

# Temporary Rules Effective November 4, 2024 through May 2, 2025

## Chapter 259 Department of Public Safety Standards and Training

### OAR 259-012-0010

#### Standards of Student Conduct

(1) Students attending mandated training courses at the Academy must adhere to the following standards of conduct:

(a) Students must comply with the DPSST Student Rules and Regulations and any other rule or policy that the Department provides to students while at the Academy; and

(b) Students are prohibited from engaging in the following conduct:

(A) Harassment. Harassment includes verbal or physical actions that could be reasonably construed to demean, target or harm another person, group of persons or a person's employer. Harassment also includes sexual harassment, bullying or hazing;

(B) Discrimination. Discrimination includes conduct that could be reasonably construed to be unfair treatment of another person because of the person's actual or perceived race, color, national origin, religion, sex, sexual orientation, gender identity, age, marital status, or medical or physical condition or disability;

(C) Academic Dishonesty. Academic dishonesty includes, but is not limited to:

(i) Cheating, which includes accessing or using unauthorized materials, information, tools, or study aids.

(ii) Plagiarism, which includes presenting another's material as one's own or submitting material generated by others. This may also include work that is purchased or otherwise prepared by another individual or unauthorized use of artificial intelligence (AI) content generators and generative AI tools.

(iii) Providing or receiving scenario plots, test questions, test answers, or any other confidential or restricted curriculum content.

(iv) Aiding or abetting academic dishonesty.

(v) Failing to disclose, or withholding information about, acts of academic dishonesty.

(D) Conduct that would constitute a criminal offense;

(E) Conduct that threatens or harms the health or welfare of another person;

(F) Conduct that compromises the integrity of the training;

(G) Conduct that impedes the delivery of or participation in training;

(H) Participating in any portion of a mandated training course while impaired to a noticeable or perceptible degree due to consumption or use of an intoxicant as the term is defined in ORS 801.321;

(I) Personal use or possession of alcohol, cannabis, or illicit drugs on the OPSA campus; or

(J) Intimate physical contact of a sexual nature while on Academy property.

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(2) Any violation of the standards of conduct defined in section (1) of this rule may result in dismissal from the Academy pursuant to OAR 259-012-0035.

**Statutory/Other Authority:** ORS 181A.410

**Statutes/Other Implemented:** ORS 181A.410

### **OAR 259-012-0035**

#### **Student Suspension or Dismissal from a Mandated Training Course**

(1) Suspensions. The Department may immediately suspend a student from a mandated training course when a situation requires immediate action to preserve the safety or integrity of the classroom or training venue.

(2) Suspension for a Safety Violation.

(a) The Department will notify the student's employing agency that the student has been suspended from training due to a safety violation.

(b) The suspension will remain in effect until the safety issue has been resolved.

(c) Once resolved, the Department may reinstate the student to their current course.

(d) If the safety issue can't be resolved during the student's current course, the Department, in consultation with the employing agency, may schedule the reinstatement to occur in a different course.

(e) Absences resulting from suspension are unexcused. Coursework and training missed due to a suspension must be completed or remediated as determined by the Department.

(3) Suspension for a Violation of the Student Rules and Regulations or the Standards of Student Conduct Defined in OAR 259-012-0010.

(a) The Department will notify the student's employing agency that the student has been suspended from training due to a violation or alleged violation of the Student Rules and Regulations or the Standards of Student Conduct.

(b) The suspension will remain in effect until the investigation required pursuant to section (4) of this rule is complete.

(c) Absences resulting from suspension are unexcused. Coursework and training missed due to a suspension must be completed or remediated as determined by the Department.

(4) The Department must complete an investigation when a student engages in conduct that violates the Student Rules and Regulations or the Standards of Student Conduct defined in OAR 259-012-0010

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or the Department receives an allegation of a violation.

(a) Upon initiation of an investigation, the Department will notify the student's employing agency. The notice of an investigation may be combined with a notice of suspension.

(b) The investigation must be completed following the policies or procedures adopted by the Department for investigating student conduct.

(c) If the Department's investigation does not sustain any violations, the Department may reinstate the student to their current course.

