

# AUBURN UNIVERSITY

## *Code of Student Conduct*

### I. Philosophy and Purpose

Auburn University is committed to providing a nurturing and vibrant community founded upon the fundamental dignity and worth of its members in an environment that promotes integrity, responsibility, and mutual respect. The Auburn Creed is the foundation upon which these values are established.

Standards of acceptable behavior for students and student organizations are reflected in the Code of Student Conduct and other university policies. The student conduct process and the associated conduct outcomes are designed to be educational, promoting a healthy and safe environment while also respecting the rights of all members of the Auburn University community.

The goals of the Code of Student Conduct process are:

- to promote a campus environment that supports the overall educational mission of the university,
- to promote a campus environment that supports the health and safety of the Auburn community,
- to minimize disruption and harm in the university community,
- to foster ethical standards and good citizenship,
- to promote the values expressed in the Auburn Creed,
- to provide formal and informal pathways for members of the Auburn community to hold each other accountable,
- to facilitate the acquisition of the essential skills, knowledge, and values necessary for the success of educated and responsible citizens,
- to encourage appropriate standards of individual and group behavior, and
- to sustain a culture in which students and student organizations accept their obligations to the community and in which well-defined governance procedures guide behavior for the common good.

### II. Definitions

The terms defined in this section are intended to apply only to their use in the Code of Student Conduct and associated procedures.

A. The term “**university**” means Auburn University.

B. The term “**student**” includes persons:

1. taking courses at the university (on campus, off campus and/or online) who are full-time or part-time in undergraduate, graduate, transient, or professional studies,
2. who are not officially enrolled for a particular term but who have a continuing relationship with the university (i.e. enrolled for spring semester and registered for fall semester courses but are not enrolled for summer courses).

3. who have accepted their offer of admission to the university.
  4. who are conditionally admitted or taking non-academic credits as part of a sponsored university program (i.e. English as a Second Language, Auburn Global, etc.).
- C. The term “**faculty member**” 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.
  - D. The term “**university official**” includes any person employed by the university who is performing assigned administrative or professional responsibilities or who is otherwise considered by the university to be an official.
  - E. 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.
  - F. The term “**student organization**” means a recognized organization comprised mainly of students which is recognized by the university. Approval for recognition is granted by the Senior Vice President for Student Affairs (SVPSA) per the applicable policies. See the [Auburn University Student Organization Policy](#) for more information about recognized student organizations.
  - G. The term “**university premises**” includes all land, buildings, facilities, and other property in the possession of, owned, leased, used, or controlled by the university.
  - H. The term “**complainant**” means any person who submits a complaint alleging that a student or student organization violated the Code of Student Conduct. It is not a requirement that the complainant be the person or persons who was or were the recipient of the behavior associated with the alleged violation.
  - I. The term “**charging party**” means the person(s) who bring charges against a student/student organization. The complainant may assume the role of charging party upon the issuance of a charge letter.
  - J. The term “**charged party**” means a student or student organization that is accused of violating the Code of Student Conduct who is issued charges by Student Conduct. A designated student leader shall represent their student organization in the student conduct process should the organization be charged.
  - K. The term “**advisor**” means any person selected by a charged party or charging party to advise but not speak for the party during the student conduct process. An advisor may advise a student or student organization in preparation and presentation of the case. During student conduct proceedings, an advisor may only communicate with their advisee. An individual who is charged in the same fact pattern as the charged party may not serve as an advisor. An individual may not serve as an advisor and as a witness in the same case. The use of the term “advisor” in the context of the Code does not obligate but does allow a student organization to select its organization advisor to serve in this role.
  - L. The term “**witness**” means a person who has knowledge of an event related to an alleged violation of the Code of Student Conduct and provides information which is considered during student conduct proceedings. A “**character witness**” is an individual who may or may not have first-hand knowledge of an event but who is able to attest to the character of a charged or charging party.

