

From: John E. Bonine, B.B. Kliks Professor of Law  
To: University Senate  
Date: October 8, 2014  
Re: Motion 5 for amending the Student Conduct Code

I move to make two changes in UO Policy 571-021-0130:

(1) that the phrase “the community” be deleted in the opening unnumbered paragraph and the word “anyone” be inserted instead, along with adding the words “including sexual assault” as an explicit example of violations affecting health, safety, and well-being.

(2) that in subparagraph (1)(h) we add a sentence clarifying and endorsing current practice, which is that an educational activity will not be used alone for two types of sexual misconduct (unwanted penetration and nonconsensual physical contact).

These changes are all shown in strike-out text, square bracket insertion, and red underlining in the following:

## OAR 571-021-0130 - Sanctions

The University utilizes an educational sanctioning model; hearing officers ~~or panels~~ will make every attempt to provide an educational sanction that will help a student to make better choices in the future. The educational sanction applied will become progressively more demanding if the student repeats violations, demonstrating that learning has not taken place. An accumulation of a variety of violations may result in severe sanctions such as suspension, expulsion or negative notation on a transcript. Academic dishonesty and violations[, including sexual assault,] affecting the health, safety and well being of ~~the community~~ [anyone,] are deemed the most severe and may result, upon the first violation, in a negative notation being placed on a transcript, suspension, or expulsion.

*<<Adding the words “including sexual assault” simply provides clarity that this is severe and may result in the most serious sanctions. Furthermore, such violations affecting the health, safety and well-being of “anyone,” not only that of persons in the UO community, should cause consideration of serious sanctions.>>*

*<< Sandy Weintraub agrees with this change and says that it reflects current practice.>>*

(1) Forms of Sanctions

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(h) Educational Activity. The Student or Student Organization is required to complete a project or activity designed to help the Student or Student Organization understand why the behavior was inappropriate and encourage future compliance with the Student Conduct Code. The educational activity is designed to correspond to the severity and nature of the violation and to clarify the impact of that behavior on Members of the University Community. Educational activities may include, but are not limited to, assessments of substance abuse and other behaviors, community service, workshops, papers and similar assignments. [An educational activity will not normally be used alone for cases of unwanted penetration or nonconsensual

physical contact; it should only be used in conjunction with more serious sanctions, including reprimands, notations on transcripts, suspensions, and expulsions.]

*<<Such sanctions as being required to keep a journal are unlikely to do anything by themselves to deter the most serious sexual assaults. This modification would make it clear that some additional form of punishment is the norm, whether it be reprimand or a stronger sanction. To require workshops and papers can be a valuable step, but to require them alone when a sexual assault has occurred trivializes the seriousness and trauma that the student has caused to another person.>>*

*<< Sandy Weintraub agrees. He says that this is already the practice, although it is not so stated in the Code.>>*