

III. 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, and provisionally recognized student groups at American University, including 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 procedures set forth in the Honor Code for the Washington College of Law, 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.

In addition, 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, sex misconduct offenses and applies to all students, recognized student organizations, and provisionally recognized student groups 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. 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 be exclusively resolved according to the procedures set forth in those university policies. The Office of Equity and Title IX is solely responsible for the investigation, adjudication, sanctioning, and appeals related to 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, and periods of 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 Therefore, a proceeding may be scheduled after a student has completed a program, withdrawn, or graduated from the university. 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 groups may be held accountable for their non-affiliated guests behavior on campus.

IV. 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.

V. DEFINITIONS

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

- 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. “Complaint” – a report of alleged misconduct filed by a member of the AU community.
- C. “Community representative”- in cases resolved through Section XIV, an AU community member invited to participate in a restorative process, including, but not limited to Housing & Residence Life, Academic Advising, Athletics, or representatives from academic colleges.
- D. “Conference officer” - a staff member who conducts disciplinary conferences as set forth in Section XV of this Code.
- E. “Disciplinary conference” – a proceeding in which a conference officer meets with a student to resolve an alleged violation of the Code that the outcome is not reasonably likely to result in removal from university housing, suspension, or dismissal.
- F. “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.
- G. “Disciplinary hearing”- a proceeding in which a panel of the Conduct Council is convened with a student to resolve an alleged violation of the Code that the outcome will likely result in sanctions such as removal from housing, suspension, or dismissal.
- H. “Disorderly” – conduct which a reasonable person, under similar circumstances, should be expected to know would disturb the peace.
- I. “Distribution”—any form of sale, exchange, or transfer.
- J. “Group” – an association of persons that has applied for recognition as a student organization, but is not yet formally recognized by the university.
- K. “Harassment” – an intimidating, severe, hostile, or coercive act – whether physical, verbal, electronic (including, but not limited to: e-mail, social media, instant messaging, etc.), which is intentional and/or persistent.
- L. “Harmed Party”- in cases being resolved through Section XIV, a student, staff, or faculty member, who has filed a complaint indicating that an individual has allegedly violated non-academic university policy.
- 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. Examples of hazing can be found in American University’s Hazing Policy.
- N. “Hearing Administrator” – a staff member who conducts disciplinary hearings as set forth in Section XVI of this Code.
- O. “Hearing Officer” – a staff member who conducts disciplinary hearing-level conferences as set forth in Section XVII of this Code.