- M. The term “**investigator**” means a person(s) who has been identified and trained to gather information in cases which involve alleged violations of the Code of Student Conduct. The investigator shall be a member of the university community and not an individual who is suspended or expelled or under any other conduct outcome. An individual who is charged in the same fact pattern related to the complaint may not serve as an investigator.
- N. The term “**student conduct officer**” means a university official from Student Conduct who is authorized by the Senior Vice President for Student Affairs or designee to manage the student conduct process, including issuing charges, facilitating informal resolutions, and coordinating hearings.
- O. The term “**Student Conduct Committee**” means the decision-making body designated and trained to conduct a hearing to determine if a student or student organization is responsible for a violation of the Code of Student Conduct and, if so, to assign conduct outcomes. Committee appointments are effective at the beginning of fall academic term through the end of summer academic term. The voting members of the committee consist of eleven (11) faculty members (two (2) of whom serve as chairs), fifteen (15) undergraduate students, two (2) graduate students, and one (1) member of the Administrative and Professional Assembly (A&P). The Director of Student Conduct or designee serves as a non-voting member and coordinates all Hearing Panels. Faculty members and the A&P representative shall be appointed for three (3) year staggered terms by the university President through the standard university committee appointment process. Two (2) of the faculty members are designated as co-chairs by the university President. Undergraduate students are appointed for one (1) year terms by the President of the Student Government Association with approval from the Student Senate. Graduate students are appointed for one-year (1) terms by the Dean of the Graduate School. In addition, each student organization council (Panhellenic, National Pan-Hellenic Council, and Organizations Board) shall nominate three (3) representatives who will serve on hearing panels for student organization cases.
- P. The term “**Hearing Panel**” means a subset of the Student Conduct Committee designated for a particular case. A Hearing Panel shall be made up of two (2) university officials (faculty and/or A&P representative), two (2) students, and one (1) faculty member chairperson. In student organization cases, a representative from the respective council (Panhellenic Council, National Pan-Hellenic Council, or Organizations Board) will serve as one of the two (2) student representatives. The council representative may not be a member of the charging or charged organization.
- Q. The term “**Appeals Officer**” means the Assistant Vice President for Student Affairs or designee. Any appeal that does not include outcomes of loss of university recognition, suspension, or expulsion will be reviewed by the Appeals Officer.
- R. The term “**Appeals Panel**” means a subset of the Student Conduct Committee designated and trained to review cases that are appealed based on a written appeal by a charging party or charged party and that include conduct outcomes of loss of university recognition, suspension, or expulsion. The Appeals Panel shall be made up of one (1) university official, one (1) student, and one (1) faculty member chairperson. Members of the Hearing Panel in the original hearing may not serve on the Appeals Panel for a case in the same fact pattern.
- S. The term “**complaint**” means a written report, statement, or allegation submitted to Student Conduct that describes behavior or actions which may violate the Code of Student Conduct. A complaint does not necessarily result in charges. A complaint will be reviewed and/or investigated by a student conduct officer to determine merit and whether a case should proceed through the

student conduct process.

- T. The term “**investigation**” means the informal or formal process of gathering and reviewing information pertinent to an alleged violation of the Code of Student Conduct. Student Conduct may continue to gather and review additional information during any phase of the student conduct process prior to the start of a hearing. All information gathered and used to support charge(s) will be accessible to the charged party and the charging party in accordance with the terms outlined in this document.
- U. The term “**charge**” means a formal written notification of alleged Code of Student Conduct violations issued to a student or student organization after Student Conduct has determined sufficient information exists to continue with student conduct procedures. Charges do not imply that a student has been found responsible for a violation of the Code of Student Conduct. A student or student organization may be charged with one or more violations of the Code of Student Conduct relating to a complaint.
- V. The term “**facilitated informal conference**” means structured communication between the charged student and the charging party, facilitated by a student conduct officer, in which the charged student may accept recommended conduct outcomes. Any resolution agreed upon at this stage of the process is considered a conduct finding.
- W. The term “**determination of responsibility**” means the outcome of a case in which charges were issued. This determination may be made through a facilitated informal conference or through a hearing. The charged party will be found “Responsible” or “Not Responsible” for each charge.
- X. The term “**resolution**” means the articulated disposition of a case including a determination of responsibility (or not) for a violation of the Code of Student Conduct and any assigned conduct outcomes. Informal resolutions are the result of a review of a complaint which is determined to have no merit or of an agreement reached in a facilitated informal conference. Formal resolutions are the result of a hearing and/or an appeal.
- Y. The term “**conduct outcome**” means consequence(s) assigned as a result of behavior(s) which led to a finding or acceptance of responsibility for a violation of the Code of Student Conduct. The list of conduct outcomes is contained in Article X of the Code of Student Conduct.
- Z. The term “**hearing**” means the presentation of pertinent information, evaluation and assignment of credibility and weight of that information, and determination whether the preponderance of the information leads to a finding of responsibility. In cases in which a student or student organization is found responsible for violation(s) of the Code of Student Conduct, conduct outcomes are assigned. Hearings are conducted by a Hearing Panel.
- AA. The term “**appeal**” means a written request by a charged party or charging party to review the decision of the Hearing Panel utilizing one or more of the bases of appeal as outlined in Article IX. An appeal shall include a review of the case file, evaluation of the elements of the case pertinent to the basis or bases for the appeal and rendering of a decision. The process allows for one appeal review, and the decision of either the Appeals Officer or Appeals Panel is final.
- AA. The terms “**shall**” and “**will**” are used in the imperative sense.

BB. The term “**may**” is used in the permissive sense.

CC. The term “**preponderance of the information**” means the standard by which a finding of responsibility for charge(s) of violation(s) of the Code of Student Conduct is ascertained. Determination shall be made on the basis of whether it is more likely than not that the charged party is responsible for a violation of the Code of Student Conduct.

