

Code of Student Discipline

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I. GENERAL POLICY

- A. A student, upon registration at Auburn University, agrees to conform to its regulations and policies and is subject to disciplinary action by the University upon violation of any part of Section II of the Discipline Code. A student, by registering at Auburn University, in no way abrogates responsibility as a citizen to obey all public laws.
- B. Only a duly authorized agent, who is officially appointed by the president of Auburn University, shall have the right, if is deemed necessary, to initiate legal proceedings against a student for violation of public law on campus in which University properties and/or vested interests are involved.
- C. Violations of the Discipline Code will be referred to the University Discipline Committee; violations of the Academic Honesty Code will be referred to the Academic Honesty Committee; violations that pertain to both codes will be referred to the Vice President of Academic Affairs, who will refer the case to the committee he/she deems more appropriate.
- D. All cases involving infractions of the Discipline Code of Auburn University by students enrolled in the School of Pharmacy and College of Veterinary Medicine will be handled initially by the Student Boards of Ethical Conduct/Relations of the respective schools.
- E. Appeal of University traffic and parking regulations will be referred to the Auburn University Traffic Appeals Board.
- F. Violations of the Housing and Residence Life *Community Standards* will be referred to the Housing and Residence Life Peer Review Board.
- G. Proceedings of the University Discipline Committee may be instituted against a student charged with conduct that potentially violates both the criminal law and this Discipline Code without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Determinations made or sanctions imposed under this Discipline Code shall not be subject to change because criminal charges arising out of the

same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

- H. Any question of interpretation or application of the Discipline Code shall be referred to the Vice President for Student Affairs or his or her designee for final determination.

II. AREAS OF DISCIPLINARY CONCERN

- A. A student may be referred to the Discipline Committee for possible disciplinary action:
1. For conduct that takes place in the following areas or situations:
 - a. The campus property, University-owned property, including that leased to others;
 - b. University-sponsored activities away from the campus property;
 - c. Official functions of University-chartered organizations;
 - d. Fraternity and sorority property and other units assigned for responsibility to the University;
 2. If one or more of the following infractions occur:
 - a. Knowingly publishing or circulating false information that is damaging (slander or libel);
 - b. Threatening and/or committing physical violence against another person (e.g., assault, assault and battery, assault with a dangerous weapon, sexual assault or harassment);
 - c. Unauthorized entry into dormitories, buildings or offices (for purposes other than theft of academic documents), or other University properties;
 - d. Vandalism, malicious destruction, damage or misuse of public or private property, including library materials;
 - e. Theft, larceny, embezzlement or damage of the property of another person, the University, or associated units;
 - f. Unethical use of computer facilities, such as piracy; unauthorized downloading; using someone else's access code or equipment without permission; or editing, deleting

or adding to someone else's data or program without permission;

- g. Intentional disruption of or interference with University academic or administrative activities, or unauthorized occupation of University properties;
- h. Disorderly conduct, including rioting, inciting to riot, and assembling to raid University properties (this regulation shall not be construed to mean prohibition of peaceful assembly and protest);
- i. Lewd, indecent, or obscene conduct;
- j. Illegal manufacture, sale, use, distribution or possession of narcotics, barbiturates, amphetamines, marijuana, sedatives, tranquilizers, hallucinogens, and/or other similar known drugs and/or chemicals;
- k. Public intoxication, or illegal manufacture, sale, use, distribution or possession of alcoholic beverages or liquors;
- l. Failure to comply with the official and proper regulation or order of a duly designated, identified authority, agent or agency;
- m. Violations of civil rights as guaranteed by the Constitution of the United States and by certain other acts of Congress;
- n. Failing to abide by all conditions of probation as set by the Discipline Committee;
- o. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the Auburn University website;
- p. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others. A list of the prohibited weapons can be found in the weapons policy in the Tiger Cub;
- q. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

