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AMERICAN UNIVERSITY
WASHINGTON, DC

STUDENT CONDUCT CODE

**AMERICAN UNIVERSITY STUDENT CONDUCT CODE
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AMERICAN UNIVERSITY

STATEMENT OF COMMON PURPOSE

The central commitment of American University is to the development of thoughtful, responsible human beings in the context of a challenging yet supportive academic community.

PREAMBLE

To achieve its ends, an academic community requires the knowledge, integrity, and civility of its members. In turn, the community helps individuals develop habits and values that will enable them to achieve personal satisfaction and to contribute to a better world. All community members are encouraged to contribute to a student's holistic development by helping them develop critical thinking and judgment skills. In practice, the resolution of non-academic conduct cases may involve faculty, staff and students. This Student Conduct Code is designed to support a safe, honest, and inclusive community with a shared commitment to acting with mutual respect and forming the highest standards of ethics and morals among its members. It provides the necessary and appropriate actions to protect the safety and well-being of the campus community. It fosters the university's commitment to excellence, equity, and inclusion and affirms the shared values that make community life possible. The policies and procedures set forth in this Student Conduct Code aim to educate American University's students, to repair harm that has occurred, and to provide a fair and equitable process for all parties.

I. RESPONSIBILITIES AND RIGHTS

Every student and student organization has a duty to understand and abide by the rules and regulations of the university. Student rights related to the administrative adjudication process are outlined in Section XVII of the Student Conduct Code. Ignorance of a rule or regulation will not be an acceptable reason to find a student or student organization not responsible. Students or student organizations accused of conduct violations that are resolved through disciplinary conferences, disciplinary hearings, or disciplinary hearing-level conferences have the following procedural protections:

1. to be informed of the allegations against them;
2. to request that their case be resolved through a restorative conference;
3. to be allowed reasonable time to prepare a response;
4. to hear and respond to evidence upon which an allegation is based;
5. to present relevant witnesses and ask questions of the witnesses during disciplinary proceedings;
6. to be assured of confidentiality according to the terms of the university policy on Confidentiality of Student Records;
7. to request that any person conducting a disciplinary proceeding or serving as a Conduct Council member, hearing administrator, hearing officer, or conference officer, be disqualified on the grounds of conflict of interest;
8. to be provided with an opportunity to review these rights before any disciplinary proceeding;
9. to be considered not responsible for the allegations until found responsible based on what is more likely than not to have occurred (by a preponderance of the evidence);
10. to have reasonable access to the case file before and during the disciplinary conference, disciplinary hearing or disciplinary hearing-level conference, and during the appeals process;
11. to have an advisor as defined in Section X of this Student Conduct Code; and
12. to appeal the outcome of the case according to Section XX of this Student Conduct Code.

II. SCOPE OF AUTHORITY

The Student Conduct Code (“Code”) is the university’s policy for non-academic conduct offenses and applies to all students, recognized student organizations, provisionally recognized student organizations, and student organizations hosted by community partners in the Kay Spiritual Life Center at American University. The university reserves the right to amend this Student Conduct Code at any time according to established procedures. The Student Conduct Code also applies to students at the Washington College of Law (“WCL”), however alleged prohibited conduct by WCL students will not be subject to the resolution mechanism described in this Code. Alleged prohibited conduct by WCL students will be resolved according to the WCL Honor Code except in cases

involving, alleged conduct in violation of the university's Title IX Sexual Harassment Policy and the Discrimination and Non-Title IX Sexual Misconduct Policy.

The university's Title IX Sexual Harassment Policy and the Discrimination and Non-Title IX Sexual Misconduct Policy are the university's policies for discrimination, discriminatory harassment, sexual misconduct offenses and applies to all students, recognized student organizations, and provisionally recognized student organizations at American University, including students at the Washington College of Law. Alleged conduct by students in violation of the university's Title IX Sexual Harassment Policy and the Discrimination and Non-Title IX Sexual Misconduct Policy will not be subject to the resolution mechanism described in this Code but will be exclusively resolved according to the procedures set forth in those university policies. The Office of Equity and Title IX is responsible for the procedures outlined in the university's Title IX Sexual Harassment Policy and the Discrimination and Non-Title IX Sexual Misconduct Policy.

The university retains authority over alleged infractions that occur during a student's matriculation or attendance at the university, including orientation programs and activities, winter, spring, and summer breaks, study abroad programs, and periods of a leave of absence from the university including during disciplinary suspensions. Therefore, a proceeding may be scheduled after a student has completed a program, withdrawn, or graduated from the university. While students participating in pre-collegiate programs are expected to abide by the prohibited conduct outlined in Section V, pre-collegiate program administrators may determine appropriate procedures for resolving cases in their programs.

Generally, the university will take disciplinary action for on-campus infractions of the Code. However, the university may take disciplinary action for off-campus infractions of the Code when a student's behavior threatens or endangers the safety and well-being of the campus community; when a student is the subject of a violation of local, state, or federal law; or when, in the judgment of university officials, a student's alleged misconduct has a detrimental impact on the university's functions and operations, pursuit of its mission, or on the well-being of its community or neighbors.

Students, recognized student organizations, and provisionally recognized student organizations may be held accountable for their non-AU affiliated guest's behavior.

III. VIOLATIONS OF LAW AND UNIVERSITY REGULATIONS

Students may be accountable both to civil authorities and to the university for acts that constitute violations of law and of this Code. Disciplinary action at the university will normally proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced. The Office of Student Accountability and Restorative Practices may proceed with its adjudication process independently from criminal charges being dismissed.

IV. DEFINITIONS

For definitions related to sexual misconduct, sexual harassment, and discriminatory harassment, refer to the Title IX Sexual Harassment Policy) and the Discrimination and Non-Title IX Sexual Misconduct Policy.

- A. "Aggravated violation" – a violation that resulted or could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal university or university-sponsored activities.

- B. “Appeal panel”-a proceeding in which a group comprised of Conduct Council members convenes to determine if an appeal submitted by a respondent meets the grounds published in Section XX.
- C. “Complaint” – a report of alleged misconduct filed by a member of the AU community.
- D. “Community representative”- in cases resolved through Section XIII, an AU community member invited participate in a restorative process, including, but not limited to Housing & Residence Life, Academic Advising, Athletics, or representatives from academic colleges.
- E. “Conference officer” – a staff member who conducts disciplinary conferences as set forth in Section XIV of this Code.
- F. “Disciplinary conference” – a proceeding in which a conference officer meets with a student to resolve an alleged violation of the Code that the outcome of which is not reasonably likely to result in removal from university housing, suspension, or dismissal.
- G. “Disciplinary-hearing-level conference”- a proceeding in which a hearing officer meets with a student to resolve an alleged violation of the Code, that was originally determined to be adjudicated through a disciplinary hearing, that the outcome of which could likely result in sanctions such as removal from housing, suspension, or dismissal.
- H. “Disciplinary hearing”- a proceeding in which a panel comprised of the Conduct Council convenes with a student to resolve an alleged violation of the Code that the outcome of which could likely result in sanctions such as removal from housing, suspension, or dismissal.
- I. “Disorderly” – conduct which a reasonable person, under similar circumstances, should be expected to know would disturb the peace.
- J. “Distribution”—any form of sale, exchange, or transfer.
- K. “Harassment” – Conduct or act – whether physical, written, verbal, cyber/electronic (including, but not limited to: e-mail, social media, instant messaging) - intentionally directed towards an individual or group that is intimidating, hostile, threatening, or coercive and that is persistent, pervasive, or severe. Harassment includes conduct or acts that involve the exposure online of another individual’s personal identifying information that would cause a reasonable person to fear for their safety, or the safety of others, with the intent to cause such fear.
- L. “Harmed Party”- in cases being resolved through Section XIII, a student, staff, or faculty member, who has filed a complaint indicating that an individual has allegedly violated prohibited conduct outlined in this Code.
- M. “Hazing” – an intentional act or method of initiation into a group, club, organization, or team that subjects another person, whether voluntarily or involuntarily, to conduct that may injure, abuse, humiliate, harass, or intimidate that person. These acts serve as a condition for continued membership or acceptance into the group, club, or organization. Examples of hazing can be found in American University’s Hazing Policy. Individuals who make good faith reports of hazing, in which they did not participate or facilitate the alleged hazing, and the report occurs before the alleged hazing has occurred, will not be considered for individual conduct charges.
- N. “Hearing Administrator” – a staff member who conducts disciplinary hearings as set forth in Section XV of this Code.

