has an official instructional function with the University.
5. **Day:** any business day in which the University is open. It does not include weekends, federal and state holidays or days in which the University is not open for business.
6. **Dean of Student Life:** the University Official holding this title. Any action required to be performed by the Dean under this Code may be performed by their designee(s).
7. **Conduct Officer:** a University Official designated to adjudicate cases by the Senior Conduct Officer.

8. **Effective Consent:** voluntary, non-coerced and mutually understandable communication between adults, meeting the age requirements of the State of Oregon, indicating a willingness to participate in a particular act. Consent must be freely and actively given. Effective consent cannot be gained by actual or the threat of force, intimidation, or by taking advantage of incapacitation of another, where a person knows or reasonably should have known of such incapacitation. Silence, stillness, or the absence of “no” in and of itself is not an indication of consent. Consent can be withdrawn at any time. Past consent does not imply future consent.
  
9. **Incapacitation:** a state that renders a person incapable of determining their own conduct and/or lacking an understanding of the who, what, when, where, why, or how of their sexual interaction at the time of the incident. The causes of incapacitation may include but are not limited to a medical diagnosis, lack of sleep, blackouts, or influence of a controlled or other intoxicating substance that has rendered the individual physically or substantially incapable of making decisions or communicating unwillingness to engage in sexual activity.
  
10. **Protected Class:** a group of people who qualified for protection under PSU’s [Prohibited Discrimination and Harassment policy](#) based on particular identities. The protected classes covered include age, color, disability, gender, gender identity and expression, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, and any other basis protected by federal, state, or local law.

11. **Rational Nexus:** is the standard used in adjudicating behavior that originates or takes place off-campus. Criminal, violent, or other behavior that involves two (2) or more students or has the potential to impact the campus community may be subject to review and adjudication by the university.
12. **Recognized Student Organization:** a group of five or more Students who have formed around a defined mission or purpose and who have been officially recognized by Student Activities and Leadership Programs or Campus Recreation.
13. **Report:** reported allegations of code violations, including, but not limited to, a Dean of Student Life Conduct Report Form, Residence Life Incident Report, Campus Public Safety Office Incident Report, or Portland Police Bureau Report.
14. **Reporter:** any person submitting a report alleging that a Student, group of students, or Recognized Student Organization has engaged in conduct prohibited by this Code.
15. **Respondent:** is a Student who is alleged to have engaged in conduct prohibited by the Code.
16. **Senior Conduct Officer:** is the University Official charged with the responsibility of administering the Code. The Director of Student Conduct and Community Standards is the senior conduct officer for PSU. Any action required to be performed under this Code by the Senior Conduct Officer may be performed by their designee.

17. **Student Conduct Committee (Committee):** a committee charged with reviewing and adjudicating allegations of Code Violations. The committee is composed of faculty and staff recommended by the Faculty Senate of the University. Quorum for the committee will be Three (3) members, including the Chair.
  
18. **Student:** a person who: (a) is enrolled and/or registered for one or more credit hours; (b) is enrolled in a special non-credit program approved by the University; or (c) was enrolled as a student the term prior to the incident, and is eligible to return or have a continuing relationship with the university, or (d) has applied for admission, financial aid or any other service provided by the University that requires student status in the same term as, or one term prior to, the incident.
  
19. **Student Party:** a Student, group of Students, or Recognized Student Organization to which this Code applies.
  
20. **University:** Portland State University, or any part, program, department, or division within Portland State University.
  
21. **University Official:** any person performing assigned administrative or professional responsibilities on behalf of the University.
  
22. **University Premises:** all lands, buildings, facilities, and other property owned, in the possession of, used, or controlled by the University.

23. **University Sponsored Activity:** any program or event hosted by a department, program, organization, or individual representing the University. Such activities include, but are not limited to, field trips, athletic events, education abroad, University exchange programs, and student organization-hosted programs or events.

### III. GENERAL STATEMENT OF AUTHORITY

1. As provided in PSU's Student Conduct and Responsibility policy, the Senior Conduct Officer will maintain overall responsibility for developing and implementing policies for the administration of the Code and procedural rules for conduct meetings and Committee Conduct Review meetings that are consistent with provisions of the Code and applicable law.
2. The Senior Conduct Officer will review all reports received of alleged violations of this Code and has sole discretion to determine jurisdiction, if adjudication is appropriate, and the appropriate review body or University Official for adjudication.

### IV. JURISDICTION

1. The provisions of this Code apply to all Students and activities on University Premises; during any University Sponsored Activity regardless of location; and to off-campus conduct that has a rational nexus to the University and/or the pursuit of its objectives or that poses a potential threat to the health, safety, or assets of the University or any person associated with the University or

substantially impacts any person's ability to continue their University-related pursuits. Questions regarding jurisdiction will be resolved by the Senior Conduct Officer.

2. Students participating in co-admission programs between Portland State University and other institutions will be accountable to conduct standards at Portland State University regardless of the standards applicable at the other institution and whether or not the other institution is reviewing allegations under their policy.
  
