Auburn University Student Organization Code of Conduct

Overview

If a violation of the Student Organization Code of Conduct (Code) is alleged, the process detailed in this document will be utilized to determine if an organization is responsible or not responsible for violation(s) of the Code. If the organization is found responsible and/or admits responsibility for violation(s) of the Code, a determination will be made regarding to what extent:

1. Negligently allowing behavior to occur. The organization did not follow policies and procedures which could have prevented the violation of the Code;
2. Condoning behavior. The organization has a culture of behavior that does not address behavior that violates the Code;
3. Facilitating behavior. The organization coordinated or was an active player in the violation of the Code.

The Code is intended to outline certain responsibilities and expectations of registered student organizations at Auburn University (AU) and to establish procedures that ensure due process in the adjudication of complaints concerning student organizations.

The Code pertains to student organizations, as detailed in the definitions section of this document.

Violations of policy and/or procedures other than those listed in the Code will be referred to the appropriate governing council and or conduct/hearing board.

Definitions

Student organization: an organization comprised mainly of students who are organized by AU, recognized by AU, or substantively involved in campus life/activities at AU. Note: The Intrafraternity Council Court has original jurisdiction over all cases involving allegations of misconduct by Intrafraternity Council organizations.

AU Student Discipline Committee: An appointed committee comprised of faculty, staff, and students that is trained by the Office of Student Conduct to aid in the adjudication of alleged violations of the Code.

Areas of Disciplinary Concern

A student organization should not negligently allow, condone, or facilitate the behaviors or infractions listed below:

- Knowingly publishing or circulating false information that is damaging (slander or libel);
- Threatening and/or committing physical violence against another person (e.g., assault, assault and battery, assault with a dangerous weapon, sexual assault or harassment);
- Unauthorized entry into dormitories, buildings or offices (for purposes other than theft of academic documents), or other University properties;
- Vandalism, malicious destruction, damage or misuse of public or private property, including library materials;
- Theft, larceny, embezzlement or damage of the property of another person, the University, or associated units;
• 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;
• Intentional disruption of or interference with University academic or administrative activities, or unauthorized occupation of University properties;
• 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);
• Lewd, indecent, or obscene conduct;
• Illegal manufacture, sale, use, distribution or possession of narcotics, barbiturates, amphetamines, marijuana, sedatives, tranquilizers, hallucinogens, and/or other similar known drugs and/or chemicals;
• Public intoxication, or illegal manufacture, sale, use, distribution or possession of alcoholic beverages or liquors;
• Failure to comply with the official and proper regulation or order of a duly designated, identified authority, agent or agency;
• Violations of civil rights as guaranteed by the Constitution of the United States and by certain other acts of Congress;
• Failing to abide by all conditions of probation as set by the Discipline Committee;
• Violation of any University policy, rule, or regulation published in hard copy or available electronically on the Auburn University website;
• Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others. A list of the prohibited weapons can be found in the weapons policy in the Tiger Cub;
• Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

A student organization may be referred to the Office of Student Conduct for possible disciplinary action for the following conduct related to campus life wherever it occurs:

• Threatening and/or committing physical violence against another person (e.g., assault, assault and battery, assault with a dangerous weapon, sexual assault or harassment);
• Participation in hazing or harassment of Auburn students, as defined in the Tiger Cub;
• Furnishing false information to the University;
• Forgery, alteration or misuse of University documents, records of identification cards for non-academic purposes;
• Issuing bad checks to the University;

A student organization may be referred to the Office of Student Conduct for possible disciplinary action for conduct wherever it occurs:

• When as a result of this conduct, the student organization or a number of members of that student organization are convicted by public authorities, after the exhaustion of any appeals that are made, of the commission of an illegal act;
• When there is strong and convincing evidence that the student organization’s continued presence at the University is potentially dangerous to the health and safety of the University community, whether or not public authorities have brought charges or imposed penalties.
• When the student organization’s conduct adversely affect the University and/or the pursuit of its mission and objectives.
Procedures

The following procedures comprise the AU Student Organization conduct process:

**Step 1: Incident Reported.** Incidents should be reported to the Office of Student Conduct within the Division of Student Affairs.

**Step 2: Discovery.** This step includes a review, by a third party investigator, of the alleged violation(s) and the associated information and evidence. The discovery phase can include, but is not limited to: interviews, review of police reports, review of previous incidents reported, and discussions with members, advisors, and/or other potential witnesses. The purpose of the discovery phase is not to determine responsibility, but to gather information/evidence to aid in determining whether the incident that was reported has merit and should move forward in the process.

**Step 3: Determine Merit/No Merit.** Following the discovery phase, the Director of Student Conduct and or his/her designee in the Office of Student Conduct will make the determination as to whether or not the case has merit based on the information collected during the discovery phase by the third party investigator. If it is determined that the case has merit, the process will move forward to step four. If it is determined that the case does not have merit and no charge is made against the student organization, information collected during the discovery phase will be kept on file in the Office of Student Conduct for a period of six years.

**Step 4: Student Organization Charged.** If the facts warrant a charge for violation(s) of the Code, a notice will be sent from the Office of Student Conduct to the organization’s president/chief officer and the organization’s advisor, if applicable.