### III. Jurisdiction and Authority

- A. Students, upon acceptance of admission to Auburn University, are expected to abide by university policies and are subject to described action as defined in the Code of Student Conduct.
- B. A student organization, upon recognition by Auburn University, is expected to abide by university policies and is subject to disciplinary action as described in the Code of Student Conduct.. A student organization’s recognition by the university in no way abrogates responsibility as a group of citizens to obey all public laws.
- C. Only a duly authorized agent who is officially appointed by the President of Auburn University, shall have the right, if it is deemed necessary, to initiate legal proceedings on behalf of the university against a student for violation of public law on campus in which university properties and/or vested interests are involved.
- D. The Senior Vice President for Student Affairs (SVPSA) has primary responsibility and general authority for the administration of the Code of Student Conduct. Further delegation of this authority is made by the SVPSA to Student Conduct and others. Cases involving infractions of the Code of Student Conduct by students enrolled in the College of Pharmacy or College of Veterinary Medicine will typically be addressed at the level of the College. However, certain allegations of misconduct may be referred to Student Conduct, following consultation between the director of student conduct and an appropriate agent of the College of Pharmacy or College of Veterinary Medicine.
- E. Alleged violations of the Academic Honesty Code will be referred to the Office of the Provost; violations that pertain to both the Code of Student Conduct and the Academic Honesty Code will be referred to the Provost, who will refer the case as appropriate.
- F. Appeals of university traffic and parking regulations will be referred to the Auburn University Traffic Appeals Board.
- G. Alleged violations of the Community Standards as outlined in the Guide to Residential Living will be referred to University Housing.
- H. Alleged acts that may constitute violations of the university’s [Title IX Sexual Harassment Policy](#), [Policy Against Discrimination and Harassment](#), or any other policies administered by Affirmative Action/Equal Employment Opportunity (AA/EEO) will be referred to that office. In situations where there are alleged acts that violate both the Code of Student Conduct and policies administered by the AA/EEO, AA/EEO will address all violations through their processes.
- I. Student Conduct may involve and collaborate with the headquarters associated with an Auburn University chapter of a student organization during the investigation, adjudication, and follow-up of any particular case.

- J. Interfraternity Council (IFC) organizations that allegedly violate the Code of Student Conduct will be referred to the Interfraternity Council following completion of an investigation. IFC organizations that allegedly violate the [Title IX Sexual Harassment Policy](#) or the [Policy Against Discrimination and Harassment](#) will be referred to Affirmative Action/Equal Employment Opportunity as referenced in Section III.H.
- K. The student conduct process may be started in response to a student's or student organization's behavior which violates both the criminal law and the Code of Student Conduct without regard to related civil or criminal action. Conduct findings or outcomes made under this Code shall not be subject to change because related criminal or civil actions were dismissed, reduced, or resolved in favor of or against the student.
- L. The Code of Student Conduct shall apply to a student's or student organization's behavior which takes place in the following areas or situations:
  - a. University premises,
  - b. University-sponsored activities away from university premises,
  - c. Events/functions either sponsored or endorsed by a student organization
  - d. Property owned, leased, or occupied by a fraternity, sorority and/or other student organization recognized by the university.
- M. The Code of Student Conduct may apply to a student's or organization's behavior regardless of the location if the behavior includes:
  - a. Threatening and/or committing physical violence against another person
  - b. Driving under the influence of alcohol, drugs, or any other substance that affects the student's ability to safely operate the vehicle,
  - c. Participating in hazing or harassment of Auburn students, as defined in the [Student Policy eHandbook](#).
  - d. Furnishing false information to the university,
  - e. Forging, altering, or misusing university documents, records, or identification cards for non-academic purposes,
  - f. Violating a previously issued no contact order,
  - a. Behaving in a way that materially and substantially interferes with the university's mission and functions.
  - b. Or when there is substantial information that the student's or student organization's continued presence at the university is potentially dangerous to the health, safety, and/or property of the university community, whether public authorities have brought charges or imposed penalties or not,
- N. Any question of interpretation or application of the Code of Student Conduct shall be referred to Student Conduct.
- O. The Code of Student Conduct shall be reviewed every year under the direction of Student Conduct. Failure to conduct this review shall not invalidate any portion of the Code of Student Conduct.

## IV. Standards of Community Conduct

A. In fulfillment of obligations to the university community, each Auburn student and student organization is expected to comply with these Standards of Community Conduct.

### **The following conduct is prohibited:**

1. Physical abuse, threats, intimidation, harassment, stalking, coercion, and/or other behavior which threatens or endangers the health and/or safety of any person.
2. Violation of the [Hazing Policy](#).
3. Unauthorized entry into or occupancy of any office, residence hall, or building or other university properties on university premises (for purposes other than theft of academic documents, which is addressed in the Academic Honesty Policy), and/or unauthorized possession, duplication, and/or use of keys, cards, or devices used for entry to any university premise.
4. Vandalism, malicious or negligent destruction, damage, or misuse of public or private property on university premises.
5. Theft, larceny, or embezzlement of the property of another person, the university, or another entity.
6. Acts of dishonesty, including but not limited to the following:
  - a. Withholding material information from the university and/or furnishing false information to any university official or office.
  - b. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
7. Unauthorized use of university computer facilities and/or resources as stated in university policies including, but not limited to, copyright infringement and misuse of accounts.
8. Disruption of and/or interference with university, academic, or administrative activities.
9. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace. (This regulation does not prohibit peaceful assembly and protest.)
10. Manufacture, sale, use, distribution, possession of, and/or driving under the influence of narcotics, barbiturates, amphetamines, marijuana, sedatives, tranquilizers, hallucinogens, and/or other similar known drugs and/or drug paraphernalia and/or other chemicals unless expressly permitted by law and/or university policy.
11. Public intoxication and/or manufacture, sale, misuse, distribution, possession of, consumption of, and/or driving under the influence of alcoholic beverages or liquors unless expressly permitted by law and/or university policy.
12. Failure to comply with the official and proper regulation or order of a university official or a duly designated, identified authority, agent, or agency and/or failure to identify oneself to these persons when requested to do so.