- B. A student may be referred to the Discipline Committee for possible disciplinary action for the following conduct related to campus life wherever it occurs:
1. Threatening and/or committing physical violence against another person (e.g., assault, assault and battery, assault with a dangerous weapon, sexual assault or harassment);
 2. Participation in hazing or harassment of Auburn students, as defined in the Tiger Cub;
 3. Furnishing false information to the University;
 4. Forgery, alteration or misuse of University documents, records of identification cards for non-academic purposes;
 5. Issuing bad checks to the University;
 6. Any act that is detrimental to the educational mission of the University.
- C. A student may be referred to the Disciplinary Committee for possible disciplinary action for conduct wherever it occurs:
1. When as a result of this conduct, the student is convicted by public authorities, after the exhaustion of any appeals that are made, of the commission of an illegal act; or
 2. When there is a strong and convincing evidence that the student's continued presence at the University is potentially dangerous to the health and safety of the University community, whether or not public authorities have brought charges or imposed penalties.
 3. When the student's conduct adversely effects the University and/or the pursuit of its mission and objectives.

III. TEMPORARY SUSPENSION

In extreme cases where the action of a student or group of students poses an immediate threat to the well-being of the University, or there is substantial evidence that the continued presence of the student(s) on the campus shall disrupt the University, the president of the University or the Vice President for Student Affairs may temporarily suspend the student(s) at the initiation of the institution of the Discipline Code procedures. If the president or the Vice President for Student Affairs determines that the student's (s') presence no longer poses an immediate threat, the student (s) shall be restored to good standing pending

hearing by the Discipline Committee. This temporary suspension does not replace the regular Discipline Code process, which shall proceed on the normal schedule.

IV. SANCTIONS

The following sanctions may be imposed by the Vice President for Student Affairs in consultation with the Discipline Committee for violation of the Discipline Code:

- A. Informal Reprimand — an oral expression of disapproval to the student for violation of the Discipline Code given by the president or the Vice President for Student Affairs;
- B. Formal Reprimand — a written expression of disapproval to the student for violation of the Discipline Code given by the President or the Vice President for Student Affairs at the request of the Discipline Committee;
- C. Probation — Probation is for a stated period of time. A student on probation shall report as required to the Vice President for Student Affairs and may be subject to one or more of the following:
 - 1. Loss of the privilege of representing the University in any intercollegiate event or contest;
 - 2. Loss of the privilege of holding any elected or appointed student office or appointment to a University committee;
 - 3. Performance of reasonable civic and non-credit academic assignments.
- D. Suspension — Suspension excludes the student from the University for a stated period. During this suspension the student shall not be allowed to take any courses at this institution either in residence or by correspondence, nor shall credit be given for work taken at other institutions;
- E. Expulsion from the University;
- F. Restitution — The Student may be required to make compensation to the injured party for damaged, lost or destroyed property. This action may be taken separately or in conjunction with other sanctions. The Discipline Committee shall set the amount and form of the restitution.

V. STUDENT RECORDS

Disciplinary suspension shall not result in a notation on a student's permanent record. Temporary notice 'that a student is currently on suspension and ineligible to return to Auburn University until a certain date shall be attached to the student's record. This action shall be taken to notify other schools or prospective employers that the student is not presently in good standing with the University. Once the student has re-established his/her good eligibility to return to Auburn University, it is the student's responsibility to request of the Vice President for Student Affairs that the temporary notification be removed from his/her record.

VI. RIGHTS OF THE STUDENT

A student accused of violating the Discipline Code has the following rights:

- A. The right to be informed, when first accused, of the procedure for reviewing the charge within the University community;
- B. The right to be informed in writing of the charge made against him/her and of any sanctions recommended by the charging party;
- C. The right to be informed in writing of the right to a hearing, the procedure involved and the names of known witnesses;
- D. The right to receive written notice of the time and place of the hearing regarding charges, if a hearing is requested by the student;
- E. The right to present witnesses and evidence and to be present throughout the presentation of witnesses and evidence at the hearing, if a hearing is requested by the student;
- F. The right to have sanction deferred until completion of the process described herein, including appeal to the president of the University.

VII. RIGHTS OF THE CHARGING PARTIES

The party charging a violation of the Discipline Code has the right to be informed of Committee procedures and the right to be present throughout the presentation of witnesses and evidence at any Committee hearing requested by the student. This party has the right to be notified of the dispensation of the case and the right of appeal to the president of the University.