**Step 5: Resolution Options (AU Student Discipline Committee Hearing or Administrative Resolution/Hearing).** Depending on the level/type of violation(s), the case can be adjudicated in two ways: 1) AU Student Discipline Committee or 2) Administrative Resolution/Hearing Process. These processes are described below:

**Administrative Resolution/Hearing**

A student organization must admit responsibility for violation(s) of the Code to have their case adjudicated through the administrative resolution/hearing process. Additionally, the alleged violation(s) must be deemed appropriate by the Office of Student Conduct to be resolved in this capacity. An administrative resolution will occur between the Office of Student Conduct and the charged student organization. This process will allow the organization to admit responsibility for violation(s) of the Code and accept the sanctions proposed by the Office of Student Conduct. No appeal is possible, once the administrative resolution is accepted and completed. If the administrative resolution is accepted the process will then move to step eight. If no agreement can be met and an administrative resolution is not completed, the matter will be referred to the AU Student Discipline Committee for a hearing.

**AU Student Discipline Committee Hearings**

If the student organization’s conduct case is not able to be resolved through the administrative resolution process and/or the case is deemed not appropriate to be resolved through the administrative resolution process, it will be referred to the AU Student Discipline Committee for a hearing.

The Office of Student Conduct will schedule an AU Student Discipline Committee hearing within seven (7) business days of the organization being charged with violation(s) of the Code.
The AU Student Discipline Committee will review the facts of the case, having the opportunity to ask questions to both the charging and charged parties. During the hearing the AU Student Discipline Committee will review the evidence, presented by the third party investigator, and ask questions. The organization will also have an opportunity to present their perspective and/or evidence.

**Step 6: Determination of Responsibility.** Once the AU Student Discipline Committee has heard all sides of the case, they will make a determination as to whether the organization is responsible or not responsible for the violation(s) of the Code. If the organization is found not responsible the process will move to step eight.

If a student organization is found responsible, the panel will determine to what extent:

- Negligently allowing behavior to occur. The organization did not follow policies and procedures which could have prevented the violation of the Code;
- Condoning of Behavior. The organization has a culture of behavior that does not address behavior that violates the Code;
- Facilitating of Behavior. The organization coordinated the violation of the Code.

**Step 7: Sanction Process.** If an organization is found responsible, the AU Student Discipline Committee will determine appropriate sanctions to recommend to the Assistant Vice President for Student Affairs for final decision. Once found responsible, the AU Student Discipline Committee will be provided access to the student organization’s prior conduct record. The student organization’s prior conduct record will be considered when sanctioning the organization. During the sanctioning phase the panel takes into consideration the facts and circumstances of the case.

Recommended Sanctions can include:

- Reprimand (written or verbal)
- Service Hours
- Educational Activities, including but not limited to attendance at educational programs and planning and implementing educational programs
- Restitution (i.e.: replacement for theft or vandalized property)
- Probation
- Suspension
- Removal from campus

**Step 8: Decision Rendered.** The Office of Student Conduct will provide the outcome of the hearing to the Assistant Vice President for Student Affairs (AVPSA). The AVPSA will make the final decision related to the case and provide a letter outlining the findings of the hearing and the sanctions, if applicable. The letter will include instruction on the appeal process.

If no appeal is made within five (5) business days, the case will be considered closed upon the completion of the recommended sanctions. If the organization does appeal, the process will move to the appeal phase detailed below.

### Appeals

All appeals should be submitted in writing to the Vice President for Student Affairs, or designee. An appeal may be requested within five (5) business days of the hearing decision letter from the Assistant Vice President for Student Affairs by the student organization, provided that one or more reasons for appeal listed below are relevant to the case. On appeal, the burden of error rests with the student organization.
The request for appeal must state the reason for appeal, the supporting facts, and the recommended way to correct the error.

The Vice President for Student Affairs, or designee, can uphold the appeal based on:

- Process errors.
- Demonstrated prejudice against any party by the person presiding over the hearing. Such prejudice must be evidenced by a conflict of interest, bias, pressure, or influence that precluded a fair and impartial hearing.
- A sanction that is extraordinarily disproportionate to the violation committed.

Appeal consideration will involve an initial file review by the Vice President for Student Affairs (VPSA) or his/her designee. If deemed necessary, the VPSA and or his/her designee can request additional information. He/she may request written materials and/or an appeal hearing with the student organization. If deemed necessary, an appeal hearing will involve the charged student organization and any witnesses called by the student organization.

**Appellate Decisions**

The Vice President, or designee, has the right to affirm, modify, or reverse the recommended case decision, or to order a new hearing. All decisions are communicated in writing within fifteen (15) business days of an appellate hearing or decision. Once approved by the Vice President for Student Affairs, or designee, appellate decisions become final.

**Interim Disciplinary Action**

Based on a student organization’s alleged behavior, the Vice President for Student Affairs, or designee, may impose an interim disciplinary action prior to a student organization’s hearing on the facts of the case.

1. When the student organization’s actions/behaviors affect the safety, health or general welfare of a student and/or the University community, an interim disciplinary action may also include prohibiting the organization from being on University property, sponsoring events or programs, attending programs and activities, and using Auburn University facilities.

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