3. Allegations of certain behavior may be adjudicated within the University's administrative conduct program as outlined in this Code as well as within any off-campus criminal justice system. Adjudication of allegations of misconduct for Student Parties will occur expediently without regard to the status of any off-campus adjudication.
  
4. Generally, allegations may be adjudicated up to six months from the date of report of the alleged violation regardless of their current enrollment status. However, in extenuating circumstances, the Senior Conduct Officer may determine that adjudication is appropriate beyond the six-month time limit, in their sole discretion. An adjudicated violation of a prior or inactive student may result in a notation on the permanent record or degree revocation if the Student has separated from the University.

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

The following constitutes conduct as prohibited by the university for which a party is subject to disciplinary action:

1. **Academic Misconduct:** actual or attempted, fraud, deceit, unauthorized use of materials prohibited or inappropriate in the context of the academic assignment, or any act that aims to achieve an unfair academic advantage. Unless otherwise specified by the faculty member, all submissions, whether in draft or final form, must either be the Student's own work, or must clearly acknowledge the source(s). Academic Misconduct includes, but is not limited to:
  - a. cheating, such as copying the work of another, allowing another to copy from one's own work, unauthorized use of notes or sources during an exam, giving or receiving unauthorized information prior to or during the examination.
  - b. plagiarism, such as word for word copying, using borrowed words or phrases from original text into new patterns without attribution, or paraphrasing another writer's ideas;
  - c. the buying or selling of all or any portion of course assignments and research papers;
  - d. performing academic assignments (including tests and examinations) in another person's stead;
  - e. unauthorized disclosure or receipt of academic information;

- f. falsification of research data, sources, or other information represented in an academic assignment;
- g. unauthorized collaboration;
- h. using the same paper or data for several assignments or courses without proper documentation;
- i. unauthorized alteration of student records; and
- j. academic sabotage, such as destroying or obstructing another student's work.

2. **Alcohol and Other Drugs:** Violation of the University Alcohol and Other Drugs Policy, including but not limited to:

- a. Possession or consumption of alcohol beverages by persons under 21 years of age, or furnishing of alcoholic beverages to persons under 21 years, on University Premises or at any University Sponsored Activity.
- b. The illegal use, possession or distribution of any federally controlled substances, synthetic drugs or inhalants, and natural substances used for drug effects. This includes any misuse or distribution of prescription or over the counter medications.

3. **Bad Faith Participation:** Abuse of the University conduct program as outlined in this Code, including but not limited to:

- a. falsification, distortion or misrepresentation of information before any conduct body;
  - b. knowingly initiating any conduct proceedings without cause; or
  - c. attempting to discourage an individual's participation in, or use of, any conduct system.
4. **Collusion:** Inciting others to engage in any of the conduct or to perform any of the acts prohibited in this Code.
5. **Discriminatory Harassment:** verbal comments, graphic or written statements, or physical conduct by a student based on Protected Class(es) that is so severe, persistent, or pervasive that it interferes with or limits a student, employee, volunteer, or PSU community member's ability to participate in or benefit from the university's educational and/or employment opportunities, programs, or activities.
6. **Disruptive behavior:** any behavior that interrupts the normal operations of the University, including teaching, classroom activities, research, administrative functions, disciplinary procedures, or other authorized University activities.
7. **Electronic or digital misconduct:**
- a. Unwanted communication with another person using computers, email, cell phones, or any other digital device.

- b. Abuse, misuse, and/or theft of data, equipment, or software, including unauthorized file sharing, distribution of electronic materials, creating or presenting false information, whether as a hoax, to incite fear, or to embarrass, harass, or ridicule another person.
  - c. Hacking: Unauthorized entry into any off-campus, University-owned, or University-controlled network or other online space.
  - d. Illegal download: Use of any University-owned or controlled network to illegally download any material that is under copyright or other ownership.
  - e. Surveillance: Recording, streaming, or viewing another person without consent through the use of electronic, digital, or online devices, including sharing such materials with others
8. **Endangerment:** Threatening behavior that constitutes an existing or potential threat to the health or safety of others.
- Direct or implied threat of harm or hostile behavior that creates a reasonable fear of injury to another person or unreasonably subjects another person to emotional distress and/or brandishing a weapon or an object which appears to be a weapon in a threatening manner is prohibited.
9. **Failure to Comply:** refusal to comply with and respond appropriately to requests of University Officials made in the performance of their duties. A violation of any

sanctions imposed as a result of previous disciplinary proceedings under the Code.

10. **Fraud:** furnishing false or misleading information to the University, including but not limited to knowingly failing to provide requested or required information to the University, including forgery, alteration or unauthorized use of University documents, records, identification or resources, tampering with the election of any Student, Recognized Student Organization or group, or misrepresenting a person's identity to a Course Instructor or other University Official.
  
11. **Harassment:** a course of conduct, including intimidating, coercive, or verbally abusive behavior, directed at a specific individual(s) that causes, or is intended to cause, emotional or physical distress and serves no legitimate purpose.
  
12. **Hazing:** conduct which subjects a person to bodily danger, or physical, mental, or emotional harm, or to the likelihood of bodily danger or physical, mental, or emotional harm, or requiring, authorizing or permitting that the person be subjected to such conduct or act, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group or organization. The real or alleged participation in, consent to, or acquiescence in such conduct by a person subjected to hazing does not relieve an individual or group from responsibility for violating the Code.
  