VIII. PROCEDURES

- A. Procedures for filing charges: A faculty member, staff member or student who charges a student with a violation of the Discipline Code shall make the charge in writing to the Coordinator for Judicial Affairs as soon as

possible after the event takes place, but no later than 15 school days (as defined by the Office of the Provost) after detection of the alleged violation. In the event the charge is made more than 15 school days after the detection of the alleged violation, the Vice President for Student Affairs, upon a showing of good cause by the charging party, may allow the charge to proceed in his or her discretion.

B. Procedures for Processing Charges

1. When the Coordinator for Judicial Affairs receives written notice of an alleged violation of the Discipline Code, the Coordinator for Judicial Affairs will review available information to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Vice President for Student Affairs. If such disposition is reached, it shall be final and there shall be no subsequent proceedings.
 - 1.1 If the case is not disposed of in the manner discussed in the preceding paragraph, the charge shall be referred to the Discipline Committee, and the Coordinator for Judicial Affairs shall give written notice to the charged student and the charging party of the charged student's right to a hearing, the procedures involved and the names of known witnesses. The Coordinator for Judicial Affairs shall also indicate his/her willingness to meet with any involved parties, offer counsel, discuss questions and clarify procedures.
2. If the charged student desires a hearing, his/her written request for hearing must be delivered to the Coordinator for Judicial Affairs within five school days after receipt of the notice of the right to a hearing. This request should include any answer the student wishes to make to the charges and names of known witnesses. The Coordinator for Judicial Affairs will send to the charging party a copy of the request for a hearing and any answer the charged student has made to the charges.
3. In cases where the infraction of the Discipline Code is minor, (e.g., a parking ticket violation), the chair of the Discipline Committee may request that the cases be decided by the Coordinator for Judicial Affairs. However, the student who has received written notification of his/her alleged violation of the Discipline Code has the right to request a hearing before the Discipline Committee.
4. **If** the charged student fails to request a hearing within the time allowed, the Discipline Committee will consider the case based on

the evidence available and will submit its findings and recommendations to the Vice President for Student Affairs

5. If a hearing is requested by the charged student, a date shall be set for a hearing by the chair of the Discipline Committee, and the parties shall be notified by the Discipline Committee of the time, date and place no less than 10 working days between the date of notification and the date of the hearing, unless there is mutual agreement between the student and the Discipline Committee to schedule the hearing at an earlier date.
6. If the student, after requesting a hearing, fails to attend the hearing after written notification of the hearing dated and without good cause as determined by the Discipline Committee, or if the student had made it impossible to deliver the notice despite diligent efforts, the Committee's recommendation shall be based on the evidence available.
7. The Discipline Committee shall make every effort to hear the case with reasonable promptness. Pending completion of a hearing, a hold shall be placed on the student's permanent records. A notice of "hold on records" will be sent to the Registrar's Office, the Bursar's Office and the student's Dean. If the Committee deems that suspension or expulsion is warranted, the suspension or expulsion shall become effective on the date of the student's notification of the final action, unless the Committee recommends otherwise under special circumstances and the Vice President for Student Affairs concurs. A student may not graduate while a case is pending.

C. Hearings

1. Case preparation shall be carried out by the Coordinator for Judicial Affairs. Such material shall be made available to the chair of the Discipline Committee and the accused at least 48 hours prior to the beginning of the hearing.
 - 1.1 The chair of the Discipline Committee shall exercise reasonable control over the hearing and shall exercise his or her discretion in a manner in which to ensure a fair process.
2. Each party shall have the right to present witnesses and evidence at a hearing and to be present during the presentation of other witnesses and evidence. Each party shall have the right to give an opening statement.