13. Violation of any university policy or regulation published in hard copy or electronically on the Auburn University website except where jurisdiction is explicitly assigned to another university department.
14. Violation of federal, state, or local law.
15. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on university premises or use of any item, even if legally possessed, in a manner that harms, threatens, or causes fear to others. A list of prohibited weapons can be found in the [Dangerous Weapons and Firearms Policy](#).
16. Abuse of the Code of Student Conduct including:
  - a. Intentionally initiating or causing to be initiated any false report or complaint,
  - b. Attempting to coerce or discourage an individual's participation in or use of student conduct procedures,
  - c. Attempting to influence the impartiality of a student conduct officer, member of a Hearing Panel, Appeals Officer, and/or member of an Appeals Panel prior to and/or during the course of student conduct procedures,
  - d. Any intimidation and/or retaliation, whether verbal, physical, through a third party, through an online platform, or in writing, of any party to student conduct proceedings prior to, during, and/or afterwards,
  - e. Committing a violation of university policy while on conduct probation and/or failing to meet deadlines imposed in accordance with university policy,
  - f. Influencing or attempting to influence another person to abuse the Code of Student Conduct procedures,
  - g. Failing to abide by any conduct outcome as assigned through student conduct procedures.

## **V. Temporary Disciplinary Action and Holds**

### **A. Temporary Disciplinary Action**

In extreme cases in which the action of a student or student organization poses an immediate threat to the well-being of the university community, or where there is substantial information that the continued presence of the student or student organization on the campus could disrupt the university, the Senior Vice President for Student Affairs (SVPSA) or designee may take temporary disciplinary action prior to or during university disciplinary procedures. Temporary disciplinary action for an individual student may include denial of access to university premises (including academic classes and/or residence halls) and/or other activities or privileges for which the student might otherwise be eligible, as determined by the SVPSA or designee. Temporary disciplinary action for a student organization may include discontinuation of organization operations including new member activities, organization events and meetings, reservation/use of university facilities, participation in the athletic block seating program, and/or any other activity or privilege for which the student organization might otherwise be eligible as determined by the SVPSA or designee. Temporary disciplinary action does not replace the regular university disciplinary process. Upon assignment of a temporary disciplinary action, the university shall take all appropriate measures to complete the student conduct process with reasonable promptness. If the SVPSA or designee determines that the student's or student organization's presence no longer poses an immediate threat, the temporary disciplinary action shall be removed pending resolution of the conduct process.



## **B. Holds**

Student Conduct may place a hold on a student's academic record at any point during the student conduct process to ensure compliance with conduct outcomes and/or pending the resolution of the student conduct process. The hold will be released when the terms and conditions of the conduct outcomes have been satisfied and/or the student conduct process has been completed. In cases in which a student is expelled from the university, the hold will permanently remain on the student's academic record to ensure the student does not reenroll.

## **VI. Rights of the Charged Party**

A student or student organization accused of violating the Code of Student Conduct has the following rights:

- A. The right to be informed in writing of the charge(s), student conduct process, and procedures.
- B. The right to have an advisor present throughout the student conduct process. This advisor may advise the student or student organization but may not represent the student or student organization.
  1. A student or student organization should select as an advisor a person who is able to be present at the scheduled date and time for student conduct proceedings. Delays will not normally be allowed due to scheduling conflicts of an advisor.
  2. A student or student organization's advisor shall be allowed to be present in student conduct proceedings only while the student or student organization representative is present.
- C. In advance of a hearing, the right to be informed of the charging party's documentary information, names of known witnesses and the procedures involved.
- D. The right to receive written notice of the time, place, and procedures of the hearing if a case is referred to the Student Conduct Committee for a hearing.
- E. The right to present witnesses and pertinent information and to be present throughout the presentation of witnesses and pertinent information during a hearing, if a hearing is conducted.
- F. The right to receive written notification of the resolution of their case, including any assigned conduct outcomes.
- G. The right to appeal using bases outlined in Article IX of the Code of Student Conduct.
- H. The right not to give statements or answer questions during the conduct procedures, understanding that decisions will be made based on the information available.

## **VII. Rights of the Complainant/Charging Party**

A complainant and charging party have the following rights:

- A. A complainant and charging party have the right to be informed about the student conduct process and procedures.
- B. A complainant has the right to be informed of whether the complaint is determined to have merit.