- O. “Hearing Officer” – a staff member who conducts disciplinary hearing-level conferences as set forth in Section XVI of this Code.
- P. “Informal Resolution”- a method to resolve a conduct complaint which the outcome could include warning letter or warning conversation with a staff member.
- Q. “Institution” and “University” – American University and all of its undergraduate and graduate departments and programs.
- R. “Intake meetings” – in cases resolved through Section XIII, a meeting conducted by a staff member or designee, regarding information related to the Restorative Conference process with both the harmed party and responding party.
- S. “Investigator” – a staff member who conducts a fact-finding investigation into incidents. This may include but is not limited to staff members from the Office of Student Accountability and Restorative Practices, the Dean of Students office, or an individual contracted by the university.
- T. “Physical Assault” – unwanted physical contact or the use of physical force to threaten or cause physical injury, pain, or illness. In instances where an individual uses the minimal amount of unwanted physical contact to remove themselves or prevent physical harm to themselves, the university will consider this self-defense.
- U. “Pre-hearing meeting”-a meeting with a Student Accountability and Restorative Practices staff member to review information related to the disciplinary hearing process.
- V. “Preponderance of the Evidence” – a measure of proof that a reasonable person would accept as more likely than not” that a fact is true or that an incident occurred.
- W. “Provisionally recognized student organization” – a student led group who have received provisional status through a recognition process from a department such as the Center for Student Involvement or an inter/national organization that has been approved to pursue recognition under one of the Fraternity and Sorority Life councils. The university may address incidents of misconduct involving groups who have received provisional recognition both organizationally and/or individually.
- X. “Reckless” – conduct which a reasonable person, under similar circumstances, should be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal university or university-sponsored activities.
- Y. “Recognized student organization”-a student led and created group that has been formally recognized by the Center for Student Involvement or another university department and has benefits and responsibilities tied to recognition. The university may address incidents of misconduct involving groups who have received provisional recognition both organizationally and/or individually.
- Z. “Relevant” – related to the charges at hand. Irrelevant information may be excluded by a conference officer, hearing officer, or hearing administrator during a disciplinary conference or hearing if it is unfairly prejudicial.
- AA. “Reparative Agreement”- in cases resolved through Section XIII, a written document that outlines how a Responding Party and Harmed Party plan to move forward or a plan of action to repair harm or impact. Reparative Agreements are not considered disciplinary records.

- BB. “Respondent” – the student/student organization, or student group, who is alleged to have violated prohibited conduct in this Code.
- CC. “Responding Party”- in cases resolved through Section XIII, a student/student organization, or student group who allegedly violated non-academic university policies.
- DD. “Restorative Conference Facilitator” – in cases resolved through Section XIII, a staff member, Conduct Council member, or designee, who facilitates restorative conferences between the responding and harmed parties.
- EE. “Restorative Conference” – in cases resolved through Section XIII, a restorative process allowing the Responding and Harmed Parties to engage collaboratively and propose a mutually agreeable resolution to address the alleged misconduct and repair the harm or impact it has caused.
- FF. “Retaliation” – an adverse action or other form of negative treatment, including, but not limited to, intimidation, threats, coercion, discrimination, or harassment, carried out against any individual because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in a proceeding or hearing under this Code.
- GG. “Stalking” – engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety, or the safety of others; or (ii) suffer substantial emotional distress. Acts that constitute stalking may include, but are not limited to: direct or indirect, or virtual actions, including actions through a third-party by any method, device, or means to follow, monitor, observe, surveil, threaten, or communicate to or about a person; or that interferes with a person’s property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. The behavior addressed by this Code is stalking that is not based or motivated by an individual’s protected characteristic.
- HH. “Student”-any person enrolled or matriculating at American University while pursuing undergraduate, graduate, or professional studies, certificate or any other educational program and who has not completed the program of study in which they are enrolled. Persons also considered to be students include those who: 1. withdraw after allegedly violating the Student Conduct Code; 2. are serving a period of suspension; 3. are not officially enrolled for a particular term, but have a continuing relationship with the university (e.g. leave of absence); or, 4. have been notified of acceptance and have confirmed intent to attend.
- II. “Unrecognized group”-a group of individuals who have formed and are operating around a common purpose, but choose not to seek university recognition or have missed deadlines to become a recognized student organization. Behavioral incidents involving an unrecognized group will result in individual conduct charges for those involved.
- JJ. “Underground Group” – a formerly recognized student organization or group that has lost or been denied university recognition on a temporary or permanent basis as a consequence of violations of the Code and/or other policies and continues to operate and function despite the directive not to do so. Behavioral incidents involving an underground group will result in individual conduct charges for those involved.
- KK. “University premises” – buildings and grounds owned, leased, operated, controlled, or supervised by the university.

- LL. “University-sponsored activity” – any activity on or off university premises that is specifically initiated or supervised by the university.
- MM. “Weapon” – firearms, firearm components or parts, ammunition, fireworks, chemical substances or compounds, explosives, metal knuckles, knives, or any other instrument designed or used to inflict injury to person or property.
- NN. “Willful”-knowingly and intentionally or deliberate defiance.

V. PROHIBITED CONDUCT

This Code is not written with the specificity of a criminal statute, nor is it intended to cover every instance of potentially prohibited conduct. American University expects its students, wherever they are, to adhere to high standards of honor and good citizenship and to conduct themselves in a responsible manner that brings credit to themselves and the university. The following misconduct is subject to disciplinary action:

- A. Attempting to engage in any prohibited conduct;
- B. Physical assault;
- C. Conduct which threatens or endangers the health or safety of any person;
- D. Using, possessing, distributing, or manufacturing a weapon, or possessing any object produced as a weapon to include but not limited to any weapon identified in the District of Columbia Prohibited Weapons Code, or any object that is visually or audibly indistinguishable from a weapon. (Exceptions to this prohibition may be made on a case-by-case basis for use of imitation weapons or similar equipment when used in conjunction with a university sponsored event or activity and consistent with policies or procedures specified by a university department including but not limited to, Athletics and Recreation, Health and Fitness faculty, and Student Activities or performing arts.);
- E. Hazing;
- F. Arson;
- G. Possession or use of alcohol by persons under 21 on university premises or events;
- H. Providing, selling, or distributing alcohol to persons under 21;
- I. Unauthorized possession and/or use of any controlled substance, illegal drug or drug paraphernalia, including marijuana and medical marijuana;
- J. Manufacture, distribution and/or sale of any controlled substance (including prescription medication) or illegal drug (including marijuana) or drug paraphernalia;
- K. Violation of local, state, or federal law;
- L. Entry, attempt to enter, or remaining without authority or permission in any university office, residence hall room, university sponsored event, or university premises;

- M. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency (this includes but is not limited to activating a fire alarm when no emergency or dangerous situation exists);
- N. Harassment;
- O. Stalking (not based on a protected characteristic);
- P. Theft of property or services or knowingly possessing stolen property;
- Q. Any university matters not covered by the Academic Integrity Code: dishonesty, misrepresentation, fraud, forgery;
- R. Intentionally providing false information during a conduct proceeding or in the filing of a complaint at the university;
- S. Intentionally or recklessly destroying or damaging university property or the property of others;
- T. Violations of the Responsible Use of Technology Resources policy;
- U. Intentionally or recklessly interfering with normal university or university-sponsored activities, including but not limited to, studying, teaching (including class sessions and office hours), research, university administration; or fire, police, or emergency services;
- V. Disorderly conduct or interfering with the rights of others;
- W. Illegal gambling or gaming, as defined by local, state or federal law;
- X. Willfully failing to comply with the written or oral directions of university officials, including public safety officers and residence life staff members, acting in performance of their duties to include but is not limited to requests for identification, or complying with issued barring notices or no contact orders;
- Y. Unauthorized use of the university's corporate name, logo, or symbols;
- Z. Unauthorized soliciting or canvassing by any individual, group, or organization;
- AA. Violations of other published non-academic university regulations or policies (a list of published policies can be found here: <https://www.american.edu/policies/>);
- BB. Violating the terms of any disciplinary sanction imposed in accordance with this Code;
- CC. Providing assistance to or in any way perpetuating the activities of an Underground Group that violates the Code and/or other university policies;
- DD. Possessing or using false information, documents, or instruments of identification;
- EE. Retaliation;
- FF. Misuse or unauthorized use of AU One Card and/or University Metro Pass ("U-Pass");

- GG. Violations of the university's Good Neighbor Guidelines Policy;
- HH. Violations of the university's health and safety directives related to the Communicable Disease Policy;
- II. Failure to complete non-academic university requirements for students (e.g. trainings required by the Office of Equity and Title IX or Off Campus Orientation).