3. Each party shall arrange for the attendance of his/her own witnesses. The Coordinator for Judicial Affairs will assist in securing the attendance of the witnesses, if a written request for assistance is made to the office in a reasonable amount of time in advance of the hearing date. When either party requests, for good cause as determined by the Committee that additional witnesses may appear and be questioned.
4. The Discipline Committee may request the appearance of additional witnesses if the Committee believes that such witnesses could present relevant information. A witness who does not wish to appear should, in advance of the hearing, confer with the Coordinator for Judicial Affairs, whose decision will be communicated to the parties of the Committee.
5. When a witness falls or refuses to appear, the Discipline Committee shall decide whether or not to proceed on the basis of the evidence that is available.
6. The charged student is encouraged to give a statement and to cooperate with the Discipline Committee in processing his/her case. However, failure of the student to make a statement or to answer any or all questions shall not be considered in the determination of guilt or innocence.
 - 6.1 Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Discipline Committee at the discretion of the chair of the Discipline Committee.
 - 6.2 If the charged student, with notice, does not appear at the scheduled Discipline Committee hearing, the chair of the Discipline Committee, in consultation with the Coordinator for Judicial Affairs, shall have the discretion to allow the committee to hear the information in support of the charges even if the charged student is not present.
7. A student's prior record of disciplinary sanctions shall be inadmissible as evidence to prove innocence or guilt. However, the prior record may be considered by the Committee in determining the appropriate sanction.
8. The burden of proof rests with the charging party/parties and will be satisfied by any clear and convincing evidence in the record considered as a whole.
 - 8.1 Formal rules of process, procedure, and/or technical rules of

evidence, such as are applied in criminal or civil court, are not used in Discipline Committee hearings.

9. Proceedings will be recorded by tape recorder or other mechanical means. 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.

10. Discipline Committee hearings shall be private and confidential and will be limited to those persons officially involved. The charging party and the charged student shall be allowed to attend the hearing (excluding deliberations), and the charged student shall have the right to have an advisor present at the hearing.
 - 10.1 The charging party and charged student are responsible for presenting his or her own information, and therefore, advisors or any other persons admitted to the hearing are not permitted to participate directly in the Discipline Committee hearing.

11. The Discipline Committee will conduct its deliberations in closed and confidential sessions and will submit findings and recommendations to the Vice President for Student Affairs. A simple majority vote will sustain the findings of the Committee. The chairperson will vote only in the event of a tie.

D. Action

1. The Vice President for Student Affairs will receive and consider the report of the Discipline Committee and will determine the action to be taken by Auburn University based on the recommendations of the Discipline Committee.

2. If, after the Discipline Committee hearing, additional evidence not presented in the hearing, which could affect the decision of the Vice President for Student Affairs, comes to his/her attention, this evidence will also be shared with the accused, and the Vice President for Student Affairs shall return the case to the Discipline Committee for consideration of the additional evidence.

3. The Vice President for Student Affairs will notify the charged student in writing of the findings and the sanctions to be imposed. A copy shall be sent to the person who initiated the action. The Registrar will be notified, in writing, by the Office of Student Affairs. No action shall be taken by any of the parties above for five working days after notification of the decision by the Vice

President for Student Affairs or the completion of any appeal to the President, whichever is later.

4. When the period of sanction has expired, the student is responsible for requesting removal of the notation of sanction from his/her record. This request must be made in writing to the Vice President for Student Affairs, who will notify the registrar or dean in writing to remove the notation of sanction from the student's record.
5. A student returning after completion of a suspension will follow the same procedure for registration as any other returning student.

E. Appeal

Upon notification of action, either party may appeal to the president of Auburn University. The appeal must be made in writing within five school days after receipt of notification of the action of the vice president for Student Affairs and must include a full statement of asserted facts and arguments concerning the appeal. The appealing party shall send a copy of the appeal to the Office of the Vice President for Student Affairs, and that office will send a notice of the appeal to the parties who received notice of findings and sanctions. The other party may submit a written response within five (5) school days of receipt of the appeal. The president will consider the appeal and any response. Prior to the change in sanctions recommended, he/she will confer with the Vice President for Student Affairs and the Discipline Committee. He/she will then respond in writing to the appealing party. Notice of the action will be sent to the persons who received notice of the appeal. The president's decision will constitute the final action of Auburn University.

F. Records

Records of proceedings for discipline cases shall be considered confidential and will be filed in the Office of the Vice President for Student Affairs for a period of six years following the hearing of the case. Access to these records will be limited as indicated by applicable law and University policy and concerning student records as outlined in the Auburn University *Bulletin* and the *Tiger Cub*.