- C. A charging party has the right to have an advisor present during student conduct proceedings. This advisor may advise the charging party but may not represent the charging party.
  - 1. A charging party should select as an advisor a person who is able to be present at the scheduled date and time for student conduct proceedings. Delays will not normally be allowed due to scheduling conflicts of an advisor.
  - 2. A charging party's advisor shall be allowed to be present in student conduct proceedings only while the charging party is present.
- D. In advance of a hearing, a charging party has the right to be informed of the charged party's documentary information, names of known witnesses and the procedures involved.
- E. A charging party has the right to present witnesses and pertinent information and to be present throughout the presentation of witnesses and information during a hearing if a hearing is conducted.
- F. The charging party has the right to be notified of the dispensation of the case as federal law requires or permits.
- G. The charging party has the right to appeal using the bases outlined in Article IX of the Code of Student Conduct.

## **VIII. Procedures**

The Code of Student Conduct procedures are initiated when Student Conduct receives a complaint against a student or student organization.

### **A. Filing a Complaint**

A complainant who brings forward information pertaining to an alleged violation of the Code of Student Conduct shall provide information of the alleged violation to Student Conduct as soon as possible after the incident takes place, but no later than thirty (30) working days after the alleged violation. In the event the information is brought forward more than thirty (30) working days after the alleged violation, the complainant must submit a written request to the Senior Vice President for Student Affairs or their designee who may, upon a showing of good cause by the complainant, allow the case to proceed.

### **B. Review**

- 1. When Student Conduct receives a complaint regarding an individual student or students, a Student Conduct Officer will review available information and may gather information to determine if the complaint has merit. Student Conduct may gather and review additional information during any phase of the student conduct procedures prior to the start of a hearing. All information gathered and used to support charge(s) shall be accessible to the charged student/student organization and charging party in accordance with the process described in this policy.
- 2. When Student Conduct receives a complaint regarding a student organization, a third-party investigative team will be designated to investigate the complaint. The team will consist of one (1) university official and one (1) student who is a member of the accused student organization's respective council (Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, or Organizations Board). If a member of the investigative team is involved in a violation of the same fact pattern or they have a conflict of interest with the organization or any members they would be interviewing, the investigator shall be replaced by an alternate. The

university may involve representative(s) from the headquarters of the student organization. The final investigation report shall be provided to Student Conduct. For cases in which the accused student organization is a member of the Interfraternity Council, the final investigation report shall be forwarded to the Interfraternity Council to review, process, and adjudicate.

3. Should the information available not merit the issuance of charge(s), a Student Conduct Officer will notify the complainant and may notify the accused regarding the decision and may facilitate an educational conversation with one or more involved parties.
4. If there is no merit to the complaint, no charges will be issued.

### **C. Notification of Charges**

1. Should the information available be sufficient to issue charge(s), Student Conduct will send a notice of charge(s) to the accused party, who upon the sending of a notice of charges becomes a charged party. Notice of charges shall include formal written notification of alleged violations including the alleged behavior and the policies alleged to be violated.
2. In cases involving more than one charged party in the same fact pattern, a student conduct officer may permit a facilitated informal conference or a hearing concerning the involved parties to be conducted either separately or jointly.
3. In cases where the recipient of the behavior of the charged party is not the complainant, Student Conduct will notify the recipient of the behavior that a complaint has been filed and offer for that person to participate in the process.
4. Upon the notification of charges, a charging party shall be named. In many cases involving individual student behavior, the original complainant is the charging party.
5. Student Conduct may assist in identifying a member of the university community to serve as the charging party under one or more of the following conditions (:
  - a. There are multiple acts by the same party that form a pattern of behavior that could constitute a violation.
  - b. There are multiple charging parties or multiple complaints regarding the same party that arise out of the same fact pattern. In this instance, a Student Conduct Officer may select one of the charging parties or another member of the university to represent the case.
  - c. The Director of Student Conduct determines it is in the best interest of the university community to charge a student/student organization, and a charging party has not been identified.
  - d. When a charging party withdraws due to coercion or intimidation.
6. A university official who is appointed to serve as the charging party may not otherwise be involved in the case (e.g., as an investigator, Hearing Panel member, Appeals Panel member, etc.)

### **D. Facilitated Informal Conference**

1. Meeting with Charging Party
  - a. A Student Conduct Officer will meet with the charging party to discuss the student conduct procedures. The charging party will discuss conduct outcomes which may be presented to the charged party during the facilitated informal conference.
2. Meeting with Charged Party
  - a. A Student Conduct Officer will meet with the charged party to discuss the charge(s), processes for resolution, and the range of conduct outcomes.
  - b. For cases involving individual student behavior, the proposed informal resolution may include suggested modifications by the Student Conduct Officer to ensure that conduct outcomes are commensurate with the circumstances and behavior of the charged student based on one or more of the following:

- Previous conduct history and conduct outcomes relating to the charged student.
  - Simultaneous charges by a separate charging party which indicate additional behavior not contained in the original complaint.
3. Should the charging party, charged party, and student conduct officer be able to reach mutual agreement regarding the charge(s) and conduct outcome (s), an informal resolution will be reached.
  4. Should the charging party, charged party, and Student Conduct Officer be unable to reach mutual agreement, the case shall be referred to the Student Conduct Committee for a hearing.