13. **Misuse of University Property:** using, taking, or misappropriation of property, equipment, resources, or services that is owned or operated by the University for purposes for anything other than the intended use or that which was expressly permitted by an authorized

University Official. Use of University property, Premises, activities, or programs to facilitate conduct that is contrary to any federal or state law or city or local ordinance.

14. **Obstruction:** any behavior or action that interferes with freedom of movement, blocks access to pathways, buildings, or property, or prevents the application of administrative processes.
  
15. **Retaliation:** any adverse treatment that is taken because a person has opposed an act or practice, made a report, testified, assisted, or participated in any manner in a review, proceeding, or Conduct Review meeting concerning their protected rights and that would discourage a reasonable person from engaging in those protected activities. Retaliation also means coercing, intimidating, threatening, interfering, or discriminating against any person for the purpose of interfering with any protected right or because they have exercised any protected right, or aided or encouraged another person to exercise any protected right.
  
16. **Possession, use, or misuse of weapons:** any possession of unauthorized weapons, use of weapons, or misuse of authorized weapons on University-owned or -controlled property, at University-sponsored activities or programs, or where a rational nexus exists. Types of weapons include, but are not limited to, guns, including all calibers and pellet, BB, paintball, airsoft guns, knives, swords, axes, devices that cast projectiles, including tasers and bows and arrows, chemical weapons, explosives, dangerous chemicals, or reasonable facsimiles or instrumentalities, and any other object used to threat or harm another person.

17. **Property Damage:** Malicious or negligent damage or destruction of property, including University-owned buildings, equipment, supplies, and other property belonging to the University or any member of the University community.
  
18. **Physical Assault:** physical abuse of any person or conduct which intentionally or negligently causes harm, intends to cause harm, or is intended to threaten imminent danger to the health and safety of any person.
  
19. **Public Indecency:** any sex act or exposure of genitals while in a public place or a place visible from a public place not otherwise in accordance with the law.
  
20. **Sexual or Gender-Based Misconduct:**

- a. **Sexual Harassment:** unwelcome conduct of a sexual nature. Sexual harassment includes sexual advances, requests for sexual favors, and other verbal comments, non-verbal, or physical conduct of a sexual nature, where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's academic performance, interferes with an individual's access to University Services, Programs, or activities, or creates an intimidating, hostile environment.

Examples of inappropriate behavior include: sexual or derogatory comments; grabbing or touching parts of the body; and sending letters, notes, cartoons, emails, text, or audio messages of a sexually suggestive nature. Sexual harassment does not refer to

occasional compliments of a socially acceptable nature. Sexual Harassment includes, but is broader than, [Title IX Sexual Harassment](#).

Title IX Sexual Harassment is the specific form of Sexual Harassment that is regulated under Title IX of the Amended Education Act of 1972, which prohibits discrimination on the basis of sex in PSU's education programs or activities. The procedures that apply to this form of Sexual Harassment are found in [PSU's Title IX Policy](#). Whether Title IX Sexual Harassment processes apply may depend on when and where the behavior occurred and the connection of the involved parties to PSU.

Sexual harassment includes a host of behaviors, only a few of which are defined here. Many of these behaviors involve the absence of Effective Consent, including instances in which a person is incapacitated. Some additional behaviors that constitute Sexual Harassment include the following:

- i. **Quid Pro Quo Sexual Harassment:** Making submission to unwelcome conduct of a sexual nature explicitly or implicitly as a term or condition of an individual's employment or educational experience. This may include employment, salary, or other benefit changes affecting an employee, or as a basis for educational decisions or benefits affecting a student.
- ii. **Dating Violence:** Sexual violence or physical abuse or the threat of such abuse, on the basis of sex, committed by a person who is in or has been

in a “social relationship of a romantic or intimate nature” with the Complainant. PSU determines whether such a relationship exists by considering the Complainant’s statement and the length of the relationship, the type of relationship, and the frequency of interaction between the people involved.

- iii. **Domestic Violence:** Sexual violence or physical abuse or the threat of such abuse, on the basis of sex, committed by a student who is a current or former spouse or intimate partner of the Complainant, or shares a child in common with the Complainant, or is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or is similarly situated to a spouse of the Complainant under the domestic or family violence laws of Oregon. The relationship between the student and the Complainant is more than just two people living together as roommates.
  
- iv. **Fondling:** The touching of the private parts of another person, without the consent of the other person, including instances where the other person is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  
- v. **Incest:** Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
  
- vi. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object,

or oral penetration by a sex organ of another person, without the consent of the victim.

- vii. **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim was incapable of giving Effective Consent.
  
- viii. **Sexual Exploitation:** This means that a student takes non-consensual or abusive sexual advantage of another for their own advantage or benefit or to benefit another person. Examples of Sexual Exploitation include, but are not limited to: invasion of sexual privacy, taking or transmitting photographs of a sexual nature without consent, engaging in voyeurism, exposing one's genitals in non-consensual circumstances, prostituting another person, or inducing incapacitation with the intent to commit other acts of sexual misconduct.
  