Misconduct in violation of the university's Title IX Sexual Harassment Policy and Discrimination and Non-Title IX Sexual Misconduct Policy), including but not limited to, sexual misconduct, sexual harassment, discrimination, and discriminatory harassment, is prohibited conduct and subject to disciplinary action but will be investigated, adjudicated, and sanctioned in accordance with the procedures set forth in those university policies by the Office of Equity and Title IX.

VI. CLASSROOM BEHAVIOR AND ACADEMIC DISHONESTY

Primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any behavior that has the effect of disrupting a class may be directed by the faculty member to leave the class for the remainder of the class period. Examples of class disruption may include making unauthorized recordings of classes, speaking without being called on, yelling or shouting, engaging in discourse in a disruptive manner, engaging in on-line classes or on-line communication such as Canvas that is considered harassment or disruptive, and/or leaving or entering a physical space in a way that interrupts the class flow. It is important to note that disagreement or dissent on a topic or subject does not itself qualify as disruption. Suspensions from class or dismissal on disciplinary grounds must be preceded by a disciplinary hearing, hearing-level conference, or administrative adjudication as set forth in Sections XV, Section XVI and Section XVII, of this Code.

Academic dishonesty allegations are processed in accordance with procedures set forth in the Academic Integrity Code. Students will be subject to both the Student Conduct Code and the Academic Integrity Code in cases where there is a combination of alleged violations of academic and non-academic regulations.

VII. STUDENT ORGANIZATIONS

American University students are free to organize and join student organizations or groups based on their common interest, so long that the interests and pursuits are lawful. The responsibility of determining whether or not student led and created groups are recognized student organizations is vested in the Center for Student Involvement (CSI). University schools or departments may also recognize or sponsor student organizations. Groups of students and student organizations are expected to comply with all university policies including this Code, other university policies, the Center for Student Involvement (CSI) Recognized Student Organization manual, and any additional policies pertaining to groups and organizations and federal, state, and local laws.

The provisions outlined for adjudicating complaints related to recognized student organizations and groups who have received provisional recognition status are outlined in Section XVIII. For complaints involving unrecognized and underground groups, individuals will be charged through the procedures outlined in the Student Conduct Code, as those groups are not recognized by the university.

In some circumstances, the university may hold the organization as well as its members or executive board members accountable for alleged misconduct. The Office of Student Accountability and Restorative Practices will consider the following when determining whether the behavior involved is organizational and/or individual.

1. Was committed or condoned (either actively or passively) by one or more executive board members or authorized representatives acting in the scope of their group or organizational capacities;
2. Was committed or was condoned by (either actively or passively) more than one member, alumnus, or guest of the group or organization;
3. Occurred at or in connection with an activity or event funded, sponsored, publicized, advertised, or communicated about by the group or organization;
4. Occurred at or in connection with an activity or event that a reasonable person would associate with the group or organization;
5. Could reasonably have been foreseen by the group or organization which took inadequate reasonable precautions to prevent the incident;
6. Resulted from a policy or practice of the group or organization;
7. Was attributable to the group or organization under that entity's own policies (e.g., constitution, governing documents, standard of conduct, local or national risk management guidelines, etc.);
8. Was committed by individuals who, but for their affiliation with the group or organization, would not have been involved in the incident;
9. Was not reported to appropriate emergency and/or university officials despite one or more officers or members of a group or organization having knowledge of the alleged violation;
10. Occurred and the members of the group or organization failed to cooperate with the university during the disciplinary process.

VIII. INTERIM SUSPENSION

Pursuant to the university's Interim Suspension Policy, the Dean of Students or their designee may suspend a student from the university and/or university housing or deny and/or restrict access to university privileges for an interim period pending disciplinary charges or criminal proceedings or medical evaluation regarding behavior relevant to such proceedings. The Dean of Students or their designee, at their discretion, may impose an interim suspension when the continued presence of the student at the university (a) poses a substantial and immediate threat to the safety and well-being of members of the university community; or (b) poses a threat to the stability and continuation of normal university functions. The Dean of Students or their designee may consult with other university administrators or external professionals as needed in deciding whether to impose an interim suspension. When placed on an interim suspension, a student may not participate in university activities, including but not limited to: attending or participating in academic classes or programs, residing in university owned or operated facilities, being present on university premises. Any modifications to the interim suspension will be explicitly communicated by the Dean of Students or their designee. Communication beyond staff in the Office of the Dean of Students and Student Accountability and Restorative Practices must be approved by the Dean of Students or designee.

The Dean of Students or their designee will provide written notification to a student who is placed on interim suspension and the student will have the opportunity to appeal the interim suspension pursuant to the process in the university's Interim Suspension Policy.

Student Organizations

In instances where a recognized student organization or a provisionally recognized student organization is alleged to have engaged in misconduct that poses a substantial and immediate threat to the safety and well-being of its members, new members, and other individuals or the community, the Dean of Students, or their designee, may issue a cease and desist directive to the registered student organization or provisionally recognized student group. The Dean of Students or their designee, will provide the notice of the cease and desist directive in writing and the reasons and terms of the cease and desist directive. When a recognized student organization or provisionally recognized student organization is on a cease and desist status, they may not operate including but not limited to: holding meetings, events, programs or co-sponsorships, or participating in any event as a group or organization including any events hosted by a national chapter or sponsor. A cease and desist directive will remain in place until the final outcome of a student conduct process. A cease and desist directive may be reassessed if new information becomes available and may be adjusted. A cease and desist directive does not replace the disciplinary process which proceeds accordingly.

IX. CONDUCT COUNCIL

The Conduct Council will consist of students, faculty, and staff selected by the director of Student Accountability and Restorative Practices and the discretion of the Vice President of Student Affairs. The director of Student Accountability and Restorative Practices or designee is responsible for training and providing administrative support to the Conduct Council. Among other duties, members of the Conduct Council will sit on hearing or appeal panels designed to resolve allegations referred for a hearing in accordance with Section XV.

- A. The director of Student Accountability and Restorative Practices or designee will select a hearing panel from the Conduct Council comprised of three (3) persons: one (1) student and two (2) members of the faculty/staff.
- B. Both the findings and the sanctions determined by Conduct Council hearing panels are recommendations to the Dean of Students or designee, who will render a final decision.
- C. Members of the Conduct Council who are alleged to have committed any violation of this Code, other university policies, or a criminal offense may be temporarily suspended from their positions by the director of Student Accountability and Restorative Practices or their designee, while allegations against them are pending or being investigated. Members found responsible for any such violation or offense may be disqualified from any further participation in the university conduct system. Additional grounds and procedures for removal may be established by the director of Student Accountability and Restorative Practices.
- D. All members of the Conduct Council are expected to maintain the confidentiality of information learned as a result of their participation in the disciplinary process. Confidential information includes but is not limited to student and student organization identities, circumstances or information shared, or details of a specific case. Any member who violates this provision and any related University policy will be removed from the Conduct Council and may face disciplinary action under the Student Conduct Code or Staff and Faculty manual.

X. ADVISORS

At their own discretion, respondents may be advised by an American University student, faculty, or staff member. The role of the advisor is limited to consultation. While advisors may be present at disciplinary proceedings, they may not address hearing panels or conference officers, speak in disciplinary proceedings, or question witnesses. Advisors may ask questions related to the procedures of the disciplinary proceeding. Advisors may not act on behalf of the respondent, or contact any participant in the conduct process. Advisors may not act in a dual role during the disciplinary proceeding (e.g. as both a witness and an advisor). Because the purpose of this conduct process is to provide a fair review of alleged violations of this Code, rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted.