## **E. Hearing**

1. Upon referral of the case to the Student Conduct Committee, Student Conduct shall provide written notice to the charged party and the charging party of the hearing procedures. Student Conduct shall also inform the charged party and charging party of the opportunity to meet with the student conduct officer prior to a hearing to clarify procedures.
2. **Membership of Hearing Panel**
  - a. If a member of the Hearing Panel is involved in a violation to be reviewed by the panel or they have a conflict of interest with either the charged or charging parties, that member shall be replaced by an alternate. If a chairperson is unavailable to serve on a hearing panel, Student Conduct will request that a faculty member from the Student Conduct Committee serve as chairperson. A quorum for the Hearing Panel shall be five (5) members, of whom three (3) must be university officials (including one (1) faculty chairperson) and two (2) must be students.
  - b. The Hearing Panel will conduct its deliberations in closed and confidential sessions.
  - c. No member may abstain from voting, and the chairperson will only vote in the case of a tie. A simple majority vote will sustain the findings of the panel.
3. **Submission of Information**
  - a. The charged party and charging party have three (3) working days from the date of the notice to submit documentation for consideration in the hearing. The submitted documentation should include information about the incident, names of known witnesses, and documentary information to be presented at the hearing.
  - b. If either party fails to submit documentation before the hearing, the chairperson will determine whether information presented during the hearing will be allowed.
4. **Hearing Procedures**
  - a. A hearing date shall be set by the chairperson of the Hearing Panel in coordination with Student Conduct. The Hearing Panel shall make every effort to hear the case with reasonable promptness. All parties shall be notified of the time, date, and location of the hearing and the specific charge(s) being considered no less than seven (7) working days between the date of notification and the date of the hearing. An exception to the seven (7) day preparation period may occur if all parties agree to schedule the hearing for an earlier date.
  - b. If the charged party and/or charging party fails to attend the hearing following written notification of the hearing date and without good cause as determined by the Hearing Panel, or if the charged party and/or charging party made it impossible to deliver the notice despite diligent efforts, the Hearing Panel may hear and resolve the case based on the information available.
  - c. Case preparation shall be carried out by staff in Student Conduct. The chairperson of the Hearing Panel, the charged party, and the charging party may review, but not copy, any witness lists, statements, and documentation at least two (2) working days prior to the date of the hearing.

- d. The chairperson of the Hearing Panel shall exercise reasonable control over the hearing and shall exercise their discretion to ensure a fair process. All procedural questions are subject to the final decision of the chairperson.
- e. Each party shall have the right to give an opening statement.
- f. Each party shall have the right to present witnesses and information at a hearing and to be present during the presentation of other witnesses and information.
- g. Each party shall arrange for the attendance of his/ her own witnesses.
- h. The chairperson of the Hearing Panel may request the appearance of additional witnesses if such witnesses could present relevant information that could have a material impact on the resolution of the case.
- i. When a witness fails or refuses to appear, the Hearing Panel has the option to proceed in that witness's absence and make a decision on the basis of the information available.
- j. Pertinent records, exhibits, and statements may be accepted as information for consideration by the Hearing Panel at the discretion of the chairperson.
- k. The charged party is encouraged to give a statement and to cooperate with the Hearing Panel throughout the case. However, failure of the charged party to make a statement or to answer any or all questions shall not be considered in the determination of whether a charged party is responsible for violating the Code of Student Conduct. The Hearing Panel will make a decision based on the information available.
- l. A charged party's prior conduct record shall be inadmissible as information when making a determination of responsibility for the charges as presented. However, if the charged party is found responsible, the prior conduct record may be considered by the Hearing Panel in determining appropriate conduct outcomes.
- m. The burden of proof rests with the charging party and will be satisfied by a preponderance of the information.
- n. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in hearings.
- o. There shall be a digital recording, of all hearings. The record shall be the property of the university and it shall be the only record made of the hearing. Deliberations shall not be recorded.
- p. Hearings shall be private and confidential. The charging party and the charged party shall be allowed to attend the hearing (excluding deliberations which will be conducted in closed session) and shall have the right to have an advisor present throughout the hearing. Witnesses shall be present only when called upon by the Hearing Panel and will not be present during other portions of the hearing.
- q. The charging party and charged party are responsible for presenting their own information. Advisors or any other persons admitted to the hearing are not permitted to participate directly in the hearing.
- r. To address concerns for the personal safety, well-being, and/or fears of interaction of participating parties, the Hearing Panel may provide separate facilities by using a visual screen and/or by permitting participation by telephone, video, audio recording, written statement, or other means as determined in the sole judgment of the chairperson to be appropriate.
- s. In compliance with federal law, Student Conduct will make reasonable accommodations for individuals with disabilities who are involved in student conduct proceedings and who are registered with the Auburn University Office of Accessibility.
- t. Student Conduct will notify the charged party and the charging party, as appropriate, of the decision of the Hearing Panel. No conduct outcome assigned by the Hearing Panel shall be enforced for five (5) working days after notification of the decision or after the completion of an appeal, whichever is later.

## IX. Appeals

A. **Scope** – Appeals will be reviewed by an Appeals Officer or an Appeals Panel. Only cases which are decided in a hearing by a Hearing Panel may be appealed. A charged party and/or a charging party may submit an appeal. Decisions made by a Hearing Panel shall not be final until an appeal deadline is passed, or when the appeal process is exhausted, or when a student chooses not to appeal.