- ix. **Stalking:** Engaging in a "course of conduct" (two or more acts, including, but not limited to acts in which the student directly, indirectly, or through third parties, by any action, method, device, or means), follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress, which includes anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

- x. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent as defined by the laws of the State of Oregon.
  
- 21. **Smoking:** the smoking of any inhalant in university buildings and other unauthorized areas. This includes but is not limited to Tobacco cigarettes, marijuana, cigars, e-cigarettes, cloves, bidis, vaping pens and other related equipment.
  
- 22. **Theft:** the taking of property belonging to any other person or the University without the express permission of that person or an authorized University Official.
  
- 23. **Threatening communication:** Threats made verbally, online or through electronic communication with sufficient content such that it causes fear of injury or other harm are prohibited.
  
- 24. **Unauthorized entry:** entrance into or use of University facilities, including buildings and grounds, or use of keys or ID Cards without authorization.
  
- 25. **Unlawful detention:** Restraint of a person against their will through physical restraint or denying freedom of movement, departure, or access by any means, including threat, coercion, or any form of restraint.
  
- 26. **Violation of Law:** Engaging in conduct that is contrary to any federal or state law or city or local ordinance when such violation interferes with, or is detrimental to, the mission of the University or interferes with other students' legitimate educational activities and interests. shall automatically be deemed to be detrimental to the

mission of the University. This includes the conviction of a felony or misdemeanor under circumstances where it is reasonable to conclude that the presence of the person at the University would constitute a danger to health, personal safety, or property.

University disciplinary proceedings may be instituted against a Respondent alleged to have engaged in conduct that potentially violates both the law and this Code without regard to the pendency of civil or criminal litigation or criminal arrest and prosecution.

Determinations made or sanctions imposed under this Code are not subject to change merely because criminal charges arising out of the same facts are dismissed, reduced, or resolved in favor of or against an individual.

27. **Violation of University Policy:** any act that would be a violation of this or any other University policy or rule that is not covered by this policy.

## VI. INTERIM MEASURES

1. When the health and safety of a member of the PSU Community is at risk, the Dean of Student Life or the Senior Conduct Officer may take emergency action to implement Interim Measures at their discretion. Students will be provided written notice of the Interim Measure(s), including justification for the determination and opportunity to contest the determination. Interim Measures may include, but is not limited to, one or more of the following:
  - a. immediate interim suspension of the Student;

- b. exclusion from University Premises or any portion thereof;
  - c. loss of any of the privileges of being a Student;
  - d. mandating completion by the Student of an assessment by a qualified professional and compliance with the recommendations of the professional; or
  - e. any other action determined to be reasonable due to the circumstances.
2. Students may appeal the implemented Interim Measures in writing to [conduct@pdx.edu](mailto:conduct@pdx.edu) to be considered by the Dean of Student Life. This appeal should address the allegation(s), provide supporting information regarding the allegations, describe why they feel the Interim Measure(s) is not justified, and outline how the student will ensure appropriate and safe behaviors pending the outcome of the conduct process. Based on the information provided, the Dean may maintain, revoke, or modify the action.
3. Incidents in which interim measures are taken will then be reviewed following the procedures outlined in Section VII of the code. The interim measure(s) will remain in effect for the duration of the student conduct process, unless revoked via appeal or modified by the Dean, in their sole discretion. In cases where Interim Measures are implemented, the student will be offered expediency in adjudicating the matter.

## VII. STUDENT CONDUCT PROCEDURES

### 1. Report and Intake Process:

- a. Any person may submit a written report to the Senior Conduct Officer alleging that a Student Party has engaged in conduct prohibited by this Code.
- b. The Senior Conduct Officer will review all reports received by the Dean of Student Life Office to determine, in their sole discretion, if there are sufficient grounds to proceed under this policy with a Conduct Review. The Senior Conduct officer may proceed with a Conduct Review regardless of if there is a specific complainant or the complainant is non-participatory.
- c. It is within the Senior Conduct Officer's authority to place a hold on transcripts pending the outcome of a Conduct Review or committee Conduct Review meeting in order to preserve the record and allow for the completion of the process.
- d. Timelines:
  - i. Any allegation should be submitted as soon as possible after the event takes place. Where reports are submitted more than ninety (90) days after the alleged conduct, the University may have limited ability to review and address the matter due to the availability and credibility of witnesses and evidence. It is at the sole discretion of the Senior Conduct Officer to determine if a review is appropriate beyond the ninety (90) day

period considering the severity of the allegations, available supporting evidence, due process rights, and impact of the allegations on the PSU community.