XI. STANDARDS OF FAIR PROCESS

The Office of Student Accountability and Restorative Practices is committed to providing a fair process that respects the rights that parties have in the student conduct process.

All respondents are considered not responsible until the information in the complaint is substantiated by a preponderance of the evidence. Students who may be subject to removal from university housing, suspension, or dismissal will be referred to a disciplinary hearing or disciplinary hearing-level conference, as specified in Section XV and Section XVI of this Code. Students who may be subject to lesser sanctions for non-academic misconduct will be referred to a disciplinary conference, as set forth in Section XIV of this Code. Formal rules of evidence will not be applied, nor will deviations from prescribed procedures necessarily invalidate a decision. Appeals for procedural errors must meet the conditions identified under the Section XX on Appeals.

XII. PROCEDURES FOR CASE RESOLUTION

- A. Any university student, faculty, or staff member may submit a written complaint regarding a student, a recognized student organization, or a student group with provisional recognition suspected of violating this Code to the director of Student Accountability and Restorative Practices. A written complaint must be filed with the director of Student Accountability and Restorative Practices within 30 calendar days of the occurrence or discovery of the alleged infraction(s). Requests for consideration of filing a complaint outside of the 30 calendar day filing period, must be made in writing to the director of Student Accountability and Restorative Practices or designee, who will consider whether or not it is reasonable for Student Accountability and Restorative Practices to adjudicate a complaint filed outside of the filing period. The director of Student Accountability and Restorative Practices or their designee will refer all complaints involving sexual misconduct or discrimination to the appropriate administrator in the Office of Equity and Title IX. For cases that involve prohibited conduct from the Student Conduct Code and the university's Title IX Sexual Harassment Policy and/or the Discrimination and Non-Title IX Sexual Misconduct Policy, the director of Student Accountability and Restorative Practices or their designee, in consultation with the Assistant Vice President of Equity and Title IX or their designee, will assess the information in order to determine when and/or which process will be used for resolving the alleged prohibited conduct that is subject to the Student Conduct Code procedures. This is to avoid confusion about parties, facts, and procedures and to prevent duplicate resolution efforts.
- B. Those submitting a complaint to Student Accountability and Restorative Practices are normally expected to serve as a witness should the case be resolved through a disciplinary hearing, disciplinary hearing-level conference, or disciplinary conference. Members of the community may also submit an anonymous complaint regarding alleged misconduct, but it may limit the ability for a complaint to be adjudicated through the formal disciplinary process.

- C. Upon receipt of the complaint, the director of Student Accountability and Restorative Practices or designee will conduct a preliminary review to determine whether the alleged misconduct, if proved, would violate policies listed in Section V and/or the Residence Hall Regulations of this Code. The director of Student Accountability and Restorative Practices or designee has the discretion to determine whether a complaint may be resolved informally. The director of Student Accountability and Restorative Practices also has the discretion to determine whether a complaint can be resolved through a restorative conference, as outlined in Section XIII of the Student Conduct Code provided that the respondent and the harmed party consent to the restorative conference. While Student Accountability and Restorative Practices does not typically use restorative conferences to resolve allegations of physical violence or conduct which endangers the health or safety of any person in lieu of a formal process, the director or their designee may determine to do so when they believe that the incident and parties meet the criteria for a successful restorative process. If upon the receipt of the complaint, there is a need to evaluate whether there is sufficient information to form a reasonable belief that the alleged misconduct would violate policies listed in Section V and/or the Residence Hall Regulations of this Code, the director of Student Accountability and Restorative Practices or designee will meet with involved parties or witnesses, review documents, or gather relevant information. If there is sufficient information, the complaint will proceed through the appropriate case resolution procedures. If upon the review of the facts presented, it is determined that there is insufficient information or if the complaint fails to allege an actual violation of the Code, the complaint will be dismissed and if appropriate, the individual will be directed to the appropriate office for support.
- D. For complaints where the director of Student Accountability and Restorative Practices or their designee determines that the outcomes are reasonably likely to include removal from university housing, suspension or dismissal, the complaint will be referred to a disciplinary hearing before a Conduct Council panel as outlined in Section XV of this Code or a disciplinary hearing-level conference before a hearing officer as outlined in Section XVI of this Code.
- E. For complaints where the director of Student Accountability and Restorative Practices or their designee, determines that the outcomes are not reasonably likely to include removal from university housing, suspension, or dismissal, the complaint will be referred to a disciplinary conference with a conference officer, as set forth in Section XIV of this Code.
- F. Students referred for a disciplinary hearing may request to have their cases resolved in a disciplinary hearing-level conference in accordance with Section XVI of this Code. Such requests must be in writing, affirming that the student is aware that the hearing is being waived. The full range of sanctions may be imposed, including removal from university housing, suspension, or dismissal from the university. Both the findings and the sanctions determined by the hearing panel or hearing officer are recommendations to the Dean of Students or designee, who will render a final decision. The director of Student Accountability and Restorative Practices or designee will have the discretion in granting such a request.
- G. Hearing panel members, hearing officers, and respondents will have the right to question relevant witnesses who make statements at disciplinary hearings or hearing-level conferences.
- H. The university may withhold awarding a diploma or degree otherwise earned until the completion of the process as set forth in this Code, including the completion of all sanctions imposed. Withholding of a diploma or degree means not conferring a diploma or degree otherwise earned for a defined period of time or until the completion of assigned sanctions.
- I. If a student withdraws or takes a leave of absence from the university with a disciplinary proceeding pending, Student Accountability and Restorative Practices may proceed with the disciplinary proceeding according to the procedures outlined in this Code.

- J. To ensure timely resolution, Student Accountability and Restorative Practices will facilitate disciplinary proceedings during all periods the University is open, including summer and winter breaks. Reasonable adjustments to the timeline of a disciplinary process may be made to ensure participation of the parties and/or witness during winter and summer breaks.
- K. Students who need an accommodation for a disability during a disciplinary proceeding, must notify the Student Accountability and Restorative Practices within a reasonable time frame of the disciplinary proceeding.

XIII. PROCEDURES FOR RESTORATIVE CONFERENCES

The goal of restorative processes is to repair harm and prevent reoccurrence through a process that involves those most directly affected. Restorative conferences may include inquiry into the facts, but typically will not follow steps outlined in the formal conduct process. The participation of all parties in a restorative process must be voluntary. If a restorative conference fails, the case will move forward in a disciplinary proceeding. Information shared in a restorative conference will not be used in the formal disciplinary proceeding if the restorative process is not successful. The procedures for restorative conferences are the following:

- A. The director of Student Accountability and Restorative Practices or their designee will review submitted complaints to determine if a restorative conference may be suitable for the alleged misconduct. While individuals may request to have a restorative conference in lieu of a formal conduct proceeding, it will be at the discretion of the director or their designee.
- B. The director of Student Accountability and Restorative Practices or designee has the discretion to determine if a Restorative Conference is appropriate provided that the responding party and the harmed party consent to the restorative conference. The director of Student Accountability and Restorative Practices or designee may elect not to consider the restorative conference process because of the severity of the allegation, responding party's disciplinary history, or the complexity of the complaint. Restorative conferences are not typically used to resolve allegations of physical violence or conduct which endangers the health or safety of any person but may be used in cases in which the director or their designee believes meets the conditions for a successful restorative conference.
- C. A complaint may be considered for resolution via restorative conference when the following conditions are met: 1) the responding party acknowledges responsibility for the harm caused; 2) the responding party and the harmed party consent to the restorative conference; 3) the responding and harmed parties are actively involved in the restorative conference process, including creating the reparative agreement; and 4) the responding and harmed parties agree, sign, and uphold the reparative agreement or resolution.
- D. The responding party or harmed party may withdraw from the restorative conference at any time prior to agreeing to a reparative agreement. If such action is taken, the complaint will be formally resolved through Student Accountability and Restorative Practices. Responding and harmed parties are encouraged to not attempt to resolve matters independently while participating in a restorative conference process.
- E. If an incident is considered suitable for a restorative conference, the responding and harmed parties will be contacted to schedule an intake meeting with a restorative facilitator prior to the restorative conference. The intake meeting is designed to review the restorative conference process, gather information, and discuss next steps.
- F. The reparative agreement requires the acknowledgement and signature of the responding and harmed parties. The reparative agreement is not finalized without the approval of the director of Student

Accountability and Restorative Practices or their designee. If the reparative agreement is approved by the director of Student Accountability and Restorative Practices or their designee, then the terms of the reparative agreement are implemented, and the original complaint is deemed resolved and closed. If a reparative agreement is not reached by the parties or approved by the University, or if the respondent fails to comply with the terms of the reparative agreement, the case will move forward to a disciplinary proceeding. The terms set forth in the reparative agreement are not considered to be sanctions, as outlined in Section XIX of this Code. Rather, they are a set of terms that both parties agree will repair the harm caused in the incident and set a path for moving forward. If the restorative conference is not successful, statements or disclosures provided in the restorative conference regarding the incident will not be considered in a subsequent disciplinary proceeding.