1. Appeals in cases with conduct outcomes that do not include loss of university recognition, suspension, or expulsion will be reviewed by an Appeals Officer.
2. Appeals in cases with conduct outcomes including loss of university recognition, suspension, or expulsion will be reviewed by an Appeals Panel.

### B. Membership of Appeals Panel

1. The Appeals Panel shall be made up of individuals from the Student Conduct Committee who did not serve on the original hearing panel including one (1) university official (may be faculty or A&P representative), one (1) student, and one (1) faculty member chairperson from the Student Conduct Committee. In student organization cases, a representative from the respective council (Panhellenic Council, National Pan-Hellenic Council, or Organizations Board) will serve as the student representative. When a student organization is charged, the respective council will nominate a student to serve on the Appeals Panel. The student may not be a member of the organization which is charging or being charged in the case. Members of the Hearing Panel in the original hearing may not serve on the Appeals Panel for a case in the same fact pattern.
2. The Appeals Panel will conduct its deliberations in closed and confidential sessions.

### C. Bases of Appeal

Only appeals submitted on the following bases will be considered:

1. **Failure to adhere to guidelines as outlined in the Code of Student Conduct:** To determine whether the hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures.
2. **Severity of the conduct outcome(s):** To determine whether conduct outcome(s) imposed were appropriate for the violation of the Code of Student Conduct for which the charged party was found responsible.
3. **Information not available at the time of the original hearing:** To determine whether new information which would influence or alter the decision of the hearing became available. For new information to be considered, such information and/or facts were not known, or could not have been known, to the person appealing at the time of the original hearing.

### D. Procedures

1. Upon notification of the decision of the Hearing Panel, the charged party and/or charging party may appeal on one or more bases stated in Section IX.C. The appeal must be submitted in writing to Student Conduct within five (5) working days after receipt of notification. Student Conduct will forward the appeal to the appropriate appeals body and to the charged and/or charging party. Upon receipt of the appeal, the charged and/or charging party may submit a written response within three (3) working days of receipt of the other party's appeal.
2. The appeal must include a full statement of asserted information to support one or more bases of appeal (listed above). If there is insufficient information to support one or more bases for appeal, the appeal may be denied.
3. The Appeals Officer or Appeals Panel may take any of the following actions in response to an

appeal:

- a. Review the case and uphold the decision of the Hearing Panel.
- b. Review the case and modify the decision of the Hearing Panel.
- c. Review the case and require that it be heard again by the same or a new Hearing Panel.

A letter outlining the appeal decision shall be sent to the charged party and the charging party. The process allows for one appeal per party, and the decision of either the Appeals Officer or Appeals Panel is final.

## **X. Conduct Outcomes**

The following conduct outcomes may be imposed upon a student or student organization found responsible for violating the Code of Student Conduct:

- A. **Written Warning:** A written expression of disapproval to the student or student organization for violation of the Code of Student Conduct.
- B. **Loss of Privilege:** Denial of specified privileges for a designated period of time including but not limited to attending an Intercollegiate Athletics sporting event, participating in an intramural or club sports activity, representing the university in an official capacity, hosting or sponsoring student organization activities/events, holding an elected or appointed student office or appointment to a university committee, and/ or entering/using a university facility.
- C. **Service Hours:** A designated number of service hours to be completed by a specified date. Location and projects for completion of service hours must be approved by Student Conduct.
- D. **Educational Outcomes** – Programs, projects, or assignments designed to educate a student or student organization about the effect of that student’s or student organization’s behavior including but not limited to an alcohol and/or other drug education program, a reflection paper, community or campus service, and/or a letter of apology.
- E. **Loss of Housing:** Recommendation to University Housing that the student be removed from university-operated housing for a designated period of time.
- F. **Restitution:** Compensation to an injured party for damaged, lost, or destroyed property.
- G. **No Contact Order:** A directive that restricts contact between individuals in any way including but not limited to contact in person, via email, phone, text messaging, social media or any other method of communication. Violation of a No Contact Order may result in further charge(s).
- H. **Conduct Probation:** An official warning that the student or student organization’s conduct is in violation of the Code of Student Conduct but is not sufficiently severe to warrant expulsion or suspension. A student or student organization on conduct probation shall have their conduct under review for a specified period of time. This conduct outcome may require regular meetings with a university official to ascertain and evaluate compliance with university policy. Additional restrictions or considerations may also be imposed, depending on the nature and severity of the misconduct. If there is a finding of responsibility for subsequent violations of the Code of Student Conduct during this period of time, additional conduct outcomes may be assigned.
- I. **Suspension:** Removal of a student or student organization from the university for a stated period of

time. During the suspension period the student shall not be allowed to take any courses (including those that meet virtually or are online) at Auburn University or participate in a study abroad experience. During the suspension period, the student or student organization is not permitted on university premises, may not be considered for employment at the university while on suspension, may not serve as an elected or appointed leader or officer in a student organization, and may not attend university or student organization sanctioned events without approval from Student Conduct. An assigned suspension takes effect when the appeal of the case is exhausted, waived, or the time limit has passed. During the suspension period, a student is considered to be “not in good standing” with the university.