(d) If the Department's investigation results in sustained findings of a violation, the Department may consider the aggravating and mitigating circumstances and may impose conditions on the student's reinstatement to training pursuant to section (6) of this rule, up to and including dismissing the student from the Academy.

(e) Upon completion of the investigation, the Department must provide the student and the employing agency with a copy of the investigation summary and findings. The Department must also provide the student and the employing agency with a notification regarding any conditions imposed on the student's reinstatement to training.

(5) Dismissal. The Department may dismiss a student when an investigation completed pursuant to section (4) substantiates that the student violated the Student Rules and Regulations or the Standards of Student Conduct defined in OAR 259-012-0010.

(a) The Department may dismiss a student from the Academy regardless of whether the student has already been withdrawn from a course or separated from their employment.

(b) The Department may impose conditions for reinstatement to training as defined in section (6) of this rule.

(c) Absences resulting from dismissal are unexcused. Coursework and training missed due to a dismissal must be completed or remediated as determined by the Department.

(d) Pursuant to OAR 259-008-0300, dismissal from the Academy for a violation of the Student Rules and Regulations or Standards of Student Conduct is subject to discretionary review for denial of training and certification.

(e) If the student is dismissed, the Department must forward a copy of the completed investigation to the Department's professional standards compliance staff within five business days after the opportunity to appeal the dismissal expires or, if appealed, the appeal process is completed.

(6) Conditional Reinstatement of Training.

(a) The Department may impose any of the following conditions for reinstatement to training when a

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student has been suspended or dismissed:

(A) The student must be reinstated to a different course. If a professional standards review is required under OAR 259-008-0300, the reinstatement may occur before the review is completed;

(B) The student must wait to be reinstated to a different course until the professional standards review required under OAR 259-008-0300 has been completed and the case is either administratively closed or there is no action taken against the student's training or certification;

(C) The student must complete the mandated training course in its entirety and will not receive credit for any part of the mandated training course that was completed by the student prior to the dismissal; or

(D) Any other conditions identified by the Department and related to scheduling or completion of any portion of the mandated training course.

(b) The following factors must be considered when making the decision to reinstate the student to their current course or a different course:

(A) Whether or not the amount of coursework and training missed can be completed or remediated during the student's current course;

(B) Whether or not the student can be added to another course at a point in the course schedule that corresponds with the coursework and training that needs to be completed or remediated;

(C) Whether or not the effectiveness of the course would be adversely affected by the length of absence if the student is permitted to complete the missed and remaining portions of the course without restarting the course;

(D) Whether or not the student or other students in the course would be adversely affected by reinstating the student to their current course; and

(E) Any other factors that affect the student's reinstatement or the Department's delivery of the course.

(c) When reinstating a student to a different course, the Department may coordinate with the employing agency to schedule which course the student will be reinstated to.

(d) A person is not eligible for reinstatement to training if they are no longer employed.

(7) Appealing a Dismissal.

(a) The student may appeal the dismissal by submitting a written request to the Director within three business days from the date of dismissal.

(b) The Director must schedule a meeting with the student to consider the request for appeal. The

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meeting must occur within three business days from receipt of the request to appeal.

(c) The meeting may be conducted in person or remotely, but it must be recorded and include the following individuals:

(A) The Director;

(B) A second Department representative;

(C) The student; and

(D) If the student chooses, no more than two personal representatives. Examples of personal representatives include, but are not limited to, members of the employing agency or legal representatives.

(d) The student may submit mitigation or new evidence in writing before or during the meeting, verbally during the meeting, or both.

(e) The Director must decide the outcome of the appeal within three business days after the meeting. After considering the sustained violations and any aggravating and mitigating circumstances, the Director may:

(A) Conduct or request additional investigation before making a decision;

(B) Uphold the dismissal and uphold the conditions for reinstatement as determined by the Department;

(C) Uphold the dismissal and modify the conditions for reinstatement; or

(D) Reverse the dismissal back to suspension and uphold or modify the conditions for reinstatement.

(f) The Director's decision is final and unappealable.

(g) The Director may appoint a designee for any portion of the appeal process.

(h) The Director or the appointed designee may approve an extension of time to complete any step of the appeal process.

**Statutory/Other Authority:** ORS 181A.410

**Statutes/Other Implemented:** ORS 181A.410