- G. The responding party is responsible for compliance with the reparative agreement.
- H. Participation in a completed restorative conference is not considered a disciplinary record, however the behavior addressed in the restorative conference, may be considered in regards to subsequent violations for the responding party.
- I. Responding and harmed parties may be accompanied by an advisor of their choice as outlined in Section X of this Code.
- J. Should either party in a restorative conference process conduct an adverse action or other form of negative treatment that could be considered retaliation, the restorative conference process will be terminated and individuals may face additional disciplinary charges for retaliation in the formal disciplinary process.

XIV. PROCEDURES FOR DISCIPLINARY CONFERENCES

Students accused of non-academic offenses that are not reasonably likely to result in removal from university housing, suspension, or dismissal are subject to a disciplinary conference with a conference officer. The director of Student Accountability and Restorative Practices or designee will serve as the conference officer and conduct the disciplinary conference. The respondent may challenge a conference officer on the ground of conflict of interest by submitting a written request within two (2) business days of the receipt of the notification letter. The conference officer may be disqualified by the director of Student Accountability and Restorative Practices or their designee. In cases where the director of Student Accountability and Restorative Practices is the assigned conference officer, the Dean of Students or their designee will determine whether a registered conflict of interest exists. The director of Student Accountability and Restorative Practices or designee will notify the respondent of a new assigned conference officer if appropriate. The conference officer will make inquiries into evidence as necessary to ensure a just outcome of the case. If the respondent chooses not to appear for a disciplinary conference, the information supporting the allegations will be considered and a decision will be made in the absence of the respondent. The conference officer will consider the evidence, apply the preponderance of the evidence standard, and determine whether the respondent is responsible for violating the Code. Disciplinary conferences are not recorded.

The following procedural protections are provided to respondents in disciplinary conferences:

- a. Written notice of the specific allegations at least three (3) calendar days prior to the scheduled conference with additional time at the director or their designee's discretion unless by a student's own determination they have chosen to schedule the conference prior to the three (3) days have passed;
- b. Reasonable access to the case file before and during the conference and during the appeals process (respondents accessing case materials will be expected to utilize that access for the purpose of preparation

for a proceeding or appeal, and may face disciplinary action if the materials are duplicated, transmitted, or copied);

- c. An opportunity to respond to the evidence;
- d. A right to be accompanied by an advisor, as provided in Section X of this Code;
- e. A right to identify and question witnesses who have relevant information to the alleged charges that have been brought against them.

XV. PROCEDURES FOR DISCIPLINARY HEARINGS

- A. Students accused of non-academic offenses that will likely result in sanctions such as removal from university housing, suspension, or dismissal are subject to a disciplinary hearing convened by a hearing administrator before Conduct Council members.
- B. The director of Student Accountability and Restorative Practices or designee will serve as the hearing administrator and conduct the hearing. They may participate in hearing panel deliberations and discussions, but cannot vote. The hearing administrator is responsible for final decisions on all procedural issues, determining the relevance of evidence presented, and may modify hearing procedures, if necessary, to ensure a fair and expedient administration of the hearing.
- C. The director of Student Accountability and Restorative Practices or designee will give respondents notice of the hearing date and the specific allegations against them at least five (5) calendar days in advance of the hearing, unless the respondent requests to waive the five (5) calendar day notice in writing. Respondents will be afforded reasonable access to the case file, which will be retained in the Student Accountability and Restorative Practices office and will be provided to the hearing panel.
- D. Respondents must submit relevant case materials and names of any witnesses for the scheduled disciplinary hearing no later than three (3) calendar days before the hearing. Student Accountability and Restorative Practices will provide the respondent with the names of any additional witnesses attending the hearing. Respondents may have reasonable access to the case file for the purposes of preparing for the proceeding. Duplication or transmission of case materials will result in conduct charges.
- E. If the respondent chooses not to appear for a disciplinary hearing, the information supporting the allegations will be considered, and a decision will be made in the absence of the respondent.
- F. The respondent may challenge a panel member or the hearing administrator on the ground of a conflict of interest. Student Accountability and Restorative Practices will provide the names of all panel members and the hearing administrator to the respondent at least 3 calendar days in advance of the proceeding. The respondent and any advisor or any individual on behalf of the respondent may not contact any panel member in advance of, during or following the disciplinary proceeding regarding their participation in the disciplinary process and may face additional conduct charges if they do so. A respondent may submit a written statement to the hearing administrator if they believe that a conflict of interest exists with an individual hearing panel member. Hearing panel members may be disqualified by the hearing administrator if it is determined that a conflict of interest exists. A hearing administrator may be disqualified by a majority vote of the members of the hearing panel. Votes will be by secret ballot. For instances where multiple students are charged regarding the same incident, the hearing panel for each student may be comprised of the same panel members in order to make a decision with consistent information.

- G. All hearings are closed to the public.
- H. The hearing administrator will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the respondent or the respondent's advisor, who disrupts a hearing may be excluded by the hearing administrator for cause.
- I. The university will make audio recordings of hearings for the purpose of student review during the appeals process. The university does not provide copies of recordings from disciplinary hearings. The respondent may request to listen to the recording following the proceeding in the Office of Student Accountability and Restorative Practices office and may be accompanied by an advisor to do so. If the Office of Student Accountability and Restorative Practices, at its sole discretion, determines that a student is unable to access the audio recording of the hearing, and upon a student's request, the Office of Student Accountability and Restorative Practices will make a written transcript of the proceeding.
- J. People presenting statements will be asked to affirm that their statements are truthful and may be subject to allegations of violating this Code by intentionally providing false information to the university.
- K. People presenting statements, other than the respondent, will be excluded from the hearing except when providing statements to the hearing panel. All parties, the people making statements, and the public will be excluded during panel deliberations, which will not be recorded or transcribed.
- L. The allegations against the respondent must be substantiated by a preponderance of the evidence.
- M. Formal rules of evidence will not be applicable in disciplinary proceedings conducted pursuant to this Code. The hearing administrator may exclude evidence that is not relevant, unduly repetitious, or protected from disclosure based on privilege or confidentiality. The respondent may make a statement arguing certain evidence is not relevant. The hearing administrator will make a final decision whether to admit the evidence in question.
- N. Respondents and the hearing panel may ask relevant questions of witnesses who make statements at the hearing.
- O. Written statements will be admitted into evidence only if signed by the person submitting the written statement and witnessed by the director of Student Accountability and Restorative Practices or designee, or if the written statement is sent from the witness' authenticated AU email address, or if notarized.
- P. The panel will make a determination of responsibility based on the information presented in the disciplinary hearing and using the preponderance of the evidence standard. Both the findings and the sanctions determined by the hearing panel are recommendations to the Dean of Students or designee, who will render a final decision. The past disciplinary record of the respondent will be supplied to the panel during their deliberations only if a student is found responsible for the charges.

XVI. PROCEDURES FOR DISCIPLINARY HEARING-LEVEL CONFERENCES

- A. Students referred for a disciplinary hearing may request to have their cases resolved in a disciplinary hearing-level conference. Such requests, must be made in writing, affirming that the student is aware that the hearing is being waived. Students must request to waive from a disciplinary hearing to a disciplinary hearing-level conference within two (2) business days of completing the pre-hearing meeting with the Office of Student Accountability and Restorative Practices staff.

