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 2 of the Code of Student Discipline. 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 it 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. The Vice President for Student Affairs (VPSA) has primary responsibility and general authority for the administration of the Code of Student Discipline. Further delegation of this authority may be made by the Vice President for Student Affairs to the Office of Student Conduct and others. Exceptions include infractions by students enrolled in the School of Pharmacy and College of Veterinary Medicine where cases will be handled initially by that school or college following procedures adopted by them.

D. Violations of the Academic Honesty Code will be referred to the Office of the Provost; violations that pertain to both the Code of Student Discipline and the Academic Honesty Code will be referred to the Provost, who will refer the case.

E. Appeal of university traffic and parking regulations will be referred to the Auburn University Traffic Appeals Board.

F. Violations of the Community Standards as outlined in the Guide to Residential Living will be referred to Housing and Residence Life.

G. The student conduct process may be initiated for a student who potentially violates both the criminal law and the Code of Student Discipline without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Determinations made or sanctions imposed under this Code of Student Discipline 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 Code of Student Discipline shall be referred to the Office of Student Conduct as designated by the Vice President for Student Affairs for final determination.
II. **Areas of Disciplinary Concern**

A. A student may be referred to the Office of Student Conduct 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; and

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 (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, and/or illegal manufacture, sale, use, distribution, and/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 prohibited weapons can be found in the Dangerous Weapons and Firearms Policy of the Student Policy eHandbook; and

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 Office of Student Conduct 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 (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 Student Policy eHandbook;

3. Furnishing false information to the university;

4. Forgery, alteration, or misuse of university documents, records, or identification cards for non-academic purposes;

5. Issuing bad checks to the university; and

6. Any act that is detrimental to the educational mission of the university.

C. A student may be referred to the Office of Student Conduct 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;

2. When there is 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 public authorities have brought charges or imposed penalties or not; or

3. When the student’s conduct adversely affects the university and/or the pursuit of its mission and objectives.
III. **Temporary Suspension**

In extreme cases where the action of a student poses an immediate threat to the well-being of the university community, or there is substantial evidence that the continued presence of the student on the campus shall disrupt the university, the Vice President for Student Affairs may temporarily suspend the student at the initiation of the Code of Student Discipline procedures. If the Vice President for Student Affairs determines that the student’s presence no longer poses an immediate threat, the temporary suspension shall be removed pending resolution of the conduct process.

IV. **Sanctions**

The following sanctions may be imposed upon a student found responsible for violating the Code of Student Discipline:

A. **Informal Reprimand** — an oral expression of disapproval to the student for violation of the Code of Student Discipline.

B. **Formal Reprimand** — a written expression of disapproval to the student for violation of the Code of Student Discipline.

C. **Disciplinary Probation** — Probation is for a stated period of time and includes the probability of more severe disciplinary sanctions if the student violates the Code of Student Discipline during the probationary period.

D. **Loss of Privilege** – Denial of specified privileges for a designated period of time including but not limited to attending an Intercollegiate Athletics sporting event, participating in a student organization, or intramural or club sports activity representing the university in an official capacity; holding an elected or appointed student office or appointment to a university committee; or using a university facility.

E. **Educational Sanctions** – Programs, projects or assignments designed to educate a student about the effect of his/her behavior including but not limited to an alcohol/drug education program, reflection paper, community or campus service, letter of apology.

F. **Loss of Housing** – Recommendation to the Department of Housing and Residence Life that the student be removed from Housing for a designated period of time.

G. **Restitution** —Compensation to the injured party for damaged, lost, or destroyed property.

H. **No Contact Order** – A directive that restricts contact between individuals in any way including but not limited to contact in person, via email, phone, text messaging, social media or any other method of communication.

I. **Suspension** — Suspension removes 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. During the suspension period, the student is not permitted on university property and may not attend university or student organization sanctioned events without approval from the Office of Student Conduct.
J. **Expulsion from the University** – Upon being expelled from the university, the student is not permitted on university property and may not attend university or student organization sanctioned events without approval from the Office of Student Conduct.

V. **Student Records**

Violations of the Code of Student Discipline are not noted on a student’s academic transcript. However, if a student is expelled or suspended from the University, a letter shall be attached to the student’s academic transcript. This action shall be taken to notify other schools or prospective employers that the student is not presently in good standing with the University. In cases of suspension, a student, upon eligibility to return to Auburn University, may request that the letter be removed. This request must be submitted in writing to the Office of Student Conduct, who will notify the Registrar.

Records of proceedings for discipline cases shall be considered confidential and will be filed in the [Office of Student Conduct](#) for a period of six years following the date of the final decision.

Access to these records will be limited as indicated by applicable law and university policy as outlined in the [Student Policy eHandbook](#).