- ii. The University is substantially limited in its ability to review and address reports of conduct where the alleged behavior occurred more than six months prior. While the Senior Conduct Officer will review the report for severity of the allegations, available supporting evidence, due process rights, and impact of the allegations on the PSU community, they may also maintain the report as a record and refer the reporting/impacted parties to resources and support services.
- e. The Senior Conduct Officer will determine which Adjudicating Body will hear the report. The Respondent may request that the Senior Conduct Officer choose a particular Adjudicating Body. The final decision will rest with the Senior Conduct Officer.
- i. Senior Conduct Officer or Designee
    - i. If the Senior Conduct Officer hears the case, the Senior Conduct Officer will facilitate the Conduct Review procedures and may decide the matter based on the available information. All meetings before the Senior Conduct Officer are closed, and the information and supporting documents presented are confidential except as required by law or policy. The Conduct Review meeting is informal and does not follow administrative

contested case or courtroom procedures, including formal rules of evidence. It will be at the discretion of the Senior Conduct Officer to review information brought forward by any party involved and determine if it will be considered as a part of the Conduct Review. All information and documentation associated should be submitted prior to the close of a review. Supplemental information submitted after the review should be submitted at least 24hrs in advance of the Conduct Review meeting.

ii. University Housing and Residence Life Conduct Officer (where the report alleges violations of only the Residence Life Handbook)

iii. Dean of Student Life

iv. Student Conduct Committee

i. If the Student Conduct Committee (Committee) hears the case, the Senior Conduct Officer will conduct an initial review to gather information and prepare a case file for the Committee and serve as an ex-officio consultant during the Committee Review to ensure administrative support of the process. The Committee will identify a Chairperson who will facilitate the Committee Review procedures.

All Committee Reviews are closed, and the information and supporting documents presented are confidential except as required

by law. The Committee Review is informal and does not follow administrative contested case or courtroom procedures, including formal rules of evidence. It will be at the discretion of the Chairperson to review information brought forward by any party involved and determine if it will be considered as a part of the Committee Review. All information and documentation associated should be submitted prior to the close of a review. Supplemental information submitted after review of the case should be submitted at least 24hrs in advance of a Committee Review meeting. Information that was available to a Student Party during the review period but not submitted by the Student Party will not be considered grounds for appeal.

The Committee will deliberate and determine an outcome by process of a vote. In the case of a tie, the Committee Chairperson will act as a tie-breaker vote.

## 2. Notice to Student Parties:

After initiating a Conduct Review, the Conduct Officer will send written notice to the Respondent(s) within ten (10) days of receiving the report that includes:

- a. Allegations, including any known or approximate date, time, location, and summary of the alleged behavior,

- b. a list of the specific section(s) of this Code allegedly violated,
- c. the assigned Adjudicating Body,
- d. summary of student rights, and
- e. information on the policy and procedures.

### 3. Conduct Review meeting:

- a. The Conduct Review meeting will be scheduled in coordination with the student and the Adjudicating Body. If the student fails to participate in coordinating scheduling or fails to appear at a scheduled Conduct Review meeting, the Senior Conduct Officer may determine that the student has opted not to participate and may proceed with the review without the student's participation. Failure to cooperate or appear will not delay the disposition of the matter.
- b. The Respondent may bring up to two (2) third party advisors of their choice and may be a family member, friend, advisor, attorney, or other trusted individual. The advisor may not be an individual who was involved in, or witness to, the alleged violation. Delays will not normally be allowed due to the scheduling conflicts of an advisor. The Respondent will be expected to speak for themselves at all times and may only use the advisor for consultation or support. Advisors are not generally permitted to speak or participate directly in the Committee Review meeting. Should a Respondent elect to have an attorney serve as an advisor, they must notify the

Senior Conduct Officer at least 24 hours prior to the scheduled meeting. The University assumes no responsibility for any costs associated with such representation.

- c. The only parties permitted to be present during the Committee Review meeting are:
  - i. The Respondent,
  - ii. The Respondent's advisor(s),
  - iii. Witnesses invited by the Senior Conduct Officer, for the portions in which they are providing relevant information,
  - iv. The Adjudicating Body,
  - v. The Senior Conduct Officer, when not acting as the Adjudicating Body, and
  - vi. Campus Legal Counsel, where determined appropriate by the Senior Conduct Officer.
- d. The Respondent will have the opportunity to offer information on their behalf and to review and respond to all information presented.
- e. The Adjudicating Body may ask questions of any person present during the Conduct Review meeting. If the Adjudicating Body decides an essential person or piece of information is missing, the Senior Conduct Officer may decide to reconvene the Conduct Review meeting at the earliest practical time that the missing information will be available.

- f. The Adjudicating Body will determine, based upon a preponderance of the evidence (which means whether something is “more likely than not”), whether the Respondent is responsible for a Code violation and, if so, what sanctions are to be imposed.
  
- g. Once a determination is made, the Senior Conduct Officer will send written notice to the Respondent articulating the determination of the outcome (responsible or not responsible) for all alleged violations, and, if applicable, assigned sanctions, deadlines, and information on the appeal process. If the Adjudicating Body decides an essential person or piece of information is missing, they may reconvene the Conduct Review meeting at the earliest practical time that the missing information will be available.

#### 4. Appeals:

Appeals of the decision of the Adjudicating Body must follow the appeal process outlined in the code.

#### 5. Student Standing:

Except as limited by the Dean of Student Life pursuant to the Code (Section VIII), the Respondent is entitled to all rights and privileges of a student in good standing pending the Adjudicating Body’s resolution of the matter. If the Adjudicating Body decides to impose sanctions, those sanctions shall be effective immediately upon notice to the Respondent and shall remain in effect pending resolution of any appeal unless (a) the Adjudicating Body states otherwise in a written notice

issued or (b) the Appeals Officer decides to stay the imposition of those sanctions while the appeal is being decided.