- B. The director of Student Accountability and Restorative Practices or their designee, has the discretion in granting such a request.
- C. The full range of sanctions may be imposed, including removal from university housing, suspension, or dismissal from the university. Both the findings and the sanctions determined by the hearing officer are recommendations to the Dean of Students or designee, who will render a final decision.
- D. The director of Student Accountability and the Restorative Practices, or their designee, will give respondents notice of the disciplinary hearing-level conference and the specific allegations against them at least three (3) calendar days in advance of the proceeding, unless by the respondent's own determination they have chosen to schedule the proceeding before the three (3) calendar days.
- E. The director of Student Accountability and Restorative Practices or designee will serve as the hearing officer and conduct the disciplinary hearing-level conference. The respondent may challenge a hearing officer on the ground of conflict of interest by submitting a written request within two (2) business days of the receipt of the letter which notifies them of the disciplinary hearing-level conference. The respondent and any advisor or individual on behalf of the respondent may not contact the hearing officer about the case outside of the disciplinary proceeding and may face additional conduct charges if they do so. The hearing officer may be disqualified by the director of Student Accountability and Restorative Practices or the Dean of Students or their designee. The director of Student Accountability and Restorative Practices or designee will notify the respondent of a new assigned hearing officer if appropriate.
- F. Respondents participating in a disciplinary hearing-level conference may be accompanied by an advisor of their choice, as described in Section X, present witnesses, and have reasonable access to case materials.
- G. The hearing officer will make inquiries into evidence as necessary to ensure a just outcome of the case. If the respondent chooses not to appear for a disciplinary hearing-level conference, the information supporting the allegations will be considered and a decision will be made in the absence of the respondent. Nonetheless, the hearing officer will consider the evidence, apply the preponderance of the evidence standard, and determine whether the respondent is responsible for violating the Code.
- H. The university will make audio recordings of hearing-level conferences for the purpose of student review during the appeals process. The university does not provide copies of recordings from disciplinary hearing-level conferences. The respondent may request to listen to the recording following the proceeding in the Student Accountability and Restorative Practices office and may be accompanied by an advisor to do so. If the Office of Student Accountability and Restorative Practices determines at its sole discretion that a student is unable to access the audio recording of the hearing, upon the student's request, the Office of Student Accountability and Restorative Practices will make a written transcript of the proceeding to access.

XVII. PROCEDURES FOR ADMINISTRATIVE ADJUDICATION

- A. Students accused of non-academic offenses where the student has also been charged, convicted of, or sentenced for a felony crime related to their engagement (or attempted engagement) in behavior that also constitutes misconduct under the Code are subject to an administrative adjudication with the Dean of Students, or their designee. Examples of the types of misconduct which often overlap with contemporaneous felony criminal action include but are not limited to, physical assault; conduct which threatens or endangers the health or safety of any person; using, possessing, distributing, or manufacturing a weapon, or possessing any object produced as a weapon; or any object that is visually or audibly indistinguishable from a weapon; and any university matters not covered by the Academic Integrity Code: dishonesty, misrepresentation, fraud, forgery.

B. The Dean of Students, or their designee, will administratively adjudicate the case.

C. The Dean of Students, or their designee, will provide the respondent written notification of the specific allegations at least three (3) calendar days prior to making a determination with additional time at the Dean's or designee's discretion. The respondent may challenge the Dean of Students as a decision maker on the ground of conflict of interest by submitting a written request to the Assistant Vice President of Student Affairs, or their designee, within two (2) calendar days of the receipt of the notification letter. The Assistant Vice President of Student Affairs, or their designee, will notify the respondent of a new decision maker if appropriate.

D. The respondent may provide additional information for consideration by the Dean of Students or their designee, in writing, no later than two (2) calendar days following the written notification. If the respondent chooses not to provide any additional information, the information supporting the allegations will be considered and a decision will be made.

E. The respondent may request to have access to the case materials in which the Dean of Students or their designee, will make their final decision. The respondent may direct their request for access of case materials to the Dean of Students.

F. Following the submission of additional information, the Dean of Students, or designee, will determine if the respondent is responsible for a violation of prohibited conduct by a standard of the preponderance of the evidence and determine an appropriate sanction, which could include suspension or dismissal. The respondent will receive the outcome of this process in writing from the Dean of Students or their designee.

G. The respondent has three (3) calendar days to submit a written appeal to the Vice President of Student Affairs, or their designee. The respondent can appeal the decision on the following grounds: a) new information that becomes available that could not have been discovered by a properly diligent student before or during the original proceeding that significantly alters the finding of fact; b) insufficient/excessive sanctions that was substantially disproportionate to the offense; c) specified procedural error that was so substantial that it affected the outcome.

H. The Vice President of Student Affairs, or their designee, will review the appeal as soon as administratively possible and provide the respondent with written notice of the outcome of the appeal. There will be no further appeal to the decision rendered upon review. Decisions rendered by the Vice President of Student Affairs or designee are final.

XVIII. ADJUDICATING STUDENT ORGANIZATION MISCONDUCT

The Office of Student Accountability and Restorative Practices is primarily responsible for addressing organizational misconduct for recognized student organizations and provisionally recognized student organizations as defined in this Code. Incidents of misconduct that involve an unrecognized group or an underground group will be addressed through individual conduct action as outlined in this Code. In cases where an alleged violation can be resolved informally, the Office of Student Accountability and Restorative Practices will partner with the Center for Student Involvement, or department which recognizes the group, to determine an appropriate method of follow up or intervention. When appropriate, restorative practices will be used to resolve incidents of organizational misconduct.

A. Recognized student organizations and provisionally recognized student organizations who have been charged with allegedly violating prohibited conduct will designate a member or executive board member to represent their

organization in a disciplinary proceeding. The designated member will be responsible for interacting with the university and serving as the point of contact for all matters related to the disciplinary proceeding.

B. Recognized student organizations and provisionally recognized student organizations who are charged with violating prohibited conduct in this Code have the rights outlined in Section II of this Code.

C. Sanctions for recognized student organizations or provisionally recognized organizations may include educational sanctions, disciplinary probation, revocation of recognition, denial of registration or recognition, suspension, restriction of privileges, or other appropriate sanctions. Any efforts by a formerly recognized student organization or recognized student organization to establish an underground group may result in denial of future application for recognition, as well as individuals being held responsible for prohibited conduct as outlined in this Code.

D. Findings of responsibility associated with recognized student organizations and provisionally recognized organizations will be posted on the university's Student Organization status page. Sanctions of suspension or loss of recognition will be posted permanently on this site. All other records will be removed five years from the date of the final outcome.

Recognized student organizations, including but not limited to fraternities, sororities, and club sports may appoint panels or boards to mediate disputes and enforce bylaws. Recognized student organizations, including but not limited to fraternities, sororities, and club sports, are prohibited from investigating or taking any disciplinary action related to alleged violations of the Student Conduct Code, Title IX Sexual Harassment Policy, and/or the Discrimination and Non-Sexual Misconduct Policy. Any complaints related to alleged violations of the Student Conduct Code, Title IX Sexual Harassment Policy, and/or the Discrimination and Non-Sexual Misconduct Policy will be investigated and resolved pursuant to the applicable university policy. Decisions or recommendations by such panels or boards do not constitute official action by the university.

XIX. SANCTIONS

Sanctions that may be imposed in accordance with this Code include, but are not limited to:

- A. "Censure" – a written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- B. "Disciplinary Probation" – status assigned for a designated period of time, during which any other violation of the Code may result in removal from university housing, suspension, or dismissal from the university. Students on disciplinary probation may not hold or run for elected or appointed leadership positions including, but not limited to: resident assistants, peer leaders or mentors, orientation leaders, teaching assistants, Student Government leaders and leadership positions in recognized clubs and organizations, including professional, Interfraternity Council fraternities, Panhellenic Council sororities, and Intercultural Greek Collective fraternities and sororities. Students on disciplinary probation may not join or participate in a new member formal recruitment process for any organization where membership is dependent on the completion of said process (i.e. professional, Interfraternity Council fraternities, Panhellenic Council sororities, and Intercultural Greek Collective fraternities and sororities). Additionally, students on disciplinary probation may not travel abroad in any AU-sponsored program including Alternative Break, AU Study Abroad, or abroad trips that are required for or sponsored by individual faculty for academic classroom participation. Student organizations, recognized clubs, and fraternities and sororities on disciplinary probation and found responsible for subsequent violations of the Code may be suspended or lose their recognition.