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; and

F. The right to have the sanction deferred until completion of the process described herein, including appeal to the President of the University.

VII. **Rights to 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

An Auburn University faculty member, staff member, or student who charges a student with a violation of the Code of Student Discipline shall make the charge in writing to the Office of Student Conduct as soon as possible after the event takes place, but no later than 15 working days after detection of the alleged violation. In the event the charge is made more than 15 working days after the detection of the alleged violation, the conduct officer, upon a showing of good cause by the charging party, may allow the case to proceed.

B. Procedures for Processing Charges

1. When the Office of Student Conduct receives written notice of an alleged violation of the Code of Student Discipline, a conduct officer will review available information to determine if the charges have merit and/or if they can be resolved administratively by mutual consent of the parties involved.

   1.1. If the case is not disposed of in the manner discussed in the preceding paragraph, the charge shall be referred to the Student Discipline Committee, and a conduct officer shall give written notice to the charged student and the charging party of the charged student’s right to a hearing and the procedures involved and the names of known witnesses. The conduct officer 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 Office of Student Conduct within five working 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, names of known witnesses and documentary evidence to be presented at the hearing. A conduct officer will notify the charging party that a hearing has been requested. The charging party must submit names of known witnesses and documentary evidence to be presented at the hearing. Both the charged and charging party will have the opportunity to review the others’ evidence, documentation and witness lists at least two working days before the date of the hearing. If either party fails to submit documentation before the hearing, the chair will determine whether information presented during the hearing will be allowed per the guidelines noted in section VIII.C.5.1.

3. If the charged student fails to request a hearing within the time allowed, the Student 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.

4. If a hearing is requested by the charged student, a date shall be set for a hearing by the chair of the Student Discipline Committee, and the parties shall be notified 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 Student Discipline Committee to schedule the hearing at an earlier date.

5. If the student, after requesting a hearing, fails to attend the hearing after written notification of the hearing date and without good cause as determined by the Student 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.

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

7. The Student Discipline Committee shall make every effort to hear the case with reasonable promptness. 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 staff in the Office of Student Conduct. Such material shall be made available to the chair of the Student Discipline Committee, the charged and the charging party at least two working days prior to the date of the hearing.

   1.1. The chair of the Student 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 Office of Student Conduct 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 Student Discipline Committee, additional witnesses may appear and be questioned.

4. The Chair of the Student Discipline Committee may request the appearance of additional witnesses if such witnesses could present relevant information. A witness who does not wish to appear should, in advance of the hearing, notify the Office of Student Conduct who will communicate the witness' decision to the Student Discipline Committee and the charged and charging parties. When a witness fails or refuses to appear, the Student Discipline Committee has the option to proceed on the basis of the other evidence available.

5. The charged student is encouraged to give a statement and to cooperate with the Student 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 whether or not a student is responsible for violating the Code of Student Discipline.

   5.1. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Student Discipline Committee at the discretion of the chair.
6. A student’s prior record of disciplinary sanctions shall be inadmissible as evidence when determining whether or not a student is responsible for the charges as presented. However, the prior record may be considered by the Student Discipline Committee in determining the appropriate sanction.

7. 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. Notwithstanding, the burden of proof for allegations involving violations of the Auburn University Title IX Policy and Procedures for Student Sex Discrimination shall be preponderance of the evidence, as outlined in that Policy.

7.1. 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.

8. 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.

9. Student Discipline Committee hearings shall be private and confidential and will be limited to persons officially involved. The charging party and the charged student shall be allowed to attend the hearing (excluding deliberations), and the right to have an advisor present at the hearing.

9.1. 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 Student Discipline Committee hearing.

10. The Student Discipline Committee will conduct its deliberations in closed and confidential sessions and will submit findings and recommended sanctions 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 Student Discipline Committee and will determine the action to be taken by Auburn University based on the recommendations of the Student Discipline Committee.

2. If, after the Student 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 charged and charging parties, and the Vice President for Student Affairs shall return the case to the Student Discipline Committee for consideration of the additional evidence.

3. The Office of Student Conduct will send notification of the decision of the Vice President for Student Affairs to the charged and charging parties. If the student is suspended or expelled from the University, the Registrar will be notified, in writing, by the Office of Student Conduct 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.
E. Appeal

Upon notification of action, either party may appeal to the President of Auburn University. The appeal must be submitted in writing within five working days after receipt of notification of the decision 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 the appeal to the Office of Student Conduct and that office will forward the appeal to the President and to the parties who received notice of findings and sanctions. The other party may submit a written response within five (5) working days of receipt of the appeal. The President will consider the appeal and any response. Prior to the change in sanctions recommended, he/she may confer with the Vice President for Student Affairs and the Student 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.

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