



STUDENT CONDUCT
STUDENT AFFAIRS

Auburn University Student Conduct Committee (SCC) Procedures

Student Conduct Committee Hearing

- A hearing constitutes the presentation of pertinent information to a Student Conduct Committee Hearing Panel, who engage in the evaluation and weighing of the information. The Hearing Panel also makes a determination of responsibility based on information presented at the hearing using the preponderance of the information standard.
- In cases in which a student or student organization is found responsible for violation(s) of the Code of Student Conduct, conduct outcomes are assigned by the Hearing Panel.

Hearing Panel Make Up

- A Hearing Panel shall be made up of two (2) university officials (faculty and/or A&P representative), two (2) students (undergraduate or graduate), and one (1) faculty member chairperson.
- In student organization cases, a representative from the respective council (Panhellenic Council, National Pan-Hellenic Council, or Organizations Board) will serve as one of the two (2) student representatives. The council representative may not be a member of the charging or charged organization.
- If a member of the Hearing Panel is involved in a violation to be reviewed by the panel, that member shall be replaced by an alternate.
- If a chairperson is unavailable to serve on a hearing panel, Student Conduct will request that a faculty member from the Student Conduct Committee serve as chairperson.

Role of the Chairperson

- The chairperson of the Hearing Panel shall exercise reasonable control over the hearing and exercise his/her discretion to ensure a fair process. All procedural questions are subject to the final decision of the chairperson.
- The chairperson will utilize a hearing script to conduct the hearing.
- The chairperson also has the ability to request the appearance of additional witness if such witnesses could present information that could impact the resolution of the case.
- Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Panel at the discretion of the chairperson.

Pre-Hearing Procedure

- The charged party and charging party have three working days from the date of the notice of the hearing to submit documentation for consideration in the hearing. The submitted documentation should be submitted on the Documentary Information and Witness Submission form provided by Student Conduct. Documentation should include information about the incident, a response to the charges, names of known witnesses, and documentary information to be presented at the hearing. All information submitted three working days prior to the hearing via the Documentary Information and Witness Submission form will be accessible to the Hearing Panel and to both parties prior to and during the hearing.
- With respect to witnesses scheduled to appear or provide information in a conduct hearing: The University will accept written statements in advance of the hearing should either party want to provide such documents. Each party must submit a list of witnesses in advance of the hearing which should include either a written statement or a brief description of relevance of each witness' testimony to the proceeding.
- The chairperson of the Hearing Panel, the charged party, and the charging party may review (but not copy) any witness lists, statements, and written documentation at least two (2) working days prior to the date of the hearing in the Student Conduct Office or at another location as appointed by the Director of Student Conduct.
- Before the start of the hearing and prior to the appearance of either party before the SCC Hearing Panel, members of the Panel will review relevant documents and materials related to the case.
- There are to be no *ex parte* contacts between parties to the hearing including witnesses and members of the hearing panel during the pendency of the hearing.
- The burden of proof rests with the charging party and will be satisfied by a preponderance of the information.
- There shall be a digital recording of the hearing. 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.
- To address concerns for the personal safety, well-being, and/or fears of interaction of participating parties, the Hearing Panel may provide separate facilities by using a visual screen and/or by permitting participation by telephone, audio recording, written statement, or other means as determined in the sole judgment of the chairperson to be appropriate.
- In compliance with federal law, Student Conduct will make reasonable accommodations for individuals with disabilities who are involved in student conduct proceedings and who are registered with the Auburn University Office of Accessibility.

Hearing Procedures

- Auburn University (AU) Student Conduct Committee (SCC) hearings are conducted in a businesslike manner, but without undue formality. While the charge of violation of the Code of Student Conduct

(Code) is a serious matter, the SCC has no desire to make participants feel uncomfortable during the hearing process.

- SCC hearings will typically be held in the AU Student Center. The charging and charged party, if they wish to appear, will wait in separate designated areas until called to appear before the SCC.
- If the charged party and/or charging party fail to attend the hearing, without good cause, the Hearing Panel may hear and resolve the case based on the information available.
- SCC hearings will be closed to the public with only the student affairs personnel, charging party, charged student(s)/representative of a charged student organization, advisors, and Hearing Panel members in the hearing room. Witnesses may be present for questioning as appropriate.
- If either party fails to submit documentation before the hearing, but brings documentation the day of the hearing, the chairperson will determine if the information will be allowed to be presented during the hearing. Information being presented on the day of the hearing will be reviewed by the other party at the beginning of the hearing. The party submitting day of hearing information will present their case to the chairperson as to why the information wasn't submitted prior to the hearing. The other party will be able to make arguments for why the information shouldn't be allowed in the hearing, after reviewing the submitted documentation.
- The Chairperson will use their discretion, after both parties have presented information not previously submitted and arguments for/against the inclusion of this documentary information, to determine if the information will be accepted for consideration by the Hearing Panel.
- The Hearing Panel will not review information presented on the day of the hearing, unless it is approved by the chairperson of the Hearing Panel
- The charging party and the charged student/student organization will appear before the Hearing Panel to be informed of the procedures, including the fact that the general proceedings (excluding deliberations) will be tape recorded and that both parties (charged student/student organization and charging party) have the right to be present throughout the SCC hearing until the deliberation phase of the hearing.
- The charging and charged party are responsible for presenting their own information. Advisors cannot present this information on their behalf.
- The charged party will be asked to respond to the charges, by accepting or denying responsibility for each standard of community conduct the student is alleged to have violated.
- The charging party and the charged party will be able to make an impact/personal/opening statement. Opening statements are limited to five minutes.
- The charging party will first present his/her information and witnesses to the Hearing Panel and answer any questions the Hearing Panel members may have. Then the charged party will present his/her information and witnesses to the Hearing Panel and answer any questions.