- J. **Expulsion:** Permanent removal of the student from the university. Upon being expelled from the university, a student is not permitted on university premises, and may not attend university or student organization sanctioned events without approval from Student Conduct.
- K. **Loss of Recognition:** Removal of recognition of a student organization for a designated period of time or indefinitely. Upon loss of recognition, a student organization may not receive any benefits of recognition.

## XI. Student Records

- A. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records, including student conduct records. Records of proceedings for conduct cases shall be considered confidential and will be filed in Student Conduct. All case records involving suspension, expulsion, or loss of recognition will be retained permanently. Other records will be retained for a period of seven (7) years following the date of the incident, five (5) years after closure of the case file, or until the student leaves the university, whichever is longer. Access to these records will be limited as indicated by applicable law and university policy as outlined in the [Policy on Confidentiality of Student Records](#). If a student under the age of 21 is found responsible for a violation of university policy involving alcohol and/or other drugs, the university may notify the student’s parent(s) or guardian(s) [as permitted under FERPA](#).
- B. Violations of the Code of Student Conduct are not noted on a student’s academic transcript. If a student is expelled or suspended from the university, a letter shall be attached to the student’s academic transcript. This action shall be taken to notify other schools or prospective employers that the student is not presently in good standing with the university. In cases of suspension, a student, upon eligibility to return to Auburn University, may request that the letter be removed. This request must be submitted in writing to Student Conduct who will notify the Registrar.
- C. **Expungement:** Expungement is when a student’s disciplinary record is maintained by Student Conduct or University Housing, but is not shared with requesting agencies via the Dean Certification Process. A student may request in writing that their disciplinary record be expunged after all case outcomes have been completed. A student record may not be expunged if:
  - the student record included more than one violation of the Code of Student Conduct;
  - issued outcomes(s) were not completed by the required deadline;
  - the student has expunged a record previously;
  - the incident involved physical abuse, minor property damage, providing alcohol to minors, possession of drugs, except marijuana, distribution or sale of drugs,



- violation of the weapons policy, sexual misconduct, discrimination, or harassment;
- the student record includes an outcome of suspension or expulsion.

Expungement decisions shall be made at the sole discretion of the Director of Student Conduct. An expunged record will not be released except as required by law but will be maintained internally according to the guidelines listed in XI.A. Reports, records, and/or other correspondences maintained by other university departments, local and/or campus police, or another reporting agency are not subject to this expungement policy. Additionally, previous disciplinary record checks reported by Student Conduct or another university department will not be affected by this process.

## **XII. Medical Assistance Policy**

### **A. Purpose**

The health, safety, and welfare of Auburn University students are of the utmost importance. The Medical Assistance Policy empowers students and student organizations to seek medical assistance for individuals who may be experiencing health-related complications from activity that is illegal or a violation of university policy. The policy aims to reduce barriers to seeking help and to encourage students and student organizations to make responsible decisions by alerting appropriate emergency officials in potentially serious or life-threatening situations.

### **B. Medical Assistance Protocol (MAP)**

In potentially serious or life-threatening situations, students and student organizations are expected to follow all steps noted below:

1. Immediately contact emergency officials by calling 911 to report the incident.
2. Remain with the individual(s) needing medical assistance, so long as it is safe to do so.
3. Cooperate with emergency officials.
4. Meet with appropriate university officials after the incident.
5. Cooperate with any university and/or law enforcement investigation(s).

### **C. Policy Applicability & Eligibility**

The medical assistance policy may apply for students seeking medical assistance for themselves, students who obtain medical assistance under this policy, students seeking and obtaining medical assistance on behalf of another individual, and student organizations seeking and obtaining medical assistance on behalf of a member or guest. The Director of Student Conduct or their designee will determine eligibility for exemption under this policy based on the incident criteria outlined in XII.C. Policy Applicability.

To be eligible for exemption, individual students and student organizations must follow the Medical Assistance Protocol (MAP) as outlined above. Individual students must also complete all educational interventions assigned by Student Conduct. Individual students who fail to complete the educational interventions will be referred to Student Conduct for review and potential disciplinary action.

Previous uses of the medical assistance policy by an individual student or student organization may be considered when determining eligibility for exemption. and/or in determining educational interventions.

A student or student organization **will not** be considered eligible for exemption under this policy if the incident is first discovered by a university employee or public safety official (i.e., Auburn Police,

faculty, administrative staff, residence hall staff, etc.) acting within the scope of their responsibilities.

The policy does not protect flagrant or egregious violations of the Code of Student Conduct or other university policies including but not limited to: physical abuse, sexual misconduct, or harassment. In addition, this policy does not preclude or prevent action by police or other legal authorities.

Additional and/or elevated disciplinary outcomes may be applied for students and student organizations that fail to follow the Medical Assistance Protocol in potentially serious or life-threatening situations.

D. Outcomes

For individual students who are granted an exemption, the incident will not appear on a student's disciplinary record.

If an organization is found responsible for the violation(s) of the Code of Student Conduct or other university policy, the judicial body may consider the organization's compliance with the medical assistance policy as a mitigating factor when applying sanctions.

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