#### 6. Amnesty Policy:

Amnesty from disciplinary sanctions for violating designated alcohol or drug policies may be given where a person in good faith seeks medical assistance or help from University officials or law enforcement for a medical emergency or condition that is occurring during or near the time assistance or help is sought. The amnesty will apply to students seeking assistance, to a student who is the subject of the medical emergency or condition, and to recognized student organizations. The purpose of amnesty is to encourage students to immediately seek help for an alcohol or drug-related emergency or for help in addressing matters of sexual assault. The Senior Conduct Officer has discretion to determine if a case meets the requirements for amnesty, any exceptions from amnesty, and educational measures that may be required in lieu of disciplinary sanctions.

#### 7. Procedures for Reports against a Recognized Student Organization

a. The Recognized Student Organization or group shall designate the president, principal officer, or other student member to act on behalf of the organization. This designee shall be afforded all procedural rights and responsibilities in accordance with the provisions of this Code and shall be required to represent the group at all applicable stages of the judicial program.

b. Where allegations against a Recognized Student Organization may also constitute allegations of

misconduct by individuals who are part of that organization, the Senior Conduct Officer may, at their sole discretion, apply these procedures to allegations against individuals prior to, concurrently, or following a conduct review of the allegations against the organization. Reports against unrecognized student groups will follow the procedures as outlined for recognized student organizations or groups.

## 8. Procedures for Allegations of Sexual Misconduct and Prohibited Discrimination

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

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

Where a report of alleged sexual misconduct is determined to be outside of the purview of the Title IX

Coordinator it shall be handled under the Student Code of Conduct using following procedure:

- a. The Title IX Coordinator determines the case does not fall under Title IX jurisdiction.
- b. The Senior Conduct Officer receives the case from the Title IX Coordinator for consideration.
- c. After consideration, the Senior Conduct Officer determines if a review based on the allegations will occur.

When the Senior Conduct Officer through this process determines that a case requires a review, the process will proceed as follows:

- a. If a report alleges facts that would constitute a sex violation, including stalking, dating or domestic violence, sexual harassment, sexual exploitation, non-consensual sexual contact, and non-consensual sexual intercourse, or violate the University's [Prohibited Discrimination and Harassment Policy](#), the Complainant and Respondent will be provided with equivalent opportunities to present relevant witnesses, documents and information during the review and, to participate during any Conduct Review meetings or other proceedings. This includes an opportunity to participate in any granted Conduct Review meeting and request an appeal to the decision thereafter.
  - i. If in the course of a report of sexual misconduct, a violation of the Alcohol and Other Drugs section

of the code (such as underage drinking) was reported, the University will not pursue formal adjudication of said violation if the Senior Conduct Officer determines that the Report related to sexual misconduct is brought forward in good faith.

- b. Pursuant to the code, the Dean of Student Life may impose Interim Measures such as suspension, relocation, or no contact orders between parties, to protect the integrity of the review and prevent the recurrence of the alleged code violation.
- c. The Senior Conduct Officer will contact the Complainant and Respondent to gather statements, documents, digital records, and other information related to the report. The Senior Conduct Officer has sole discretion to determine relevancy of any proposed witnesses, documentation, and other information. The Complainant and Respondent will be kept informed of the status of the review, as appropriate.
- d. Reports will be reviewed and resolved, and parties will be notified of the outcome promptly, but in most cases, not later than ninety (90) Days from the date of the report. This timeline may be extended in extenuating circumstances and at the discretion of the Senior Conduct Officer.
- e. Conduct Review meeting result notifications will be provided to Complainants and Respondents consistent with the Family Educational Rights and Privacy Act and other applicable laws.

## 9. Procedures for Reports of Academic Misconduct

- a. Course Instructors have the primary responsibility and purview for responding to and reporting academic misconduct by students enrolled in their respective courses.
  
- b. Course Instructors may issue a zero or a failing grade for the assignment for which the misconduct was found. Course Instructors may not issue a failing grade for the course unless a failing grade on the assignment in question results in a failing grade for the course, per the syllabus. Instructors may not administratively remove a student from a course.
  - i. Outcomes and findings in the conduct process are separate from grading. Grades are given at the discretion and review of faculty and are not dependent on the outcome of the Conduct Review; Course Instructors are not required to wait for the determination of a Conduct Review prior to assigning grades. In the case where the Course Instructor's assessment differs from the outcome of the Conduct Review, a Course Instructor is not obligated to adjust the grade assigned to the academic assignment, though they may choose to do so at their sole discretion.
  
- c. Departments, programs, colleges, or schools may also address academic dishonesty in accordance with their respective policies and procedures in addition to any adjudication under this procedure. These entities are limited to the following academic sanctions: (a) Issuing a zero or a failing grade for the assignment for which the misconduct was found; or (b) probation,

suspension or expulsion from the department, program, college or school per the process outlined by the respective entity.