- After each piece of information or witness is presented and after Hearing Panel members have asked their questions, the other party has the opportunity to submit questions in writing to the chairperson of the Hearing Panel to be asked about the information or witness
- After all information is presented and reviewed, the Hearing Panel will have an opportunity to ask any final questions they have of either party.
- Once the Hearing Panel has asked their final questions, the charged and charging parties will have an opportunity to ask final questions, in writing, via the chairperson of the Hearing Panel.
- After a five minute recess, both parties will be able to make a closing statement, which cannot be longer than five minutes.
- After closing statements have been presented, the Hearing Panel will enter closed deliberations.

Deliberations and Voting

- The Hearing Panel will conduct its deliberations regarding the case in a closed and confidential session. The Hearing Panel will first deliberate on standards of community conduct violations and will make a recommendation of “responsible” or “not responsible” for each standard of community conduct that was allegedly violated in the case.
- The Hearing Panel will use the preponderance of the information standard. Preponderance of the information means the standard by which a finding of responsibility for charge(s) of violation(s) of the Code of Student Conduct is ascertained. Determination shall be made on the basis of whether it is more likely than not that the charged party is responsible for a violation of the Code of Student Conduct
- No member may abstain from voting, and the chairperson will only vote in the case of a tie. A simple majority vote will sustain the findings of the panel.
- The Hearing Panel will reconvene following the deliberation to share the findings (“responsible” or “not responsible”) of alleged violations of standards of community conduct with the charged student/student organization and charging party (as federal law requires or permits).
- When the Hearing Panel finds a preponderance of information that a student/student organization is “responsible” for a violation(s) of a standard of community conduct, a second deliberation will occur to determine conduct outcomes.
- A charged party’s prior conduct record shall be inadmissible as information when determining whether or not a student is responsible for the charges as presented. However, if the charged party is found responsible, the prior conduct record may be considered by the Hearing Panel in determining appropriate conduct outcomes.
- The SCC will reconvene following this second deliberation with the charged student/student organization and charging party (as federal law requires or permits) to provide assigned conduct outcomes.

Appeals

- Only cases which are decided in a hearing by a Hearing Panel may be appealed.
- A charged party and/or a charging party may submit an appeal.
- The appeal must be submitted in writing to Student Conduct within five working days after receipt of notification. Upon receipt of the appeal, the charged and/or charging party may submit a written response within three working days.
- Decisions made by a Hearing Panel shall not be final until an appeal deadline is passed, or when the appeal process is exhausted, or when a student chooses not to appeal.
- Appeals must meet at least one of the criteria of appeal listed in article IX, subsection C of the Code of Student Conduct.
- Appeals will be reviewed by an Appeals Officer or an Appeals Panel. Appeals in cases with conduct outcomes that do not include suspension or expulsion will be reviewed by an Appeals Officer. Appeals in cases with conduct outcomes including suspension or expulsion will be reviewed by an Appeals Panel.
 - The Appeals Panel consists of one faculty/staff member, one student, and one faculty member chairperson who did not serve on the original hearing panel. A decision is made by a simple majority vote of the committee.
- The Appeals Officer or Appeals Panel will either uphold the decision of the Hearing Panel, modify the decision, or require that the case be heard again by the same or a new Hearing Panel.
- The decision made by the Appeals Officer or Appeals Panel is final.
- For more information on the appeals process, please review article IX of the Code of Student Conduct.

Expungement

- A student may, during the semester of their graduation or thereafter, submit an expungement request form asking that their disciplinary record be expunged.
- The student record will not be expunged if the record includes more than one violation of the Code of Student Conduct, sanction(s) that were not completed by the deadline, or an incident resulting in injury, property damage, providing alcohol to minors, possession and/or distribution of drugs, violation of the weapons policy, disorderly conduct, sexual misconduct, discrimination, harassment, criminal behavior, or suspension/expulsion.
- Expungement decisions are made by the Director of Student Conduct.
- For more information on expungements, please review article XI, subsection C of the Code of Student Conduct.

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