- C. “Restitution” – repayment of the direct cost to the university or community member for damages resulting from a violation of this Code.
- D. “Relocation in University Housing” – administrative reassignment to a different residence hall and/or room.
- E. “Removal from University Housing” – denial of housing privileges for the duration of time that a student is enrolled at American University. Students who are removed from housing as a result of a disciplinary proceeding must receive written permission from the Office of Student Accountability and Restorative Practices should they need access to the residence halls in the future.
- F. “Restriction of Privileges”-for cases in which a recognized student organization or provisionally recognized student group is found responsible for a violation, sanctions may include restriction of privileges afforded to the group including but are not limited to: restriction from a formal recruitment process, restriction of use of university allotted funds, and reserving and utilizing university space for events. For cases involving an individual student, restriction of privileges could pertain to the use of workout facilities, parking, or restriction of university e-mail and technological services.
- G. “Suspension” – exclusion from university premises and other privileges or activities as set forth in the suspension notice. This action will be permanently recorded on the student’s academic transcript.
- H. “Dismissal” – permanent termination of student status and exclusion from university premises, privileges, and activities. This action will be permanently recorded on the student’s academic transcript.
- I. “Revocation of Degree” – rescinding a student’s degree awarded by the university.
- J. “Other Sanctions” – other sanctions may be imposed instead of, or in addition to, those specified in sections (A) through (I) including, but not limited to, reflection or research projects.

Factors used to determine the severity of sanctions, include, but are not limited to:

- The demeanor of the respondent, including any acceptance of responsibility for engaging in misconduct and resultant negative impacts; subsequent actions they have undertaken to address their behavior; and their demonstrated willingness to make changes which reduce the likelihood of any recurrence;
- The past disciplinary record of the respondent;
- The nature of the violation;
- The severity of any damage, injury, or harm resulting from the violation; and
- The protection of the university community.

XX. APPEALS

Disciplinary determinations as a result of a disciplinary conference, disciplinary hearing, or disciplinary hearing-level conference may be appealed in keeping with the following provisions:

- A. The appeal must be submitted in writing to Student Accountability and Restorative Practices within seven (7) calendar days after the notice of the case outcome.
- B. A respondent may appeal the case outcome on one or more of the following grounds:

- i. New information that becomes available that could not have been discovered by a properly diligent student before or during the original proceeding that significantly alters the finding of fact;
 - ii. Specified procedural error that was so substantial that it affected the outcome;
 - iii. Excessive sanction(s) that was substantially disproportionate to the offense.
- C. Appeals will be reviewed by an appellate panel of the Conduct Council to determine if the appeal satisfies the grounds as described above. The appellate panel will consist of three (3) persons: one (1) student and two (2) members of the faculty/staff selected from the Conduct Council by the director of Student Accountability and Restorative Practices or their designee. The appellate panel will be constituted of members who did not serve on the original hearing panel. The appellate panel will meet as soon as possible after the appeal is received.
- E. Decisions of the appellate panel about the appeal are determined by majority vote and are final.
- F. If the appellate panel determines that the appeal has merit in accordance with this section the appeal be forwarded to the Vice President of Student Affairs or designee for review. The Vice President of Student Affairs or designee may affirm or modify the findings and sanctions or may remand the case for further consideration. The decision rendered by the Vice President or designee is final.
- G. If the appellate panel decides an appeal does not meet or satisfy grounds as stated above, then request for an appeal is denied and the findings and sanctions are affirmed and the decision is final.
- H. Appeals will be decided based on the notification letter, the outcome letter, the appeal statement, witness statements, and case materials. All written materials considered by the appellate panel and Vice President of Student Affairs or designee will be subject to inspection by the respondent.
- I. A written decision on the outcome of the appeal will be provided to the respondent.
- J. The imposition of sanctions will be deferred while an appeal is pending, unless, in the discretion of the Vice President of Student Affairs or designee, the continued presence of the respondent in the residence halls or on the campus poses a substantial threat to him or herself, to others, or to the stability and continuance of normal university functions.

XXI. HONESTY & CONFIDENTIALITY IN DISCIPLINARY PROCEEDINGS

The following honesty and confidentiality provisions apply to any disciplinary proceeding under the Code:

- A. Honesty – Student Conduct & Conflict Resolution Services accepts into its proceedings and records only statements have been affirmed to be truthful. Individuals entering written statements into any proceeding or record must affirm the truthfulness of the statements in the presence of the director of Student Accountability and Restorative Practices, or designee. An individual who knowingly provides false information or testimony may be subject to disciplinary action.
- B. Confidentiality – the assurance of confidentiality encourages respondents, and witnesses to share freely all the information that is essential to achieving a fair case outcome. Therefore, participants in the disciplinary process are expected to treat all information disclosed at a proceeding as confidential. This expectation of confidentiality is not intended to imply or impose restrictions in the following situations:

- i. Sharing one's own experience of the incident that led to the student conduct complaint;
- ii. Sharing information relevant to receiving counseling, medical, legal, or similar types of support services;
- iii. Preparing for a case or an appeal to a case outcome;

XXII. DISCIPLINARY RECORDS

1. Except as noted below, disciplinary records are maintained by Student Accountability and Restorative Practices for seven (7) years from the date of the letter providing notice of final disciplinary action. Release of disciplinary records to third parties is provided in accordance with the Family Educational Rights and Privacy Act of 1974, as amended (FERPA), until a student has graduated from the university, as required by law, or specifically authorized by the student. Student Accountability and Restorative Practices does not share copies of case materials or educational records with third parties. Records for a student who is suspended, dismissed, or who withdraws or takes a leave of absence with a disciplinary case pending from a disciplinary hearing-level are maintained indefinitely; release of these categories of disciplinary records to third parties is provided in accordance with all applicable laws, including FERPA and the Campus Sexual Violence Elimination Act. (See also the Confidentiality of Student Records policy for additional information.) Pending cases for disciplinary conferences will be maintained for seven (7) years from date of the notification letter.
2. In addition, Student Accountability and Restorative Practices, will upon a written request, disclose to the alleged victim of a crime of violence (defined in Section 16 of Title 18 of the United States Code), the results of any disciplinary proceeding conducted against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Student Accountability and Restorative Practices will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.
3. Student Accountability and Restorative Practices will maintain disciplinary records for students who were found responsible for violations of the Title IX Sexual Harassment Policy and the Discrimination and Non-Title IX Sexual Misconduct Policy.
4. Instances in which students have failed to complete an assigned sanction, are suspended from the university or have a pending case with Student Accountability and Restorative Practices will result in the office placing a stop on the student's account which would prevent class registration and transcript requests. These stops will be removed with the completion of the specific sanction process.

Amended and approved by the Vice President of Student Affairs, August 2024.

RESIDENCE HALL REGULATIONS

These are implemented regulations, based on American University's Student Conduct Code, and are incorporated as an addendum to that document. Violations of these regulations may result in referral to Student Accountability and Restorative Practices for review and appropriate action. The Residence Hall Regulations extend to residence halls and any areas contiguous to the halls, and properties operated by AU Housing & Residence Life to include the Frequency apartments and other locations that may be added in the future. Engaging in prohibited conduct may be a violation of both the Student Conduct Code and the Residence Hall Regulations.

RESPONSIBILITY FOR DAMAGE

Residents will be held responsible for any damage to residence halls and/or property operated by AU Housing & Residence Life, including furniture and will be billed for repair or replacement where they have caused damage in their own rooms or in common areas, as determined by AU Housing & Residence Life. In the event of willful damage to the common areas located in the immediate vicinity of a student's room, or to the furnishings or facilities located therein, if the willful perpetrators of such damage cannot be identified, all resident students served by that common area may be assessed for repair or replacement costs.

RESPONSIBILITY FOR GUESTS

Residents will be held responsible for the behavior of their guests and any other persons in their residence hall rooms, pertaining to the regulations for conduct at American University, and may be charged in lieu of the guest or visitor with violating the respective sections of these policies.