- d. Any person may submit a report to the Senior Conduct Officer alleging that a Student Party has engaged in academic misconduct. Instructors are encouraged to submit reports for any academic misconduct alleged to have taken place in their courses. Reports should be submitted as soon as possible after the activity takes place and will be reviewed in accordance with the timelines outlined in this Code.
- e. If the report is submitted by anyone other than the Course Instructor, the Course Instructor in which the alleged academic misconduct occurred will also be notified.
- f. Course Instructors who submit a report alleging academic misconduct may also propose possible outcomes, including:
  - i. Referral for the purpose of maintaining a record. Absent a prior conduct history, a Course Instructor may address the behavior via in-class instruction, counseling of the student, and grading adjustments. A record of such interventions would be maintained by the Senior Conduct Officer without adjudication under this Code.
  - ii. Review of the allegations and adjudication under this Code alongside any grading decision made by the Course Instructor.

## VIII. APPEALS

1. Where an allegation(s) is substantiated, the Student Party will be afforded the right to file an appeal of the outcome based on the following grounds:
  - a. new information that was not available at the time of the original Conduct Review meeting;
  - b. a demonstration that the sanction(s) imposed were outside of the University's authority; or
  - c. demonstrated errors in the conduct process.

Justifications described in (a) or (c) will not be a basis for sustaining an appeal unless the deviation would have materially affected the decision of the Committee or the Senior Conduct Officer.

2. Appeal requests must be in writing and received within ten (10) Days following the date of the letter notifying the Respondent of the outcome of the Conduct Review meeting. All appeals should be submitted to [conduct@pdx.edu](mailto:conduct@pdx.edu).
3. Dissatisfaction with a decision is not grounds for appeal. The request for an appeal must state specific grounds for an appeal from the list above and provide sufficient explanation and/or evidence to support the assertion. Submissions that fail to state specific grounds for the appeal or provide explanation and/or evidence may not be considered sufficient to initiate the appeals process.

4. Appeals of the decision of a Conduct Officer or any the adjudicating body shall be made referred to the Vice Provost for Student Affairs or their designee (hereafter Vice Provost) as the Appeal Officer. Appeals of University Housing and Residence Life cases will be heard by the Executive Director of University Housing and Residence Life or their designee using the process outlined in the Residence Life Handbook.
  
5. The Appeal Officer will review the appeal submitted by the student to determine if the appeal states grounds for appeal as outlined in this policy which are supported by information or evidence submitted by the student. If not, the Appeal Officer will deny an appeal review on the basis that there are no grounds for appeal. If the appeal meets the requirements, the Appeal Officer will accept the appeal for review and initiate the Appeal review process.
  
6. If accepted for review, the Appeal Officer will review the conduct file, and the student's conduct history to determine if a) the determination of responsibility is supported by the evidence and b) the sanction was appropriate based on the alleged conduct. Appeals will be returned with a decision from the Appeal Officer within thirty (30) days of the appeal being received. The Appeal Officer's decision is final.
  
7. Sanctions imposed by the Senior Conduct Officer or Conduct Committee remain in effect throughout the appeal review. Sanctions may be repealed by the Appeals Officer in writing and will be issued in the notice of determination.

## IX. FEES AND RESTITUTION

1. A Student Party that has been determined to have violated the Code may be assessed a conduct fee for each case resulting in one or more substantiated allegations. For each case in which a Student Party is determined to have violated the Code, a conduct fee will be imposed in the following increments:

- a. First substantiated violation: \$10 conduct fee
- b. Second substantiated violation: \$25 conduct fee
- c. Third, and any subsequent, substantiated violation: \$50 conduct fee

Students with limited financial resources or who may be disproportionately impacted by fees may file a request for a fee waiver for each case in which a fee is imposed. Any fee waiver request is approved at the discretion of the Senior Conduct Officer.

2. A Student Party that has been determined to have violated the Code in a manner that creates an undue financial burden on the University or an individual may also be assessed a Health and Safety fee and/or restitution for damages, lost or stolen property, or financial loss to impacted parties.
3. The Adjudicating Body has the discretion to determine the appropriate imposition of fees as a result of a conduct matter.

4. All fees will be assessed to the University account of the responsible Student Party.

## X. SANCTIONS

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

1. Mediation: Participation in a facilitated discussion about the matter with an option to move forward with a discussion with the Complainant. Mediation involving a Complainant is not an appropriate sanction in a case involving a sex violation as described in the code.
2. Mandated Assessments: Completion of evaluation(s) and following the recommendations of a qualified professional for treatment and/or education.
3. Restitution: Those responsible may be required to make monetary restitution, return any stolen or misappropriated property, or provide services to the University or a member of the University community in accordance with the nature of the violation and in an amount not to exceed the actual expenses, damages, or losses incurred.
4. Educational Assignment: Complete specific assignments or render a designated number of hours of specified service to the University or the community.
5. Community Service: This service can be mandated for on and off-campus related projects and service needs as a

result of a Conduct Review outcome.

6. Disciplinary Probation: Constitutes a period of time during which additional violations of the Code will result in sanctions of increased severity. Upon expiration of the period of probation and fulfillment of other sanctions imposed, if any, the Student's disciplinary probation will be lifted.
  
7. Social Probation: Establishes a fixed period of time, not less than one term, in which a student/organization may not be permitted to represent the University or participate in any University, extracurricular, athletic, or other activities. The specifics of the social probation will vary based upon the violation and the individual Student's circumstances. For example, a Student may be restricted and allowed to participate only in activities directly related to academic pursuits and only be permitted to enter buildings necessary for the completion of academic requirements. Students on social probation may be restricted from attending or purchasing tickets for certain events sponsored by the University including, but not limited to, athletic events, concerts, SALP programs, intramurals, off-campus trips, etc.
  
8. No Contact Order: An order of "No Contact" with another student, faculty member, staff member or University Official. In this case, a Student Party may be required to organize their on-campus activities in order to avoid contact with designated individuals.
  
9. Registration and/or Transcript Hold: Students who are suspended, expelled, or have not completed assigned sanctions within the time provided may be prevented

from registering for classes until completion of those sanctions.

10. Exclusion from the University Premises or any portion thereof: Exclusion from the entirety of campus may also be accompanied by a registration hold.
  
11. Suspension: Loss of the right to be an enrolled student at the University for a specific period of time. Suspended Students are not eligible for the privileges and services provided to currently enrolled students, including but not limited to residing in University-owned student housing, registering, attending class, or using other University services or facilities. The suspension may be specified for any length of time.
  - a. If a student is suspended, tuition and fees associated with the administrative withdrawal process are the responsibility of the student.
  
  - b. If the pending conduct Conduct Review meeting or appeal may result in suspension, award of the academic degree sought may be postponed pending the outcome of the Conduct Review meeting.
  
  - c. Upon expiration of the period of suspension, if the Senior Conduct Officer certifies that all the terms of the suspension have been met, the suspension will be lifted. The student may then register for courses through the regular process, contingent on the completion and/or satisfaction of all sanctions and satisfaction of general admission and registration requirements.

- d. A notation of “Disciplinary Suspension” may be entered on the student’s transcript for the duration of the suspension. After the suspension period is complete and all other conditions, if any, have been satisfied, the Senior Conduct Officer will notify the Registrar’s Office to lift the Registration Hold, and the notation may be removed from the transcript.
12. Administrative Removal from a Course: In the case of administrative removal from a particular course, a student will be allowed to continue in all other courses unless otherwise stated. After removal from a course, tuition and fees associated with the administrative withdrawal process are the responsibility of the student. A petition for relief of this responsibility may be endorsed by the Dean of Student Life. This endorsement is at the Dean’s sole discretion.
13. Transcript Notation: Entry of information onto the student’s permanent academic record regarding their violation of the Code and subsequent sanction. The entry may be permanent or temporary. If the notation is temporary, after the expiration of the period of time specified, the notation will be removed.
14. Expulsion: Permanent separation from the University: A permanent notation is entered on the transcript of an expelled Student: “Disciplinary Expulsion”.
15. Degree Revocation: A former Student may have their degree revoked if the Student is found to have engaged in conduct during their time as a student seeking said degree that, if known at the time the degree was awarded, would have made the Student unqualified for the program or degree.

# XI. RECORDS

1. All reports that result in formal adjudication, regardless of outcome, and any cases substantiated through adjudication resulting in a warning involve the creation of a Conduct Record for the Student Party. These records are generally treated as confidential and accessible only to the Respondent, appropriate University Officials, and other entities as required by law and are not disclosed on conduct record checks.
  
2. Any cases resulting in formal Reprimand or Disciplinary probation are maintained as a Conduct Record for the Student Party. These records are generally treated as confidential and accessible only to the Respondent, those whom the Respondent signs a FERPA waiver for disclosure on conduct records checks, and appropriate University Officials and other entities as required by law. These records are maintained by the appropriate administrator/office for a period of seven (7) years from the date of the outcome notice.
  - a. Opportunity for Restoration of Records:
    - i. No sooner than two (2) years following the outcome notice, students may apply to have their case reviewed for possible restoration prior to the seven-year period.
  
    - ii. Students applying for restoration may be required to engage in additional educational assignments, and meet all requirements of those assignments, prior to approval.

iii. Approval is at the discretion of the Senior Conduct Officer. Cases resulting in suspension or expulsion and those involving allegations of violence, harassment, or any allegations under Title IX are not eligible for restoration.

3. A Suspension of a Student may be noted in a Student's general academic record maintained by the Office of the Registrar by means of a student registration hold and transcript notation throughout the period of suspension. Following the period of suspension, these records are generally treated as confidential and accessible only to the Respondent, those whom the Respondent signs a FERPA waiver for disclosure on conduct records checks, and appropriate University Officials and other entities as required by law. Suspension records are maintained by the appropriate administrator/office permanently in accordance with all applicable policies and law.

4. Expulsion of a Student will be permanently noted in a Student's general academic record maintained by the Office of the Registrar by means of a notation, which indicates the reason for the action. Expulsion records are maintained by the appropriate administrator/office permanently in accordance with all applicable policies and law.

## **XII. INTERPRETATION AND REVISION**

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

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

## CONTACT PSU

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