The following conduct is expressly prohibited:

I. RELATED TO RESIDENCE HALL SAFETY AND SECURITY

1. To enter any residence hall and/or property operated by AU Housing & Residence Life without swiping an access card or showing an access card or proper identification to an AU Housing & Residence Life staff member, or upon the request of a staff member.
2. To allow a visitor to enter any residence hall and/or property operated by AU Housing & Residence Life without properly registering at the appropriate location according to AU Housing & Residence Life procedures.
3. To allow a visitor to enter, or to permit any nonresident student to enter, or to provide access to an individual for whom the visitor is not known in any residence hall and/or property operated by AU Housing & Residence life or for whom the resident student does not assume responsibility.
4. To allow a visitor to enter a residence hall and/or property operated by AU Housing & Residence Life without an identification or utilizing an identification that is not their own.
5. To fail to accompany a visitor at all times while in a residence hall and/or property operated by AU Housing & Residence Life.

6. To host a visitor in a residence hall and/or property operated by AU Housing & Residence Life for a period exceeding three (3) consecutive nights in a seven day period.
7. To open, prop, or block fire or other exit/outside doors without the permission of a Housing & Residence Life staff member, except during a fire alarm.
8. To sound any elevator alarm bell without due cause, or to interfere with the normal operation of elevators.
9. To duplicate, distribute, or share any university issued keys, including mail keys or access cards.
10. To fail to adhere to the Residential lockout policy by having excessive lockouts in the span of a semester, (<https://www.american.edu/student-affairs/housing/policies-procedures.cfm>).
11. To enter or exit the residence hall and/or property operated by AU Housing & Residence Life, through a window, unless in response to an emergency.
12. To enter restricted areas including, but not limited to building roofs and reception desks in any residence hall and/or property operated by AU Housing & Residence Life, without authorization from AU Housing & Residence Life.
13. To enter any door of a residential building that a student is not authorized to use for entry.
14. To drop or throw any object or any liquid from windows.
15. To possess weapons (as defined in the Student Conduct Code) or dangerous materials, including but not limited to firearms, air or CO₂-powered weapons, and fireworks in any residence hall and/or property operated by AU Housing & Residence Life.
16. To use or brandish any object produced as a weapon; or any object that is visually or audibly indistinguishable from a weapon.

II. RELATED TO FIRE CODES

1. To set a fire inside a residential building and/or property operated by AU Housing & Residence Life, or in areas contiguous buildings.
2. To use any appliances in student rooms, on carpeted floors, in hallways, or other non-designated areas that have an external or exposed heating source, as outlined on the Housing & Residence Life prohibited items listed found here: (<https://www.american.edu/student-affairs/housing/packing.cfm>).
3. To place in a residence hall room and/or property operated by AU Housing & Residence Life any refrigerator larger than 4.5 cubic ft. in size.
4. To cook indoors with charcoal or any open flame device.
5. To possess or burn any candle or incense indoors.
6. To intentionally fail to immediately and properly evacuate the buildings when a fire alarm sounds, or to reenter any evacuated building before receiving permission from a Housing and Residence Life or AUPD staff member.

7. To tamper with fire equipment, or to carry or remove fire extinguishers from their mounts or storage boxes, except in case of a fire.
8. To intentionally pull or activate any fire alarm, to include the coverings on fire alarms when no fire is present, or to falsely report a fire or other emergency.
9. To fail to plug electronic equipment and heat-producing appliances directly into electrical outlets and to fail to use UL-approved surge protectors/power strips for all other items requiring electricity.
10. To tamper with any smoke detector.
11. To run electrical wires beneath any rug or carpet.
12. To smoke, vape, or light an inhalable object, in any residence hall room, or residential space and/or property operated by AU Housing & Residence Life, including but not limited to stairwells, lobbies, or any space not designated for smoking.
13. Residents are expected to abide by posted occupancy limitations in communal spaces.

III. RELATED TO PROPERTY

1. To remove furniture from any bedroom, living unit, or general floor common area without authorization of housing staff.
2. To place waterbeds in student rooms.
3. To keep any animal, except fish, service animals or approved emotional support animals, in student rooms. Fish must be fresh water and contained in tanks no larger than 10 gallons.
4. To mark, deface, steal, harbor, or damage any residence hall or property belonging to the university, resident, or commercial vendor (such as doors, walls, carpet, vending machines, video games, washing machines, dryers, telephone equipment, ceiling tiles, etc.).
5. To make material alterations to an assigned residential space and/or property operated by AU Housing & Residence Life.

IV. RELATED TO COMMUNITY DISRUPTION

1. To engage in any disorderly conduct or to interfere with the rights of other students. This includes but is not limited to other residents' rights to an environment conducive to study and to sleep.
2. To engage in sports activity within the residence halls or within 50 feet of any residence hall.
3. To create excessive noise by any means in violation of 24-hour courtesy hours or defined quiet hours. This includes creating excessive noise within 50 feet of any residence hall, shouting or creating disturbances from any residence hall window, playing loudspeakers through room windows at any time, noise audible outside a student room or in public areas, especially, but not limited to during quiet hours. The following times are considered quiet hours: Sunday through Thursday (11pm-8am) and Friday-Saturday (1am-8am).

4. To refuse to follow a directive from a Housing & Residence Life staff member when acting in the performance of their duties.
5. To solicit, canvass, post, or distribute any materials within the residence halls and/or property operated by AU Housing & Residence Life without the approval of the community director or to violate the university or residence hall posting policies.
6. To run, operate or solicit business in university housing and/or property operated by AU Housing & Residence Life.
7. To record, stream, broadcast, or otherwise disseminate recordings of members and guests of the residential community without their knowledge or consent. This includes but is not limited to the use of video cameras or streaming devices used for security or surveillance by students in their residence hall rooms or bathroom spaces.
8. To fail to comply with any Health and Safety guidelines or directives published by the university related to the Communicable Disease policy.

V. RELATED TO ALCOHOL AND ILLEGAL DRUGS OR CONTROLLED SUBSTANCES

1. To use or possess any controlled substance (including unprescribed prescription medication), illegal drug or drug paraphernalia including marijuana and medical marijuana in the residence halls and/or property operated by AU Housing & Residence Life.
2. To sell, manufacture, or distribute any illegal drug, controlled substance (including prescription medication), including marijuana and medical marijuana or drug paraphernalia in the residence halls and/or property operated by AU Housing & Residence Life.
3. To knowingly and voluntarily be in the presence of any illegal drug including marijuana or medical marijuana, or drug paraphernalia in the residence halls and/or property operated by AU Housing & Residence Life.
4. To violate university policies or District of Columbia laws related to the possession or use of vaping materials.
5. To violate university policies or District of Columbia laws related to alcohol including but not limited to:
 - a. Possess or consume alcohol while under the legal age to do so in the residence halls
 - b. Provide, sell, manufacture or distribute alcohol in the residence halls and/or property operated by AU Housing & Residence Life.
 - c. Host an event in the residence halls where alcohol is served to, provide to, or consumed by individuals under the age of 21.
 - d. Possess or consume alcohol in residence hall and/or property operated by AU Housing & Residence Life common areas such as lounges, outdoor areas, hallways, and bathrooms.
 - e. Possess alcohol in a housing room and/or unit where at least one resident of that unit is not 21 years of age or older. Quantities of alcoholic beverages permitted to be brought into or stored in any residence facility by any resident 21 years of age or older are limited to reasonable amounts for the number of students assigned to the living unit. Alcohol must be transported to living units in

closed, original containers by individuals who are 21 years of age or older.

- f. Facilitate or participate in drinking games, activities, or to serve or consume alcohol through equipment/paraphernalia including but not limited to funnels, shot glasses, beer pong tables that result in rapid consumption of alcohol.
- g. Possess, furnish, consume or serve from a large volume or common source of alcohol, including but not limited to kegs, beer balls, punch bowls.

VI. RELATED TO THE USE OF RESIDENTIAL SPACE

- 1. To sublet or rent or otherwise make available to third parties a residential room or space and/or property operated by AU Housing & Residence Life, including but not limited to Air Bnb or any other property rental site.
- 2. To assign the rights to your residential space and/or property operated by AU Housing & Residence Life to a third party.
- 3. To move your belongings and take up residence in a room and/or property operated by AU Housing & Residence Life, of which you have not been assigned or is not defined by the Room Change process as outlined by AU Housing & Residence Life.
- 4. To fail to make a residential room space hospitable or uninhabitable (i.e. use of all furniture in the space, arranging furniture in a manner that is not habitable or conducive for sharing by multiple people, excessive uncleanliness) for a new roommate.

Amended and approved by the Vice President of Student Affairs, August 2024.

